

# justice + conflict

UPDATES FROM SUDAN

REDRESS

Hello,

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

Friday 17 March 2023

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## BIG STORIES FIRST

- Al-Burhan, Hemedti, and signatories to the Framework Agreement recently [met](#) and [agreed](#) to form a committee to draft the final agreement as political negotiations appear to be gradually drawing to a close. While there had been [talk](#) of a new transitional civilian government being formed before the start of Ramadan (23 March), the FFC-CC now [expects](#) this to occur next month instead. Around this time, al-Burhan and Hemedti separately [agreed](#) to form a joint security committee – seemingly in response to suggestions of a growing rift between the two. Hemedti’s brother, Abdelrahim Dagalo, recently [called](#) on Sudanese authorities to “hand over power to the people without turning around”, adding that “[f]rom today on, we will not allow the killing of young demonstrators, nor will we allow any detention of politicians.” Hemedti himself [denied](#) any disagreement between the army and the RSF, clarifying that his disagreement is with those holding power who did not wish to hand it over to civilians – which many have interpreted as an overt reference to al-Burhan and his allies. The RSF concurrently [transferred](#) 700 new recruits from Darfur to Khartoum, apparently for a training programme. Unconfirmed reports suggest that, in response, the army put troops on [high alert](#) and [moved](#) additional troops around the military command. While Hemedti and al-Burhan have since [met in person](#) to discuss “the political and security situation in the country” and “the need to move forward with the agreed arrangements” (during which they agreed to establish the joint security committee), it is increasingly clear that the two have conflicting medium and long-term interests, as both men continue making moves to bolster their regional and international support (on which, see below in ‘Government’).
- The fourth of five dialogue conferences facilitated by the UNITAMS-AU-IGAD Trilateral Mechanism is [taking place](#) on justice and transitional justice. While six complementary regional workshops were set to be held in Greater Darfur, Kordofan, Blue Nile, East, North, central Sudan and Khartoum, the workshops for eastern Sudan in Kassala and the Blue Nile were [reportedly](#) prohibited “on security grounds”, [allegedly](#) “by order of the Humanitarian Aid Commissioner”. The other workshops have now [concluded](#) with various recommendations made, including around building community trust, restoring confidence (and providing reparations) to victims of injustice and their families, and comprehensive reform of state institutions, justice agencies, and security and military

forces. Workshop participants also emphasised the importance of ending the culture of impunity, investigating historic violations, and holding perpetrators accountable. This latest dialogue now [concludes](#) with a national conference in Khartoum. Members of the Quad and Troika have issued a [statement](#) on the conference noting “the importance of balancing retrospective accountability and forward-facing reconciliation” and expressing “regret that some of the planned regional workshops were prevented from taking place”. UNITAMS [reported](#) yesterday that the Trilateral Mechanism met with the signatories’ coordination committee to discuss the final conference on security sector reform and next steps in the political process. See our [policy briefing](#) with SOAS on transitional justice recommendations in Sudan.

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## ACCOUNTABILITY ACTIVISTS RELEASED, OFFICER CHARGED, JUDGE REPLACED

### Eight activists acquitted and released in MI sergeant case

In an unexpected (but welcomed) development, the eight individuals accused of killing a Military Intelligence sergeant have been [acquitted](#) and released, after the court found that there was insufficient *prima facie* evidence to continue the criminal proceedings, and that there had been “many errors” and “abuses” in the investigation process. Sudanese authorities arrested the activists last year and made unsubstantiated allegations that they were responsible for the killing of a sergeant during a public protest. The proceedings were marred with serious allegations of torture, fair trial violations, and witness intimidation. REDRESS, the Missing Initiative, and the Sudanese Defenders Centre for Legal Aid [wrote](#) to the UN Special Rapporteur on Torture and the UN Working Group on Arbitrary Detention, urging them to intervene. Two of the (then) accused – Musaab Ahmed Mohjmed Khairi (“Sanjo”) and Michael Gemis Far – had recently started a [hunger and water strike](#) in protest against their ill-treatment while in detention. Consistent with the [pattern of targeted arrests](#) of activists and protestors in Sudan, no credible and independent evidence was presented during the trial linking the individuals to the sergeant’s death.

### Police officer charged with murdering protestor

The police officer responsible for [shooting and killing](#) an unarmed demonstrator in Khartoum on 28 February 2023 has been [charged](#) with murder under article 130 of the [Criminal Law Act 1991](#). The Public Prosecution, which had been [investigating](#) the circumstances surrounding Ibrahim Majzoub’s death, announced that the offending officer had been charged after their investigation found that he had [not](#) been ordered on the relevant day to carry a firearm or shoot at demonstrators. The police previously [lifted](#) the officer’s immunity under the [Police Forces Act 2008](#) following public outcry in response to Majzoub’s killing. Hemedti has [called](#) for the trial to be “fair, transparent, and public”.

