

justice + conflict

UPDATES FROM SUDAN

REDRESS

Hello,

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

Friday 31 March 2023

BIG STORIES FIRST

- A political agreement is still expected to be signed tomorrow, with a transitional constitution and civilian government institutions to follow on 6 April and 11 April, respectively. Over the past two weeks, a drafting committee (comprised of 11 civilian members and a representative from each of the RSF and the SAF) [met](#) and [prepared](#) an initial draft of the final agreement based on the Framework Agreement, the [political declaration](#) discussed with certain non-signatories, the [draft](#) transitional constitution, and the recommendations from the first four ‘final issue’ workshops held (see, for e.g., the [outcomes](#) of the transitional justice workshop). The draft final agreement [reportedly](#) provides for a transitional government chaired by a civilian prime minister, a two-year transition period, a cabinet (of no more than 26 ministers) appointed by the prime minister, a legislative council (of 150 or 300 members) with the power to overthrow the transitional government with a vote of no confidence, and the handing over of those indicted to the ICC. However, the draft [did not](#) address whether the head of state would be a single person or a body similar to the pre-coup Sovereign Council. The draft agreement was [shared](#) with key non-signatories, including the FFC-Democratic Bloc [which](#) continues to reject the ongoing process and warns of “instability” if a new transitional government is formed without them. The SLM-MM, JEM, and the DUP have [reportedly](#) proposed a political committee mechanism to resolve their concerns (with JEM’s Jibril Ibrahim later noting his refusal to participate in a “[narrow government](#)”).
- SAF, police, and intelligence representatives abruptly [withdrew](#) from the closing session of the final workshop on security sector reform. Both al-Burhan and Hemedti were [conspicuously absent](#) from the closing session and the workshop concluded without agreed recommendations (which were anticipated to feed directly into the final agreement). The workshop itself has symbolic value given the historic lack of security sector engagement on reform issues and the vital importance of comprehensive reform to both the democratic transition and transitional justice. The workshop was marked in particular by disagreements over the pathway – and timeline – to RSF integration into the army. The SAF has [proposed](#) a two-year integration period, while the RSF has [called for](#) a 10-year timeline, in part on the basis of a supposed [draft agreement](#) on the principles and foundations of security and military reform that had

been agreed to by the SAF on 15 March. While UNITAMS head Volker Perthes has [suggested](#) a compromise of five years, the parties were unable to reach a consensus on this issue (and others) during the workshop. Both the [SAF](#) and [RSF](#) have since released statements affirming their commitment to the final phase of the political process.

ACCOUNTABILITY THREATS, MEDICAL EXEMPTION, DEFENCE TESTIMONY

Photographer threatened not to testify against Ibrahim Majzoub's killer

An individual who recorded the fatal shooting of unarmed demonstrator Ibrahim Majzoub by a police officer has allegedly been [arrested](#), [beaten](#) and threatened with death and injury to his [family](#) should he testify against the officer in court or continue to participate in/document protest activity. The forces responsible for his arrest [reportedly](#) warned him that he was, and would continue to be, under their surveillance. Having initially implied that the protest violence had been caused by the protestors' own use of excessive violence, the police then condemned the officer's "[unacceptable behaviour](#)" and [lifted](#) his immunity under the [Police Forces Act 2008](#). The officer was [charged](#) with murder under article 130 of the [Criminal Law Act 1991](#), though activists and [lawyers](#) continue to demand that he should be prosecuted for crimes against humanity under [article 186](#). Relatedly, Lieutenant Colonel Omar Arbab has [said](#) that the killing of demonstrators by the police represents "institutional behaviour" that is part of the state system, rather than "individual behaviour" by specific officers. Arbab, who [warned](#) last year of strong conflicts between al-Burhan and Hemedti, also accused police leadership of misrepresenting and falsifying facts, and of attacking media outlets that document violations. While the Angry Without Borders group is running an [online campaign](#) to expose police violations, police and security forces are increasingly targeting photographers [during](#) and following demonstrations.

