

African Commission on Human and Peoples' Rights

Communications 402/11 and 420/12

***Sudanese Civilians in South Kordofan and Blue Nile
(represented by REDRESS, Sudan Democracy First Group,
Interights, Human Rights Watch and the Enough Project)***

v

Sudan

SUBMISSION ON REMEDIES AND REPARATION

24 OCTOBER 2025

I. PROCEDURAL HISTORY

1. The complainants in Communications 402/11 and 420/12 (together, the ‘Complainants’) submitted their complaints (the ‘Complaints’) to the African Commission on Human and Peoples’ Rights (the ‘African Commission’) on 13 July 2011 and 13 April 2012, respectively. The Complaints collectively set out alleged violations committed by the authorities of the Government of Sudan (the ‘Respondent State’) in South Kordofan and Blue Nile, from the outbreak of hostilities on 5 June 2011 until April 2012. On 22 August 2012, the African Commission informed the Complainants that it had decided to join the Complaints.
2. On 6 August 2013, the African Commission informed the Complainants that it had found the Communications admissible and requested the Complainants to present evidence and arguments on the merits of the case. On 30 October 2013, the Complainants submitted their arguments on the merits (the ‘Merits Submission’). On 3 November 2016, the Complainants requested that the African Commission stay proceedings for a period of 12 months due to steps that were being taken by the Respondent State to resolve the dispute locally. Subsequently, with the stay expiring and after issuing repeated reminders for the Respondent State to submit its response to the Complainants’ arguments, the African Commission adopted a decision on the merits during the 74th Ordinary Session (the ‘Merits Decision’). The Merits Decision was communicated to the Complainants on 28 July 2025.
3. In the Merits Decision, the African Commission found that the Respondent State had violated various Articles of the African Charter, including the right to life (Article 4), right to respect of human dignity and the prohibition of torture and ill-treatment (Article 5), right to liberty (Article 6), and right to a fair trial and the availability of effective remedies (Article 7(1)(a)). The African Commission also issued some reparations and granted the Complainants’ request to hear further submissions from both parties on remedies and reparation. The Complainants were invited to submit their written submissions to the African Commission within 60 days of being notified of the Merits Decision (i.e., by 25 September 2025). On 7 August 2025, REDRESS, on behalf of the Complainants, requested an extension of one month (i.e., by 25 October 2025) in view of the Respondent State undergoing a protracted and generalised armed conflict which extends to South Kordofan and Blue Nile. Following this submission, the Respondent State will have 60 days within which to submit its own observations.
4. The armed conflict in the Respondent State poses major security and access challenges that have significantly affected the Complainants’ ability to document and prepare the submission. In particular, it has not been possible to properly consult with the victims and victimised communities in South Kordofan and Blue Nile, nor their community and civil society representatives. In addition, two of the Complainants – Interights and the Enough Project – have ceased operations since the filing of the Merits Submission. This submission therefore addresses the overarching principles for developing and implementing reparation orders in a manner that responds appropriately to both the serious and massive nature of the violations as well as the present armed conflict in the Respondent State. It is without prejudice to detailed recommendations produced as part of any future consultation process (which should be led by or co-developed with the victims and victimised communities). In this regard, REDRESS is exploring the feasibility of hosting consultations with groups of victims based in South Sudan in the coming months and will share any additional details (including our findings) with the African Commission as part of our future submissions on implementation of the decision in this case.

5. Given the preliminary nature of this submission and the complex (and evolving) context in the Respondent State, the African Commission should pay close attention to monitoring the implementation of reparation orders in the present case, as well as all other cases to which the Respondent State is a party and has not yet completed implementation. For instance, the African Commission should engage the Country Rapporteur assigned to Sudan (presently Honourable Commissioner Hatem Essaïem) and the Virtual Joint Fact-Finding Mission on the Human Rights Situation in the Sudan (the 'African Commission FFM') on the African Commission's findings and orders, such that: (i) their ongoing work is properly informed by the African Commission's jurisprudence on the situation in the Respondent State, which highlights various root causes of armed conflict and serious and massive violations and makes various orders on reparations to avoid the future repetition of violations; and (ii) the African Commission is properly placed to issue resolutions recommending that future peace processes in the Respondent State incorporate a suitable reparation mechanism that addresses both violations committed in the ongoing conflict, as well as historic violations for which the Respondent State is responsible.

II. FACTUAL BACKGROUND AND CONTEXT

A. Introduction

6. The African Commission will be determining the appropriate reparation orders to make in response to the Respondent State's violations, which primarily concern events that took place between 5 June 2011 and 30 October 2013. However, the factual situation in the Respondent State has evolved considerably in the 12 years since then. For instance, subsequent atrocities and additional data collected by humanitarian aid actors provide a more comprehensive picture of the impact of the Respondent State's violations on the victims and victimised communities.¹ Many individuals have also been re-victimised, the root causes of which are closely connected to the Respondent State's failure to provide reparation in the present proceedings. The political situation in the Respondent State has changed markedly, producing increasingly turbulent political dynamics that the African Commission must respond to when engaging the Respondent State on the implementation of reparation. Finally, the ongoing armed conflict has profoundly affected the Respondent State, including South Kordofan and Blue Nile. This necessitates the development of a sequenced roadmap to guide implementation, reflecting the security and logistical barriers to implementing full reparation that exist at the time of this submission. Accordingly, to assist the African Commission in its assessment of the appropriate reparation orders, and particularly to ensure that any orders it makes are effective in the current context:

- a) **Subsection B** below describes the relevant factual background and context in the Respondent State from the filing of the Merits Submission until the start of the ongoing, country-wide armed conflict;
- b) **Subsection C** below describes relevant factual background and context in the Respondent State since the start of that armed conflict to the date of this submission; and
- c) **Subsection D** below provides a concluding summary of the key contextual factors for the African Commission to consider in preparing its reparation orders.

B. Situation between 30 October 2013 and 15 April 2023

Civilian displacement around and following the Merits Submission

7. As set out in the Merits Decision,² atrocities between 5 June 2011 and 30 October 2013 forcibly displaced many hundreds of thousands of people in South Kordofan and Blue Nile. This is particularly attributed to the indiscriminate character of bombing by the Sudanese Armed Forces (the 'SAF') in combination with large-scale human rights violations committed by both sides. In August 2013, the UN Office for the Coordination of Humanitarian Affairs ('OCHA') estimated that in the South Kordofan and Blue Nile area, well over a million people had been displaced or severely affected by the conflict since 2011. At the time, the majority of people – an estimated 695,000 – were internally displaced

¹ See for e.g., Asylum Research Centre, "[Sudan: Country report – an update](https://asylumresearchcentre.org/wp-content/uploads/2018/10/ARC_COI-Report-South-Kordofan-Blue-Nile_October-2018.pdf)", 15 October 2018, available at: https://asylumresearchcentre.org/wp-content/uploads/2018/10/ARC_COI-Report-South-Kordofan-Blue-Nile_October-2018.pdf.

² See for e.g., paras. 139, 171, 179, 185-187, 195-196, 250-251, and 257-258.

within Sudan.³ An estimated 191,000 people fled to South Sudan, the majority of whom settled in refugee camps in Maban County, Upper Nile (particularly Doro, Yusuf Batil, Jamam, Gendrassa, and Kaya camps) and Unity State. A smaller group of people (~5,000) was displaced to urban settings in Juba.⁴ Some 32,000-39,000 people settled in Ethiopia, mostly residing in camps in the Benishangul-Gumuz region, across the border from Blue Nile.⁵ The flow of refugees from South Kordofan and Blue Nile to South Sudan and Ethiopia subsequently continued, but on a lesser scale than in 2011-2012.⁶

Continued atrocities and ceasefire between Respondent State forces and SPLA/M-N (2013-2016)

8. Following the Merits Submission, atrocities continued in Blue Nile and South Kordofan between the SAF and allied Respondent State forces and militia groups on the one side, and the Sudan Peoples' Liberation Army/Movement-North (SPLA/M-N) on the other.⁷ Sporadic battles took place between 30 October 2013 and January 2015.⁸ Fighting then re-intensified through 2015 and 2016.⁹ Forces affiliated with the Respondent State continued to victimise civilians in South Kordofan and Blue Nile during this period.¹⁰ On 18 June 2016, in the margins of negotiations to lift State-wide economic sanctions imposed by the United States, then-President Omar al-Bashir declared a unilateral,

³ OCHA, "[Sudan: Humanitarian Snapshot](http://reliefweb.int/sites/reliefweb.int/files/resources/Sudan_Snapshot_31_Aug_%202013_1.pdf)", 31 August 2013, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/Sudan_Snapshot_31_Aug_%202013_1.pdf; see also International Crisis Group, "[Sudan's spreading conflict \(II\): War in Blue Nile](https://www.crisisgroup.org/africa/sudan/204-sudans-spreading-conflict-ii-war-blue-nile)", 18 June 2013, p.26, available at: <https://www.crisisgroup.org/africa/sudan/204-sudans-spreading-conflict-ii-war-blue-nile> (estimating that in Blue Nile for instance, in June 2013, about 15 % of the state's population was living in refugee camps, with 177,500 living in South Sudan, and 30,000 in Ethiopia).

⁴ Ibid, OCHA, "[Sudan Humanitarian Update – January-June 2013](https://www.unocha.org/publications/report/sudan/sudan-humanitarian-update-january-june-2013)", 30 June 2013, available at: <https://www.unocha.org/publications/report/sudan/sudan-humanitarian-update-january-june-2013>; IOM, "[IOM South Sudan Refugee Response Update – May 2013](https://www.iom.int/sites/g/files/tmzbd1486/files/migrated_files/Country/docs/IOM-South-Sudan-Refugee-Response-Update-May-2013.pdf)", 5 May 2013, available at: https://www.iom.int/sites/g/files/tmzbd1486/files/migrated_files/Country/docs/IOM-South-Sudan-Refugee-Response-Update-May-2013.pdf; UN High Commissioner for Refugees Policy Development and Evaluation Service, "[Flooding across the border – A review of UNHCR's response to the Sudanese refugee emergency in South Sudan](https://www.unhcr.org/sites/default/files/legacy-pdf/51e94e689.pdf)", July 2013, available at: <https://www.unhcr.org/sites/default/files/legacy-pdf/51e94e689.pdf>.

⁵ UNHCR, "[Ethiopia – Factsheet](http://reliefweb.int/sites/reliefweb.int/files/resources/EthiopiaFactSheetJanuary2016.pdf)", January 2016, available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/EthiopiaFactSheetJanuary2016.pdf>.

⁶ OCHA (n 4).

⁷ For a detailed account of key atrocities, see Small Arms Survey, "[Spilling Over – Conflict Dynamics in and around Sudan's Blue Nile State, 2015-19](https://www.smallarmssurvey.org/sites/default/files/resources/HSBA-Report-Sudan-Blue-Nile_0.pdf)", 15 March 2020, available at: https://www.smallarmssurvey.org/sites/default/files/resources/HSBA-Report-Sudan-Blue-Nile_0.pdf.

⁸ However, neither side achieved significant military successes, with the partial exception of some areas in South Kordofan (Small Arms Survey (n 7); Dabanga, "[Rebels claim victory over army convoy in South Kordofan](https://www.dabangasudan.org/en/all-news/article/rebels-claim-victory-over-army-convoy-in-south-kordofan)", 5 January 2014, available at: <https://www.dabangasudan.org/en/all-news/article/rebels-claim-victory-over-army-convoy-in-south-kordofan>; Dabanga, "[Sudan rebels besiege garrison in South Kordofan as Air Force bombs populated areas](https://www.dabangasudan.org/en/all-news/article/sudan-rebels-besiege-garrison-in-south-kordofan-as-air-force-bombs-populated-areas)", 1 May 2014, available at: <https://www.dabangasudan.org/en/all-news/article/sudan-rebels-besiege-garrison-in-south-kordofan-as-air-force-bombs-populated-areas>; Al Jazeera, "[Sudan rebels clash with army in S Kordofan](https://www.aljazeera.com/news/2014/6/29/sudan-rebels-clash-with-army-in-s-kordofan)", 29 June 2014, available at: <https://www.aljazeera.com/news/2014/6/29/sudan-rebels-clash-with-army-in-s-kordofan>).

