

**ACHPR IMPLEMENTATION REPORTING TEMPLATE UNDER THE
COMMUNICATIONS PROCEDURE (COMPLAINANT, CSO & NHRI)**
*(Adopted pursuant to the African Charter on Human and Peoples' Rights and the Rules of Procedure of the
African Commission, 2020)*

SECTION I: DECISION / RECOMMENDATION

Communication Number:	Communication 443/13
Name of the Complainant(s)	Safia Ishaq Mohammed Issa (represented by the Redress Trust and the African Centre for Justice and Peace Studies)
Respondent State	The Republic of Sudan
Date of Decision (Year)	2022
Reporting Period	From: 23 August 2023 To: 23 June 2026

SECTION II: REPORTING ENTITY

Name of CSO / NHRI	The Redress Trust
Observer/ Affiliate Status Number	
Contact Details	Alejandra Vicente (alejandra@redress.org) Julie Bardèche (julie@redress.org) Caitlan Lloyd (caitlan@redress.org) Copying: cases@redress.org

SECTION III: DETAILS OF THE DECISION

Information provided in this section should be drawn from the official text of the Commission's decision

Brief Facts of the Communication	<p>The Complainant was abducted by State agents and taken to a facility belonging to the Respondent State's National Intelligence and Security Services (NISS), due to her participation in student rallies and affiliation with non-violent resistance movements. While detained, the Complainant was subjected to torture and ill-treatment at the hands of State agents. She was subjected to beatings, verbal abuse, and was repeatedly raped by three men, while she slipped in and out of consciousness. The Complainant was later released and threatened that if she was found again, the issue would escalate.</p> <p>After her release, the Complainant reported the crimes to the Respondent State. She was then: (i) interrogated; (ii) told not to proceed with filing the complaint because NISS officers would not do something of this nature, and because</p>
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	<p>it would besmirch her family’s name; (iii) accused of lying; and (iv) threatened in person by the authorities, including the Attorney General, the Head of Bahri-East Police Station, and the police officer who had taken her statement. Following these threats, the Complainant left the Respondent State, eventually settling in France.</p> <p>The Complainant has suffered from physical injuries due to the beatings on her leg and has difficulty walking. She has suffered from post-traumatic stress and a series of other psychological consequences, including hyper vigilance, nightmares, traumatic flashbacks, and feelings of guilt and insecurity, as a result of the torture and ill-treatment she was subjected to. The forced exile aggravated these psychological consequences.</p>
Summarise the Commission’s principal findings	The Commission found that the Respondent State had violated Articles 1, 2 (Right to non-discrimination; finding that “the use of sexual violences by perpetrators embod[ies] gendered discrimination”), 3 (Equality before the law), 5 (Right to respect of dignity and prohibition of torture and ill-treatment), 6 (Right to liberty and security), 7(1)(a) (Right to a fair trial), 9(2) (Right to free expression), 10(1) (Right to free association), 11 (Right to free assembly), and 12(1) and (2) (Right to free movement) of the African Charter.
Key Recommendations / Remedies	The Respondent State should: (1) pay adequate compensation to the Victim in accordance with Sudanese law; (2) undertake institutional and practical reforms to ensure redress for victims of sexual and gender-based violence; (3) promptly investigate, prosecute, and punish the individuals responsible; (4) adopt and implement procedural safeguards for the prevention of torture and ill-treatment; and (5) train security officials on relevant standards concerning adherence to custodial safeguards and the prohibition of torture.

SECTION IV: RECOMMENDATIONS MATRIX

RECOMMENDATION 1 <i>Reproduce Recommendation here (verbatim):</i>	Pay adequate compensation to the Victim named in this Communication in accordance with the domestic law of the Republic of the Sudan for medical expenses, physical and emotional suffering, and damages suffered in relation to the violations found.
Implementation Narrative <i>(Indicate the Measures taken by the Respondent State, if any. Include sources of information. Attach evidence, where necessary)</i>	We are not aware of any measures taken by the Respondent State to assess and determine the appropriate compensation to address the harm suffered by the Victim.
Outstanding Gaps/Concerns	To our best knowledge, the Commission’s recommendation remains entirely unimplemented.

