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## JUBA PEACE AGREEMENT (3 October 2020) Excerpted Sections: Transitional Justice and Accountability

This document contains the provisions of the Juba Peace Agreement as relevant to criminal accountability, human rights, and transitional justice processes in Sudan. This document is not intended as a comprehensive translation of the agreement in its entirety. Numbering is retained from the original, Arabic version of the agreement. All English translations are unofficial.

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## National Issues Agreement

### 17. General Amnesty

- 17.1 The Government shall commit to granting a general amnesty for past rulings and standing warrants against political leadership and members of armed movements in relation to their membership therein, following the necessary legal review by the competent bodies, immediately upon signing the peace agreement.

### 19. Transitional Justice

- 19.1 Without prejudice to what has been agreed in negotiation tracks, the parties agree to accord the issue of transitional justice the utmost priority and to form a Transitional Justice Commission within thirty (30) days of the signing of the peace agreement with the signatory parties to this agreement, provided that the transitional justice mechanisms encompass all of Sudan, particularly the areas of conflict.

### 20. Peace Commission

- 20.1 The parties agree to form a Peace Commission tasked with implementing the comprehensive peace agreement, with the participation of signatory parties in preparing the Commission law and structure.

## Eastern Track Agreement

In order to eliminate political marginalization in Eastern Sudan, the parties agree to the following principles:

### **Human Rights and Transitional Justice**

5. The federal government shall endeavour to provide human rights in accordance with ratified international and regional instruments and protect freedom of expression, thought, belief, and political affiliation.
6. The parties affirm their willingness to cooperate fully, and without restrictions, in relation to persons against whom arrest warrants have been issued, including, among other things, facilitating bringing those wanted to the International Criminal Court to stand trial.
7. The parties shall consider signing and ratifying treaties, agreements and protocols, particularly those related to the rights of women, children and families and complying with the international law and rules of human rights.
8. Codifying UNSC Resolution 1325 (related to women, peace and security).
9. The federal government shall endeavour to carry out fair investigations and trials for all violations perpetrated in the region since 30 June 1989, particularly the events of 29 January 2005, the events of 27-28 Ramadan 2019 in Port Sudan, preceding events in the state of al-Qadarif, and the rest of the region and the various events that followed in the region, by forming independent investigation committees and bringing perpetrators to stand trial as soon as possible.

## Darfur Track Agreement

### Chapter 3: Justice, Accountability and Reconciliation

#### General Principles

1. Respect for international human rights law and international humanitarian law;
2. Adoption of mechanisms of transitional justice to provide ways to achieve equity for victims and legal accountability for perpetrators of acts of violence relevant to the conflicts in Darfur;
3. The pursuit of national and international justice for crimes of genocide, crimes against humanity and war crimes;
4. Recognition that the pursuit of justice and accountability precludes the possibility of issuing any pardons or immunity for perpetrators of crimes of genocide, crimes against humanity or war crimes;
5. The right of victims to unimpeded access to effective mechanisms of justice and equity, especially the right to equity or sufficient, effective and swift reparations for violations of international human rights law and international humanitarian law;
6. The right of victims to receive education about their rights as victims of internal violations, violations of human rights law and other violations of international humanitarian law;
7. Affirmation of the importance that there be independent and impartial mechanisms of justice, accountability and reconciliation, including mechanisms of transitional justice which are in keeping with international conventions and standards;
8. Unconditional condemnation of atrocities, abuses and violations of human rights and international humanitarian law perpetrated during the conflicts, and the imperative to take all steps necessary to prevent these violations from being repeated;
9. Ensuring accountability for all perpetrators of violations of human rights and international humanitarian law in accordance with the jurisdiction of national courts, the International Criminal Court or the Special Court on the Crimes of the War in Darfur;
10. Recognition of the special status of women, children and youths and issues concerning them, recognition of the importance of the role women and youths play in preventing and resolving conflicts in processes of transitional justice and peacebuilding, and the imperative for equal participation and full integration in all efforts directed towards conserving international peace and security, including justice and reconciliation;
11. Children who have been caught up in the conflict and may have become implicated in the perpetration of crimes under international law – if there are any – are to be considered victims and treated according to the Treaty on Children's Rights, Protocol II of the Geneva Convention, the African Charter on the Rights and Welfare of the Child, the Beijing Rules and associated international standards of juvenile justice and fair trial, with the participation of UNICEF and other relevant organisations. Parties to this Agreement shall work to rehabilitate and reintegrate child soldiers into society;