⁹ Particularly around the Ingersana Mountains and strategic locations in South Kordofan (Small Arms Survey (n 7); Radio Tamazuj, "[SPLA-N claims capture of Habila town in South Kordofan](https://www.radiotamazuj.org/en/news/article/spla-n-claims-capture-of-habila-town-in-south-kordofan)", 30 March 2015, available at: <https://www.radiotamazuj.org/en/news/article/spla-n-claims-capture-of-habila-town-in-south-kordofan>).

¹⁰ See for e.g., Amnesty International, "[Sudan: Attacks in South Kordofan 'constitute war crimes'](https://www.amnesty.org/en/latest/news/2015/08/sudan-attacks-in-south-kordofan-constitute-war-crimes/)", 4 August 2015, available at: <https://www.amnesty.org/en/latest/news/2015/08/sudan-attacks-in-south-kordofan-constitute-war-crimes/>; African Centre for Justice and Peace Studies, "[Sudan Forcibly Displaces and Sets Villages on Fire in Blue Nile: Civilians Presumed to be Affiliated with Rebels Detained Incommunicado](https://web.acjps.org/sudan-forcibly-displaces-and-sets-villages-on-fire-in-blue-nile-civilians-presumed-to-be-affiliated-with-rebels-detained-incommunicado/)", 17 June 2015, available at: <https://web.acjps.org/sudan-forcibly-displaces-and-sets-villages-on-fire-in-blue-nile-civilians-presumed-to-be-affiliated-with-rebels-detained-incommunicado/>; Small Arms Survey (n 7) (see particularly, pp. 27-28 on the (then-Respondent State affiliated) Rapid Support Forces' ('RSF') victimisation of communities in Respondent State-held areas).

comprehensive ceasefire for a period of four months in Blue Nile and South Kordofan.¹¹ While extremely fragile, the arrangement mostly held up and was extended on numerous occasions.¹²

SPLA/M-N split and infighting (2016-2019)

9. Once the ceasefire arrangement was implemented, longstanding internal ethnic, political, and military tensions within the SPLA/M-N culminated in the eventual splintering of the group. This created pronounced divisions within the victims and victimised communities, which any comprehensive reparation process must address. Abdelaziz al-Hilu (of mixed Darfuri and Nuba descent) leads the 'SPLA/M-N al-Hilu' and Malik Agar (an Ingessana) leads the 'SPLA/M-N Agar'.¹³ Following the split, most civilians came to be affiliated (or were perceived as affiliating) with one of the factions based on ethnicity – i.e., the Ingessana with the SPLA/M-N Agar, and the Nuba people and most other non-Ingessana tribes with the SPLA/M-N al-Hilu. From early May 2017, fighting erupted between the SPLA/M-N al-Hilu and SPLA/M-N Agar, killing hundreds of civilians and forcibly displacing thousands more.¹⁴ This wave of victimisation is understood to have further entrenched divisions along tribal lines.¹⁵ The SPLA/M-N Agar has since come to be affiliated with the Respondent State's authorities (see paras. 11 and 12 below). However, with little territory under its control and few supporters outside of the Ingessana, the SPLA/M-N al-Hilu came to control most areas in South Kordofan and Blue Nile that were not under the Respondent State's control.¹⁶

Ouster of al-Bashir (2019) and October 2021 military coup

10. After many months of unrest, Omar al-Bashir was ousted as President of the Respondent State on 11 April 2019. A new transitional military government was established, ultimately led by Abdel Fattah al-Burhan.¹⁷ Protests continued in support of the establishment of a genuine civilian government. These were met with violent resistance, most notably the 3 June 2019 Khartoum massacre when Respondent State forces – led by the RSF – opened fire on a peaceful sit-in, killing at least 100 people. At least 700 people were injured, and hundreds more were arbitrarily arrested and detained.¹⁸ On 17 August 2019,

¹¹ Al Jazeera, "[Bashir declares ceasefire in Blue Nile, South Kordofan](https://www.aljazeera.com/news/2016/6/18/bashir-declares-ceasefire-in-blue-nile-south-kordofan)", 18 June 2016, available at:

<https://www.aljazeera.com/news/2016/6/18/bashir-declares-ceasefire-in-blue-nile-south-kordofan>.

¹² Sudan Tribune, "[Sudan's president extends ceasefire for two months](https://sudantribune.com/article/58734)", 11 October 2016, available at:

<https://sudantribune.com/article/58734>; Sudan Tribune, "[Sudan's president extends ceasefire for one month](https://sudantribune.com/article/59488)", 1 January 2017, available at: <https://sudantribune.com/article/59488>; Sudan Tribune, "[Sudanese government extends ceasefire for six months](https://sudantribune.com/article/59621)", 15 January 2017, available at: <https://sudantribune.com/article/59621>.

¹³ Dabanga, "[SPLM-N annuls earlier statement, is 'ready to negotiate' with Sudan govt.](https://www.dabangasudan.org/en/all-news/article/splm-n-annuls-earlier-statement-is-ready-to-negotiate-with-sudan-govt)", 3 April 2017, available at:

<https://www.dabangasudan.org/en/all-news/article/splm-n-annuls-earlier-statement-is-ready-to-negotiate-with-sudan-govt>; Dabanga, "[Sudan's SPLM-N Nuba branch replace Agar with El Hilu](https://www.dabangasudan.org/en/all-news/article/splm-n-nuba-branch-replace-agar-with-el-hilu)", 8 June 2017, available at:

<https://www.dabangasudan.org/en/all-news/article/splm-n-nuba-branch-replace-agar-with-el-hilu>. The factions are divided on various issues, but especially al-Hilu's staunch demands for State secularism and the right to self-determination for communities in South Kordofan and Blue Nile.

¹⁴ Small Arms Survey (n 7).

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ BBC News, "[Sudan coup: Why Omar al-Bashir was overthrown](https://www.bbc.com/news/world-africa-49999999)", 15 April 2019.

¹⁸ Physicians for Human Rights, "[Chaos and Fire: An Analysis of Sudan's June 3, 2019 Khartoum Massacre](https://phr.org/our-work/resources/chaos-and-fire-an-analysis-of-sudans-june-3-2019-khartoum-massacre)", 5 March 2020, available at: <https://phr.org/our-work/resources/chaos-and-fire-an-analysis-of-sudans-june-3-2019-khartoum-massacre>;

Human Rights Watch, "[They Were Shouting 'Kill Them': Sudan's Violent Crackdown on Protestors in Khartoum](https://www.hrw.org/report/2019/11/18/they-were-shouting-kill-them/sudans-violent-crackdown-protesters-khartoum)", 17 November 2019, available at: <https://www.hrw.org/report/2019/11/18/they-were-shouting-kill-them/sudans-violent-crackdown-protesters-khartoum>. See also [African Commission Resolution on the Human Rights Situation in the Republic of the Sudan](https://www.achpr.org/resolutions/2020/18) (ACHPR/Res. 444 (LXVI) 2020), 18 September 2020, available at: <https://www.achpr.org/resolutions/2020/18> (highlighting the "slow pace of investigations" into the massacre; as of writing, the final report produced by the Respondent State's national independent investigation committee has still not been made public).

the Respondent State's military authorities and a key civilian coalition signed a power-sharing deal, establishing a new transitional government (the 'Transitional Government') and paving the way for a transition to a civilian-led government.¹⁹ The 2019 Constitutional Declaration was also adopted.²⁰ Following the establishment of the Transitional Government, UN agencies and other international aid workers were able to travel to South Kordofan and Blue Nile; many for the first time since June 2011 due to an international humanitarian access ban imposed by the Respondent State's authorities.²¹

11. On 3 October 2020, the Transitional Government and representatives of various armed groups signed the Juba Peace Agreement ('JPA').²² This includes the Two Areas Peace Agreement – an arrangement granting (notional) autonomy to Blue Nile and South (and West) Kordofan. However, while the SPLA/M-N Agar signed the JPA, the SPLA/M-N al-Hilu withdrew from the negotiations. This was mainly due to the involvement of the RSF's leader, Mohamed Hamdan Dagalo ('Hemedti'), in the negotiations.²³ Under the JPA, the SPLA/M-N Agar – which mainly champions the interests of the minority Ingessana – came to hold the position of *wali* (governor) in Blue Nile and deputy *wali* in South and West Kordofan, with a right to 30% of the executive and legislative bodies in Blue Nile, and South and West Kordofan. The Transitional Government later signed a declaration of principles with the SPLA/M-N al-Hilu on 28 March 2021.²⁴ However, the (already stumbling) process towards a full-fledged peace agreement with the SPLA/M-N al-Hilu was aborted following the military coup d'état launched by the SAF and the RSF on 21 October 2021, which also terminated the Transitional Government.²⁵ The African Union subsequently suspended the Respondent State from all its activities in response to the coup.²⁶
12. Following the October 2021 military coup, al-Burhan appointed a new (de facto) Sovereign Council to govern the Respondent State. Malik Agar of the SPLA/M-N Agar was included as a member, based on the terms of the JPA. As a non-signatory to the JPA, Abdelaziz al-Hilu of the SPLA/M-N al-Hilu was not

¹⁹ Al Jazeera, "Sudan protest leaders, military sign transitional government deal", 17 August 2019, available at: <https://www.aljazeera.com/news/2019/8/17/sudan-protest-leaders-military-sign-transitional-government-deal>.

²⁰ 2019 Constitutional Declaration, available at: https://www.constituteproject.org/constitution/Sudan_2019.pdf?lang=en.

²¹ See for e.g., OCHA, "Sudan Situation Report", 19 December 2019, available at: <https://www.unocha.org/publications/report/sudan/sudan-situation-report-19-dec-2019-enar>; Human Rights Watch, "No Control, No Choice – Lack of Reproductive Care in Nuba Mountains", 1 May 2017, available at: https://www.hrw.org/sites/default/files/report_pdf/sudan0517_web_3.pdf.

²² Juba Peace Agreement, available at: <https://peacemaker.un.org/sites/default/files/document/files/2024/05/juba20agreement20for20peace20in20sudan.pdf>. See International IDEA, "Sudan's 2019 Constitutional Declaration – Its Impact on the Transition", 14 October 2022, available at: <https://www.idea.int/publications/catalogue/sudans-2019-constitutional-declaration-its-impact-transition>.

²³ Around the time, the RSF had launched repeated attacks on the Nuba people in South Kordofan, where the RSF was gaining power (see for e.g., Operation Broken Silence, "Rapid Support Forces Committing Ethnic Cleansing Campaign Near Kadugli", 25 June 2020, available at: <https://operationbrokensilence.org/blog/rapid-support-forces-committing-ethnic-cleansing-campaign-near-kadugli>; Martin Plaut, "Riders on the Storm: Rebels, Soldiers, and Paramilitaries in Sudan's Margins", 28 August 2020, available at: <https://martinplaut.com/2020/08/28/riders-on-the-storm-rebels-soldiers-and-paramilitaries-in-sudans-margins/> (which also provides insights into wider tribal tensions in South Kordofan)). Al-Hilu also argued that the JPA failed to address the root causes of instability in the Respondent State and effectively bought off armed groups with offers of wealth and power sharing.

