

# justice + conflict

UPDATES FROM SUDAN

REDRESS

Hello,

Welcome to this fortnightly roundup of news on justice and conflict in Sudan. Hyperlinks are underlined.

Friday 3 Mar 2023

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## BIG STORIES FIRST

- At the same time that al-Burhan indicated that political negotiations are [imminently](#) drawing to a close and [emphasised](#) that integrating the RSF into the army is an integral aspect of implementing the Framework Agreement, Hemedti [publicly acknowledged](#) the October 2021 coup as a “mistake” and a “gateway for the return of the former [al-Bashir] regime”. Al-Burhan is [understood](#) to have removed Hemedti’s responsibility for the peace file and access to routine security, diplomatic, and criminal reports, and [Al Jazeera](#) reports that al-Burhan may expedite plans to dissolve the Sovereign Council and form the Supreme Council of the Armed Forces with a view to reducing Hemedti’s influence. Some [analysts](#) view al-Burhan’s emphasis on merging the army and the RSF as “trying to win over the block of armed movements represented by rebel leaders Jibril Ibrahim and Minni Minawi”. Meanwhile, Hemedti continues to politically align himself to the terms of the Framework Agreement (albeit without making any credible commitments to ensure accountability for human rights violations, including those committed by the RSF). Despite this apparent conflict between al-Burhan and Hemedti, and as coordination between the army and the RSF is thought to be “[non-existent](#)”, [experts](#) (and [Hemedti](#) himself) have ruled out the prospect of any imminent clash between the army and the RSF. See this [Twitter thread](#) on the army’s use of reintegration language as a means of avoiding reforms.
- Belying public commitments to restoring a civilian government, Sudanese security forces continue to use excessive and lethal force to disperse civilian protests. On 28 February 2023, an unarmed demonstrator, Ibrahim Majzoub, was shot and [killed](#) by a police officer in Khartoum. As [reported](#) by the Central Committee of Sudanese Doctors, he is the 125<sup>th</sup> person killed since the October 2021 coup. 71 others were [injured](#), including another demonstrator who was shot but is understood to be in a stable condition. The killing, various footage of which was circulated on social media in the immediate aftermath, was widely condemned, including by the [Troika](#), the [EU](#) and UNITAMS head [Volker Perthes](#). While the police initially [implied](#) that the violence was caused by the protestors’ own use of excessive violence (which is unsubstantiated), they have now condemned the perpetrator’s “[unacceptable behaviour](#)” and [lifted](#) his immunity under the [Police Forces Act 2008](#). The Public Prosecution has [opened](#) a complaint under article 130 (murder) of the [Criminal Law Act 1991](#) and started its

formal investigation on this basis, including gathering evidence, questioning witnesses and ordering an autopsy. Demonstrators continue to demand that perpetrators of serious human rights violations are prosecuted for crimes against humanity under article 186 (see here for the [2009 amendment](#) adding article 186 to the penal code). The FCC has [emphasised](#) the importance of trying the perpetrator in public criminal proceedings, as opposed to any special military or administrative court. Meanwhile, lawyer Moez Hadrat has [called](#) for members of the Khartoum state committee, including the governor, to be investigated for failing to protect protestors from violence. Relatedly, the Sudan Human Rights Monitor, REDRESS, and the SOAS Centre for Human Rights Law recently [wrote](#) to the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, urging him to intervene in Sudan in relation to the ongoing use of lethal force against protestors.

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## ACCOUNTABILITY MI SERGEANT, INVESTIGATIONS, CUSTODIAL DEATH

### Continued ill-treatment in MI sergeant case

On 6 March 2023, the court is expected to consider whether to continue or dismiss the ongoing criminal proceedings against eight young men accused of killing a Military Intelligence sergeant. Musaab Ahmed Mohjmed Khairi (“Sanjo”) was recently [beaten](#) by prison officers at Kober Prison. Sanjo and his cell mate, Michael Gemis Far (another of the accused) have been frequently ill-treated, denied family visits (in non-compliance with court orders) and are currently being held incommunicado. Both individuals are now on [hunger and water strike](#) in protest against this injustice. Another of the accused, Hamza Salih Mahjoub, recently [fainted](#) in court while testifying in the proceedings on 27 February 2023. The lawyer for Mohamed Adam (“Tupac”) has [revealed](#) that Tupac and the three other young men continue to experience threats and ill-treatment in detention. Prison officers recently beat Tupac on several occasions, both outside Kober Prison and in the courtyard of the court. The proceedings are understood to have been postponed owing to Tupac’s current health condition.