### Tupac criminal proceedings continue

Hearings continue to take place in the criminal proceedings brought against Tupac and the three other young men accused of killing a brigadier general. Tupac’s legal representative is [reported](#) to have reminded the new presiding judge of their responsibility for protecting the accused, all of whom have been tortured and other forms of ill-treatment while in detention. The defence continue to refute prosecution evidence, including [contradictions](#) between the prosecution’s claims and the underlying written statements. Sudanese authorities previously extracted confessions from the four defendants [by torture](#). While the exclusionary rule prohibits the use of information extracted by torture as evidence in the proceedings (on which, see our [briefing paper](#)) and a medical investigation was previously ordered in the case to prove

the issue of torture, the status and outcomes of any medical examination remain unknown. Given the absence of adequate legal and procedural safeguards implementing the exclusionary rule in Sudan, the risk is that the defendants may be convicted on the basis of these unlawfully obtained confessions. Meanwhile, the family of Mahjoub El Taj Mahjoub – a medical student who was allegedly killed by NISS agents following student protests against the then-al-Bashir regime back in January 2019 – have [called](#) for Judge Zuhair Babiker Abdul Razek to be reinstated as the presiding judge in the ongoing proceedings against the alleged perpetrators. Zuhair presided over the majority of the proceedings before being replaced. Some have speculated his removal is a punishment after he issued a court order authorising a complaint against the director of Kober Prison following accusations that Tupac had been subjected to systematic torture. He was also replaced as the presiding judge in the Tupac proceedings.

### **Another man sentenced to hand amputation**

A Sudanese man has been [sentenced](#) to amputation of the right hand and imprisonment for two years, after being found guilty of stealing 56 grams of gold and electronics including a television. Oddly, the individual was charged with theft under article 174 of the [Criminal Law Act 1991](#) but convicted of capital theft under article 170 (an aggravated offence with separate elements and penalties). It is understood that the court relied on a confession obtained [unlawfully](#) through torture as the only evidence against him during the trial. Last month, three men were also [sentenced](#) to hand amputation, the application of which would constitute a grave violation of international law, including the prohibition against torture. Separately, ACJPS has [called](#) on Sudanese authorities to urgently carry out an investigation into the custodial death of a man in Nyala City, South Darfur.

### **Journalists assaulted in Khartoum**

Journalist Ikhlas Nimir has [announced](#) her intention to file an official complaint and commence legal proceedings against the police for allegedly physically and verbally assaulting her while she was covering the demolition of slums in eastern Khartoum. An officer pointed a gun at her, and she was forced to climb into a police vehicle where she was detained for several hours before being released without charge. She was also forced to erase pictures from her mobile phone. In a separate incident, police [arrested](#), arbitrarily detained, and interrogated another journalist, Ahmed Gasm Al-Sayed. He was similarly forced to unlock his phone. Ahmed was released after members of the Sudanese Journalists Syndicate filed a complaint at the station. Elsewhere, [elections](#) have taken place for the new Sudanese Doctors Union leadership. Dr Hiba Omar has been elected as its new head.

### **Dismissal requests expected in 1989 coup case**

The court in the 1989 coup case has invited the defence lawyers to submit any requests in accordance with article 141(1) of the [Criminal Procedure Act 1991](#) asking for the case to be dismissed due to lack of evidence. The requests will then be considered by the court during a procedural session scheduled for 28 March 2023. With the exception of former president Omar al-Bashir (who said in [court](#) that he “assume[s] all responsibility for what took place on June 30 [1989]”), the defendants to date have all denied responsibility for the coup. It is unclear whether al-Bashir’s lawyers will file an article 141(1) request on his behalf. Meanwhile, the court temporarily moved to Alia Hospital to hear testimony from Major General Mohamed al-Tayeb al-Khanjar, who denied involvement in the coup.

### **Cases transferred from Special Courts for Martyrs’ Cases**

The cases concerning the killing of protestors during the December 2018 revolution have been [transferred](#) from the suspended Special Courts for Martyrs’ Cases to ordinary criminal

courts in Khartoum. This includes a number of alleged perpetrators involved in the killing of Al-Fateh Al-Nimair and Dr Babiker Abdel-Hameed. The Special Courts, which were created during Hamdok's transitional government, had been blighted by serious delays prior to their [suspension](#).

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## GOVERNMENT PM, SANCTIONS, ALLIANCE BUILDING

### Criteria agreed for selecting a Prime Minister

Mohamed Abdelhakam, leading member of Sudan's Federal Association and the FFC-CC, has [confirmed](#) that signatories to the Framework Agreement have now agreed on a set of criteria for selecting a future Prime Minister, which are said to adhere to the principles of the December 2018 revolution. Relatedly, the FFC-CC's Khalid Omer Yousif (former Sudanese Minister of Cabinet Affairs and spokesman for the civilian forces in the political process) has [denied](#) recent rumours of an undeclared alliance between Hemedti and the FFC-CC to pressurise al-Burhan into handing over power. Al-Burhan's [current](#) public position is that more civil forces should join the political process. For his part, Minni Minwai has again [publicly rejected](#) the process in its current form – stating that “[a]ny talk about the prime minister at the moment is meaningless and made for political consumption”.