²⁴ Al Jazeera, "Sudan gov't and SPLM-N sign agreement to pave way for peace talks", 28 March 2021, available at: <https://www.aljazeera.com/news/2021/3/28/sudan-and-main-rebel-group-sign-agreement-to-restart-peace-talks>.

²⁵ BBC News, "Sudan coup: Military dissolves civilian government and arrests leaders", 25 October 2021, available at: <https://www.bbc.co.uk/news/world-africa-59033142>.

²⁶ Tweet from African Union Political Affairs Peace and Security, 27 October 2021, available at: https://x.com/AUC_PAPS/status/1453322633857146888.

granted a position.²⁷ Facing pressure to resume the democratic transition, on 5 December 2022, al-Burhan, Hemedti, and members of the coalition that comprised the civilian component of the previous Transitional Government, signed the Framework Agreement – a new arrangement providing for a two-year power-sharing transition period, after which al-Burhan and Hemedti would ostensibly hand over political power to a fully-civilian government.²⁸ While Malik Agar publicly criticised and claimed to reject the Framework Agreement, he ultimately kept his position within the Respondent State's authorities.²⁹ The Framework Agreement itself was ultimately ill-fated, culminating in the ongoing armed conflict (see **subsection C** below).

Post-coup tribal clashes

13. The coup triggered a series of renewed tribal clashes in Blue Nile and South Kordofan.³⁰ As well as revictimising numerous individuals, these clashes demonstrate the importance of addressing land rights to ensure peace and security in the Respondent State, which is needed to allow full reparation for victims in the present case. For instance, from July to October 2022, clashes erupted in Blue Nile between the Berta and Hamaj peoples and the Hausa tribe.³¹ According to OCHA, as many as 359 people may have been killed during the clashes. A further 469 people were injured, and at least 97,000 people were displaced.³² The African Centre for Justice and Peace Studies also reported allegations that 20 women and girls from the Hausa tribe had been raped.³³ Though the precise root causes of these clashes are complex and multifaceted, at a high level, they are grounded in longstanding tensions over land ownership and ethnic representation in local decision-making.³⁴ This and other

²⁷ Al Jazeera, “[Sudan army chief names new governing Sovereign Council](https://www.aljazeera.com/news/2021/11/11/sudan-army-chief-issues-a-decree-for-new-sovereign-council)”, 11 November 2021, available at:

<https://www.aljazeera.com/news/2021/11/11/sudan-army-chief-issues-a-decree-for-new-sovereign-council>.

²⁸ See for e.g., Dabanga, “[Sudan's long-awaited framework agreement signed between military and civilian bodies](https://www.dabangasudan.org/en/all-news/article/sudan-s-long-awaited-framework-agreement-signed-between-military-and-civilian-bodies)”, 6 December 2022, available at: <https://www.dabangasudan.org/en/all-news/article/sudan-s-long-awaited-framework-agreement-signed-between-military-and-civilian-bodies>.

²⁹ Dabanga “[Opposition parties criticise upcoming FFC agreement with Sudan junta](https://www.dabangasudan.org/en/all-news/article/opposition-parties-criticise-upcoming-ffc-agreement-with-sudan-junta)”, 21 November 2022, available at: <https://www.dabangasudan.org/en/all-news/article/opposition-parties-criticise-upcoming-ffc-agreement-with-sudan-junta>.

³⁰ As one expert explains, “[the] 25 October 2021 coup brought Sudan’s nascent, stumbling transition to a juddering halt, with more adverse political and economic implications on the peripheries. Khartoum’s political turmoil saw old fissures and divisions between ethnic groups resurface almost immediately in South Kordofan [and Blue Nile] as goodwill and optimism over the prospect of a new political and economic landscape dissipated and different identity groups prepared for a return to the more adversarial economic and resource extractive-based military-led political order. These renewed divisions precipitated a new round of low-level conflicts” (Small Arms Survey, “[Nuba Hopes and Fears: Fuelling SPLA-North Mobilization in South Kordofan](https://www.smallarmssurvey.org/resource/nuba-hopes-and-fears-south-kordofan)”, March 2024, available at: <https://www.smallarmssurvey.org/resource/nuba-hopes-and-fears-south-kordofan>).

³¹ Al Jazeera, “[What is behind the tribal violence in Sudan’s Blue Nile State?](https://www.aljazeera.com/news/2022/7/19/whats-behind-tribal-violence-in-sudans-blue-nile-state-explainer)”, 19 July 2022, available at: <https://www.aljazeera.com/news/2022/7/19/whats-behind-tribal-violence-in-sudans-blue-nile-state-explainer>; BBC News, “[Hausas in Sudan: The pilgrims' descendants fighting for acceptance](https://www.bbc.co.uk/news/world-africa-62175714)”, 23 July 2022, available at: <https://www.bbc.co.uk/news/world-africa-62175714>;

³² OCHA, “[Sudan: Conflict in Blue Nile State, Wad Al Mahi locality, Flash Update No. 07](https://www.unocha.org/publications/report/sudan/sudan-conflict-blue-nile-state-wad-al-mahi-locality-flash-update-no-07-3-november-2022)”, 3 November 2022, available at: <https://www.unocha.org/publications/report/sudan/sudan-conflict-blue-nile-state-wad-al-mahi-locality-flash-update-no-07-3-november-2022>.

³³ African Centre for Justice and Peace Studies, “[Blue Nile: Inter-tribal Conflicts Leave Hundreds Killed, Injured and Displaced](http://web.acjps.org/blue-nile-inter-tribal-conflicts-leave-hundreds-killed-injured-and-displaced/)”, 1 August 2022, available at: <http://web.acjps.org/blue-nile-inter-tribal-conflicts-leave-hundreds-killed-injured-and-displaced/>.

³⁴ The SPLA/M-N Agar arguably aggravated these tensions when Ahmed al-Omda – *wali* of Blue Nile and Agar’s nephew – granted a Hausa request for enhanced representation (their own emirate) within the native administration system.³⁴ This decision (which is generally perceived as a political manoeuvre by Agar to garner political support from the Hausa) was viewed as unjust by the Berta and Hamaj. Historically, the Berta and Hamaj were leaders during the sultanate period. A vocal group of members within these tribes consider the Hausa to be ‘settlers’ or ‘non-native’. These members saw the establishment of a Hausa emirate as a threat to their own land rights and therefore supported the continuation of restrictions on the Hausa’s ability to own land. News of a forthcoming Hausa emirate led to calls on social media to strip

recurring tribal violence have roots in decades of ethnic marginalisation, racism, and hate speech in the Respondent State – stoked and instrumentalised by the Respondent State’s authorities to consolidate and protect their political power; and fuelled further by recruitment along tribal lines within the SAF, the RSF, and SPLA/M-N factions.³⁵ Local resistance committees (grassroots pro-democracy groups) accused the Respondent State’s authorities of providing inadequate security in Blue Nile, failing to protect the Hausa and other groups in positions of heightened vulnerability.³⁶

C. Situation between 15 April 2023 and present³⁷

Context to the armed conflict

14. The Framework Agreement signed in December 2022 set out various ‘final issues’ to be resolved prior to signing a final agreement and restarting the democratic transition. The most contentious issue for both the SAF (led by al-Burhan) and the RSF (led by Hemedti) was security sector reform – an issue at the heart of the Respondent State’s cyclical crises. The Framework Agreement required, amongst other things, the RSF to be functionally integrated into the SAF “in accordance with agreed timelines”,³⁸ which would have threatened Hemedti’s power base and political aspirations.³⁹ This issue ultimately overshadowed the wider security sector reform debate, with both sides failing to agree on a timeframe for integration.⁴⁰ Though various actors attempted to mediate the tensions, the people of the Respondent State awoke on 15 April 2023 to heavy exchanges of fire between the RSF and the SAF, both of whom blamed the other for initiating attacks.⁴¹
15. The conflict, which remains ongoing at the time of writing and shows no signs of abating, has since caused unprecedented devastation, characterised by serious and massive violations against civilians throughout large parts of the Respondent State. The SAF, the RSF, and their respective allies have consistently throughout the conflict engaged in urban warfare while battling for control of strategic locations. This has drastically amplified the magnitude of civilian harm caused by the fighting, for instance through the use of indiscriminate air strikes.⁴² Both sides have also attacked civilians in large-scale attacks, deliberately targeting people based on their ethnicity.⁴³ While death toll estimates vary,

the Hausa people of their citizenship and land. Shortly after, the violent clashes began. For detailed analysis, see Sudan Transparency and Policy Tracker, “[Blue Nile, its conflict dynamics, and the potential implications for the wider war in Sudan: 2017-2024](#)”, 24 March 2024, available at: <https://sudantransparency.org/wp-content/uploads/2024/04/BlueNileEN.pdf>; BBC News (n 31).

³⁵ See for e.g., SOAS Centre for Human Rights Law, REDRESS, and ACCESS, “[Deep and harmful: Addressing the root causes of human rights violations and impunity in Sudan and the need for transformative justice](#)”, June 2024, available at: <https://redress.org/storage/2024/07/Submission-to-Sudan-FFM-June-2024.pdf>.

³⁶ Al Jazeera, “[At least 150 killed in two days of fighting in Sudan’s Blue Nile](#)”, 20 October 2022, available at: <https://www.aljazeera.com/news/2022/10/20/sudan-more-than-100-killed-in-two-days-of-fighting>.

³⁷ For additional detail, see REDRESS and SOAS Centre for Human Rights Law, “[Ruining a Country, Devastating its People](#)”, September 2023, available at: <https://redress.org/wp-content/uploads/2023/09/Sudan-report-Ruining-a-Country-Devastating-its-People.pdf>.

³⁸ Section 4, Paragraph 6(c) of the Framework Agreement.

³⁹ See for e.g., Reuters, “[General’s growing political clout poses a risk to Sudan’s transition](#)”, 30 May 2019, available at: <https://www.reuters.com/article/world/generals-growing-political-clout-poses-a-risk-to-sudans-transition-idUSKCN1T0149/>; International Crisis Group, “[Safeguarding Sudan’s Revolution](#)”, 21 October 2019, available at: <https://www.crisisgroup.org/africa/sudan/281-safeguarding-sudans-revolution>.

⁴⁰ Reuters, “[Sudanese talks hit roadblock over security sector reform](#)”, 30 March 2023, available at: <https://www.reuters.com/world/africa/sudanese-talks-hit-roadblock-over-security-sector-reform-2023-03-30/>.

⁴¹ Ibid.

⁴² Ibid.

⁴³ See for e.g., [Report of the Independent International Fact-Finding Mission for the Sudan](#) (A/HRC/60/22), 5 September 2025; REDRESS (n 37).

in testimony to the United States Foreign Affairs Committee in May 2024, the then-United States Special Envoy for Sudan claimed that the true figure could be as high as 150,000.⁴⁴ An estimated 11.8 million people have been forcibly displaced – the largest displacement crisis in the world.⁴⁵

16. In September 2024, REDRESS, the Darfur Network for Human Rights, ACCESS, and SOAS Centre for Human Rights Law found that both the RSF and the SAF are responsible for the arbitrary arrest, arbitrary detention, and torture and cruel, inhuman or degrading treatment or punishment by both sides of thousands of individuals (many of whom are civilians) as part of a shadow war against civil society, human rights defenders, activists, and marginalised communities.⁴⁶ Our findings show that a clear overarching pattern has developed since the earliest stages of the conflict that draws strong parallels to the violations identified by the African Commission in the Merits Decision. In particular, arrests are being conducted ostensibly based on an individual's perceived connection with the "other side", i.e., that they are an intelligence agent, informant, supporter, or sympathiser of the RSF, the SAF, the SPLA/M-N al-Hilu, or another group. These claims, which are often spurious, feed a polarising narrative espoused by the warring parties that is used to justify further targeting of civilians based on, amongst other things, race, ethnicity and ethnic profiling, tribal affiliation, activism, neutrality, profession, and other attributes.

