



Briefing on the Human Rights Situation in Sudan to the African Commission on Human and People's Rights (ACHPR) at its 81st Session.

The African Centre for Justice and Peace Studies (ACJPS), writes to the Commission to express our concerns and urge you to address the ongoing violations of human rights in Sudan marked by continued impunity. ACJPS is a non-profit, non-governmental organization working to monitor and promote respect for human rights and legal reform in Sudan.

Eighteen months after armed conflict erupted in Sudan, the Sudanese Armed Forces (SAF), the paramilitary Rapid Support Forces (RSF) and the armed militias have continued violating international human rights and humanitarian laws. Since then, the humanitarian crisis and human rights violations in Sudan have reached an unprecedented scale. The warring parties have repeatedly used heavy explosive weapons in densely populated areas, resulting in numerous civilian casualties and the destruction of civilian property and critical infrastructure. Although the actual death toll is unknown due to ongoing violence, it is estimated that more than **75,000** people have already perished from violence, hunger, and disease. Over **10 million** people have been forced to flee their homes or have left Sudan for neighboring countries. Over **70%** of Sudan's healthcare system has collapsed and preventable disease outbreaks are becoming common. The humanitarian crisis is worsening as the biggest population needs aid. Sudan is now characterized by an extreme sense of lawlessness especially in cities under siege ie. a lot of civilians carry around guns (Kalashnikovs).

The conflicting parties have resorted to capturing territories and keeping them under their control as a show of power. Cities that are strategically located especially those in Darfur have been besieged particularly by RSF. In April 2024, North Sudan which was once a sanctuary hosting approximately 800,000 internally Displaced persons started witnessing heavy gunfights between the conflicting parties. Elfashir, Sudan's last major city is now a battleground, targeted by the paramilitary RSF and its allied militia who have been accused of committing several violations against the residents including random shelling of shelters occupied by non-Arabs. SAF on the other hand has also been accused of bombing villages in sites occupied by the RSF. Civilians in Elfashir are faced with acute hunger and lack of access to basic services as the city has been cut off due to the collapse of the bridges. As of June 2024, fighting in Elfashir had led to the death of at least 226 people. Approximately 130,000 people

have fled the city since April¹ while many others remain trapped in the city with no way out because of the violence or due to exorbitant fees charged for leaving.

Several Peace-making efforts and mediation processes have mushroomed at country, regional, and continental levels. Multilateral organizations of which Sudan is a member, including the Intergovernmental Authority on Development (IGAD), League of Arab States, African Union (AU), and United Nations (UN) have attempted to facilitate negotiations between the conflicting parties in vain. The [Ceasefire Talks](#), facilitated by the USA and co-hosted by Saudi Arabia and Switzerland in Geneva, are the most recent initiative which started on 14 August 2024. The negotiations which were intended to build on the Jeddah Process were attended by RSF representatives in the absence of SAF while the AU, Egypt, and UAE were observers. These observers all have their parallel processes, for example, the AU's Peace and Security Council (PSC) tasked the AU Commission with creating the High-Level Panel on Sudan. Since its formation in February, the panel met with the warring parties' leaders and initiated the intra-Sudanese dialogue. It seems to be the only initiative that has talked to both sides on their turf while simultaneously engaging Sudanese civil society and political actors. The availability of several peace processes has allowed the parties to forum-shop and undermine any leverage the mediators may have had. The SAF and RSF can pick initiatives without committing to any implementable accord or declaration. To date, only the Jeddah Declaration has resulted in short-term ceasefires.

The lawlessness and impunity in Sudan have only encouraged the continuation of the commission of serious crimes. Its legacy in Sudan has gone hand-in-hand with continued instability and conflict. Lasting peace cannot be achieved without accountability for all perpetrators of human rights violations, and justice and reparations for victims. Findings from the investigation committee established by Sudanese authorities after the outbreak of the war have not been published and it is unclear when they will be made public. The present situation in Sudan particularly the devastating impact of the atrocities on State institutions including the police, public prosecution, and judiciary coupled with Sudan's inadequate national laws and related infrastructure poses a serious challenge to any meaningful prosecution of perpetrators.

We appreciate the ACHPR for the resolutions it has adopted on the human rights situation in Sudan since the war erupted and for condemning the war. However, it is time for the Commission to take stronger action in response to widespread and grave violations of human rights and humanitarian law in Sudan. We therefore urge the commission to:

1. Continue to condemn in the strongest terms the ongoing grave violations of human rights and international humanitarian law in Sudan, including the continued indiscriminate aerial bombing and shelling of civilian populated areas. Similarly continue to condemn the ethnic-based attacks targeting the civilians of African descent in West and North Darfur.
2. Utilize its influence and resources to support efforts to end the conflict.

