

**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 476/14
Name of the Complainant(s)	Magdy Moustafa El-Baghdady (represented by the Redress Trust)
Respondent State	The Republic of Sudan
Date of Decision (Year)	2024
Reporting Period	<b>From:</b> 17 July 2025 <b>To:</b> 23 June 2026

**SECTION II: REPORTING ENTITY**

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

**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 arrested without a warrant by the Respondent State's National Intelligence and Security Services (NISS), who accused him of being a British/Israeli spy. He was blindfolded, hand and foot cuffed, and taken to the NISS Headquarters, where he was interrogated in Arabic (despite only speaking English and Polish). The next day, the Complainant and a friend (who was also arrested on the same day) were transferred to Kober Prison, where they suffered torture in the form of severe beatings, were injected with a sedative-like substance, and were humiliated and insulted.</p> <p>The Complainant was denied medical attention for injuries resulting from torture and diseases caused by poor detention conditions. While detained at Kober Prison, he was taken to NISS Headquarters for interrogation at least four times. The Complainant and his friend experienced a</p>
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	<p>mock execution, and witnessed the torture, ill-treatment, and killing of other detained individuals.</p> <p>Having been compelled to sign non-disclosure documents, the Complainant and his friend were then transferred to a National Security Office for three to four weeks, then to the Information Police for approximately fifteen days, before finally being transferred to Omdurman Prison, where they were held for ten days before being released.</p> <p>Following 78 days of <i>incommunicado</i> detention, the Complainant suffered severe physical and psychological harm. He was forced to remain in Sudan for eight months because the Complainant and his friend faced criminal charges which prevented them from leaving the country until the charges were adjudicated. The Complainant was later found guilty. His friend's mother paid the fine and the Complainant was released, following which he left the Respondent State, travelling to London.</p>
Summarise the Commission's principal findings	The Commission found that the Respondent State had violated Articles 1, 2 (Right to non-discrimination), 5 (finding that the Complainant's treatment "unequivocally meets the criteria for torture"), 6 (Right to liberty and security), 7 (Right to a fair trial), 14 (Right to property), and 16 (Right to health) of the African Charter.
Key Recommendations / Remedies	The Respondent State: (1) must promptly investigate, prosecute, and punish the individuals responsible; (2) should assess and determine the appropriate compensation to address the harm suffered; (3) should undertake institutional and practical reforms to ensure that individuals alleging torture or ill-treatment can effectively pursue complaints; and (4) should enact legal reforms to align Sudanese law with the provisions of the African Charter.

#### SECTION IV: RECOMMENDATIONS MATRIX

<b>RECOMMENDATION 1</b> <i>Reproduce Recommendation here (verbatim):</i>	<b>The Respondent State must promptly investigate, prosecute, and punish the individuals responsible for the Victim's ordeal.</b>
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/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

	<p>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> <p>The <a href="#">key factors</a> 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
<b>RECOMMENDATION 2</b> Reproduce Recommendation here (verbatim):	<b>The Respondent State should assess and determine the appropriate compensation to address the harm suffered by the Victim.</b>
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 or 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 1 above), the institutions which may be in charge of implementing this measure are not reliable.
Additional Comments (if any)	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.

	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.
<b>RECOMMENDATION 3</b> Reproduce Recommendation here (verbatim):	<b>The Respondent State should undertake institutional and practical reforms to ensure that individuals alleging torture or ill-treatment can effectively pursue complaints.</b> This includes: (i) safeguarding the confidentiality and protection of victims during the complaint, investigation, and prosecution processes; (ii) providing adequate medical care and access to qualified physicians who can produce medical reports in line with recognised standards; (iii) implementing protocols for the secure retention of medical records of all detainees and inmates subjected to torture in detention facilities and ensuring accessibility to these records upon request by the victims; (iv) offering comprehensive training to NISS personnel on pertinent guidelines concerning custodial protections, the absolute prohibition of torture, and the imperative of non-discriminatory practices in the discharge of their responsibilities; (v) establishing policies for the secure storage of medical records to torture victims in hospitals and providing such records to victims upon request; and (vi) establishing an independent complaint mechanism with the authority to investigate actions and complaints against law enforcement personnel, including the NISS.
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 undertake institutional and practical reforms to ensure that individuals alleging torture or ill-treatment can effectively pursue complaints.
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 undertake necessary institutional and practical reforms. See Recommendation 1 above for additional detail on the lack of political will.
Additional Comments (if any)	N/A
<b>RECOMMENDATION 4</b> Reproduce Recommendation here (verbatim):	<b>Further amendments are necessary to align the legislation with the provisions of the African Charter.</b> The Respondent State should consider the following specific amendments: (i) Protection and access: Either remove arrest and detention powers entirely or ensure the right to prompt access to legal representation, medical assistance, and the right to <i>habeas corpus</i> ; (ii) Criminalisation of torture: Explicitly criminalise torture in