Situation in South Kordofan

17. The people of South Kordofan have been profoundly impacted by the current armed conflict – particularly by the conduct of atrocities within or proximate to South Kordofan, the blockade of key 'artery' roads blocking the delivery of urgently-needed aid, and the inflow of civilians forcibly displaced from other parts of the country, straining already extremely limited supplies.
18. At the start of the conflict, South Kordofan did not witness direct violence. The RSF pulled nearly all its troops out of South Kordofan, and the SAF fighters that remained quickly took control of the RSF camp in the State capital, Kadugli.⁴⁷ During this period, the Nuba Mountains were viewed as one of the safest parts of the country, with approximately 200,000 people fleeing from Khartoum and other conflict-affected States into SPLA/M-N al-Hilu-controlled areas.⁴⁸ In late May 2023, the SPLA/M-N al-Hilu began attacking abandoned and undermanned SAF garrisons in South Kordofan.⁴⁹ From June through to the end of 2023, the SPLA/M-N al-Hilu captured various SAF bases and (unsuccessfully) laid siege on Kadugli and Dilling.⁵⁰ From December 2023, the RSF launched its own attacks to capture key

⁴⁴ United States Foreign Affairs Committee, "[Conflict and Humanitarian Emergency in Sudan: An Urgent Call to Action](https://www.foreign.senate.gov/hearings/conflict-and-humanitarian-emergency-in-sudan-an-urgent-call-to-action)", 1 May 2024, available at: <https://www.foreign.senate.gov/hearings/conflict-and-humanitarian-emergency-in-sudan-an-urgent-call-to-action>.

⁴⁵ UN International Organization for Migration, "[DTM Sudan Mobility Update \(21\)](https://dtm.iom.int/reports/dtm-sudan-mobility-update-21)", August 2025, available at: <https://dtm.iom.int/reports/dtm-sudan-mobility-update-21?close=true>.

⁴⁶ REDRESS, Darfur Network for Human Rights, ACCESS, and SOAS Centre for Human Rights Law, "[Serious Human Rights Violations Perpetrated in the Context of Mass Civilian Detention in Sudan](https://redress.org/wp-content/uploads/2024/09/Sudan-Arbitrary-Detention-Report_EN-v.5.pdf)", September 2024, available at: https://redress.org/wp-content/uploads/2024/09/Sudan-Arbitrary-Detention-Report_EN-v.5.pdf.

⁴⁷ Small Arms Survey (n 30).

⁴⁸ Operation Broken Silence, "[War clouds loom over Sudan's Nuba Mountains](https://operationbrokensilence.org/blog/war-clouds-loom-over-sudans-nuba-mountains)", June 2023, available at: <https://operationbrokensilence.org/blog/war-clouds-loom-over-sudans-nuba-mountains>.

⁴⁹ Sudan Akhbar, "[South Kordofan: Hilu Mobilizes a Large Armed Force Amid Fears](https://www.sudanakhbar.com/1396303)" [Arabic], 9 June 2023, available at: <https://www.sudanakhbar.com/1396303>.

⁵⁰ See for e.g., Small Arms Survey (n 30); Dabanga, "[Battles persist over key areas in Sudan's South Kordofan](https://www.dabangasudan.org/en/all-news/article/battles-persist-over-key-areas-in-sudans-south-kordofan)", 22 June 2023, available at: <https://www.dabangasudan.org/en/all-news/article/battles-persist-over-key-areas-in-sudans-south-kordofan>; The Guardian, "[Thousands flee homes after rebel attack in southern Sudan city](https://www.theguardian.com/world/2023/aug/20/thousands-flee-homes-after-rebel-attack-in-southern-sudan-city)", 20 August 2023, available at: <https://www.theguardian.com/world/2023/aug/20/thousands-flee-homes-after-rebel-attack-in-southern-sudan-city>.

areas in South Kordofan, including Habila and Dilling.⁵¹ In the aftermath, Human Rights Watch researchers documented the RSF's killing of 56 unarmed people – "execution-style in homes and by shooting them on the streets" – as well as the rape of 79 women and girls, including in the context of sexual slavery.⁵² Human Rights Watch found that the RSF mainly targeted ethnic Nuba. From this period onwards until the rainy season (~July 2024), the RSF and the SPLA/M-N al-Hilu continued to attack SAF-controlled areas in South Kordofan. Elements of the SPLA/M-N al-Hilu also sometimes joined the SAF to repel RSF attacks.⁵³ Following the rainy season, the Respondent State opened Kadugli Airport for humanitarian flights, and materials were airdropped into areas controlled by the SAF and the SPLA/M-N al-Hilu – reportedly both aid as well as military supplies.⁵⁴

19. From the start of the conflict, the majority of the Nuba people (the SPLA/M-N al-Hilu's main constituency) came to nominally prefer a SAF victory. This is because, although the Nuba had been victimised by both the SAF and the RSF (including as detailed in the Merits Decision (2011-2013) and this submission on remedies and reparation (2013-present)), the SAF has a strong Nuba contingent⁵⁵ and are generally perceived as less violent than the RSF. There were also fears within the Nuba community that a situation might unfold similar to the RSF's brutal ethnic targeting of the Masalit in El-Geneina, West Darfur, where the UN Panel of Experts estimates that between 10,000 and 15,000 people were killed.⁵⁶ However, in February 2025, the SPLA/M-N al-Hilu exceptionally aligned with the RSF, jointly announcing plans to form a 'parallel government' alongside other armed groups.⁵⁷ It has been met with mixed reception within the Nuba community. While many Nuba hope that the partnership may protect them from further violence and facilitate the delivery of urgently needed aid, those who have been victimised by the RSF (some as recently as weeks before the deal was announced) are generally more sceptical.⁵⁸ The deal is also likely to bring atrocities closer to the Nuba

⁵¹ Dabanga, "Hunger in South Kordofan's Dalami as calm returns after fighting", 28 January 2024, available at: <https://www.dabangasudan.org/en/all-news/article/hunger-spreading-in-south-kordofan-dalami-as-calm-returns-after-fighting>; African Centre for Justice and Peace Studies, "Conflict and Human Rights Violations in South Kordofan State", 9 May 2024, available at: <https://www.acjps.org/publications/conflict-and-human-rights-violations-in-south-kordofan-state>.

⁵² Human Rights Watch, "Sudan: War Crimes in South Kordofan", 10 December 2024, available at: <https://www.hrw.org/news/2024/12/10/sudan-war-crimes-south-kordofan>. See also [African Commission Report of the African Commission FFM](#), 16 July 2025, pp. 27, 40, 68, available at: <https://achpr.au.int/en/documents/2025-10-21/fact-finding-mission-human-rights-situation-sudan>.

⁵³ Sudan Tribune, "Sudanese army breaks SPLM-N siege on Dilling, South Kordofan", 31 July 2024, available at: <https://sudantribune.com/article/288901>.

⁵⁴ Sudan Tribune, "SPLM-N: Sudanese army preparing offensive in South Kordofan", 23 October 2024, available at: <https://sudantribune.com/article/292460>; Dabanga, "First WFP convoy reaches North Darfur camp since famine declared", 25 November 2024, available at: <https://www.dabangasudan.org/en/all-news/article/first-wfp-convoy-reaches-north-darfur-camp-since-famine-declared>; Darfur Follow-ups, "Systematic Breaches of Humanitarian Agreements: The Sudanese Military's Exploitation of Aid Operations", 30 December 2024, available at: <https://en.darfurfollowups.org/2024/12/30/systematic-breaches-of-humanitarian-agreements-the-sudanese-militarys-exploitation-of-aid-operations/>.

⁵⁵ Small Arms Survey (n 30).

⁵⁶ [Final report of the Panel of Experts on the Sudan](#) (S/2024/65), 15 January 2024, available at: <https://docs.un.org/en/S/2024/65>.

⁵⁷ See for e.g., Al Jazeera, "Sudan's RSF, accused of genocide, signs charter to form rival government", 23 February 2025, available at: <https://www.aljazeera.com/news/2025/2/23/sudans-rsf-allies-sign-charter-for-rival-government-despite-criticisms>. This partnership between the RSF and SPLA/M-N al-Hilu is largely perceived as an uneasy concession made out of necessity in view of the RSF's control of nearby States (particularly most of Darfur) but waning control of Khartoum and Gezira, the proximity of South Kordofan to South Sudan (enabling the flow of weapons and supplies), the geography of the Nuba Mountains (which favours 'defensive' military manoeuvres), as well as a bid by a non-JPA signatory for political power (in the usual way that such power has long been brokered in the Respondent State).

⁵⁸ See for e.g., Al Jazeera, "Deep in Sudan's Nuba Mountains", 19 August 2025, available at: <https://www.aljazeera.com/features/longform/2025/8/19/inside-the-nuba-mountains-and-the-alliance-reshaping-sudans-civil-war>.

Mountains. Since the agreement, the SPLA/M-N al-Hilu and the RSF collectively control large parts of South Kordofan, as well as pockets of Blue Nile. Their forces continue to besiege (the Respondent State-controlled) Kadugli and Dilling, with civilians caught in the crossfire of deliberate and indiscriminate attacks.⁵⁹ Due to the persistent fighting, continued blocking of key roads, and appropriation of aid by the warring parties, South Kordofan has faced a protracted food security crisis, as well as profound shortages of vital medicines and safe water.⁶⁰ For instance, more than 63,000 children in South Kordofan suffer from acute malnutrition.⁶¹ In a recent update, OCHA found that:

“The Kordofan region is sliding deeper into a humanitarian catastrophe as fighting intensifies, blockades tighten and civilians endure siege-like conditions.

The UN has verified significant civilian casualties from airstrikes and ground assaults, with schools and health facilities increasingly targeted. Civilians are bearing the brunt of violence, with close to 1 million internally displaced people straining already fragile systems.”⁶²

Situation in Blue Nile

20. The people of Blue Nile have also been significantly impacted by the current armed conflict. Parts of Blue Nile have been directly attacked by the SPLA/M-N al-Hilu and the RSF. In response, the Respondent State’s authorities – who control most of Blue Nile – have arbitrarily arrested, detained, tortured, and killed civilians based on their alleged affiliation with the SPLA/M-N al-Hilu or the RSF. Like the Nuba Mountains, Blue Nile has also received large communities of displaced persons from neighbouring States, including Khartoum and Sennar, exacerbating humanitarian needs that predate the conflict.⁶³
21. Blue Nile similarly did not face direct violence at the start of the conflict. However, from 25-26 June 2023, the SPLA/M-N al-Hilu attacked the Respondent State-controlled city of Kurmuk.⁶⁴ Reportedly, more than 32,000 people were displaced, including more than 3,000 people crossing into Ethiopia. From this period onwards, the Respondent State’s authorities launched a security crackdown, targeting civilians in a similar manner to that described in the Merits Decision. Members and allies of the SAF are reported to have robbed, attacked, tortured, and killed civilians in Blue Nile.⁶⁵ In early

⁵⁹ See for e.g., The New Arab, “[Sudan crisis: Civilians struggle to survive in cities starved under siege](https://www.newarab.com/news/sudanese-struggle-survive-cities-starved-under-siege)”, 6 October 2025, available at: <https://www.newarab.com/news/sudanese-struggle-survive-cities-starved-under-siege>; Sudan Tribune, “[RSF drone strikes kill at least 10 civilians in Sudan’s Kordofan – sources](https://sudantribune.com/article/301392)”, 28 May 2025, available at: <https://sudantribune.com/article/301392>.