¹ DW, Sudan siege bears hallmarks of brutal Darfur war <https://www.dw.com/en/sudan-siege-bears-hallmarks-of-brutal-darfur-war/a-69400339>.

3. Urgently dispatch investigation teams, with expertise in sexual and gender-based violence, to investigate crimes under international law in Sudan, identify those responsible, and provide recommendations for accountability.
4. Urge the Sudanese authorities to address the continued impunity of security forces and RSF for human rights violations in Sudan and further urge the authorities to ensure that the report of the investigation committee instituted to investigate violations committed since 15th April is made public and perpetrators held to account.

Details of Human Rights Violations

a) Violation of the right to life

As of 26 September 2024, an estimated **20,000 people** have been killed and thousands of others injured. More than **10 million** people or over one in every five people have fled their homes, including 8.1 million who have been displaced within Sudan and another 2.4 million who crossed the borders to neighboring and other countries².

b) Indiscriminate attacks

Civilians have been caught in the crossfire as SAF and RSF continue engaging in gunfights. The warring parties often used explosive weapons with wide-area effects, targeting densely populated civilian neighborhoods. People are consequently killed inside their homes, in detention centers, or while desperately searching for food and other necessities. Others have met death or sustained injuries while fleeing from the violence, or in places where they had sought safety such as IDP camps. ACPS reported several incidents where IDP camps have been targeted and attacked. In August 2024, Abu Shook and Alsalam IDP camps in North Darfur were attacked by the RSF consequently killing at least 13 IDPs³. On 5 April 2024, RSF and its allied Arab militias launched an attack on 20 neighborhoods and villages located West of Elfashir mainly occupied by non-Arab residents including Zaghawa tribe members. The villages were burned and property such as livestock was looted. These attacks resulted in the killing, injuring, and displacement of approximately 30,000 people to Elfashir⁴. On 25 May 2024, SAF Air forces bombarded Tabaldia village located 20 kilometers North East of Elfashir. The attack happened shortly after the RSF's heavy fighting tank arrived in the village. During the attack, several houses belonging to civilians were destroyed⁵.

On 26 May 2024, SAF Air forces bombed the Alzurq area located in the part of North Darfur. The attack targeted the fuel tanks at the RSF base in Alzurq which was established in 2017 and is regarded as the main headquarters. Several houses and shops located in the market were destroyed as a result of the attack.⁶

²UN OCHA, Reports <https://reports.unocha.org/en/country/sudan/>

³ACJPS, The Siege of Elfashir: A story of an old city <https://www.acjps.org/publications/the-seige-of-elfashir-a-story-of-an-old-city>

⁴ Ibid

⁵ Ibid

⁶ Ibid

c) Arbitrary arrest, incommunicado detention, and allegations of torture

One of the most prominent features of the ongoing conflict is the ongoing arbitrary arrest, incommunicado detention, alleged torture, and cruel, inhuman, or degrading treatment of individuals by the warring parties. The most affected groups are; civilians suspected to be working with the adversary party, humanitarians, human rights defenders, activists, journalists, and marginalized communities. Civilians are also targeted based on their race, ethnicity and ethnic profiling, tribal affiliation, activism, neutrality, profession, and other attributes. Persons detained by both SAF and RSF are held in inhumane conditions that are contrary to international standards. Civilians are frequently held incommunicado by being denied contact/visits by family members or their lawyers and denied vital medicines or personal hygiene facilities. Victims especially those in the custody of the RSF or the General Intelligence Service (GIS) affiliated with SAF have frequently been subjected to ill-treatment and torture to obtain information, to intimidate, degrade, and humiliate them. In some cases, these acts of torture have resulted in the custodial deaths of detainees. For example, on 3 September 2024, ACJPS published an incident where a businessman died in GIS custody⁷.

Humanitarians and human rights defenders have specifically been targeted in a bid to frustrate their work of providing aid to vulnerable populations. For example, On 24 July 2024, Mr. Alfatih Ali, working with Krari Emergency Room in Nyala, South Darfur was arrested by a group of RSF members and taken to the former National Security building (currently one of RSF's detention centers in Nyala) where he was detained⁸.

