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SUDAN: ACHPR COUNTRY BRIEFING REPORT: HUMAN RIGHTS VIOLATIONS AND VIOLATIONS OF THE AFRICAN CHARTER (OCTOBER 2024 – APRIL 2025)

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INTRODUCTION

1. The human rights situation in Sudan has been dire, especially for Human rights defenders, lawyers and activists who continue to be victims of targeted attacks since the beginning of the conflict on April 14, 2024. Since then, at least six human rights defenders have been either killed, kidnapped or forcibly disappeared in West Darfur alone.¹ Neither warring party has given heed to the UN Security Council's call for ceasefires and continue to blatantly violate the fundamental rules of armed conflict and humanitarian law, especially the protection of human rights defenders and activists, resulting in the displacement of over 1.4 million people.²
2. The start of the armed conflict in Khartoum between the Sudanese Armed Forces (SAF) led by General Abdel Fattah al-Burhan and the Rapid Support Forces (RSF) under the command of Mohamed Hamdan Dagalo, and its subsequent spread to Darfur, Kordofan and other areas of Sudan made it impossible for the Transitional Sovereignty Council (TSC) under the leadership of General al-Burhan to continue to administer government controls from Darfur, forcing him and government departments to relocate to Port Sudan. Eventually, administrative and political control of northern and eastern states were under the control of the SAF and the TSC, while Khartoum and other areas of Sudan were under the siege of the RSF.³ By April 2024, over 12,00 people had been killed according to the UN, after increased political tensions and fighting following failed negotiations on the establishment of a transitional government, and other demands by both parties, despite repeated calls for ceasefires from the international community.⁴
3. The purpose of this report is to draw attention to past and ongoing human rights violations prevalent in Sudan. By so doing, this report aims to highlight violations of the African Charter on Human and Peoples' Rights⁵ (hereinafter referred to as the "African Charter"), with particular focus on the right to fair trial, freedom from arbitrary arrest and detention, freedom from enforced disappearances, protection of human rights defenders, and the means to ensuring state accountability for these violations. This report draws inspiration from Article 4, 5, 6, 7 and 18 of the African Charter and the extent to which Sudan has complied or violated the rights therein enshrined between the period of October 2024 and April 2025. It shall further examine the institutional and legal frameworks adopted by the Sudanese government in ensuring the protection of human rights in Sudan.

¹ <https://protectdefenders.eu/sudan-widespread-violence-and-killing-of-human-rights-defenders/>

² Amnesty International, *State of The World's Human Rights*, April 2024, Peter Benenson House, 1, Easton Street, London WC1X 0DW, pp. 351 – 352.

³ US Country Reports on Terrorism 2023: Sudan. (Available from <https://www.state.gov/reports/country-reports-on-terrorism-2023/sudan/>).

⁴ Amnesty International, *State of The World's Human Rights*, April 2024, Peter Benenson House, 1, Easton Street, London WC1X 0DW, pp. 351 – 352.

⁵ African Charter on Human and Peoples' Rights, Adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986.

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4. This report adopts a methodology that is from secondary sources including communications and reports of local, regional and international human rights organizations, including information from the African Union and United Nations monitoring mechanisms.

LEGAL AND INSTITUTIONAL FRAMEWORK

a. Reporting Obligations under the African Charter:

5. Sudan has been a signatory to the African Charter since September 03, 1982, and ratified the Charter on February 18, 1984. Since Sudan's date of ratification of the African Charter, it has sent only 5 Periodic Reports to the African Commission on Human and Peoples' Rights; namely: 1994 – 1996, 1999 – 2003, 2003 – 2007, and 2008 – 2012.⁶
6. As a State Party to the African Charter, Sudan is under a legal obligation to “undertake to submit every two years, a report on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognised and guaranteed by the present Charter”.⁷ These reports are to be submitted to the African Commission on Human and Peoples' Rights (hereinafter referred to as the “African Commission”), based in Banjul, The Gambia. The African Commission, through Articles 45 and 62 of the African Charter is mandated with the powers to promote human rights in African Member States, through amongst others, the receipt and examination of States' reports in fulfillment of their human rights obligations under the African Charter.
7. State Reports represent a crucial benchmark through which the African Commission can fulfill its mandate to ensure the promotion and protection of human rights. Consequently, this places an unwavering obligation on Sudan “to adopt legislative and other measures to give effect” to the “rights, duties and freedoms enshrined in the African Charter”⁸ and report on such measures in a periodic manner to the African Commission. Contrary to misconceived impressions – often propagated by State officials, State Reports are not a witch-hunt exercise designed to serve as an opportunity for shame or ridicule of any State, rather, they serve as a viable opportunity for States' accountability and strengthened cooperation and partnership with the African Commission. Hence, these reports represent “the urgent desire to create a channel for constructive dialogue”⁹ on the measures that a State Party, in this case – Sudan – has adopted in compliance with the provisions of the African Charter.

⁶ <https://achpr.au.int/en/states-reporting-status>

⁷ African Charter on Human and Peoples' Rights, Adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986, Article 62.

⁸ Ibid., Article 1.

⁹ National State Reporting Guidelines 1988, African Commission on Human and Peoples' Rights.

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b. National Legal Provisions Related to Detention, Fair Trial, Freedom from Torture

8. The prohibition of torture is an absolute right to which there is no derogation, regardless of the prevailing circumstances in any Member State.¹⁰ Sudan's obligation to ensure fair trial, and to refrain from arbitrary detention and torture must be reflected both in law and in practice. While Sudan's ratification of the UN Convention Against Torture (UNCAT) in 2021 was a commendable step in the right direction to prevent torture and other forms of degrading and inhumane treatments, its Criminal Law Act 1991 and Criminal Procedure Act 1991¹¹ fail to adequately prohibit the use of torture and to criminalize it as an offence. They also fail to sufficiently prohibit torture under all circumstances, regardless of being in a state of emergency or not. Consequently, there has been several reported cases of torture and other ill-treatments at Sudanese detention centers.
9. Sudan has a long-standing culture of using torture and other forms of ill-treatments as a tool for intimidation and coercion of detainees to obtain information and confessions. This, coupled with immunity laws, like the National Security Act (NSA) 2010, have served as legitimate grounds for the continuance of torture and other forms of human rights violations. The National Service Act grants unchecked powers to the National Intelligence and Security Services (NISS) to conduct arrests, detentions, and obtain impunity from prosecution or oversight. Sudan's Parliament amended the interim constitution at the time which broadened the scope and mandate of the NISS beyond just an information-gathering, intelligence and advice agency to a security agency capable of law enforcement and paramilitary operations allowing for arbitrary arrests and detentions.

c. Contradictions Between National Laws and Charter Obligations.

10. Sudan still maintains laws that allow for corporal punishment – which authorities use as tools to violate fundamental human rights protected under the African Charter. One of such laws is Article 152 of Sudan's Penal Code which stipulates:
 - (1) Whoever commits, in a public place, an act, or conducts himself in an indecent manner, or a manner contrary to public morality, or wears an indecent, or immoral dress, which causes annoyance to public feelings, shall be punished, with whipping, not exceeding forty lashes, or with fine, or with both;
 - (2) The act shall be deemed contrary to public morality, if it is so considered in the religion of the doer, or the custom of the country where the act occurs."

¹⁰ African Charter on Human and Peoples' Rights, Adopted 27 June 1981, entered into force 21 October 1986, Article 4 and 5. International Covenant on Civil and Political Rights, 16 December 1966, Article 7.

¹¹ Sudan 1991 Criminal Act as Amended in 2009, Available here: <https://redress.org/wp-content/uploads/2021/09/Criminal-Act-1991-English.pdf>



11. This law is both ambiguous and a contradiction of the right to dignity protected in Article 5 of the African Charter:

- (1) Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited

It is also a contradiction of the right to freedom of expression protected under Article 9 of the African Charter: “Every individual shall have the right to express and disseminate his opinions within the law.”