⁶⁰ For an overview, see for e.g., OCHA, “[Sudan Humanitarian Update \(August - September 2025\)](https://www.unocha.org/publications/report/sudan/sudan-humanitarian-update-august-september-2025)”, 25 September 2025, available at: <https://www.unocha.org/publications/report/sudan/sudan-humanitarian-update-august-september-2025>; OCHA, “[Sudan: Kordofan States Humanitarian Access Snapshot \(May 2025\)](https://www.unocha.org/publications/report/sudan/sudan-kordofan-states-humanitarian-access-snapshot-may-2025)”, 29 May 2025, available at: <https://www.unocha.org/publications/report/sudan/sudan-kordofan-states-humanitarian-access-snapshot-may-2025>.

⁶¹ UNICEF, “[After months of siege, UNICEF convoy reaches South Kordofan with lifesaving supplies for children](https://www.unicef.org/sudan/press-releases/after-months-siege-unicef-convoy-reaches-south-kordofan-lifesaving-supplies-children)”, 24 August 2025, available at: <https://www.unicef.org/sudan/press-releases/after-months-siege-unicef-convoy-reaches-south-kordofan-lifesaving-supplies-children>.

⁶² OCHA Sep 25 (n 60).

⁶³ See for e.g., OCHA, “[Inter-Agency Rapid Needs Assessment Report - Blue Nile State, 26 February 2024](https://www.unocha.org/publications/report/sudan/inter-agency-rapid-needs-assessment-report-blue-nile-state-26-february-2024/)”, 20 February 2024, available at: <https://www.unocha.org/publications/report/sudan/inter-agency-rapid-needs-assessment-report-blue-nile-state-26-february-2024/>.

⁶⁴ Dabanga, “[Sudan army claims victory over rebel fighters in Blue Nile region](https://www.dabangasudan.org/en/all-news/article/sudan-army-claims-victory-after-battles-with-rebel-fighters-in-blue-nile-region)”, 28 June 2023, available at: <https://www.dabangasudan.org/en/all-news/article/sudan-army-claims-victory-after-battles-with-rebel-fighters-in-blue-nile-region>.

⁶⁵ See for e.g., Darfur Network for Human Rights, “[The state of Blue Nile is currently facing unlawful killings by militias and the Sudanese Armed Forces \(SAF\)](https://dnhr.org/2023/09/18/unlawful-killings-civilians-by-militias-and-the-sudanese-armed-forces/)”, 18 September 2023, available at: <https://dnhr.org/2023/09/18/unlawful-killings-civilians-by-militias-and-the-sudanese-armed-forces/>; African Centre for Justice and Peace Studies, “[Sudan Blue Nile](#)”

August 2024, the RSF first attacked SAF forces in Blue Nile.⁶⁶ From then on, there has been sporadic fighting between the parties.⁶⁷ At the time of writing, the SAF controls most of Blue Nile. The remainder is mostly controlled by the SPLA/M-N al-Hilu and the RSF. The SAF-allied SPLA/M-N Agar also controls a small area of Blue Nile in its own right. The Respondent State's authorities have continued to target civilians. For instance, Ayin Network reported that Military Intelligence had arrested a group of 13 people, including two women, in Ad-Damazin, the capital of Blue Nile. The whereabouts and fates of these individuals are unclear, although community actors believe at least nine of them have died as a result of injuries sustained during their torture.⁶⁸

Current status of the Respondent State's authorities and the RSF's 'parallel government'

22. The Respondent State's authorities generally remain functional at the national level, although their operations have been significantly impacted by the armed conflict – especially at a local level in States with active conflict. The Respondent State's authorities continue to devote considerable resource to the armed conflict, particularly recruitment and the provision of supplies and intelligence for the SAF and allied bodies (such as the Central Reserve Police). They have also continued aspects of State-wide governance, for instance, enacting various legal and constitutional reforms, prosecuting individuals for alleged crimes linked to the conflict, and overseeing key revenue-generating activities (such as gold mining). Policing, security, and intelligence units overseen by the Respondent State have launched various crackdowns on civilians, ostensibly to manage the security situation.⁶⁹
23. The key actors who hold political power within the Respondent State's authorities have largely remained the same since the October 2021 military coup, which caused the African Union to suspend the Respondent State's membership. However, there have been two significant developments which the African Commission should note in its engagement with the Respondent State:
 - a) On 23 February 2025, the Respondent State's Sovereign Council approved amendments to the 2019 Constitutional Declaration, unilaterally extending the transition period and excluding civilian forces involved in the revolution that ultimately ousted Omar al-Bashir.⁷⁰ On 19 May 2025, Burhan (acting as (de facto) Head of the Sovereign Council) appointed a new civilian Prime Minister, Kamil Idris, as well as several new members of the Sovereign Council.⁷¹ Idris dissolved

Region: Military Intelligence Unit of the Sudanese Army at the Forefront of Human Rights Violations in Al-Damazin Town", 10 September 2023, available at: <https://web.acips.org/sudan-blue-nile-region-military-intelligence-unit-of-the-sudanese-army-at-the-forefront-of-human-rights-violations-in-al-damazin-town/>.

⁶⁶ ACLED, "Artillery shelling and airstrikes surge in Sudan - September 2024", 16 September 2024, available at: <https://acleddata.com/report/artillery-shelling-and-airstrikes-surge-sudan-september-2024>.

⁶⁷ See for e.g., Sudan Tribune, "Fighting erupts in Sudan's Blue Nile and White Nile states", 8 December 2024, available at: <https://sudantribune.com/article/294392>; AA, "Sudanese army says it regained control of key areas in Blue Nile state from RSF", 26 June 2025, available at: <https://www.aa.com.tr/en/africa/sudanese-army-says-it-regained-control-of-key-areas-in-blue-nile-state-from-rsf/3613563>.

⁶⁸ Ayin Network, "Increasing hardships for Blue Nile State amidst conflict and influx of newly displaced", 11 May 2025, available at: <https://3ayin.com/en/blue-nile-3/>.

⁶⁹ See for e.g., REDRESS (n 46); Radio Tamazuj, "Emergency law stifles freedom of expression in Blue Nile", 29 May 2024, available at: <https://www.radiotamazuj.org/en/news/article/emergency-law-stifles-freedom-of-expression-in-blue-nile>.

⁷⁰ Dabanga, "Legal expert: Constitutional amendments 'give Sudan military absolute control'", 26 February 2025, available at: <https://www.dabangasudan.org/en/all-news/article/legal-expert-constitutional-amendments-give-sudan-military-absolute-control>.

⁷¹ Sudan Tribune, "Sudan's Burhan appoints Kamil Idris as prime minister, two women to Sovereign Council", 19 May 2025, available at: <https://sudantribune.com/article/301073>.

the authorities that had remained following the coup,⁷² and has since formed a new de facto administration.⁷³ Burhan claims to have cancelled the oversight previously held by the Sovereign Council over Respondent State ministries,⁷⁴ and Idris has branded the new administration a ‘non-partisan technocratic government’.⁷⁵ However, experts view the new administration – which is not democratically or constitutionally legitimised – as a front to appease third States demanding a civilian government.⁷⁶ Following a campaign by Burhan and the Respondent State’s authorities calling for the African Union to reinstate the Respondent State’s membership, Idris claimed that the appointment of a civilian Prime Minister and so-called government of independent experts meant that the Respondent State had met all the conditions to be reinstated.⁷⁷ On 4 August 2025, after its 1293rd meeting on Update on the Situation in Sudan, the AU Peace and Security Council adopted a Communiqué that, amongst other things “[t]akes note of the progress made [...] as [the Respondent State’s authorities] strive to make the transitional process more inclusive, until consensual arrangements are reached that meet the aspirations of the Sudanese people towards smoothly returning Sudan to constitutional order”.⁷⁸ The Council did not comment on the Respondent State’s membership suspension.

- b) Following the start of the armed conflict, representatives of the RSF were removed from key positions within the Respondent State’s authorities. For instance, Hemedti, formerly Burhan’s deputy, was removed as Deputy Chair of the Sovereign Council and replaced by Agar.⁷⁹ Later, in February 2025, the RSF signed a charter with various allied political and armed groups (including the SPLA/M-N al-Hilu) to establish a “government of peace and unity”.⁸⁰ In July 2025, the so-called Tasis Alliance unveiled its ‘parallel government’, with Hemedti and Abdelaziz al-Hilu as Chair and Deputy Chair, respectively, of its 15-member Presidential Council.⁸¹ The parallel government has been widely rejected, including by the AU Peace and Security Council and the UN Security Council.⁸²

⁷² Sudan Tribune, “[Sudan’s transitional government dissolved, new administration awaited](https://sudantribune.com/article/301510)”, 1 June 2025, available at: <https://sudantribune.com/article/301510>.

⁷³ Sudan Tribune, “[Sudan’s PM unveils ‘Hope Government’, rejects political quotas](https://sudantribune.com/article/302065)”, 19 June 2025, available at: <https://sudantribune.com/article/302065>.

⁷⁴ Sudan Tribune, “[Sudan’s new Prime Minister Idriss sworn in](https://sudantribune.com/article/301502)”, 1 June 2025, available at: <https://sudantribune.com/article/301502>.

⁷⁵ Sudan Tribune, “[Sudan’s PM unveils ‘Hope Government’, rejects political quotas](https://sudantribune.com/article/302065)”, 19 June 2025, available at: <https://sudantribune.com/article/302065>.

⁷⁶ It is highly likely that military actors within the Sovereign Council will continue to exert a controlling influence over key political decisions. For instance, ministers have been (re)appointed representing the interests of armed movements allied with the SAF, based on the terms of the JPA (Sudan Tribune, “[Sudan PM appoints five new ministers, including three from allied armed groups](https://sudantribune.com/article/302908)”, 15 July 2025, available at: <https://sudantribune.com/article/302908>).

⁷⁷ Sudan Tribune, “[Sudan urges AU to lift suspension, cites new civilian government](https://sudantribune.com/article/303419)”, 30 July 2025, available at: <https://sudantribune.com/article/303419>.

⁷⁸ AU Peace and Security Council, [Communiqué on 4 August 2025](https://papsrepository.africanunion.org/entities/publication/b7cb98bb-65a8-4adc-a071-910ac50f1b54) (PSC/PR/COMM.1293 (2025)), available at: <https://papsrepository.africanunion.org/entities/publication/b7cb98bb-65a8-4adc-a071-910ac50f1b54>.

⁷⁹ Dabanga, “[El Burhan sacks Hemedti as Sudan TSC V-P, appoints Malik Agar](https://www.dabangasudan.org/en/all-news/article/el-burhan-sacks-hemedti-as-sudan-tsc-v-p-appoints-malik-agar)”, 21 May 2023, available at: <https://www.dabangasudan.org/en/all-news/article/el-burhan-sacks-hemedti-as-sudan-tsc-v-p-appoints-malik-agar>.

⁸⁰ Reuters, “[Sudan’s RSF, allies sign charter to form parallel government, two signatories say](https://www.reuters.com/world/africa/sudans-rsf-allied-groups-sign-charter-form-parallel-government-two-signatories-2025-02-22/)”, 22 February 2025, available at: <https://www.reuters.com/world/africa/sudans-rsf-allied-groups-sign-charter-form-parallel-government-two-signatories-2025-02-22/>.

⁸¹ Al Jazeera, “[Why Sudan’s RSF chose this parallel government ahead of peace talks](https://www.aljazeera.com/news/2025/7/28/why-sudans-rsf-chose-this-parallel-government-ahead-of-peace-talks)”, 28 July 2025, available at: <https://www.aljazeera.com/news/2025/7/28/why-sudans-rsf-chose-this-parallel-government-ahead-of-peace-talks>.

⁸² AU PSC (n 78); UN, “[Security Council Press Statement on Sudan](https://press.un.org/en/2025/sc16144.doc.htm)”, 13 August 2025, available at: <https://press.un.org/en/2025/sc16144.doc.htm>.