### Prosecution case concludes in Ali Kushayb ICC proceedings

The Prosecution has (in remarkable time by ICC standards) [concluded](#) its presentation of evidence in the ongoing Ali Kushayb trial. The victims’ legal representative (appointed by the court to represent all victims throughout the trial) is scheduled to begin presenting the victims’ views and concerns in May 2023, with the Defence then making opening statements around mid-July 2023. Four arrest warrants remain outstanding at the ICC, including against Omar al-Bashir (whom it was recently erroneously [reported](#) had been transferred to intensive care). While more needs to be done to ensure accountability for violations committed in Darfur, Ali Kushayb’s trial is as an important first step.

### 89 perpetrators identified from December Beileil attacks

The Commission of Inquiry into attacks by Rizeigat on villages in Beileil, South Darfur in December 2022 has [identified](#) 89 people involved in the attack, 21 of whom have been arrested. The attacks on Daju villages, which [displaced](#) tens of thousands of people, were described by the Daju sultane as amounting to “[ethnic cleansing](#)”. The true number of perpetrators is likely much higher, with concerns that most perpetrators will entirely evade accountability. Hemedti (himself, a Rizeigat tribesman) stressed the necessity of continuing investigating the events. [Others](#) have called for the formation of a new independent committee to take over the investigation.

### **Al-Fashshaweya unfit to participate in trial**

The court in the 1989 coup case has decided to [exempt](#) Ahmed Mohamed ali Hassan al-Fashshaweya (one of the architects of the Bashir regime's investments abroad and a key Islamist leader) from appearing in court after a medical report suggested that he is unfit to participate in the trial. Meanwhile, there is confusion regarding the evidence provided by another of the accused, Mohamed Mahmoud Jameh (a retired SAF colonel who served as secretary of al-Bashir's office for a year after the 1989 coup). The Prosecution Committee submitted a court order alleging that the court had failed to consider a prior initial confession made by Jameh in December 2019. Jameh later made a second confession and now denies both confessions – stating that his words had been altered. Next week, the court will move to Alia Hospital to hear testimony from another of the accused, Major General Mohamed Al-Tayeb Al-Khanjar, who is unwell in the hospital.

### **Calls for custodial death to be investigated**

The African Center for Justice and Peace Studies has [called](#) on Sudanese authorities to urgently investigate the custodial death of a 40-year-old man at Sraf Omrah Police Station in North Darfur. It is alleged that the man, Aldigal Adam Mohamed Ishaq, was subjected to beating with sticks on his neck during his initial arrest. Medical evidence suggests that his primary cause of death was a broken neck and a swelling on his shoulders. Elsewhere, a girl – Salma Muhammed Ali Ibrahim – was mistakenly [shot and killed](#) by an anti-drug police officer in Omdurman during their pursuit of an individual alleged to possess drugs.

### **Sudanese activist sentenced to six months in prison**

A court in Saudi Arabia has [sentenced](#) a Sudanese political activist and blogger, Hisham Abbas Omar, to six months in prison for posting anti-coup material on social media. The Sudanese embassy in Riyadh filed a legal complaint against Omar and [claimed](#) that he had made inciting posts criticising both Sudanese and Saudi Arabian authorities. His family deny that Omar acted unlawfully and that he criticised the Saudi Arabian authorities.

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## **GOVERNMENT** JPA, UAE, WAGNER GROUP

### **Implementation matrix signed for JPA**

Parties to the Juba Peace Agreement, including the SLM-MM, the SLM Transitional Council, the Justice and Equality Movement, and the Beja Congress, have [signed](#) a two-year matrix for implementing the JPA, including on security arrangements for Darfur, South Kordofan (which [continues](#) to be in a formal state of emergency) and Blue Nile, along with wealth and power sharing with opposition groups in central and northern Sudan. While Minni Minawi criticised the failure of the international community to fulfil its obligations towards the implementation of the JPA, his speech (and the matrix generally) was received with [scepticism](#). Al-Burhan signed the matrix as a witness, whereas Hemedti [did not](#) attend the signing ceremony. On al-Burhan's recommendation, the governor of West Kordofan has [declared](#) a one-month state of emergency across West Kordofan and formed special courts to try those arrested under it.