12. Recognition of the importance of authentic local mechanisms for truth-telling, justice, reconciliation and healing wounds within official processes for justice and reconciliation, and the incorporation of these mechanisms into the process of justice following the resolution of the conflicts;
13. The importance of continuing the process of legal and institutional reforms to strengthen the rule of law and establish mechanisms relevant to this in accordance with international standards;
14. Taking guidance from other experiences both African and international and best practice regarding the principles of accountability, reconciliation, truth, justice and perpetuating historical memory in response to what has happened in Darfur;
15. Reviewing the public service to determine and isolate individuals who have perpetrated abuses and violations of human rights and international humanitarian law to prevent impunity, build trust and strengthen the rule of law in Darfur;
16. Providing total security and protection for all citizens;
17. Acknowledging that mistakes have been made, along with accountability, justice, forgiveness and a commitment not to repeat them;
18. Encouraging open dialogue between components of society as an appropriate means of achieving permanent reconciliation in Darfur;
19. Reforming the national justice system in Sudan to guarantee that there is an independent and neutral judicial authority which reflects and encourages diversity on every level, whether federal, regional, state-wide or local, without discrimination.

## **20. The National Judicial System**

- 20.1 Apart from crimes which constitute a violation of international criminal law and crimes which fall under the jurisdiction of the International Criminal Court and the Special Court on Darfur, and issues concerning committees for truth and reconciliation, Sudanese courts shall exercise the authority and jurisdiction stipulated to them by law;
- 20.2 Within the framework of the national judicial system, national courts shall undertake to refer all crimes which fall outside their jurisdiction to the other competent mechanisms of justice, ie. the Special Court on the Crimes of Darfur, mechanisms of traditional justice and the Committee for Truth and Reconciliation.

## **21. Truth and Reconciliation**

- 21.1 Both parties have agreed that encouraging reconciliation amongst the people of Darfur represents one of the comprehensive goals of this Agreement. This is to be achieved through addressing the root causes of the conflicts, encouraging measures directed at alleviating these causes and supporting mechanisms and processes which aim to facilitate tolerance and rebuild societal harmony. Both

parties recognise that the marginalisation of the people of Darfur is one of the root causes of the conflict which this Agreement seeks to address.

- 21.2 Both parties have agreed that there be a comprehensive process of truth and reconciliation which aims, among other things, to:
- 21.2.1 Guarantee favourable conditions for peaceful societal reconciliation between components of society;
  - 21.2.2 Rebuild and strengthen relationships between components of society as well as encourage coexistence, cooperation and social solidarity in Darfur;
  - 21.2.3 Oppose tribal and regional polarisation and prevent fighting ethnically-motivated fighting between tribes;
  - 21.2.4 Instil a culture of peace in keeping with traditional cultural values and heritage;
  - 21.2.5 Offer official and unofficial, individual and collective apologies to victims of the war.