D. Conclusion

24. In order to produce reparation orders that are effective despite the present armed conflict in Sudan, the African Commission must engage closely with the Respondent State's recent history. The African Commission should take particular note of the following:

- a) **Many of the victims and victimised communities in the present case have since been revictimised, compounding the harms that they have suffered.** Various perpetrators are responsible for this. Violations have been committed by Respondent State forces in South Kordofan and Blue Nile. The SAF, RSF, and SPLA/M-N al-Hilu are particularly implicated in widespread violations of international human rights law and international humanitarian law – once again victimising civilians in South Kordofan and Blue Nile.⁸³ Many civilians from these States have been (re)displaced to South Sudan and Ethiopia.
- b) **Divisions along tribal lines have fuelled atrocities and must be addressed as part of any reconciliation process.** The split of the SPLA/M-N and subsequent infighting has, for instance, entrenched divisions between the Nuba and Ingessena, both of whom were victimised by the Respondent State in the present case. These dynamics have been further complicated by armed groups recruiting along tribal lines, as well as the SPLA/M-N al-Hilu's affiliation with the RSF. Meanwhile, tribal clashes in Blue Nile from July to October 2022 between the Berta and Hamaj peoples and the Hausa tribe are emblematic of a wider campaign of ethnic marginalisation led by the Respondent State's authorities. This campaign has produced significant power and wealth disparities, as well as tensions with customary decision-making processes – particularly those related to land rights. For any reparation process to be effective, it must engage with the polarising and fractured social dynamics in the Respondent State, as well as address the root causes of communal conflicts and so-called rebellions.
- c) **Flawed peacemaking processes have failed to produce long-term stability in the Respondent State.** The JPA, the agreement establishing the Transitional Government, and the Framework Agreement, each demonstrate a long-standing pattern of 'negative peacemaking' in the Respondent State, whereby short-term ceasefires are prioritised over effective criminal accountability and other measures that directly challenge structural violence.⁸⁴ Any reparation process must address this issue in order to produce long-term peace and security, properly address the victimisation of the Nuba as a people in the present case, and guarantee the non-recurrence of the violations.
- d) **The Respondent State's authorities remain functioning, though significantly affected by the current armed conflict.** As the Respondent State's authorities, the new administration formed this year is bound by the international legal obligations of the Respondent State, including taking all measures to avoid the ongoing violence and ensuring the provision of reparation to victims (including preventing the recurrence of the violations). However, like its predecessor, the administration is not democratically or constitutionally legitimised. It is seen by many experts as a front to appease external actors. It is highly likely that military actors will continue to exert a controlling influence over key political decisions. Any reparation process must engage

⁸³ See for e.g., African Commission FFM (n 52), pp. 11, 40-45, 54-55, 62, and 67.

⁸⁴ See for e.g., SOAS (n 35).

with these evolving dynamics, including the Respondent State's limited institutional and practical capacity to implement full reparation at the time being, as well as the Respondent State's authorities' lack of democratic and constitutional legitimacy, and the continued influence of military actors in political decision-making.

- e) **The armed conflict currently poses significant challenges for the effective implementation of reparation in South Kordofan and Blue Nile.** As noted above, it has not been possible to consult with the victims and their victimised communities due to ongoing violence in the Respondent State. Therefore, an implementation process is required whereby the African Commission can decide on the implementation of reparation orders at a later stage once consultation and meaningful participation with the victims is feasible.⁸⁵ The context also calls for close monitoring of the implementation of the Merits Decision and coordination by the different bodies of the African Commission and the African Union with the Respondent State, particularly to ensure implementation of non-repetition measures that avoid the recurrence of similar violations in the future.

⁸⁵ See for e.g., African Commission, [General Comment No. 4 on the African Charter on Human and Peoples' Rights: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment \(Article 5\)](https://africanlii.org/en/akn/aa-au/doc/general-comment/achpr/2017-03/general-comment-no-4-the-right-to-redress-for-victims-of-torture-and-other-cruel-inhuman-or-degrading-punishment-or-treatment/eng@2017-03-04) ('General Comment No. 4'), para. 18 ("Victims should be enabled to play active and participatory roles in the process of obtaining redress, without fear of stigma and reprisals"), available at: <https://africanlii.org/en/akn/aa-au/doc/general-comment/achpr/2017-03/general-comment-no-4-the-right-to-redress-for-victims-of-torture-and-other-cruel-inhuman-or-degrading-punishment-or-treatment/eng@2017-03-04>.

III. REMEDIES AND REPARATION

A. Introduction

25. In its Merits Decision, the African Commission found the Respondent State responsible for violating Articles 1 (respect for African Charter rights), 2 (right to enjoyment of African Charter rights without distinction), 3(2) (equal protection of the law), 4 (right to life and integrity of the person), 6 (right to liberty), 7(1)(a) (right to fair trial and effective remedies), 12(1) (freedom of movement), 14 (right to property), 16 (right to health), 18 (right to family), 19 (right to equality), 20 (rights to existence and self-determination), 21 (right to freely dispose of wealth and obligation to compensate for despoilation of property) and 23 (right to national peace and security) of the African Charter.
26. The African Commission issued various initial reparation orders in the Merits Decision, including for the Respondent State to release all arbitrarily detained civilians and reform its national laws (e.g., by repealing immunity laws). The African Commission also invited the parties to make further submissions on remedies and reparation. This submission therefore provides guidance to the African Commission on the implementation of those initial orders and details the additional measures – such as compensation and rehabilitation – that are required for the Respondent State to discharge its obligation to provide full reparation to the victims.
27. The present circumstances (particularly the large number of victims and the profound impact of the ongoing armed conflict) pose considerable obstacles to the Respondent State's immediate implementation of full reparation. The reparation measures ordered by the African Commission (whether in the Merits Decision or subsequently) must also be properly situated within the evolving context in the Respondent State, especially those addressing structural aspects underpinning the violations. Accordingly, to assist the African Commission in the sequencing of its reparation orders, **Subsections B to F** below provide recommendations to inform the African Commission's reparation orders, based on the five forms of reparation recognised in General Comment No. 4⁸⁶ and the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.⁸⁷ These recommendations are divided into:
- a) urgent interim reparation measures that may be possible to implement in the present situation; and
 - b) full reparation that it is only possible (or desirable) to implement following a comprehensive cessation of hostilities or establishment of a genuine civilian government.

B. Restitution

28. The Respondent State is obliged to provide measures of restitution, which are designed to restore victims to their original situation before the violation(s) occurred, to the extent possible.

⁸⁶ Ibid, para. 10.

⁸⁷ [UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#) (A/RES/60/147), 21 March 2006 (the 'Basic Principles and Guidelines').

Urgent interim reparation

29. In its Merits Decision, the African Commission urged the Respondent State to guarantee all the rights found to have been violated in the Complaints in accordance with its obligation under Article 1. The Respondent State should therefore:

- a) **immediately release all arbitrarily detained civilians and ensure that those detained on a lawful basis enjoy full due process rights (as ordered by the African Commission in the Merits Decision).** At present, the Respondent State is in a position to release those detained in detention sites under its control. The Respondent State's authorities should release any individuals arbitrarily detained during the period addressed in the Complaints and who remain in detention, as well as those arbitrarily detained in the years that followed. As set out in para. 16 above, the SAF and other forces connected with the Respondent State continue to arrest and detain civilians, including the Nuba, ostensibly based on their perceived affiliation with the SPLA/M-N al-Hilu or the RSF. This is materially the same logic as was previously used by the Respondent State to justify its prior campaign of arrests, detention, and torture and ill-treatment in South Kordofan and Blue Nile (which the African Commission found to violate Articles 5 and 6).

All other civilians arrested should be promptly brought before a judge and released if not charged with a recognisable offence in accordance with international law standards. In areas where local courts are non-functional due to the conflict, alternative arrangements should be made to ensure adequate judicial review and oversight, including using courts, judges, and prosecutors located in other states as appropriate. The Respondent State should also quash any wrongful convictions and related criminal records;

- b) **urge other parties controlling territory in the Respondent State to ensure the immediate release of all arbitrarily detained civilians in areas under their control.** This should include those detained in areas of South Kordofan and Blue Nile that are presently controlled by the RSF and the SPLA/M-N al-Hilu. The RSF and the SPLA/M-N al-Hilu are not affiliated with the Respondent State and do not have legal powers to arrest civilians. There is therefore no lawful basis pursuant to which civilians may be detained by either force;
- c) **issue replacement documentation where required,** for instance, for any passports, national identification cards, and birth, marriage, and death certificates that were lost, destroyed, or otherwise abandoned during the atrocities. It may be viable to begin this process now for victims based in some parts of Blue Nile as well as other States in Sudan that are not experiencing active conflict. Over time, this should be expanded to cover all victims, including victims in South Kordofan and those displaced to South Sudan and Ethiopia; and
- d) **provide appropriate housing and basic needs to displaced persons in areas under its control (as ordered by the African Commission in the Merits Decision)** in accordance with the UN Guiding Principles on Internal Displacement and the AU Convention for the protection and assistance of internally displaced persons ('IDPs') in Africa. This should include ensuring access to clean water, food, sanitation, and health care. The Respondent State's authorities should also, as recommended by the African Commission FFM, demilitarise civilian areas and critical

infrastructure by ordering the withdrawal of armed actors from hospitals, schools, markets, and places of worship, and prohibit the use of such spaces for military purposes.⁸⁸

Full reparation

30. The Respondent State should:

- a) **ensure the safe, voluntary return of the displaced persons to their communities as soon as the situation allows (as ordered by the African Commission in the Merits Decision).** This should include establishing pathways for the resettlement of all civilians in IDP camps or otherwise internally displaced, as well as those displaced as refugees to South Sudan and Ethiopia. The Respondent State should also guarantee the safety of those community members who decide to return. While voluntary return is unlikely to be feasible at the time of this submission – especially for those displaced from conflict-affected areas in South Kordofan and Blue Nile – the Respondent State’s authorities can already take preparatory steps to facilitate this process. For instance, the Respondent State should gather data on the number, whereabouts, and contact details of victims who remain displaced. The Respondent State should also support the reunification of families separated due to the violations;
- b) **commit to the repair or reconstruction (as applicable) of civilian homes and infrastructure destroyed as a result of the Respondent State’s violations,** ensuring that the people of South Kordofan and Blue Nile (including any returnees) are guaranteed a proper quality of life. This should include property and infrastructure further damaged or destroyed during the ongoing conflict, for instance, education, health, water, and agricultural services. It should also include restitution of private and communal lands and works or services of collective interest for the benefit of the community, with their common agreement. Restoring farmland and forested areas will be particularly crucial to addressing the needs of the relevant communities and breaking cycles of armed atrocities. In the words of one expert:

“In areas where Nuba have traditionally maintained a strategically diverse set of means of food production and livelihoods, the loss of farmland and forested areas during the 2011–16 conflict with the government has been particularly galling for Nuba identities and put new, extreme pressures on Nuba communities’ economies, livelihoods, and food security. The SPLM-N has chafed at the loss, over decades, of key agricultural land in lowland areas to government-backed Arab militias. An emerging sense of the need to assure self-sufficiency—particularly given the state’s new level of isolation—has boosted the importance of recapturing that land [during the ongoing conflict] to provide food security”.⁸⁹

Where it is not possible to repair or reconstruct the property, or return the Nuba people to their land, the Respondent State should properly compensate victims for their loss; and

- c) **conduct a full assessment of the nature of collective harm suffered by the victimised communities and design additional redress measures to address their specific needs.** The African Commission found that the Respondent State had violated the collective rights of the

⁸⁸ African Commission FFM (n 52), p. 101.