### **Al-Burhan and Hemedti visit UAE**

Hemedti has held [talks](#) in Abu Dhabi with Mansour bin Zayed Al Nahyan, UAE Deputy Prime Minister, just days after al-Burhan concluded his own two-day visit to the UAE. Hemedti's eight day visit, which was not officially announced, is the latest of his regional diplomatic missions and comes amidst [speculation](#) that the UAE recently sought to mediate ongoing disputes

between him and al-Burhan (on which, see above). Elsewhere, Lt. Gen Yasser al-Atta made a [public speech](#) in the River Nile state emphasising the importance of the army and affirming its supposed commitment to supporting the democratic transition. This follows al-Burhan's own [recent visit](#) to the River Nile state where he called on the FCC to involve more political parties in the transition process. It is [reported](#) that the FCC and others have started discussing the criteria for selecting a future Prime Minister and other key political actors. While some speculation continues of Abdalla Hamdok's possible return, the FCC has denied discussing specific names at this stage.

### **EU sanctions on Sudanese Wagner Group entity**

The Council of the EU has [announced](#) new EU sanctions designations on 8 individuals and 7 entities under the EU Global Human Rights Sanctions regime for responsibility or involvement in serious human rights abuses in the Central African Republic and Sudan. This includes [joining the US](#) in sanctioning Meroe Gold Co. Ltd, a Sudanese gold mining company which acts as a front for the Wagner Group's mining activities. It remains to be seen what the impact of these sanctions (which followed a [CNN investigation](#) into gold exploitation) will be on the operations of Meroe Gold. Relatedly, the US has [shared intelligence](#) with authorities in Chad that the head of the Wagner Group is working with Chadian rebels to destabilise its government and potentially kill its president. Meanwhile, the African Union (AU) announced on 19 February 2023 that Sudan will remain suspended from the AU – shortly after Sudanese authorities [discussed](#) the prospect of reinstating Sudan's membership in meetings with the chairperson of the AU Commission. Finally, Sudan's Foreign Minister is [quoted](#) as saying that "America, with the support of Britain and France, refused to lift the [UN] sanctions", and that "we interpret this issue as targeting... and understand that it is not in the interest of the three countries for there to be political stability in Sudan." This appears to be a reference to the outcome of [recent efforts](#) by Sudanese authorities to request the removal of these sanctions.

### **Authorities refuse to register Sudanese Journalists Syndicate**

Various human rights and trade union organisations have [condemned](#) the Register of Labour Organizations' decision to reject the filing of the Sudanese Journalists Syndicate's articles of incorporation, five months after the application was filed. Skyline International for Human Rights [note](#) that the decision "may have a political dimension, especially as local human rights news and reports reflect an escalation in arrests and detentions of dissidents, media workers, and activists". Meanwhile, a [meeting](#) has taken place today as part of ongoing efforts to restore the Sudan Doctors Syndicate.

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## **HUMANITARIAN SITUATION** ARMED CLASHES, BOMB EXPLOSION, BORDER FORCES

### **Further violence in parts of Darfur**

On the [20<sup>th</sup> anniversary](#) of the start of the conflict in Darfur, the recent spate of violence shows no signs of slowing down. In Central Darfur, two soldiers were killed during [clashes](#) between the army and armed militias, and two displaced people were killed in [gunfire](#) by militiamen. Some suggest the recent escalation of violence is a deliberate militia strategy to turn the conflict into a tribal one. There has been an upsurge in armed looting across Darfur, including two brothers killed in a [robbery](#) in North Darfur and a driver killed by [gunmen](#) in South Darfur. Sporadic fires continue to be reported, as almost 550 homes were destroyed by a [disastrous fire](#) in a camp for IDPs in West Darfur, and two sisters were killed in a [house fire](#) in North Darfur. One person was also killed and nine others injured in a [bomb explosion](#) in El Geneina, West Darfur – the motives for which are currently unconfirmed.

### Official denies rumours of RSF border withdrawal

A Sudanese official has [denied](#) rumours that the RSF received directives to withdraw from the border with Chad and the Central African Republic. Al-Burhan and Mahamat Deby (Chad's transitional president) recently [agreed to reinforce](#) the Sudan-Chad joint forces. With speculation about growing tensions between the army and the RSF (and between al-Burhan and Hemedti), [some](#) had suggested that the RSF would be replaced at the border by the Sudanese army.

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# weekend read

[Revolutionary agency](#) in post-Bashir Sudan; Darfur – [not a matter for the history books](#) (and [lessons unlearned](#)); [digitising](#) Sudanese history; CSOs [safeguarding](#) Sudan's democratic transition; [how](#) to bring peace to western Sudan; the [stunning growth](#) of the Wagner Group; and Sudan as Russia's [strategic prize](#).

*Thanks for reading, and see you in two weeks.*

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