Challenges encountered in the implementation of the specific recommendation.	Due to the ongoing internal armed conflict in the Respondent State (and the challenges noted in Recommendation 3 below), the institutions which may be in charge of implementing this measure are not reliable.
Additional Comments (if any)	<p>The likelihood of and obstacles to implementation in the Respondent State are likely to change over time. There may be new opportunities for implementation as part of a future peace, democratic transition, transitional justice, or reparation process. Meanwhile, given the Respondent State's history of serious violations of international law, any future implementation process will need to respond to an exceptionally large level of victimisation, stretching across multiple decades and different authorities.</p> <p>When hearing cases in which it finds that the Respondent State has violated provisions of the African Charter, the Commission should: (i) encourage the Complainant(s) to submit documentation substantiating the loss suffered; and (ii) endeavour to assess the minimum financial sum required for the Respondent State to make appropriate compensation. A specific financial sum as a reference point may increase the likelihood of implementation in the above circumstances.</p>
RECOMMENDATION 2 Reproduce Recommendation here (verbatim):	Undertake institutional and practical reforms to ensure effective redress for victims of sexual and gender-based violence. These measures may include: ensuring adequate documentation; accountability of perpetrators; providing support to victims at all stages of the legal process; identifying the causes and consequences of sexual and gender based violence and take all necessary measures to prevent and eradicate it; establishing efficient and accessible reparation programmes, and ensuring participation of victims in the adoption and implementation of such programmes; as well as providing unimpeded and regular access to comprehensive healthcare.
Implementation Narrative <i>(Indicate the Measures taken by the Respondent State, if any. Include sources of information. Attach evidence, where necessary)</i>	<p>We are not aware of any measures taken by the Respondent State during the Reporting Period to undertake institutional and practical reforms to ensure that individuals alleging torture or ill-treatment can effectively pursue complaints.</p> <p>For completeness, the Respondent State passed several legal reforms related to the Commission's recommendation both under former President Omar al-Bashir (following civil society campaigns) and during the tenure of the ill-fated transitional government (after al-Bashir's ouster in April 2019).</p> <p>In February 2015, the Respondent State passed several amendments to the Criminal Law Act 1991, including: (i) amending Article 149 to delink the definition of rape from</p>

zina (intercourse outside marriage) without consent; and
(ii) creating Article 151(3) to provide a new offence of sexual harassment.

Subsequently, in July 2020, the Respondent State enacted the [Miscellaneous Amendments Law of 2020 \(Repeal or Amend the Provisions Restricting Freedoms\) Law No. 12 of 2020](#). The law made various changes to the law, including amending:

(i) Article 3 of the [Criminal Law Act 1991](#), defining the age of adulthood as 18 (it previously included individuals at least 15 years old “whose puberty has been established”);

(ii) Article 115(2) of the [Criminal Law Act 1991](#), recognising that torture can be inflicted both physically and psychologically, and increasing the penalty from three months to three years;

(iii) Article 149 of the [Criminal Law Act 1991](#), increasing the maximum penalty for rape from ten years to life imprisonment;

(iv) Article 4(d) of the [Criminal Procedure Act 1991](#), explicitly prohibiting torture of an accused person (albeit as a “principle to be regarded” rather than a substantive provision of criminal law); and

(v) Articles 50 to 53 of the [National Security Act 2010](#), removing immunities that members of the NISS previously enjoyed, and removing NISS’ broad powers of arrest and detention (though these have since been reinstated, see [below](#)).

The law also introduced a new Article 141A to the [Criminal Law Act 1991](#), criminalising female genital mutilation.

In December 2020, a group of civil society organisations, led by Project Expedite Justice, reached an [amicable settlement](#) with the Respondent State (during the tenure of the transitional government) in the matter of Communication No. 0011/Com/001/2018, which was before the African Committee of Experts on the Rights and Welfare of the Child (the ACERWC Settlement). The ACERWC Settlement concerned the Respondent State’s actions in South Kordofan and Blue Nile from June and September 2011, covering materially the same facts as Communication 402/11 and 420/12 before the Commission, but instead alleging violations by the Respondent State of the African Charter on the Rights and Welfare of the Child.

