Hello,
Welcome to this fortnightly roundup of news on justice and conflict in Sudan.
Hyperlinks are underlined.
Friday 27 Oct 2023

BIG STORIES FIRST

- Substantive negotiations between the SAF and the RSF have formally resumed in Jeddah, though the status is already fragile after the RSF claimed full control of Nyala, South Darfur (on which, see below). The talks were previously suspended – having produced modest outcomes amidst increasing atrocities by both sides – but informal discussions reportedly continued in the margins. Yesterday was scheduled as the official re-launch of negotiations, with the US delegation now led by Ambassador Daniel Rubenstein and the IGAD’s Executive Secretary ‘co-facilitating’ the talks as a dual IGAD/AU representative (a role that is likely more symbolic than substantive). While the SAF noted that it would continue its fight against the RSF despite the resumption of negotiations, RSF attacks in Nyala hours before talks were due to recommence led to reports that the SAF would, again, withdraw. The current status is unclear, though negotiations were apparently extended last night. In any event, an imminent peace deal remains unlikely. While increasing physical and financial fatigue may be a possible driver of compromise, both sides seemingly still believe in their ability to defeat the other, and the RSF’s bargaining power has likely increased since capturing Nyala and resisting SAF attacks in Khartoum. In recent days: (i) Malik Agar framed the negotiations as being primarily focused on the implementation of previous agreements (likely compliance with the Jeddah Declaration and the RSF’s withdrawal from civilian areas in Khartoum); (ii) Shamseddin al-Kabbashi (speaking from Port Sudan, having recently departed from the SAF’s General Command in Khartoum) claimed the talks would focus on addressing both the humanitarian and military dossiers, in preparation for future political processes; and (iii) an RSF source has claimed the talks will not yet address the Jeddah Declaration, but instead an initial ceasefire – which, given the RSF’s current positions in Khartoum and Darfur, would be to its (timely) advantage.

- The RSF and SAF have continued violent clashes in Darfur, Khartoum, and South Kordofan. The conflict still appears to be expanding into other States,
including Al-Jazira and White Nile. The most notable development in this time has been the RSF reportedly taking control over Nyala – a major strategic location that has faced months of onslaught by the RSF and allied militia. The RSF’s attacks in Nyala, which have increased in intensity in recent weeks and are currently led by Abdelrahim Dagalo, have focused increasingly on the command of the 16th Infantry Division of the SAF, as well as military fuel stores, and television/radio buildings. Yesterday, the RSF claimed that it had taken full control of the command, with local SAF members retreating. The RSF’s apparent control of Nyala has been corroborated by Darfuri monitors. On the same day, more than 20 healthcare workers from the Italian Emergency Hospital in Nyala were arrested by the RSF, ostensibly for treating SAF members during the conflict. At least one of the doctors was beaten. Elsewhere: (i) shelling and air strikes have continued in Omdurman and Bahri (in one case, an entire family was killed by a missile); (ii) the RSF’s attacks in Al-Aylafoun have resumed (killing tens of residents in one attack alone); and (iii) the RSF has continued its siege against displaced camps around Zalingei (on which, see below).

ACCOUNTABILITY ICC, TORTURE, SANCTIONS

Defence starts presenting case in Kushayb ICC trial

The Defence has made its opening statements (English/Arabic) and started presenting its case in the Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb) trial before the ICC. In its opening statement, the Defence re-emphasised its submissions that: (i) the circumstances since his case opened do not allow for a fair trial (particularly, Sudan’s lack of cooperation with the Defence and inadequate legal framework for the same, the security situation in Darfur (then and now), and the Defence’s inadequate time/resources to collect evidence and develop its arguments); (ii) Abd-Al-Rahman is not Ali Kushayb and was not connected with the Janjaweed, but instead was a pharmacist and military medical assistant with no connection to the atrocities in Darfur; and (iii) even if he had committed the acts he is accused of, he lacks the requisite mental element under the Rome Statute, having been compelled under Sudanese law at the time to act pursuant to orders. The Defence’s first witness finished testifying yesterday, and its second witness is scheduled to testify on 13 November. See: (i) our previous Q&A with Project Expedite Justice for a recap on the ICC’s role in securing justice for crimes in Darfur; and (ii) this excellent article on the ICC’s new investigation into events in Darfur since April 2023.

Death sentence despite torture-tainted evidence

States have until 3 November 2023 to nominate members to serve on the soon-to-be UN Independent International Fact-Finding Mission on Sudan, which is taking steps to operationalise as soon as possible. Meanwhile, Sudan’s own investigative commission has apparently received at least 5,717 reports of violations perpetrated by the RSF since 15 April 2023 and has referred eight cases to the national judiciary. While courts in conflict-affected areas generally remain non-functional, some military courts are operational. In one alarming recent case, an individual was sentenced to death by a military court in Kadugli, South Kordofan, for allegedly collaborating with the SPLM-N al-Hilu. Sources familiar with the case suggest that authorities extracted a
confession by torture, which was the sole evidence on which the individual was convicted. See our briefing on previous torture-tainted trials in Sudan.

EU receives Sudan sanctions evidence package
REDRESS recently submitted a dossier of evidence to the EU and recommended sanctions against sixteen individuals and five entities responsible for serious human rights violations in Sudan, many of whom are responsible for the current armed conflict. Meanwhile, the US Treasury has sanctioned Abdelbasit Hamza Elhassan Mohamed Khair, a Sudanese engineer and Hamas financier, as well as two of his affiliated Sudanese entities (Larrycom For Investment Ltd and Zawaya Group for Development and Investment Co., Ltd). Hamza is alleged to have managed numerous companies in Hamas’ investment portfolio and was previously involved in the transfer of almost $20 million to Hamas.