⁸⁹ Small Arms Survey (n 30).

Nuba people. Other violations, while perpetrated against individual persons, would also have impacted the Nuba as a group, given that they were often targeted collectively. The Respondent State should therefore conduct a comprehensive assessment of the collective harm experienced by the Nuba people in order to inform the design of appropriate redress measures (which should not be a substitute for individuals' right to reparation). As set out in General Comment No. 4:

“State Parties shall determine the appropriate form(s) and content of reparation by following a process that is sensitive to the collective harm suffered. Victims who are part of a collective may have varying opinions and needs on the nature or form of the reparation they seek. State Parties shall ensure that there is full and informed participation of the collective in the reparation process, and special measures may need to be taken to ensure that the voices of the most at risk members of the collective can be heard and taken into account.”⁹⁰

C. Compensation

31. The Respondent State is obliged to provide fair, adequate, and proportionate compensation for the material and non-material harm suffered by the victims as a result of the violations. In its Merits Decision, the African Commission did not order the Respondent State to pay compensation to the victims but granted the Complainant's request to provide additional information. As mentioned above, the ongoing conflict has prevented the Complainants from gathering direct information from the victims and their civil society representatives to assess the scope of material and moral harm caused and propose a specific amount of compensation to the African Commission. We therefore request the African Commission to allow the submission of additional arguments on compensation when proper consultation with the victims is feasible.

Urgent interim reparation

32. **The Respondent State should provide interim compensation payments to victims**, prioritising in particular categories of victims with urgent needs, such as survivors of torture and conflict-related sexual violence, as well as those forcibly displaced to IDP camps in the Respondent State. According to local reports in the Respondent State, the Attorney General recently met with the (de facto) Sovereign Council to discuss various legal amendments, including a draft law on compensating war victims.⁹¹ While any compensation scheme that arises under this initiative will very likely be confined to victims of crimes committed by the RSF and its affiliates on or after 15 April 2023, the African Commission should encourage the Respondent State to expand it to cover the violations identified in the Merits Decision. Interim compensation could take the form of a one-time payment designed to provide initial relief despite the conflict context. As a result of violations, victims often endure physical and psychological harm as well as social and economic challenges. Delayed reparation can exacerbate these issues, compounding the harms that victims suffer. In this case, victims have already been waiting almost 15 years for any meaningful form of reparation, compensation or otherwise.

⁹⁰ General Comment No. 4 (n 85), para. 52.

⁹¹ Sudan Tribune, “[Sudan reviews legal reforms, war crimes cases: state media](https://sudantribune.com/article/298979)”, 24 March 2025, available at: <https://sudantribune.com/article/298979>.

Full reparation

33. **The Respondent State should provide adequate compensation payments to all victims.** For the compensation to be adequate, it needs to reflect the circumstances of the present case, the gravity of the violations committed by the Respondent State, and the harms suffered by the victims. The UN Basic Principles and Guidelines provide that “[c]ompensation should be awarded for “any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case”. This includes physical or mental harm, lost opportunities such as employment, education or social benefits, material damages including loss of earning potential, moral damage, and costs incurred for legal assistance, medical services, and psychological and social services. In the present case, this should include compensation to the next of kin of those killed or forcibly displaced (who are themselves likely to be victims) for any mental harm and loss of earnings, pension arrangements for those no longer able to work as a result of injuries sustained as a result of the Respondent State’s violations, and support for housing, income-generating activities, and education (in each case, as applicable).

Given the sheer scale of harm inflicted and the large number of victims, the Respondent State may elect to establish a domestic reparation programme to register, verify, and assess complaints.⁹² As recommended by the African Commission FFM, the Respondent State’s authorities should also support the establishment of a National Reparations Fund to make compensation payments to individual victims.⁹³ This Fund should be supervised by an independent commission, maintain robust transparency arrangements and anti-corruption safeguards, and be administered in cooperation with victims’ associations and trusted civil society actors. The Respondent State should use its best endeavours to identify and provide reparation to all victims, including those based outside the country (e.g., victims located in South Sudan and Ethiopia). The Respondent State should also address the compensation owed to the Nuba people for harm suffered at a communal level, for instance through the establishment of a community development fund administered by the community – which allows members to allocate funds to projects in accordance with their collective needs, decision-making processes, practices, values, and customs.

Considering the limitations noted above, the Complainants will make further submissions to the Commission on the collective harm caused and the need for compensation, as soon as proper consultation with the Complainants is possible. The Commission should order the Respondent State to take the measures required to ensure the conditions that will make these consultations possible. As noted in para. 4 above, REDRESS is exploring the feasibility of hosting consultations with groups of victims based in South Sudan in the coming months and will share any additional details (including our findings) with the African Commission as part of our future submissions on implementation of the decision in this case.

D. Rehabilitation

34. The Respondent State is obliged to provide measures of rehabilitation to help the victims to restore their lives as far as possible, which should include medical and psychological care as well as legal and

⁹² See for e.g., General Comment No. 4 (n 85).

⁹³ African Commission FFM (n 52), p. 106.

social services. In its Merits Decision, the African Commission did not order the State to provide rehabilitation to the victims but granted the Complainant's request to provide additional information.

Urgent interim reparation

35. **The Respondent State should ensure the provision of urgent medical care and support to victims based in areas under its control.** The Respondent State's authorities should ensure that victims receive necessary and appropriate support for harm suffered as a result of the violations, which must include psychological support for post-traumatic stress disorder or other mental health conditions, as well as treatment for medical conditions sustained as a result of the Respondent State's failure to provide adequate medical care until this point. The Respondent State must use its best endeavours to reach all victims in need, including through the establishment of safe spaces, mobile clinics, and rehabilitation services that are sensitive to gender, disability, and ethnicity and tribal affiliation. The Respondent State must also remove any unnecessary barriers to victims accessing medical support. For instance, in many parts of the Respondent State, victims of rape and other forms of sexual and gender-based violence must file a copy of Form 8 (a medical form used to document physical abuse) in order to access medical treatment.⁹⁴ This requirement deters reporting as it can be difficult to access, doctors often draw flawed conclusions when they conduct examinations, and Form 8 has sometimes been used as evidence to initiate criminal proceedings for zina (adultery) against victims of rape. Since the start of the ongoing armed conflict, numerous reliable civil society groups representing victims of conflict-related sexual violence have informed us that, due to social stigma, trauma, and fear of criminal proceedings filed against them or repercussions, victims continue to be highly reluctant to report rape to the Respondent State's authorities. This is especially the case for rape allegedly perpetrated by the SAF or other forces connected to the Respondent State, which effectively bars victims from pursuing criminal accountability as well as receiving abortions. As the African Commission noted in *Safia Ishaq Mohammed Issa (represented by REDRESS) v. Sudan*, guaranteeing access to justice that is free of discriminatory treatment based on sex or other grounds is a prerequisite for ensuring effective access to justice for victims of sexual violence, particularly for women.⁹⁵

The current conflict has also significantly impacted some hospitals and medical centres, which may negatively affect the Respondent State's ability to ensure the provision of urgent medical care and support to all victims. This is especially the case in areas such as Kadugli and Dilling in South Kordofan, which are under siege by the RSF and SPLA/M-N al-Hilu. In this respect, the Respondent State should – until the situation improves – use its best endeavours to meet the rehabilitation needs of victims. This should include, for instance, guaranteeing the security of medical facilities, allowing unimpeded access by humanitarian aid groups, and ceasing the targeting of medical personnel.⁹⁶ In addition, the Respondent State's authorities should, as recommended by the African Commission FFM, ensure that civilians affected by the armed conflict are allowed to freely move to areas where there is less threat of violence, including so that they can access rehabilitation services.⁹⁷

⁹⁴ See for e.g., REDRESS and Rights for Peace, "[One Step Closer to Justice and Healing](https://redress.org/storage/2024/06/ACHPR-Briefing_EN-v.5.pdf)", June 2024, available at: https://redress.org/storage/2024/06/ACHPR-Briefing_EN-v.5.pdf.

⁹⁵ African Commission, Communication 443/13, *Safia Ishaq Mohammed Issa (represented by REDRESS) v. Sudan*.

⁹⁶ See for e.g., REDRESS (n 30).

⁹⁷ African Commission FFM (n 52), p. 99.

Full reparation

36. **The Respondent State should design and implement a comprehensive, holistic rehabilitation programme to address the rehabilitation needs of victims.** This should include the establishment of specialised trauma care centres for victims of torture and other serious violations, the development of community-based psychological support programmes and grief counselling, the provision of housing support, vocational training, and specialised educational programmes, support for community reconciliation projects that rebuild trust along tribal lines, and the creation of awareness raising programmes to address the stigma faced by – and facilitate the community reintegration of – victims of sexual and gender-based violence (including children born of rape). This programme should incorporate multi-disciplinary expertise (for instance, on indigenous rights and community reconciliation) and should be co-created with the victimised communities. As the UN Development Programme Sudan found:

“Psychosocial wellbeing is as critical as material aid. Communities in South Kordofan emphasized that the war has left deep psychological scars, with grief, fear, and isolation compounded by the breakdown of social support networks. The aid initiative showed that, while food and medicine are essential, humanitarian interventions also need to integrate Mental Health and Psychosocial Support (MHPSS). Importantly, community peacebuilders themselves cannot function effectively without healing and support; their ability to mediate and sustain peace is inseparable from their own psychosocial wellbeing.”⁹⁸

E. Satisfaction

37. The Respondent State is obliged to provide measures of satisfaction that acknowledge the commission of the violations and dignify victims’ memories.

Urgent interim reparation

38. The Respondent State should:

- a) **issue a public acknowledgement of the violations and make a public apology to the victims and victimised communities.** Despite almost 15 years passing since the underlying events, the Respondent State’s authorities are yet to acknowledge the truth of their victimisation of civilians in South Kordofan and Blue Nile. This is likely to be a precondition for some victims to actually engage with reparation processes administered by the Respondent State, as its authorities must first demonstrate that they are acting in good faith and take the necessary steps to start rebuilding trust with the relevant communities. A public apology ceremony where the Respondent State recognises its responsibility could also have stabilising effects in the ongoing armed conflict, particularly given the prevalence of misinformation, hate speech, and division;
- b) **urgently facilitate unimpeded access by humanitarian aid groups to deliver assistance to civilians in all parts of South Kordofan and Blue Nile (as ordered by the African Commission in the Merits Decision).** The Respondent State has a well-documented history of wilfully

⁹⁸ UNDP Sudan, “[Bridging Divides – Local Peace Initiatives in Sudan](https://www.undp.org/sites/g/files/zskgke326/files/2025-10/undp_sudan_bridging_divides_report.pdf)”, 1 October 2025, available at: https://www.undp.org/sites/g/files/zskgke326/files/2025-10/undp_sudan_bridging_divides_report.pdf.

obstructing and appropriating aid in violation of international humanitarian law, particularly via the SAF and the Humanitarian Aid Commission.⁹⁹ Both in the events documented in the Complaints and the ongoing armed conflict, this practice has compounded the harms suffered by civilians in South Kordofan and Blue Nile as a result of violations;

- c) **allow full and effective access for international monitors, including human rights officers (as ordered by the African Commission in the Merits Decision).** For instance, the African Commission should continue to request that the Respondent State's authorities grant access for the African Commission FFM to travel to the Respondent State and document the present human rights situation, including – as the situation allows – in South Kordofan and Blue Nile; and
- d) **determine the fate and whereabouts of all persons subjected to enforced disappearance** by conducting prompt, impartial, and effective investigations, and ensure that families are informed of the outcome. The Respondent State should also take all necessary steps to locate, exhume, and return the bodies or remains of those executed, including individuals buried in (unmarked) mass graves.