	<p>The ACERWC Settlement is appended and includes various commitments made by the Respondent State to enact legal reforms concerning sexual/ gender-based violence.¹ These include:</p> <p>(i) amending Article 149 of the Criminal Law Act 1991 so that: (1) rape is clearly defined as a crime separate from adultery or sodomy; (2) the definition of rape recognises instances of ongoing, continuous, or multiple acts of rape, as well as oral rape; and (3) the penalty for rape takes into account aggravating factors;</p> <p>(ii) amending all relevant provisions of the Evidence Act 1994 (including Article 62) to ensure that: (1) the rules of evidence for rape are not conflated with the rules of evidence for adultery; and (2) in cases of sexual violence, there are evidentiary standards that permit the admission of medical or DNA evidence; and</p> <p>(iii) amending all relevant provisions of the Evidence Act 1994 (including Article 62) and the Criminal Law Act 1991 so as to: (1) fully incorporate the internationally recognised evidentiary standards for consent; and (2) unambiguously provide that the age of consent is eighteen years.</p> <p>To our best knowledge, the Commission’s commitments above in the ACERWC Settlement remain unimplemented. While various action plans were developed for the further implementation of the ACERWC Settlement, this process was effectively aborted months later in October 2021 due to the military coup d’état.</p> <p>In August 2021, the Respondent State ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.</p> <p>The Respondent State’s actions during the ongoing armed conflict (which began on 15 April 2023) indicate that it has no intention to lift immunities shielding perpetrators of torture and associated violations. For instance: (i) on 8 February 2024, the de facto Sovereign Council of the Respondent State 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 (which was rebranded the General Intelligence Service (GIS) in July 2019); and (ii) Abdel Fattah al-Burhan, the de facto Head of State of the Respondent State, has reportedly granted a general amnesty to any combatant who defects from the Rapid</p>
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¹ ACERWC Settlement, H.3.

	Support Forces to the Respondent State-affiliated Sudanese Armed Forces.
Outstanding Gaps or Concerns	<p>To our best knowledge, the Commission’s recommendation remains entirely unimplemented.</p> <p>Amongst other institutional and practical reforms, a priority remains Form 8 (used to document a medico-legal opinion which can be relied on as evidence in legal proceedings), which is still routinely treated as a requirement to file a legal claim or access certain medical treatment (e.g., abortion), despite its use not being explicitly mandated by the Respondent State’s law. Form 8 is also challenging to access and inadequate to document cases of sexual and gender-based violence.</p> <p>Relatedly, despite reforms in 2015 notionally separating the crime of rape from that of <i>zina</i>, women or girls who report rape but fail to produce the necessary evidence (including witness statements from four men confirming that the act was ‘without consent’) may still be charged with <i>zina</i>, a crime for which they may be imprisoned, flogged, or stoned to death.</p>
Challenges encountered in the implementation of the specific recommendation.	The main challenges are the ongoing armed conflict and lack of political will in the Respondent State to undertake necessary institutional and practical reforms. See Recommendation 3 below for additional detail on the lack of political will.
Additional Comments (if any)	N/A
RECOMMENDATION 3 Reproduce Recommendation here (verbatim):	Promptly and independently investigate, prosecute, and punish all actors , including State security agents responsible for the abduction, rape and torture of the Victim.
Implementation Narrative <i>(Indicate the Measures taken by the Respondent State, if any. Include sources of information. Attach evidence, where necessary)</i>	We are not aware of any measures taken by the Respondent State to investigate, prosecute, and punish the individuals responsible.
Outstanding Gaps or Concerns	To our best knowledge, the Commission’s recommendation remains entirely unimplemented.
Challenges encountered in the implementation of the specific recommendation.	Despite being regularly implicated in core international crimes, the Respondent State has declined to investigate, prosecute, and punish NISS officers, except in exceptionally rare cases. This trend has been consistent through the Presidency of Omar al-Bashir (1989-2019), the transitional government (2019-2021), the de facto authorities installed following the October 2021 military coup d’état (2021-2023), and the reconfigured coup authorities during the ongoing armed conflict (2023-present).

	<p>The key factors driving this are: (i) the Respondent State’s reliance on its torture apparatus to gain and preserve political power and wealth; (ii) resulting lack of political will to prosecute State intelligence actors; (iii) the extreme power, reach, and legal discretion of the NISS and other intelligence services, coupled with lack of oversight; (iv) lack of independence and oversight of the police, public prosecution, and judiciary; (v) lack of victim/witness protections; (vi) deliberate steps taken by the Respondent State to destroy or restrict access to evidence; and (vii) broad immunities from prosecution enjoyed by the NISS and other intelligence services.</p> <p>The few prosecutions that have taken place have been in response to isolated, often large-scale crimes, where there is significant, sustained public pressure to investigate, prosecute, and punish those responsible.</p>
Additional Comments (if any)	N/A
RECOMMENDATION 4 Reproduce Recommendation here (verbatim):	Adopt and implement procedural safeguards for the prevention of torture and other forms of ill-treatment as required under the Robben Island Guidelines.
Implementation Narrative <i>(Indicate the Measures taken by the Respondent State, if any. Include sources of information. Attach evidence, where necessary)</i>	We are not aware of any measures taken by the Respondent State during the Reporting Period to adopt and implement procedural safeguards for the prevention of torture and other forms of ill-treatment.
Outstanding Gaps or Concerns	To our best knowledge, the Commission’s recommendation remains entirely unimplemented.
Challenges encountered in the implementation of the specific recommendation.	The main challenges are the ongoing armed conflict and lack of political will in the Respondent State to adopt and implement the above procedural safeguards. See Recommendation 3 below for additional detail on the lack of political will.
Additional Comments (if any)	N/A
RECOMMENDATION 5 Reproduce Recommendation here (verbatim):	Train security officers on relevant standards concerning adherence to custodial safeguards and the prohibition of torture.
Implementation Narrative <i>(Indicate the Measures taken by the Respondent State, if any. Include sources of information. Attach evidence, where necessary)</i>	We are not aware of any measures taken by the Respondent State during the Reporting Period to train security officers on relevant standards concerning adherence to custodial safeguards and the prohibition of torture.
Outstanding Gaps or Concerns	To our best knowledge, the Commission’s recommendation remains entirely unimplemented.
Challenges encountered in the implementation of the specific recommendation.	The main challenges are the ongoing armed conflict and lack of political will in the Respondent State to arrange the necessary training. See Recommendation 3 below for additional detail on the lack of political will.
Additional Comments (if any)	N/A