GOVERNMENT DEMOCRACY, JPA, SPLM-N AL-HILU

Civil Front holds conference, led by Hamdok
The Civil Front to Stop the War and Restore Democracy held a four-day preparatory conference in Addis Ababa. Some 80 participants across political parties, professional associations, resistance committees, and civil society convened, reaching a preliminary agreement to hold a founding conference in the coming weeks and forming a leadership body led by former Prime Minister Abdalla Hamdok. The Troika (the UK, US, and Norway) has welcomed the meeting as “an important step towards the formation of a genuinely inclusive and representative pro-democracy civilian front”, and highlighted their encouragement that “the meeting led to a collective commitment to convene a larger gathering with more diverse representation from Sudan”.

JPA signatories meet in Juba
South Sudan hosted a meeting between JPA signatories in Juba to discuss ways to end the current armed conflict. The meeting was arranged following a discussion between Malik Agar (who, as well as being al-Burhan’s deputy, is leader of the SPLM-N Agar) and South Sudan’s Salva Kiir. The meeting was framed as neutral, though, at the outset, Agar urged participants to “rally around one position, which is to support the [SAF]”. While the exact outcomes of the meeting are unclear, the parties will likely have discussed (amongst other things) their possible future involvement in the Jeddah process – which Agar previously called for JPA signatories to be included in.

SPLM-N al-Hilu talks ongoing
Discussions remain ongoing between the SPLM-N al-Hilu and the SAF to end armed clashes in South Kordofan (as well as separately between SPLM-N al-Hilu and the forces of Emir Kafi Tayara). Negotiations with Abdel Aziz Adam al-Hilu were initially (and unsuccessfully) brokered by South Sudan’s Salva Kiir. Tut Gatluak Manime, Kiir’s adviser on national security, noted that the current talks are “progressing” and that they are “hoping for a positive outcome”. Meanwhile, at least two people were killed in an attack in Dilling, South Kordofan, reportedly by forces affiliated with the SPLM-N al-Hilu. Reports of clashes between the SPLM-N al-Hilu and the SAF have otherwise generally decreased in recent weeks. For its part, the RSF recently announced that it had taken the SAF’s El Gardoud base in South Kordofan
following renewed clashes with the SAF. RSF members also killed at least four people in an incident in North Kordofan.

Senators repeat call for US Special Envoy to Sudan
A group of US Senators wrote to US President Biden urging him to appoint a dedicated Special Envoy to Sudan reporting directly to the Secretary of State. As noted in a previous roundup, the US was reportedly planning to formally appoint John Godfrey (already US Ambassador to Sudan) as Special Envoy, with Victoria Nuland suggesting back in May – in response to criticism for failing to appoint one – that the US “see […] Godfrey as that [Special Envoy]”. The letter, which also described the Jeddah talks as “not structured to deal with” conflicts of the present nature, emphasised the need for an individual with “extensive diplomatic leadership” that is “experienced in handling intricate regional crises” and possesses “significant diplomatic expertise in Africa”.

HUMANITARIAN SITUATION KILLINGS, IDP CAMPS, HEALTH CRISIS
RSF violence continues across Darfur
The situation in Darfur remains dire, particularly in North, South and West Darfur. Clashes have continued between the Salamat and Habbaniya tribes in South Darfur, with at least 13 people recently killed. Meanwhile, the RSF and SAF are trading allegations regarding their respective culpability for exacerbating tensions between the groups. The RSF also killed three members of the joint Darfur force, as well as (reportedly) members of the SLM-TC. The RSF has continued its attacks against those in IDP camps, particularly in Zalingei. Heavy shelling across three days killed nine people within Hassa-Hissa camp, which has been blocked in all directions in recent weeks due to nearby RSF-SAF clashes leaving residents unable to access medical care or bring in supplies. At least two people were also killed by the RSF in an attack on Al Hasahisa camp (which the RSF now reportedly controls). Elsewhere: (i) clashes between the RSF and the SAF have resumed in Al-Fashir (North Darfur); (ii) Misterei, West Darfur, has, again, been damaged by fire; and (iii) the RSF and allied militias have reportedly threatened to attack the Kulbus locality in West Darfur.

Sudan’s health crisis deepens
Sudan’s health crisis continues to worsen amidst the fighting. More than 70% of health facilities in conflict-affected States are non-functional, with only around 30 hospitals now functioning in Khartoum State. The WHO has verified 58 attacks on the healthcare system (an average of ten attacks per month), and the activities of both the RSF and the SAF continue to obstruct healthcare access. Amongst recent cases: (i) MSF suspended surgery at Bashair Hospital in Khartoum after military authorities blocked the delivery of surgical supplies from Wad Madani for over a month; (ii) the Alban El Jadded Hospital has been temporarily closed following an RSF attack on hospital staff; and (ii) MSF reported that further shells landed near Al Nao Hospital in Omdurman, which was hit by a shell several weeks prior, killing two people. Cases of dengue fever, cholera, and malaria also continue to increase. See this piece on the future of Sudan’s shattered health system.
After six months of conflict, Sudan is disintegrating (and little remains of Khartoum); thousands of refugees in danger (and IDPs in Kosti); one of the worst humanitarian nightmares (and dwindling relief funding); (lack of) civilian inclusion in the peace process; the AU’s failed role on Sudan; prelude to a coup; and reflections on Sudan’s constitutional trajectory.

Thanks for reading, and see you in two weeks.
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