## **22. The Committee for Truth and Reconciliation**

- 22.1 Both parties have agreed to establish a committee for truth and reconciliation within 60 (sixty) days of the date on which this Agreement is signed, and to undertake to do the following:
- 22.1.1 Determine and evaluate the root causes of the conflicts in Darfur;
  - 22.1.2 Investigate violations, crimes and violations of human rights, including violations of economic, social, environmental and cultural rights which have been perpetrated since June 1989;
  - 22.1.3 Occupy themselves with cases of impunity and building trust and a culture of peace and reconciliation;
  - 22.1.4 Carry out a comprehensive analysis to determine the reasons for, nature of and scale of the conflicts, including the extent of grave violations of international humanitarian law and international human rights law, and the motives of their perpetrators;
  - 22.1.5 Determine whether those violations were the result of deliberate planning on the part of the state, entities affiliated to the state, political organisations, armed resistance movements or other groups or individuals;
  - 22.1.6 Implement any other goals or actions relevant to truth and reconciliation;
- 22.2 Both parties have agreed that the Committee for Truth and Reconciliation should begin its work within 60 (sixty) days of the date on which it is established, and should continue its work for a period of no less than 10 (ten) years from the date of the first day of its work, unless the committee has achieved its goals in full;
- 22.3 The Committee for Truth and Reconciliation should have headquarters in the main cities of the states of Darfur and in Khartoum, and should have an office in every community harmed by the conflicts, as circumstances dictate.
- 22.4 The Committee for Truth and Reconciliation should be comprised as follows:

- 22.4.1 The Committee for Truth and Reconciliation shall be made up of 11 (eleven) members;
  - 22.4.2 Each party shall choose a number of 5 (five) people in addition to one person which both parties agree on to be the chairperson of the Committee;
  - 22.4.3 Each party shall undertake to choose at least one woman to be in the Committee;
  - 22.4.4 The individuals assigned to the Committee for Truth and Reconciliation should possess a high degree of integrity, morality and professionalism, and should be viewed by the citizens of Darfur as neutral;
  - 22.4.5 The members of the Committee should be endowed with independence and extensive experience in the field of human rights and/or transitional justice and/or committees for truth and reconciliation;
- 22.5 In addition to any other aspects of its remit which both parties shall determine, the Committee for Truth and Reconciliation shall have the following mandate:
- 22.5.1 Opening up opportunities for victims and perpetrators of violations of human rights and other people to exchange experiences and arrive at a shared understanding of the past, facilitating true healing of wounds within society, encouraging reconciliation and preventing acts of brutality in future;
  - 22.5.2 Accepting statements and narratives from victims, witnesses, local communities, interest groups, people directly or indirectly implicated in the events or any other group or individual;
  - 22.5.3 Carrying out investigations and research, including inviting people to speak in front of the Committee for Truth and Reconciliation to collect relevant evidence, carrying out the necessary interviews and implementing any other measures or enquiries it considers useful to accomplish its mission;
  - 22.5.4 Holding hearings;
  - 22.5.5 Involvement in activities which it considers suitable to achieve societal reconciliation;
  - 22.5.6 Keeping the evidence it gathers in an agreed location equipped with the necessary security measures, and protecting victims and witnesses;
  - 22.5.7 Accurate and comprehensive records and documentation of crimes and forms of violation, as well as effective administrative systems for this documentation to facilitate recourse to information;
  - 22.5.8 To prevent further emotional and psychological damage to victims and to encourage witnesses to come forward with their testimonies, the Committee for Truth and Reconciliation shall guarantee victims and witnesses access to support from a professional team of expert psychiatrists, and special procedures shall be put in place to protect child witnesses and victims;
  - 22.5.9 The Committee for Truth and Reconciliation shall not be endowed with the authority to issue any kind of pardon in order to facilitate its work, encourage societal reconciliation and expunge the wounds

- inflicted during the conflict in Darfur, except with the consent of the victims;
- 22.5.10 Both parties shall determine the full extent of the investigatory powers and quasi-judicial powers of the Committee for Truth and Reconciliation;
- 22.5.11 The Committee for Truth and Reconciliation shall recommend measures to be taken to strengthen and instil an inclusive and permanent peace in Darfur, and shall present the results of its work and its recommendations periodically to the government of the region/states of Darfur. The Committee must present reports which include recommendations to take legal, political and administrative measures on the basis of the results of its investigations, and must delete all identifiable personal information from these reports and circulate them widely.
- 22.6 Both parties shall request help from the international community in supplying the financial and technical support necessary for the work of the Committee for Truth and Reconciliation, and the government of Sudan shall guarantee the Committee for Truth and Reconciliation access to sufficient funds, the appropriate facilities, and national and international staff appropriately qualified to help implement its missions. The Committee for Truth and Reconciliation ought to be provided with the funding necessary to commence its operation;
- 22.7 Both sides guarantee to prevent interference in the work of the Committee for Truth and Reconciliation, any intimidation or influencing of its members and employees, and any encroachment on bodies affiliated to it, its possessions, assets or facilities, and to allow them to work in an independent manner. The Committee for Truth and Reconciliation shall adopt its rules of procedure, which must be simple and accessible to the public and furnished with best practice gleaned through cooperation with international organisations and experts in international law. The Committee for Truth and Reconciliation shall undertake to cooperate and coordinate with other mechanisms of justice as determined by this Agreement.