12. Furthermore, Article 10 (1) and 20 of Sudan Evidence Act 1993 (amended in 1994), do not prohibit the admissibility of any form of evidence into trial that has been obtained through torture or other to ill-treatments on the person of the defendant or a third party at any time during proceedings. This practice is in direct violation of Sudan’s obligation under Article 7 of the African Charter to ensure that everyone has access to a fair trial without undue influence or duress.

13. In May 2023, the Sudanese Sovereign Council reinstated the so-called “National Security Laws” that are used as tools to actively censor, repress and criminalize the work of civil society organizations. This infamous law served as major enabler of Sudan’s former political regime in the suppression and punishment of human rights defenders. The law had been suspended following the political uprising of 2018, but only to be reinstated again in 2023 and still in effect till date. This law violates the right to freedom of expression protection under Article 9 of the African Charter:

- (1) Every individual shall have the right to receive information. (2). Every individual shall have the right to express and disseminate his opinions within the law.”

14. Finally, the allocation of immunity privileges under the Armed Forces Act 2007, Police Forces Act 2008, and National Security Act 2010, perpetuates the continuance of human rights violations with no accountability measures taken against perpetrators. This practices and provisions are in conflict with Sudan’s obligation under Article 1 of the African Charter which mandates not only the recognition of the rights in the Charter, but also imposes an obligation on Sudan to take concrete and actionable steps in bring its laws, policies and practices in conformity with the spirit of the Charter – thereby ensuring the protection of the rights enshrined therein.

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MAIN VIOLATIONS IDENTIFIED

a. Arbitrary Arrest and Detention

16. Human rights defenders, lawyers and activists have been victims of targeted attacks since the beginning of the conflict on April 14, 2024. Since then, at least six human rights defenders have been either killed or kidnapped and forcibly disappeared in West Darfur alone.¹² Neither warring party has given heed to the UN Security Council’s call for ceasefires and continue to blatantly violate the fundamental rules of armed conflict and humanitarian law, especially the protection of human rights defenders and activists.¹³ Since October 2024, RSF fighters have detained over 150 individuals from Al-Sireha, one hundred of whom were men. Their detention was verified and sternly condemned by Human Rights Watch.¹⁴ In October 2024, the Committee for Justice (CFJ) also monitored and documented the arrest and disappearance of human rights activist and defender Abubakr Omar Abakar – a key player in the documentation and publication of human rights violations in Darfur. CFJ strongly condemned his detention and called for his immediate release. The need for a safe environment that ensures the protection of human rights defenders and activists while performing their legitimate work was also stressed by CFJ; hence, warning that oppressive actions of arbitrary arrest and detention “will further deteriorate human rights conditions in the country.”¹⁵
17. In December 2024, CFJ also documented the detention of Ikhlas Khalifa – a Sudanese journalist detained by RSF while she was traveling between White Nile State and Port Sudan. The Sudanese Journalists’ Syndicate issued a public statement affirming the fact that her arrest and detention reflects the wider onslaught of violations perpetrated against journalists and threats to the freedom and safety of the press in Sudan. CFJ also issued a statement condemning the continued detention of Ikhlas, demanding for her “immediate and unconditional release,” and holding the RSF “accountable for her safety.”¹⁶
18. It is worth noting that despite the lack of direct involvement of the Sudanese’s Armed Forces (SAF) in arbitrary detention and disappearances, as they have often argued, Sudan is still under obligated to ensure compliance to international laws that govern armed conflicts. Therefore, even in cases where the Rapid Support Forces (RSF) and their activities have been labelled as terrorism by the Sudanese government, Sudan’s obligation to the protection of human rights, is still applicable. One of such obligations under international humanitarian law is the prohibition of arbitrary detention, violence, or the threat of violence to life, and enforced

¹² <https://protectdefenders.eu/sudan-widespread-violence-and-killing-of-human-rights-defenders/>