Full reparation

39. The Respondent State should:

- a) **set up an independent inquiry to carry out prompt, effective, and impartial investigations into the circumstances of the violations, and ensure that where sufficient evidence exists, the perpetrators are brought to justice and held accountable (as ordered by the African Commission in the Merits Decision).** To date, there has been no credible investigation within the Respondent State into the violations that it committed in the present case. As described in the Merits Submission, this is due to a lack of political will, entrenched structural impunity for military and security officials (including through blanket immunities), and a lack of capacity within the Respondent State's legal system to investigate and prosecute serious and massive violations;
- b) **address the violations as part of any truth-seeking and reconciliation process.** The violations of this case have caused pronounced fissures in the social fabric of the Respondent State, which have driven (and been compounded by) the ongoing armed conflict. The Respondent State should therefore ensure that any future truth-seeking and reconciliation process addresses the violations in the present case and fully cooperate with such a process. As an interim fact-finding process, the African Commission should also continue to draw connections between the violations in the present case (and the lack of accountability and reparation) with ongoing violations; and
- c) **develop (and support the development of) appropriate forms of memorialisation.** This is crucial in order to preserve the historical record of what occurred, providing a safeguard against any future denials or misinformation, and facilitating the collective mourning and healing process by providing a public outlet for grief. It also recognises the humanity, dignity, agency,

⁹⁹ See for e.g., Human Rights Watch, "[World Report 2025: Sudan](https://www.hrw.org/world-report/2025/country-chapters/sudan)", available at: <https://www.hrw.org/world-report/2025/country-chapters/sudan>.

and suffering of victims; and can contribute to fostering a culture of human rights and respect for the rule of law in the Respondent State. In the present case, this could include designated days of mourning and remembrance for deceased victims, as well as specific apology ceremonies addressed to victims of torture, conflict-related sexual violence, and enforced disappearance. Such measures should ideally be co-created with victims and affected communities.

F. Guarantees of non-repetition

Urgent interim reparation

40. The Respondent State should:

- a) **repeal all statutory immunities for military, security, and intelligence actors.** As the African Commission FFM found:

“The [Respondent] State’s failure to ensure accountability for atrocious crimes—despite repeated documentation by international bodies including the AU, the UN and the [International Criminal Court] —has perpetuated cycles of impunity and structural violence. In the absence of transitional justice mechanisms to address atrocities committed during prior conflicts particularly in Darfur, South Kordofan, and Blue Nile, the Sudan became a breeding ground for impunity.”¹⁰⁰ (Emphasis added)

During the Transitional Government, the Respondent State exceptionally repealed immunities for NISS officers – one of the groups responsible for violations.¹⁰¹ However, during the ongoing armed conflict, on 8 February 2024, the de facto Sovereign Council purportedly enacted the General Intelligence Service Law (Amendment) 2024, which re-introduces broad powers of arrest and detention, as well as sweeping immunities for NISS (by then, GIS) officers in respect of:

“[a]ct committed by any member of the [GIS] in good faith, during or because of the performance of his job duties, or the performance of any duty imposed on him, or as a result of any act issued by him under any authority authorized or granted to him under this law or any other effective law, regulation, or orders issued pursuant to any of them, provided that the act is within the limits of the actions and duties imposed on him according to the authority granted to him under this law, and that the act or omission was not done with bad intent or negligence, shall not be considered a crime.”¹⁰²

As the Respondent State’s authorities have demonstrated that they are able to pass new laws and constitutional amendments despite the armed conflict, it should be feasible to repeal all immunity laws and remove any de facto immunities;

¹⁰⁰ African Commission FFM (n 52), p. 27.

¹⁰¹ See for e.g., REDRESS, “[Further Historic Changes Made to Sudanese Laws](https://redress.org/news/further-historic-changes-made-to-sudanese-laws/)”, 16 July 2020, available at: <https://redress.org/news/further-historic-changes-made-to-sudanese-laws/>.

¹⁰² Article 52(1), General Intelligence Service Law (Amendment) 2024.

- b) **take prompt steps to improve official recordkeeping in detention centres.** It is unclear whether custodial records are being prepared and properly updated by the relevant local authorities. The Respondent State's authorities should prepare, publish, and maintain records of all civilians in detention. They should promptly notify the families of those detained about their loved ones' whereabouts and health conditions. Detained individuals should be afforded their right to consult with and be represented by their nominated lawyer. The Respondent State should direct the Attorney General, Public Prosecutor and the Ministry of Justice to publish data on the number of investigations opened, and cases of torture, ill-treatment and other detention abuses by military, security, and intelligence forces and other affiliated armed groups referred for prosecutions, as well as the result of such investigations; and
- c) **support the establishment of an African-led accountability mechanism with the mandate to prosecute violations,** ensuring complementarity with international criminal justice processes (including the International Criminal Court's Darfur investigations). The Respondent State presently lacks the laws, institutional independence, and technical capacity to guarantee meaningful investigations and prosecutions of violations.¹⁰³ This includes a lack of independent judiciary and a lack of experience in conducting large-scale investigations and prosecutions – particularly regarding alleged international crimes. The resulting reform and capacity strengthening process is likely to take numerous years and requires strong political will (which the Respondent State's authorities presently lack). Many victims cannot wait this long for accountability. The Respondent State should therefore support the establishment of an African-led accountability mechanism, as recommended by the African Commission FFM.¹⁰⁴ Any such mechanism would need to contribute meaningfully to rebuilding the Respondent State's domestic justice architecture so that once its mandate to hear cases ends, a future civilian government is equipped to investigate and prosecute violations independently and in a manner that complies with international human rights standards. The mechanism would also need to be explicitly mandated to transfer knowledge and cultivate local ownership with a clear long-term objective of enabling the Respondent State to assume full responsibility under a civilian government.

Full reparation

41. In the longer term, the Respondent State must commit to wholesale legal, institutional, and political reforms in order to prevent the recurrence of armed atrocities and connected violations. While the Respondent State's authorities should take initial steps towards this end, the African Commission should be reminded that the authorities are not democratically or constitutionally legitimised and should therefore avoid inadvertently endorsing their ability to pass laws. Other than urgent reforms to achieve conformity with international human rights standards (such as those ordered by the African Commission in its Merits Decision), long-term guarantees of non-recurrence should be led by a future civilian government.
42. The Respondent State should address:

¹⁰³ See for e.g., REDRESS (n 37).

¹⁰⁴ African Commission FFM (n 102), p. 103.

- a) **the need for comprehensive legal reforms**, including: (i) the inconsistent and incomplete codification of international crimes; (ii) the inadequate implementation of the absolute prohibition of torture (including the failure to properly define and criminalise the offence of torture¹⁰⁵ as well as a lack of a mandatory exclusionary rule); (iii) the lack of criminalisation of enforced disappearance as a standalone offence; (iv) the inadequate criminalisation of rape;¹⁰⁶ (v) the lack of legal and procedural safeguards for detained persons which facilitate the use of torture; (vi) the absence of key fair trial guarantees (including a lack of express provisions covering the right of a defendant to hear evidence against them in advance of a trial date or concerning access to documents and other evidence); (vii) the absence of effective legal protection mechanisms in Sudan for victims and witnesses;¹⁰⁷ and (viii) the existence of broad immunities that are very rarely lifted in practice (as ordered by the African Commission in the Merits Decision);¹⁰⁸
- b) **complementary institutional reforms**, with a particular focus on judicial and prosecutorial independence, developing the capacity to investigate and prosecute large-scale international crimes, security sector reform and use of force, administrative oversight, and constitutionalism/respect for the rule of law;
- c) **the practice of violence as a means of gaining and preserving political power**, which has been shown to incentivise violations and foster power and wealth asymmetries – both between civilians and the military, as well as between different civilian groups. The African Commission can support the cessation of this practice by highlighting it as a root cause of violations in its decisions, resolutions, and reports regarding the Respondent State (including those of the African Commission FFM);
- d) **increasingly entrenched divisions along tribal lines**, including by ceasing discriminatory practices and recruitment along tribal lines, as well as resolving the issue of customary and statutory land rights. Competition over land and natural resources is a key conflict driver in the Respondent State, including the atrocities detailed in the Complaints. Land rights, particularly under the customary system, are often associated with community leadership and political representation/power. Longstanding disputes over the ownership of residential and agricultural land are commonplace, especially in the case of land previously owned by displaced persons that is now (unlawfully) occupied by other tribes, as well as land being offered by the Respondent State’s authorities (mainly under Bashir) to the ‘new settlers’, in tension with indigenous tribal land ownership. In the present case, the Respondent State should adopt the measures necessary to ensure the property rights of the members of the Nuba community and provide for the members’ use and enjoyment of their land;¹⁰⁹ and

¹⁰⁵ As ordered by the African Commission in the Merits Decision and Communication 476/14, Magdy Moustafa El-Baghdady (represented by REDRESS) v. Sudan.

¹⁰⁶ As ordered by the African Commission in the Merits Decision.

¹⁰⁷ As ordered by the African Commission in Communication 476/14, Magdy Moustafa El-Baghdady (represented by REDRESS) v. Sudan.

¹⁰⁸ See for e.g., REDRESS and SOAS Centre for Human Rights Law, “[Domestic Accountability Efforts in Sudan](https://redress.org/wp-content/uploads/2021/03/Domestic-Accountability-Efforts-Sudan-REDRESS-SOAS-Roundtable.pdf)”, March 2021, available at: <https://redress.org/wp-content/uploads/2021/03/Domestic-Accountability-Efforts-Sudan-REDRESS-SOAS-Roundtable.pdf>; REDRESS (n 37); Ibid.

¹⁰⁹ See for e.g., JIPS, “[Access to Land and Tenure](https://sudan.un.org/sites/default/files/2021-12/Sudan-PBF2021-Thematic_Brief_5-land_tenure.pdf)”, October 2021, available at: https://sudan.un.org/sites/default/files/2021-12/Sudan-PBF2021-Thematic_Brief_5-land_tenure.pdf; Hussein Mohammed

- e) **the ratification and implementation of relevant human rights instruments**, including the Protocol to the African Charter on the Rights of Women in Africa 2003, the AU Convention for the Protection and Assistance of Internally Displaced Persons 2009, and the Guidelines on Combatting Sexual Violence and its Consequences in Africa – in each case, as ordered by the African Commission in the Merits Decision – as well as the UN Convention on the Elimination of All Forms of Discrimination against Women and the UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

IV. CONCLUSION

43. The Complainants respectfully call on the African Commission to:

- a) consider the arguments made by the Complainants in this submission on remedies and reparation when ordering additional remedies and reparation in the present case, including compensation and rehabilitation;
- b) allow the Complainants to make additional submissions on compensation and the implementation of other reparation measures, to ensure the consultation, participation, and co-creation of the victims and victimised communities (where feasible);
- c) given the preliminary nature of this submission and the complex context in the Respondent State, pay close attention to monitoring the implementation of reparation orders in the present case, as well as other cases to which the Respondent State is a party and has not yet completed implementation. In this regard, the African Commission may consider ordering the establishment of an implementation working group, composed of representatives of the African Commission, the Complainants and their representatives, and members of the Respondent State, including ministries and authorities directly involved in the implementation of specific reparation measures; and
- d) consider engaging the Country Rapporteur assigned to Sudan and the African Commission FFM on the African Commission's findings and orders, such that: (i) their ongoing work is properly informed by the African Commission's jurisprudence on the situation in the Respondent State, which highlights various root causes of armed conflict and serious and massive violations and makes various orders on reparations to avoid the future repetition of violations; and (ii) the African Commission is properly placed to issue resolutions recommending that future peace processes in the Respondent State incorporate a suitable reparation mechanism that addresses both violations committed in the ongoing conflict, as well as historic violations for which the Respondent State is responsible.