### **23. Mechanisms of Traditional Justice**

- 23.1 The mechanisms of traditional justice in Darfur shall be empowered to punish individuals who have committed crimes linked to the conflict or perpetuating conflicts within and between tribes. The jurisdiction of the mechanisms of traditional justice shall include all crimes linked to conflicts which fall outside the jurisdiction of the International Criminal Court and the Special Court on the Crimes of Darfur, the National Judiciary and the Committee for Truth and Reconciliation;
- 23.2 The mechanisms of traditional justice shall impose various suitable punishments which reflect the gravity of the crimes and encourage reconciliation, restitution of property and compensation for victims where this does not overlap with the remit of the Fund for Compensation and Reparations.
- 23.3 The accused has the right to negotiate over the possibility to reduce the sentence issued by the mechanism of traditional justice. This negotiation may include the submission of written or verbal public apologies;



- 23.4 To protect witnesses, strict punishments must be imposed on those who threaten or carry out acts of violence against witnesses during procedures of traditional justice;
- 23.5 Unpaid community service shall be encouraged as a suitable punishment for those who offer public apologies;
- 23.6 A committee shall be established to follow and observe compliance with commitments to unpaid public service;
- 23.7 The mechanisms of traditional justice shall refer all cases outside their jurisdiction to other competent mechanisms of justice, including the Special Court on the Crimes of Darfur, the National Judiciary and the Committee for Truth and Reconciliation;
- 23.8 The mechanisms of traditional justice shall exercise their traditional jurisdiction, to which end they shall use non-procedural, customary laws and traditional procedural rules;
- 23.9 The rights of the accused to litigation procedures and the pursuit of justice for victims shall be taken into consideration at all stages of the procedures followed within the mechanisms of traditional justice;
- 23.10 The accused has the right to be represented by a lawyer;
- 23.11 Free legal assistance must be provided to victims and accused for an effective defence in cases raised before the mechanisms of traditional justice;
- 23.12 Local and regional leaders and tribal sheikhs will supervise tasks assigned to the mechanisms of traditional justice. Judges and members of mechanisms of justice must possess a high degree of integrity;
- 23.13 Both parties shall consult local and regional leaders and native administration on how to impart an official nature on mechanisms of traditional justice within the national justice system.

#### **24. The International Criminal Court**

- 24.1 Both parties affirm their willingness to cooperate fully and unreservedly with the International Criminal Court regarding people against whom detainment orders have been issued. This includes, among other matters, facilitating the appearance of people requested before the International Criminal Court and abiding by decision number 1593, year 2005 of the Security Council, according to which the case of Darfur was referred to the International Criminal Court;
- 24.2 Both parties will provide prosecutors and investigators affiliated to the International Criminal Court with easy access to victims and witnesses and investigation sites, and shall allow bodies of staff from the International Criminal Court to pass freely throughout Sudan, by land, water or air at all times;

- 24.3 Both parties shall abstain from involvement in investigations and trials carried out by the International Criminal Court, and guarantee protection and safety to all members of the prosecution, victims and witnesses;
- 24.4 Both parties pledge that all those subject to arrest warrants issued by the International Criminal Court, those subject to trials by the International Criminal Court or those convicted by the International Criminal Court shall immediately be removed from any government posts they hold, whether elected or appointed, and lose their ability to hold any of these posts unless their names are wiped from the arrest warrants issued by the International Criminal Court, charges against them are dropped or the International Criminal Court finds them not guilty.