### UN sanctions on Sudan renewed

On 8 March 2023, the UN Security Council [voted](#) to renew the Darfur arms embargo and individual sanctions imposed on three individuals in Sudan, and to extend the mandate of the Panel of Experts charged with overseeing sanctions against Sudan. The sanctions will be reviewed again by 12 February 2024, including any progress achieved by Sudanese authorities on benchmarks 2 (“progress on transitional security arrangements in Darfur”) and 3 (“progress on the national action plan for the protection of civilians”) [recommended](#) by the UN Secretary-General. Sudan had previously rejected these benchmarks, with the Sudanese Ambassador to the UN remarking in a [letter](#) to the Security Council that they “might have been a tool for continuing those sanctions indefinitely for foreign policy reasons that have nothing to do with current realities in the Sudan and the post-conditions in Darfur, but stem from sheer national self-interest.” The recent Human Rights Council [interactive dialogue](#) on the High Commissioner's oral update on Sudan demonstrated that meaningful progress towards democratic transition continues to be a key priority within the international community (and possibly a prerequisite to lifting the UN sanctions).

### Continued alliance building by Hemedti and al-Burhan

Hemedti and al-Burhan continue to devote significant energy to alliance building, as both men look to shore up their respective regional and international support. Hemedti conducted an unannounced [visit](#) to Eritrea where he met with President Isaias Afwerki. This follows Russian Foreign Minister Sergey Lavrov's recent [visit](#) to Eritrea (where he expressed Russia's desire to build a military base in Eritrea) and is regarded as the RSF “weaving alliances of its own” by some [analysts](#). Hemedti also [publicly welcomed](#) the resumption of diplomatic relations between Iran and Saudi Arabia. Hemedti's recent platitudes in alleged support of the democratic transition have had some Western success, with US-based Fox News bizarrely labelling Hemedti a “[r]eformist Sudanese general” in a [recent article](#). Meanwhile, al-Burhan has expressed his desire to develop relations with [Syria](#) and [Chad](#), and to expedite work on resolving border and economic issues with [Ethiopia](#).

## Mixed reports around integration of Musa Hilal's forces

[Al-Rakoba](#) recently reported that al-Burhan had issued “secret decisions” for large numbers of the former regime’s militias to be absorbed into the army (including some of Musa Hilal’s Border Guard Forces) and for the Popular Defence Forces to be incorporated as reserve army forces. A Sudanese army spokesperson has since [denied](#) reports of “large-scale recruitment campaigns among former fighters of the Border Guard Forces”, remarking that the army “does not recruit anyone on a tribal basis throughout its history. The recruitment is open to all Sudanese people”. Hilal’s Revolutionary Awakening Council continues to fracture as dissidents – led by Ali Majok al-Mu’min (the [former](#) Secretary of Foreign Affairs for the Awakening Council) – have formed a new entity with the Sudanese Revolutionary Awakening Council (Collective Leadership): the Revolutionary Awakening Council – the original.

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## HUMANITARIAN SITUATION SEXUAL VIOLENCE, LOOTING, CAR BORDER

### Increase in sexual violence in parts of Darfur

As the world recently celebrated International Women’s Day, the acting governor of North Darfur has [announced](#) plans to recruit more than 3,000 policewomen to “combat manifestations of violence against women” and “provide more job opportunities for women”. This follows a [recent increase](#) in reports of sexual violence in Darfur, including a displaced girl who was [raped](#) in central Darfur by four Janjaweed members. The recent increase in armed looting has also continued in North Darfur with various incidents reported, including ten displaced women and girls who were [severely beaten](#) and looted by gunmen in Al-Fashir. Similar incidents have been [reported](#) in other parts of Darfur. Another [spate](#) of fires have been reported across Darfur, including five children [killed](#) and thousands left homeless after wind exacerbated a house fire in El Salam, South Darfur, and a child [killed](#) and more than 300 houses destroyed by fires in East Darfur. Around this time, Sudan [re-opened](#) the border between central Darfur and the Central African Republic to facilitate trade.

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**weekend  
read**

CIA [follows](#) Hemedti’s activities in Sudan, Chad, and the Central African Republic; the impossible [political binary](#) in Sudan; [conversation](#) between a mother in Darfur and her daughter in the UK; promoting [palaentology](#) across Sudan; [legal challenge](#) to UK Home Office asylum questionnaire; Russia’s ([shrinking](#)) allies; Sudan’s [new dawn](#) that never was; and helpful summaries of [recent political developments in Sudan](#) and al-Burhan’s [power struggle](#) with Hemedti.

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

*If this was forwarded to you, please email [caitlan@redress.org](mailto:caitlan@redress.org) to sign up.*

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