¹³ <https://www.ohchr.org/en/press-releases/2024/04/sudan-conflict-enters-its-second-year-un-fact-finding-mission-says-warring>

¹⁴ <https://www.hrw.org/news/2024/11/10/sudan-rapid-support-forces-target-civilians>

¹⁵ <https://www.cfjustice.org/sudan-cfj-reports-rsf-arrest-of-activist-abubakr-omar-abakar-in-darfur-demands-his-release/>

¹⁶ <https://www.cfjustice.org/sudan-cfj-reports-detention-of-journalist-ikhlas-khalifa-by-rsf-and-demands-her-immediate-release/>



disappearances.¹⁷ Pursuant to Article 6 of the African Charter, it is prohibited for any individual to be deprived of their right to liberty and security of person. Hence, arbitrary arrests and detentions are in violation of the African Charter – to which Sudan is obligated to respect.

b. Crackdown on freedom of expression, assembly, and press freedom

19. One of the tools of crackdown on freedom of expression and press freedom has been through the arbitrary arrest and detention of journalists like Ikhlas Khalifa,¹⁸ who was arrested and detained by RSF; and in most severe cases, the use of extrajudicial killings, like in the case of journalist Moawiya,¹⁹ or the case of journalist Mubarak Abu Sin who was working with several online news platforms to provide information on the conflict.
20. There has also been reports of intermittent shutdowns of internet and communication services by Sudanese authorities as a means of restricting the flow of information. This has also been complemented by violence, online bullying and harassment of journalists and media persons for conducting their work by reporting on the situations on the ground.²⁰ On 16 April 2025, the attack and control of the State TV station in Omdurman by RSF soldiers resulted in the immediate cut of both TV and radio signals by the SAF. Similarly, the government’s Telecommunications regulator instructed MTN Sudan to cease all internet services on the same day. There has also been systemic censorship and suppression of the press by both the SAF and RSF, and prohibition of journalists from reporting on the on-going situation to international media.²¹
21. Freedom of expression is one of the fundamental human rights guaranteed under Article 9 of the African Charter and Article 19 of the International Covenant on Civil and Political Rights²² which allows individuals to “seek, receive and impart information of all kinds through any media”. The protection and fulfillment right to freedom of expression is the obligation of every branch of the Sudanese government, and by extension, to all private or non-state

¹⁷ Human Rights Council, *Findings of the investigations conducted by the Independent International Fact-Finding Mission for the Sudan into violations of international human rights law and international humanitarian law, and related crimes, committed in the Sudan in the context of the conflict that erupted in mid-April 2023*, A/HRC/57/CRP.6, pp. 12 -13.

¹⁸ <https://www.cfjustice.org/sudan-cfj-reports-detention-of-journalist-ikhlas-khalifa-by-rsf-and-demands-her-immediate-release/>

¹⁹ <https://www.cfjustice.org/sudan-cfj-monitors-extrajudicial-killings-by-rsf-of-journalist-and-three-others/>

²⁰ <https://freedomhouse.org/country/sudan/freedom-net/2023#C>

²¹ Human Rights Council, *Findings of the investigations conducted by the Independent International Fact-Finding Mission for the Sudan into violations of international human rights law and international humanitarian law, and related crimes, committed in the Sudan in the context of the conflict that erupted in mid-April 2023*, A/HRC/57/CRP.6, pp. 61-62.

²² International Covenant on Civil and Political Rights, General Assembly resolution 2200A (XXI), adopted 16 December 1966.