## **25. The Special Court on the Crimes of Darfur**

- 25.1 Both parties have agreed to found a Special Court for crimes which occurred in Darfur within 90 (ninety) days of the date on which this Agreement is signed. The work of the court shall continue for a period of 10 (ten) years after the date on which it is founded, unless the court has completed its work before this defined period is over;
- 25.2 The Court shall be composed of native judges whose capability and integrity are well attested. These shall be appointed by the Chief Justice;
- 25.3 An independent prosecutor shall be appointed to the Special Court on the Crimes of Darfur by the Public Prosecutor by mutual agreement between both parties to this Agreement;
- 25.4 The Special Court on the Crimes of Darfur shall concern itself with the crime of genocide, crimes against humanity, war crimes and grave violations of international human rights law and international humanitarian law since 2002;
- 25.5 The Special Court shall determine a site for its headquarters and may establish courts in any region of Darfur;
- 25.6 A team of experts and specialists from the African Union shall oversee the procedures of the Court to ensure that these procedures run smoothly in accordance with the rules of justice and equity stipulated in international law;
- 25.7 The law which must be applied by the Special Court for the Crimes of Darfur regarding War Crimes, Crimes against Humanity and Crimes of Genocide is Sudanese criminal law and international criminal law;
- 25.8 The government of Sudan shall commit to guaranteeing access to the Special Court to witnesses, victims and accused, including those located outside Darfur, in coordination with the authorities competent in the relevant fields.

## **26. Pardons and Immunities**

- 26.1 The government shall commit to issuing general pardons in outgoing sentences, notices against political leaders and members of armed movements due to their

membership of these, after the necessary legal scrutiny via the competent entities as soon as the Peace Agreement is signed;

- 26.2 The government shall commit to returning all property belonging to organisations and individuals which was confiscated due to the conflict, subject to confirmation of their ownership by any means of confirmation available.

## **27. Perpetuating Memory**

- 27.1 Both parties have agreed to establish memorials and to honour victims of the conflicts in Darfur. Perpetuating memory will help to create the feeling that the bad experience of those who suffered during the conflict has ended, and will serve to educate and raise awareness for those who did not suffer from the conflict. Perpetuation of memory for victims of the conflict may take numerous forms, including but not limited to recurring public events, museums, educational centres and memorials;
- 27.2 The goal of programmes designed to perpetuate the memory of victims of the conflict in Darfur shall be to encourage reconciliation and show the people of Darfur and the government of Sudan's commitment to protect human rights and prevent acts of violence from happening again. The spaces surrounding memorials to victims of the conflict in Darfur shall be used as places for taking part in civil functions and educational programmes linked to the conflict and its consequences;
- 27.3 Both parties have agreed to conduct people's consultations and a dialogue with all levels of society to agree on collective goals for the project to perpetuate memory. These consultations shall take numerous forms, including meetings, feasibility studies and needs assessments. The consultations shall focus in particular on the point of view of the individuals most harmed by the conflict.

## Chapter 4: Compensation and Reparations

### General Principles

1. Victims of the conflict in Darfur have the right of unimpeded access to effective mechanisms of justice and equity, including the right to sufficient, efficient and immediate redress and compensations for damages resulting from the conflict in Darfur, violations of international human rights law and violations of international humanitarian law;
2. Victims of the conflict in Darfur are entitled to reparations in the form of compensation and/or restitution and/or rehabilitation and/or satisfaction and perpetuation of memory;
3. All individuals and communities that have suffered damages directly or indirectly as a result of the conflict in Darfur, or have suffered grave violations of human rights which occurred during the conflict in Darfur, possess the right to reparations;
4. Victims of the conflict in Darfur should be guaranteed access to the necessary knowledge and information concerning their rights as victims of human rights violations, violations of international humanitarian law and other relevant international laws, including their right to reparations;

