

# justice + conflict

UPDATES FROM SUDAN

REDRESS

Hello,

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

Hyperlinks are underlined.

Friday 27 Oct 2023

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## 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 16<sup>th</sup> 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).

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## 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 that 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.

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## **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”.

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## **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 Jadeed 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.

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# weekend read

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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