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entities.²³ Moreover, the enjoyment of fundamental rights is heavily hinged on the guarantee of a free and uncensored press and media, because freedom of the press represents one of the “cornerstones of a democratic society”.²⁴ Hence, any interferences, either directly or indirectly, through the censorship, or shutdown of internet and other communication tools within whole or specific regions of Sudan violates the principles of international human rights law.

c. Enforced Disappearances and Extrajudicial Killings

22. The on-going conflict between the SAF and RSF has left an increasing number of extrajudicial killings of civilians who are victims of crossfires and indiscriminate bombardments of surrounding neighborhoods. Following the arrest and detention of journalist Moawiya and the three other individuals in 2023, they were all extrajudicially killed on Wednesday, June 5, 2024. Equally, on January 14, 2025, CFJ condemned the death of three engineers and activists associated with Khartoum TV – Maki Abdel Wahab, Hisham Al-Khatimi, and Montasir Ali – all killed while in detention by RSF. Similarly, engineer and humanitarian relief activist Muhannad Taj El-Din was also killed in January 2025 – over a year after his arrest and detention by the RSF militia.²⁵
23. Since October 20, 2024, at least thirty villages and towns have been the targets of RSF attacks.²⁶ On the days of October 25 and 26, 2024, over 123 civilians were killed with over one hundred injured in attacks perpetrated by RSF militia in Al-Sireha village. The RSF drove into the village with vehicles shooting machine-mounted guns and firing rocket-propelled grenades – the aftermath of which was “piles of bodies, including two children, near one of the irrigation canals.”²⁷ Article 1 of the African Charter emphasizes the inviolability of every individual and their inherent right to life and integrity of their person. Hence, every form of arbitrary deprivation of life constitutes a violation of the African charter.
24. Similarly, the Convention on the Prevention and Punishment of the Crime of Genocide²⁸, to which Sudan is a party of, sternly prohibits “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group,”²⁹ Therefore, the actions and complacency of Sudanese authorities could have genocidal implications under international humanitarian law. Furthermore, the right to life is a fundamental human right protected under

²³ General comment No.34 on Article 19: Freedoms of opinion and expression, CCPR/C/GC/34, 29 July 2011.

²⁴ Ibid.

²⁵ <https://www.cfjustice.org/sudan-cfj-condemns-the-death-of-relief-activist-muhannad-taj-el-din-in-rsf-detention-centers-calls-for-investigations/>

²⁶ <https://www.hrw.org/news/2024/11/10/sudan-rapid-support-forces-target-civilians>

²⁷ <https://www.reuters.com/world/africa/least-124-killed-after-sudans-rsf-attack-village-activists-say-2024-10-26/>

²⁸ The Convention on the Prevention and Punishment of the Crime of Genocide, General Assembly resolution 260 A (III) of 9 December 1948, entry into force: 12 January 1951.

²⁹ Ibid., Article II.

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international human rights law. For instance, Article 6 of the International Covenant on Civil and Political Rights guarantees the inherent right to life of every human being and emphasizes the obligation to protect this right and prevent the arbitrary deprivation of life.³⁰ This obligation further extends to Sudan to “take special measures of protection towards persons in situation of vulnerability”, especially those currently in RSF-controlled neighborhoods – who face heightened threats to life and property.³¹

d. Denial of Fair Trial

25. The escalating tensions in Sudan also jeopardize access to justice for victims of human rights violations. Despite the constitutional protection of the right to fair hearing guaranteed in the 2019 Sudan Constitutional Charter and 1991 Criminal Procedures Act, the effects of the war, coupled with the fragmentation of the country by rebel groups, undermines judicial independence and the right to fair trial. Increasingly, the judicial infrastructure is weakened by insufficient resources and personnel, systemic discrimination of defendants belonging to marginalized groups, and by the fact that many judicial officers and judges still imbibe the culture of unfair trials associated with Sudan’s former regime.³²

26. The reports of the Fact-Finding Mission in Sudan revealed that several Arrests are conducted without warrant or proper documentation.³³ For instance, an unidentified victim narrated how in 2024 he was arrested from his home in Southeast Khartoum by the SAF and was held without any due judicial process. The denial of a fair trial is in violation of Article 7 of the African Charter which protects the right to access to justice and to be presumed innocent until proven guilty. The African Commission has also interpreted undue delays and long judicial process to also constitute a violation of Article 7.³⁴

e. Prison Conditions and Ill-Treatment

27. The report of the UN Fact-Finding Mission also unveiled overcrowding and other poor conditions in detention centers; including the accommodation of over five hundred detainees in small facilities in Khartoum and Darfur; and grouping of teenage boys together with adult offenders. These facilities also lack proper sanitary conditions and have no access to food or clean drinking water. One of the victims detained by SAF revealed that he was detained with

³⁰ International Covenant on Civil and Political Rights, General Assembly resolution 2200A (XXI), Adopted 16 December 1966.