5. The reparations granted to victims of the conflict in Darfur shall aim to acknowledge the suffering of the victims and their communities, compensate for their losses and restore their dignity, security and stability;
6. Both parties should act in accordance with international obligations and practices in matters regarding property rights, compensation, restitution and reparations, including obligations regarding displaced people and refugees;
7. In a manner which is in keeping with the principle of positive discrimination stipulated in the Peace Agreement, humanitarian aid shall be distributed, resources and property returned and compensation and reparations granted in accordance with this Agreement without discrimination on grounds of sex, language, tribe, race, religion, affiliation to political party, geographical location or status as displaced person/refugee, previous or current, or on any other grounds;
8. The decisions and instruments of commissions and mechanisms for implementing the Peace Agreement shall be considered legitimate [sharciyya] documentation recognised in official circles within the state [of Sudan];
9. No other means of restitution, concerning property or other damages, should be used to limit or compromise the granting of compensation, the initiation of compensation procedures or the act of restitution.

**10. For the purposes of the Peace Agreement, 'victims of the conflict in Darfur' refers to the following:**

- 10.1 Individuals and groups affected by the conflict in Darfur, including displaced people, rape survivors, victims of bodily, mental or psychological damage and those who have lost their property or been subjected to violations of their fundamental rights.
- 10.2 Children who have lost their parents or guardians;
- 10.3 Unaccompanied children;
- 10.4 Isolated children;
- 10.5 Direct family [*usra*] members or those financially dependent on someone who has suffered harm in the manner described in clause 10.1;
- 10.6 Non-combatants who have been subjected to harm while intervening to help those in trouble, or to prevent them being subjected to harm.

**11. Rights regarding Compensation, Restitution and Reparations**

- 11.1 All victims of the conflict in Darfur possess an equal right to compensation for their losses and the damages which have befallen them or their families [*usar*] as a result of the conflict in Darfur or other arbitrary or illegal acts which occurred during the conflict in Darfur;
- 11.2 Reparations include but are not limited to compensation for lost property, lost means of earning a living, deaths within the family [*usra*], personal injuries and

trauma or damages both psychological and physical resulting from the conflict in Darfur;

- 11.3 Individuals have the right to recover their property or gain compensation for property lost or confiscated as a result of the conflict in Darfur;
- 11.4 Communities have a collective right to recover their property or gain compensation for lawsuits regarding community property, villages, farms and allotments;
- 11.5 Lawsuits to recover individual property and lawsuits for collective property, or compensation for it, should not be mutually exclusive;
- 11.6 Individuals and groups have the right to recover lands lost as a result of the conflict in Darfur;
- 11.7 Individuals and groups have the right to compensation for environmental damages, degradation of land or damage to property resulting from the conflict, including environmental damage or degradation arising from the neglect or the displacement of people;
- 11.8 People harmed by the conflict in Darfur have the right to recover their homes and/or lands and/or property taken away from them arbitrarily or illegally, or to gain suitable compensation for their loss of homes and/or lands and/or property in accordance with international principles, the texts of the Peace Agreement and traditional customs. In keeping with this, it is necessary that:
  - 11.8.1 Assets and property confiscated or stolen from individuals, institutions and communities in Darfur be returned or restored to their rightful owners and just compensation offered in cases where restoring these properties is impossible;
  - 11.8.2 People who have been displaced, been made refugees or migrated due to the conflict in Darfur possess this right whether they choose to return to their original homes or not;
- 11.9 No individual or group should be stripped of the traditional and historical right to ownership of land and access to water without being consulted or fair compensation being offered.

## **12. The Fund for Compensation and Reparations**

- 12.1 Both parties have agreed to establish a Fund for Compensation and Reparations in Darfur within 90 (ninety) days of the date on which this Agreement is signed to receive and address decisions concerning compensation and reparations issued by relevant entities;
- 12.2 Both parties shall agree on an organisational and functional structure for the Fund for Compensation and Reparations in accordance with the fundamental points defined by this Agreement;
- 12.3 The Fund shall lay out its own operational code, rules and procedures and its decision-making methods;