Tupac trial continues, making "good" progress

Hearings [continue](#) to take place in the criminal proceedings brought against Tupac and the three other young men accused of killing a brigadier general. Legal representatives for the defence have refuted many of the prosecution arguments, and the prosecution recently [acknowledged](#) that no fingerprints of the accused had been found on the exhibited evidence and the brigadier general's blood had not been identified on the accused's clothing. The court is [reportedly](#) making "good" progress, with the prosecution expected to conclude its case in the near future.

Public Prosecution challenge al-Fashshaweya absence in 1989 coup case

The Public Prosecution has [challenged](#) the court's decision in the 1989 coup case 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 the hearings. The court relied on a medical report suggesting that he has both Alzheimer's disease and Parkinson's disease and is therefore unfit to participate in the trial. It has now been alleged that this medical report was issued back in June 2021, and that no evidence was submitted that al-Fashshaweya had been re-examined since then. The Public Prosecution has therefore [submitted a request](#) to the Court of Appeal to examine the trial court's decision to exempt him from appearing.

Defence granted additional time to call witnesses in El Taj Mahjoub case

The new presiding judge in the case against the nine former NISS agents who allegedly killed medical student Mahjoub El Taj Mahjoub back in January 2019 has [adjourned](#) the trial until 10

April 2023 to allow the eighth accused a final opportunity to call defence witnesses. Two such witnesses refused to testify at a previous hearing due to fears that they would face criminal charges themselves, particularly as the indictment committee had previously submitted a request to bring proceedings against one of the witnesses (who had admitted to being a member of the NISS team that raided Al-Razi University on the day of El Taj Mahjoub's death). Meanwhile, hearings are [due](#) to begin on 2 April 2023 in the case against those allegedly responsible for the death of demonstrator Muhammad Faisal ("Shaeria"). The hearings had recently been [postponed](#) at the request of the defence. Shaeria was shot and killed by a security force officer during demonstrations on 17 January 2022.

Continued pressure for release of political activist detained in Saudi Arabia

Three human rights organisations have [written](#) to King Salman bin Abdulaziz Al Saud of Saudi Arabia urging him to release Hisham Abbas, a Sudanese political activist and blogger who was recently [sentenced](#) to six months in prison for posting anti-coup material on social media. The proceedings against Abbas took place following a legal complaint filed by the Sudanese embassy in Riyadh. The organisations observed in their letter that Hisham had not committed any crimes under Sudanese law and called for his immediate release.

GOVERNMENT ROAD CLOSURES, AMNESTIES, SOCIAL MEDIA MANIPULATION

Proposed closure of eastern Sudan in protest against political process

Leaders of the High Council of Beja Nazirs have [announced](#) plans to close all routes in and out of eastern Sudan tomorrow, in rejection of the Framework Agreement, the anticipated signing of the final agreement, and the proposed formation of a new government. Civil forces and labour unions have expressed their [rejection](#) of the closure plans. Similar closures took place in the build-up to the October 2021 coup. The Supreme Council of Native Administrations has [pledged](#) not to permit the closures ([much as it did](#) in response to the closures in September 2021).

Widespread rejection of proposed military amnesty

[Families](#) of the deceased, [activists, and lawyers](#) have criticised the prospect of an agreement granting conditional amnesties to the military in return for supporting the democratic transition. Former Minister of Justice, Nasredeem Abdulbari, recently [reported](#) that military representatives had proposed the granting of amnesties during closed-door negotiations with the FFC-CC. While advocates of amnesties argue that they can play an important role in peace settlements, amnesties that altogether preclude accountability measures for gross violations of human rights and humanitarian law are [incompatible](#) with States' human rights obligations. It remains to be seen whether the parties will agree to an amnesty and, if so, on what terms (e.g., the categories of beneficiary that are eligible to be exempt from prosecution and whether the beneficiaries will need to satisfy other preconditions to benefit from it).