³¹ General Comment No. 36 (2018) on Article 6 of the ICCPR, on the right to life,

³² DPRU Q&As: Elshareef Ali Mohammed, Sudanese Human Rights Initiative (SHRI), Sudan: Part One, 11 July 2024.

³³ Human Rights Council, *Findings of the investigations conducted by the Independent International Fact-Finding Mission for the Sudan into violations of international human rights law and international humanitarian law, and related crimes, committed in the Sudan in the context of the conflict that erupted in mid-April 2023*, A/HRC/57/CRP.6, pp. 58-60.

³⁴ See 020/2017 - Igola Iguna v. Tanzania.



seventy people in a small room measuring 6x4 meters with no ventilator aside from a small window. They were so clustered in the room that it was impossible for them to sit; they had no access to medical facilities and were only allowed a bathroom break once a day.³⁵

28. These poor prison conditions lead to the spread of diseases and several reported deaths in both SAF and RSF detention centers. The Fact-Finding Mission an unnamed detainee dying after his interrogation from which his body was fully covered in his own blood at a detention center controlled by SAF. Torture and lack of access to medical facilities have been contributing factors to deaths – in which cases, the RSF uses petrol to burn and dispose of the bodies. Furthermore, detainees are denied access to legal and family visits, and in some cases family members themselves were also arrested or forced to pay ransom.³⁶ Human rights organizations, including the Committee for Justice, Amnesty International, DefendDefenders and Human Rights Watch have condemned the lack of proper prison conditions and the resulting ill-treatments suffered by detainees in Sudan prisons to be in violation of the principles of fundamental human rights guaranteed under the African Charter.

f. Repression of Human Rights Defenders and Victims' Families

29. In May 2023, the Sudanese Sovereign Council reinstated the so-called “National Security Laws” that is used as a tool to actively censor, repress and criminalize the work of civil society organizations. This infamous law served as major enabler of Sudan’s former political regime in the suppression and punishment of human rights defenders. The law had been suspended following the political uprising of 2018, but only to be reinstated again in 2023.³⁷ The “Information Law” has also been used a tool to censor the spread and support of information about the conflict. For instance, Journalist Sidig Dallai was detained for over two months following his online post of solidarity with an activist who was detained and killed in a military intelligence facility in Aljazeera city.³⁸ Three volunteers providing humanitarian support to internally displaced persons in Algadref city were also arrested for the second time within three weeks in May 2024.³⁹

30. There has also been travel restrictions on human rights defenders, like in the case of an Emergency Lawyers’ group member – Hanan Hassan whose travel documents were denied

³⁵ Human Rights Council, *Findings of the investigations conducted by the Independent International Fact-Finding Mission for the Sudan into violations of international human rights law and international humanitarian law, and related crimes, committed in the Sudan in the context of the conflict that erupted in mid-April 2023*, A/HRC/57/CRP.6, pp. 58-60.

³⁶ Ibid.

³⁷ <https://ishr.ch/latest-updates/sudan-end-killing-mass-arrests-and-targeting-of-lawyers-doctors-and-activists/>

³⁸ Ibid.