In Port Sudan, some detainees held by SAF have been charged with trumped up charges including Espionage, an offense that carries a punishment of the death penalty under article 53 of the Sudanese Criminal Law of 1991, tried summarily and sentenced to death. Some detainees remain in incommunicado custody in different detention centers.

d) Increased cases of enforced disappearance

Reports about enforced disappearances continue to rise with fears that the victims are being subjected to life-threatening rights violations including torture and death. The Sudanese Group for Victims of Enforced Disappearance has documented a sharp rise in disappearances following the escalation of conflict and its reach to Gezira state in central Sudan late in 2023. The group confirmed new disappearances in Wad Madani, Al- Al-Hasaheisa, and Al-Kameleen in Gezira, as well as in Al-Rahad (North Kordofan) and Jabal Awliya (south of Khartoum). According to the group, by April 2024, the total number of people missing since the war erupted

⁷ACJPS, Kasala State: Businessman who was arrested by General Intelligence Services officers mysteriously dies in Custody in Kasala town <https://www.acjps.org/publications/kasala-state-businessman-who-was-arrested-by-national-security-officers-mysteriously-dies-in-custody-in-kasala-town>

⁸ACJPS, South Darfur: A humanitarian arbitrarily arrested and detained by RSF in Nyala <https://www.acjps.org/publications/south-darfur-a-humanitarian-arbitrarily-arrested-and-detained-by-rsf-in-nyala>

is **1,141** including 123 women (7 minors) and 1,018 men (20 minors)⁹. This represents a significant increase from the 842 cases reported in December 2023 and the 715 cases documented in October 2023. Enforced disappearances, predominantly target civilians accused of collaborating or affiliating with any of the warring parties, and are sometimes driven by financial motives. There have also been reports of journalists, activists, and community responders being forcefully disappeared because of their increased calls to the conflict parties to uphold and respect international humanitarian law. Although some detainees have been released, many have turned up dead and thousands remain missing. Reports show that some of those forcibly held in detention have died due to torture and hunger, while others were used as human shields.

e) Sexual and Gender-based violence

The warring parties have continued to employ sexual violence as a war tactic. Women and girls, some as young as 12, have been subjected to conflict-related sexual violence, including rape, by members of the warring sides. The RSF and allied militias have often been implicated in such violations. Women and girls are abducted and subjected to sexual slavery while they go out to look for food or other necessities or flee to safety. In one case, three armed men riding on camels, abducted a 19-year-old Hawa girl while she was returning home from a farm belonging to her family in Dirbat of North Jabel Maraa and taken to Wandro Valley where all the men took turns raping her before proceeding with her to their residence in Umsiala village located in the Eastern part of Nyala. The girl was locked up in the house where she was repeatedly gang raped for several days.¹⁰ There have been reports that during the rainy seasons, women and girls have been abducted and used for manual labor on farms.

The effects of the war on the economy have forced women and girls into Forced prostitution. Women and girls have resorted to offering sex to soldiers and fighters in exchange for food and money due to the dire economic conditions resulting from the war (the loss of sources of income, no access to humanitarian aid, cities under siege, and restriction of movement)¹¹Victims have testified that in some cases, intimacy has turned into rape and physical/verbal abuse¹². Victims of forced prostitution face significant stigma from society, compounded by the challenges including unwanted pregnancies and subsequent motherhood, lack of housing, and the legal recognition of their newborn.

f) Ethnically motivated attacks

Ethnically motivated attacks committed primarily by the RSF and allied militia targeting members of the Masalit, Fur, and Zaghawa communities, the particular killing of people fleeing the conflict zones, attacks on camps and sites for internally displaced people, forced

⁹ACJPS, One year into war: Human rights violations continue in Sudanese community (12 May 2024)
<https://www.acjps.org/publications/one-year-into-war-human-rights-violations-continue-in-sudanese-community>

¹⁰ACJPS, South Darfur: Two girls abducted and subjected to sexual slavery in Nyala
<https://www.acjps.org/publications/south-darfur-two-girls-abducted-and-subjected-to-sexual-slavery-in-nyala>

¹¹ACJPS, Forced Prostitution: The effects of the Sudan War on women and girls
<https://www.acjps.org/publications/forced-prostitution-the-effects-of-the-sudan-war-on-women-and-girls>

¹² Ibid

displacement, looting, burning of villages and towns have been reported especially in Darfur. For instance, in El-geneina, West Darfur, there were several attacks primarily against the Masalit community and resulted in the deaths of thousands of people, including Masalit leaders, lawyers, and human rights defenders. There have also been reports of rape of women and girls of darker skin complexion and racial slurs towards Masalit and other women and girls of African ethnicity. On the other hand, there are reports of arbitrary detentions, torture, and extrajudicial killings allegedly perpetrated by the SAF and allied militia, targeting members of Arab tribes from Darfur and Kordofan based on their perceived ethnic or tribal origin. The UN Committee on the Elimination of Racial Discrimination (CERD) raised red flags on reported recruitment and use of children by the warring parties along ethnic lines, in particular in Darfur and Kordofan regions as well as in Khartoum and other northern states.¹³

¹³OHCHR, Committee on the Elimination of Racial Discrimination <https://www.ohchr.org/en/treaty-bodies/cerd/decisions-statements-and-letters>