	<p>accordance with internationally recognised definitions and establish appropriate penalties for such heinous acts; and (iii) Combatting impunity and providing remedies: Take effective measures to combat impunity by repealing immunity provisions to ensure that victims receive justice and adequate redress for the harm they have suffered.</p>
<p>Implementation Narrative <i>(Indicate the Measures taken by the Respondent State, if any. Include sources of information. Attach evidence, where necessary)</i></p>	<p>We are not aware of any measures taken by the Respondent State during the Reporting Period to enact further amendments to align Sudanese law with the provisions of the African Charter.</p> <p>For completeness, the Respondent State passed several legal reforms related to the Commission’s recommendation during the tenure of the ill-fated transitional government, before the Reporting Period began. In July 2020, the Respondent State enacted the <a href="#">Miscellaneous Amendments Law of 2020 (Repeal or Amend the Provisions Restricting Freedoms) Law No. 12 of 2020</a>. The law made various changes to the law, including amending: (i) Article 115(2) of the <a href="#">Criminal Law Act 1991</a>, recognising that torture can be inflicted both physically and psychologically, and increasing the penalty from three months to three years; (ii) Article 4(d) of the <a href="#">Criminal Procedure Act 1991</a>, explicitly prohibiting torture of an accused person (albeit as a “principle to be regarded” rather than a substantive provision of criminal law); and (iii) Articles 50 to 53 of the <a href="#">National Security Act 2010</a>, 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 <a href="#">below</a>).</p> <p>In August 2021, the Respondent State <a href="#">ratified</a> the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. No further progressive changes have been made since the October 2021 military coup d’état.</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 <a href="#">enacted</a> 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 <a href="#">general amnesty</a> to any combatant who defects from the Rapid Support Forces to the Respondent State-affiliated Sudanese Armed Forces.</p>

<p>Outstanding Gaps or Concerns</p>	<p>Numerous amendments remain necessary to align Sudanese law with the provisions of the African Charter. A future legitimate and democratically elected Sudanese government should consider prioritising the following reforms, amongst others:</p> <p>(i) amending the <a href="#">Criminal Law Act 1991</a> and <a href="#">Criminal Procedure Act 1991</a> to make torture a distinct criminal offence, drafted not as a “principle to be regarded” but as a specific and separate crime; ensure that torture is prohibited under all circumstances, including during declared states of emergency and situations of armed conflict, and prevent the defence of “military or superior orders” as a justification for torture;</p> <p>(ii) amending the <a href="#">Criminal Procedure Act 1991</a> and any other related rules of procedure to ensure that there is a duty to investigate allegations of torture, and any prosecutorial decision to initiate an investigation is non-discretionary; any investigation regarding allegations of torture is carried out by a prosecutor or independent investigator other than the one in charge of the initial criminal investigation; arrested individuals promptly receive access to independent legal assistance at the interrogation stage; an arrested person’s right to inform a third party or family member as soon as possible upon arrest is guaranteed and not subject to prosecutorial or judicial approval; any person arrested and detained on a criminal charge is brought before a judge within 48 hours; and any person arrested and detained is guaranteed access to an independent medical examination; and</p> <p>(iii) amending the <a href="#">General Intelligence Service Law (Amendment) 2024</a>, <a href="#">Armed Forces Act 2007</a>, <a href="#">Police Forces Act 2008</a>, <a href="#">National Security Act 2010</a>, and other relevant laws to abolish immunities for acts of torture and other acts conducted during official business.</p>
<p>Challenges encountered in the implementation of the specific recommendation.</p>	<p>The main challenges are the ongoing armed conflict and lack of political will in the Respondent State to undertake necessary legal reforms. See Recommendation 1 above for additional detail on the lack of political will.</p>
<p>Additional Comments (if any)</p>	<p>The Respondent State’s authorities lack the legal and constitutional legitimacy to enact laws after the October 2021 coup. For this reason, recommendations for legal reform should be directed to a future legitimate and democratically elected Sudanese government.</p> <p>In any event, the <a href="#">General Intelligence Service Law (Amendment) 2024</a>, while not validly enacted as law, will be of considerable practical significance in the current circumstances by facilitating indefinite detentions and</p>

	related torture and ill-treatment, as well as further shielding GIS members from future prosecutions.
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## 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 476/14	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.	Magdy Moustafa El-Baghdady (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), 443/13 (Safia Ishaq Mohammed Issa), 471/14 (Meriam Yahia Ibrahim and three others), 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 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.

- (iv) 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.
- (v) 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.
- (vi) 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

A handwritten signature in black ink, appearing to read 'Alejandra Vicente', written over a horizontal line.

Signature:

Date: 23 June 2026