- 12.4 Women shall make up at least 40% of the functional structure of the Fund;
- 12.5 The Fund for Compensation and Reparations in Darfur shall concern itself with implementing decisions concerning dues and compensations issued by relevant entities in favour of beneficiaries;
- 12.6 The procedures of the Fund for Compensation and Reparations must be simple, easy to access, transparent, implementable and free of charge and must take into account age, gender and disability;
- 12.7 The procedures of the Fund for Compensation shall be available to the public within a year of the date on which this Agreement is signed;
- 12.8 All kinds of documentation issued by the competent entities shall be subject to approval by the Fund for Compensation and Reparations after being examined and checked. This includes but is not limited to:
  - 12.8.1 Documents;
  - 12.8.2 Testimonies from traditional and local leaders;
  - 12.8.3 Testimonies from other witnesses confirming entitlement to compensation;
  - 12.8.4 Any other confirming documentation recognised by the relevant commissions and mechanisms
- 12.9 Decisions concerning compensation and reparations issued by the relevant mechanisms to the Fund for Compensation and Reparations include the following:
  - 12.9.1 Monetary compensation;
  - 12.9.2 Medical and psychological rehabilitation;
  - 12.9.3 Legal aid and social services;
  - 12.9.4 Establishing public spaces, memorials, museums and other places which perpetuate memory and bring it to life;
  - 12.9.5 Any other form of compensation.
- 12.10 The Fund for Compensation shall have a public register;
- 12.11 A schedule has been drawn up for compensation payments to be made with the required haste on the basis of the financial principles which govern the granting of financial compensation proportionate to the damage and loss suffered by the victim. Women and men and children and the disabled must enjoy equal treatment in the implementation of these payments;
- 12.12 Employees of the Fund must have sufficient experience in the field of work of the Fund, human rights and financial and legal matters;
- 12.13 The Fund for Supporting Peace and Sustainable Growth in Darfur shall finance the work of the Fund for Compensation and Reparations in Darfur for a period of 10 (ten) years;

- 12.14 The Fund may receive aid from national, regional, international and non-governmental organisations in its fields of work;
- 12.15 The Fund will coordinate and cooperate with the commissions established in line with this Agreement, especially the Commission for Returning Displaced People and Refugees, the Commission for Growth and Reconstruction, the Commission for Lands and Allotments, the Committee for Truth and Reconciliation, the Special Court on the Crimes of Darfur and mechanisms of traditional justice;
- 12.16 An organised review must be conducted to guarantee optimum distribution of funds allocated to victims in accordance with the financial procedures applicable in such cases, including fair principles of equality between the sexes and different ages;
- 12.17 All measures necessary to maintain the independence and integrity of the Fund for Compensation and Reparations must be taken.
- 12.18 Both parties have agreed to establish a fund to take care of matters concerning those killed or wounded in Darfur within 90 (ninety) days of the date on which this Agreement is signed. The Federal government must finance this fund and work to attract funding for it from within and outside Sudan.

## Two Areas Track – Framework Agreement (Blue Nile, South Kordofan/Nuba Mountains)

### Declaration of Principles

8. Both sides affirm that the interpretation and implementation of this Agreement and aspects of the political and peace process linked to it as part of the transitional period stipulated in the constitutional document shall be guided by the following principles:
  - 8.1 Maintaining the unity of the people of Sudan and its lands via a transformation to a fair and rational regime of governance as a fundamental goal of the peaceful transfer of power in Sudan.
  - 8.2 The principles of democracy, civil leadership, decentralisation, the rule of law and the peaceful transition of power shall constitute the basis of governance in Sudan.
  - 8.3 The Sudanese people are the source of sovereignty and all political power, and the government must be held accountable by the Sudanese people at all levels and in all its functions.
  - 8.4 Citizenship without discrimination shall be the basis of all civil, political, economic, social and cultural rights and duties.
  - 8.5 Building a decentralised state founded on a system of fair distribution of power and wealth which acknowledges the need for positive discrimination in favour of people marginalised and affected by wars and communities and areas marginalised and affected by conflicts shall be considered essential in order to achieve permanent peace, stability and good governance.
  - 8.6 Justice, accountability, transitional justice and reconciliation are core requirements to ensure a permanent peace and security in Sudan. This includes mechanisms which derive from the customs, cultures and heritage of the peoples of Sudan.
  - 8.7 Ending impunity for perpetrators of crimes and violations and the pursuit of justice for victims is essential in order to build national reconciliation processes and heal wounds.
  - 8.8 Mechanisms of justice, accountability, transitional justice and reconciliation in Sudan shall be based on respect for the rule of law, international charters on human rights and international humanitarian law.
  - 8.9 Victims' rights to full justice, to mechanisms for reparation and especially to compensation and redress for their grievances are fundamental rights.
  - 8.10 All languages native to Sudan shall be considered national languages, to be respected, developed and celebrated in equal measure.
  - 8.11 Political plurality, the right to hold peaceful gatherings and the formation of political parties, unions and other organisations are to be considered practices which lie at the heart of good governance and political participation in Sudan.