Islamist groups driving instability with sudden return of Ali Karti

Key Islamist groups continue to be perceived as posing a serious threat to the democratic transition, with Ibrahim Ghandour (former Foreign Minister and former head of the NCP) recently speaking at an [NCP iftar](#), where he referred to a broad base of Islamist support in Sudan 'waiting for the signal to move'. Relatedly, another former Foreign Minister and NCP affiliate – Ali Karti (also the Secretary-General of the Sudanese Islamic Movement) – recently made an unexpected [public](#) (re)appearance at a speech in the state of Gezira, central Sudan. Karti, who is [understood](#) to maintain close relations with Islamists in the SAF, was previously

the subject of an arrest warrant in relation to alleged involvement in the 1989 coup, and had various assets [confiscated](#) in an earlier crackdown on members of the al-Bashir regime.

Social media manipulation fuels perceptions of al-Burhan and Hemedti divide

According to a recent [report](#), supporters of the former al-Bashir regime are using social media platforms to invent and promote stories of disputes between al-Burhan and Hemedti as part of a wider campaign to damage their political credibility. While social media is a vital tool for Sudanese revolutionaries, it is increasingly being used by bad actors to distort broader political narratives.

HUMANITARIAN SITUATION MILITARY RECRUITMENT, CONFLICT, DISPLACEMENT

SAF and RSF actively recruit in Darfur

Belying recent public commitments by the [SAF](#) and the [RSF](#) to securing security sector reform and a single national army, both are [reported](#) to be conducting large-scale military recruitment operations targeting certain tribal groups in different areas of Darfur. According to local tribal leaders, both groups are offering financial incentives for young men to join. Some sources suggest that the army intends to weaken the RSF by recruiting youth from its core ethnic base of tribes (including the Riziegat and Al Ta'aisha), who are allegedly told to "be ready to respond to any military directives by the army at any time". Meanwhile, the RSF has gifted vehicles to influential tribal leaders in Darfur to garner support in recruiting youth and countering the SAF's own recruitment drives. These recruitment activities, which have been condemned by various tribal and community leaders, are likely to "[help exacerbate existing polarisation between communities and impede stability](#)" – including by [disincentivising](#) other armed groups from disarmament. An RSF source has also endorsed recent rumours that the SAF is attempting to reintegrate members of the Border Guard Forces (including through the use of financial incentives and promised military ranks). A SAF spokesman recently [denied](#) these rumours. It is [reported](#) that the draft recommendations proposed during the recent security sector reform workshop "stipulated the cessation of any new recruitment". While it was envisaged that the workshop recommendations would be finalised, agreed upon, and integrated into the upcoming final agreement, it is difficult to see whether this is feasible prior to signing on 1 April. Instead, the parties may incorporate an alternative reference, such as the draft agreement on the principles and foundations of security and military reform [reportedly](#) agreed on 15 March.

Escalation in West Darfur conflict

Darfur has seen an alarming uptick in armed conflict with various deadly incidents reported across the region. The UN Office for the Coordination of Humanitarian Affairs (OCHA) in Sudan has [reported](#) that an estimated 30,000 people have fled West Darfur into neighbouring Chad after six people were killed, eight injured, and at least 59 homes burned/looted in an incident of inter-communal conflict. The Darfur Network for Human Rights [cite](#) the killing of prominent businessman Mustafa Yousef as the main catalyst for escalating violence in West Darfur. When local police refused to take those responsible for his death into custody, local tribe members allegedly "tracked down and stoned to death the alleged two [Arab] killers", prompting retaliatory attacks by Arab nomads. An investigative committee has been formed to look into the circumstances surrounding the conflict. Elsewhere, four policemen were shot dead during an [armed robbery](#) in Central Darfur, and seven people were killed and many others seriously injured during a [road traffic accident](#) in South Darfur.

weekend read

Using electronic waste to build [robots](#); [helo-murr](#); [art exhibition](#) on water and electricity; [resistance](#) in the peripheries; Hemedti's [image laundering](#) (with Western help) [women's](#) participation in the political process; a ray of ([trade unionism](#)) light; and recaps on [RSF integration](#) into the army and the [complex dynamics](#) involved in Sudan's democratic transition.

Thanks for reading, and see you in two weeks.

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