³⁹ <https://ishr.ch/latest-updates/sudan-end-killing-mass-arrests-and-targeting-of-lawyers-doctors-and-activists/>



renewal by the Ugandan Embassy because of the decision of the general prosecutor in port Sudan.⁴⁰

31. On June 23, the Sudanese authorities carried out mass arrests and detention of lawyers and activists in River Nile state, including the arrest of lawyer Amal Alzain and her husband Awad Bayen – who is also a lawyer; journalist Abu Agle Amasa and Dr. Osman Bashir, both of whose location is unknown.⁴¹ In White Nile State, at least four lawyers, including Mohamoud Jared were arrested and detained by the Sudanese Army Intelligence on June 9; similar arrests of lawyers have also been made in Rabak and Kosty cities, with their family members threatened and in some cases, even detained.⁴²
32. Following the weeks of June 10, 2024, over twenty-four lawyers, doctors and activists were detained, tortured and killed in Sudan by both the SAF and RSF.⁴³ Civil Society Organizations have had both their premises vandalized and members of staff attacked. Reporting to Amnesty International, the Director of the Regional Centre for Training and Development of Civil Society, Dr. Abdel Mitaal Gershab, narrated how their office was looted along with other premises in Street 53 of the Amarat neighborhood on May 15, 2023. Related stories have also been reported by other members of staff from other non-governmental organizations.⁴⁴
33. The rampage on civil society continues, regardless of their field of operations, human rights defenders and activists have not been the only targets or harassment and reprisals. For instance, doctors and healthcare professionals have also gotten the short end of the stick. Médecins Sans Frontières (MSF) have made several reports of armed groups attacking and looting their premises, stealing essential medical supplies and vehicles.⁴⁵ Similarly, the World Food Programme (WFP) had their logistics hubs in south-central Sudan vandalized and looted – gravely endangering the lives of over 4.4 million people in dire need of food and humanitarian assistance.⁴⁶ These actions violate humanitarian laws and Sudan is required to ensure compliance with the African Commission’s Resolution on the protection of human rights defenders in Africa.⁴⁷

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Amnesty International, “*Death Came To Our Home*”, *War Crimes and Civilian Suffering in Sudan*, pp. 45 – 46, available at <https://www.amnesty.org/en/documents/afr54/7037/2023/en/>.

⁴⁵ <https://www.msf.org/msf-facilities-looted-medical-activities-impeded-violence-sudan>

⁴⁶ wfp.org/news/statement-looting-humanitarian-warehouses-sudan

⁴⁷ ACHPR/Res.69(XXXV)04: Resolution on the protection of human rights defenders in Africa



CONCLUSIONS AND RECOMMENDATIONS

34. As established by the Fact-Finding Mission, the ongoing situation in Sudan fulfills the requisite threshold for the “existence of a non-international armed conflict;” and by extension, the resulting violations of human rights constitute war crimes and crimes against humanity.⁴⁸ The actions of both the SAF and RSF constitutes war crimes of violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; committing outrages upon personal dignity, in particular humiliating and degrading treatment⁴⁹.

35. Considering this, it must be established that Sudan bears the primary burden of ensuring the respect and protection of human rights, and to ensure, among other things, that:

- Human rights-based guidelines for the operations of the National Intelligence and Security Services (NISS) are established, including the creation of an independent oversight mechanism.
- The cases of detained individuals are opened and facilitate the immediate release of victims of arbitrary arrests and detention.
- An independent remedy and reparations commission is set up to inquire into human rights violations and provide reparations for victims.
- Its domestic legal system, including laws and regulations are amended to comply with principles and values of the African Charter and international human rights law.
- Human rights organizations, journalists and civil society actors have the freedom to conduct their work without fear or intimidation.
- A Special Criminal Court is established with the mandate to investigate and prosecute perpetrators of human rights violations.
- A Transitional Justice Program be established – that comprehensively analyses the lapses in Sudan’s judicial system.
- A comprehensive and effective cease-fire deal be brooked between the SAF and RSF to allow for the much-needed flow of humanitarian support into the country.

⁴⁸ Human Rights Council, *Findings of the investigations conducted by the Independent International Fact-Finding Mission for the Sudan into violations of international human rights law and international humanitarian law, and related crimes, committed in the Sudan in the context of the conflict that erupted in mid-April 2023*, A/HRC/57/CRP.6, pp. 66 – 67.

⁴⁹ Ibid.

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