SECTION V: CSO / NHRI FOLLOW-UP ACTIONS ON IMPLEMENTATION

This section captures concrete follow-up actions undertaken by the reporting CSO/NHRI to promote or monitor the implementation of the Commission's recommendations, including stakeholders' engagement and outcomes achieved. Leave this section blank if no follow-up actions have been undertaken.

<i>Decision / Recommendation Followed Up</i>	<i>Follow-up Action(s) Taken (e.g. letter, meeting, litigation, advocacy)</i>	<i>Key Stakeholders Engaged</i>	<i>Timeline / Dates</i>	<i>Outcomes of Engagement</i>	<i>Impact / Next Steps</i>
Communication 443/13	We continue to monitor the legal and factual situation in the Respondent State, including engaging with Sudanese CSOs working on torture and other human rights issues.	Sudanese CSOs	Ongoing	Monitoring, the findings of which are set out above.	
	We are in contact with the Victim to coordinate on implementation of the Commission's recommendations.	Safia Ishaq Mohammed Issa (the Victim)	Ongoing	Coordination, the findings of which are set out above.	

SECTION VI: RECOMMENDATIONS TO THE COMMISSION

Indicate suggested follow-up actions (e.g. to send reminders, organize working meetings with parties, conduct hearings, undertake promotional or protective missions, referrals, etc.):

- (i) The Commission has recently decided numerous other cases finding the Respondent State responsible for violations of the African Charter, including Communications 402/11 & 420/12 (Sudanese Civilians in South Kordofan and Blue Nile), 471/14 (Meriam Yahia Ibrahim and three others), 476/14 (Magdy Moustafa El-Baghdady), and 511/15 (Dr. Amin Mekki Medani and Mr. Farouq Abu Eissa). Given the common root causes of the underlying violations and the complementarity between the Commission's recommendations in these cases, the Commission should consider following up on the implementation of these cases jointly.
- (ii) The Commission should engage closely with the African Union Fact-Finding Mission on the Human Rights Situation in the Sudan (AU FFM) to ensure that its implementation process is coordinated with and informed by the work of the AU FFM, and so that the AU FFM can reflect and elaborate on the Commission's recommendations in its reports. This should also include close cooperation with the UN Independent International Fact-Finding Mission for the Sudan, building on the [joint statement](#) issued by these bodies on 13 April 2026.
- (iii) The Commission should coordinate with the ACERWC to identify synergies and minimise duplication during the implementation of Communication 443/13, led by the Commission, and Communication No. 0011/Com/001/2018, led by the ACERWC.
- (iv) The Commission should instruct the country rapporteur for the Respondent State to follow-up with the Respondent State authorities on implementation, including reminding the Respondent State to report on implementation.

- (v) The Commission should instruct its Secretariat to publish and maintain a comprehensive register of all cases involving the Respondent State, recording the recommendations made and status of implementation.
- (vi) The Commission should ensure that the full list of recommendations it has addressed to the Respondent State in its Sudan decisions to date is considered for any country visits, as well as the State reporting procedure/review process.
- (vii) The Commission should convene implementation working meetings and hearings with State representatives during its sessions and allow victims' representatives to participate in a section of the meeting, to promote implementation and dialogue (as is done in other regional human rights systems).

SECTION VII: DECLARATION

Kindly complete this section by either signing in ink (pen signature) and scanning the signed document, or by affixing a valid electronic signature.

I/We certify that the information provided in this form is accurate and submitted in good faith.

Name: Alejandra Vicente

Organisation: REDRESS



Signature:

Date: 23 June 2026