- 8.12 Legal reforms, rebuilding and developing the system of rights and justice and guaranteeing judicial independence and the rule of law are objectives which must be achieved.
- 8.13 The document concerning rights appearing in the constitutional document of 2019 is a covenant among all the people of Sudan, and between them and their governments on every level, and a commitment on their part to respect human rights and fundamental freedoms. This shall be considered a cornerstone to the principles of citizenship without discrimination, social justice, equality and democracy in Sudan.
- 8.14 All the rights and freedoms embedded in international and regional treaties, pledges and charters of human rights and agreed to by the Republic of Sudan are to be considered an inalienable part of this agreement.
- 8.15 Strengthening the principle of transparency, guaranteeing freedom of access to information for all citizens on an equal footing and widening the sphere of application [of this principle] to include all actions concerning transitional government, the peace process and other actions linked to the political transition in a manner which is in keeping with constitutional rights, as regulated by law.
- 8.16 Both parties commit to a review of the Comprehensive Peace Agreement of 2005 pertaining to the two areas.
- 8.17 One of the most important goals of the transition period in Sudan is to build an integrated constitutional process to draft and set out in writing a new, democratic constitution for Sudan which includes a guarantee of rights and freedoms for all Sudanese men and women in the light of lessons learnt from Sudan's history, including appropriate clauses taken from the charter of rights embedded in the constitutional document, and appropriate relevant sources in Sudanese laws and policies.

## **9. Obligations of the Two Parties**

- 9.1 For this framework agreement to be a part of and a guide for the final Peace Agreement, which shall be implemented in accordance with the provisions of this framework agreement.
- 9.2 Involvement in all efforts dedicated to peace and political transformation in Sudan, including the two areas as part of a comprehensive process of political transition in Sudan.
- 9.3 To implement, guarantee and protect the outputs of the transitional period in Sudan, including the peace agreements which will be reached and whatever else is generated by this process, in order to build a permanent constitution for Sudan.
- 9.4 To hold a constitutional conference before the end of the transition period, as stipulated in the constitutional document.

Requirements for Executing the Process of Achieving Sustainable Peace and Political Transformation

58. Both parties commit to working towards a comprehensive, universal and sustainable peace corresponding to the framework laid out in this Agreement, especially the requirements mentioned according to the following sequence:
- 58.1 Creating favourable conditions for political transformation and sustainable peace in the two areas, as stipulated in the clauses of this Agreement.
  - 58.2 Holding a constitutional conference, after a final peace agreement is reached and before the end of the transitional period, to which the transitional government of Sudan shall commit.
  - 58.3 A constitutional conference should be held with the participation of all true stakeholders to arrive at a permanent constitution for Sudan and a guarantee of fundamental democratic rights. Its most important core tenets should be the right to citizenship without discrimination and an answer to the historical question of how Sudan should be governed, rather than who should govern Sudan.
  - 58.4 The constitutional conference should discuss, among other matters, the relationship between religion and the state, and should approach this issue in a manner which is consistent with the right to citizenship without discrimination.
  - 58.5 Both parties have agreed that as an outcome after peace is achieved, general elections should be held following a review of the laws and dues which relate to these elections. A new national census of [Sudan's] inhabitants should be completed after the voluntary return of displaced people and refugees, within the framework of the arrangements made for the transitional period.