

# justice + conflict

UPDATES FROM SUDAN

REDRESS

Hello,

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

Friday 15 Sep 2023

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## BIG STORIES FIRST

- Today, Sudan enters five months of armed conflict. Civilians continue to bear the brunt of violence perpetrated by the warring parties. In the last two weeks, atrocities have escalated significantly, particularly around Khartoum and Nyala (South Darfur). At least 150 people have been [killed](#) in a string of recent indiscriminate attacks attributed to the SAF. In one incident, at least [47](#) people were killed following an [explosive attack launched by a military aircraft that hit Khartoum's Gorro market](#). In another, at least 40 people were killed following a SAF aerial bombardment in Nyala which hit local markets and residential neighbourhoods. The SAF, which has been consistently [accused](#) of violating international humanitarian law and perpetrating possible war crimes, has increasingly targeted markets in recent weeks – especially those in areas controlled by the RSF (including so-called [Dagalo markets](#)). See [this article](#) for a good summary of the recent patterns of attacks. Meanwhile, the RSF continues to [attack SAF positions](#) in both areas and has been implicated in further [mass looting](#) in Khartoum.
- Al-Burhan has continued his [regional State visits](#), travelling to [South Sudan](#), [Qatar](#), [Eritrea](#), and [Turkey](#). While the specifics of his meetings are unclear, al-Burhan is likely brokering support for the SAF, including as part of any ceasefire/political negotiations. While the IGAD Quartet [recently recommended](#) “a single, all-inclusive IGAD-AU led [mediation] platform, the Sudanese de facto authorities: (i) [continue](#) to strongly [reject](#) Kenya’s role as Quartet chair – preferring fellow-Quartet member South Sudan to mediate the conflict; and (ii) have renewed [opposition](#) to the AU’s role in Sudanese affairs – [particularly](#) following the AU Commission chair’s recent [meeting](#) with RSF advisor Youssef Ezzat. A group of Sudanese trade unions, political parties and tribal leaders are [reportedly scheduled](#) to meet next week in Addis Ababa to develop an agenda for continued AU-IGAD mediation, though it is unclear whether the initiative will gain any traction as things stand, particularly with the SAF. Al-Burhan will [reportedly](#) soon lead Sudan’s delegation to the UN General Assembly in New York. For his part, Hemedti (seemingly in response to al-Burhan’s regional trips and [increased speculation](#) that al-Burhan will form a new transitional government based in Port Sudan), published an [audio recording](#): (i) warning against the creation of an “alternative capital” in Port Sudan; (ii) threatening to launch consultations to establish a “genuine civil authority” in areas under the RSF’s control,

with Khartoum as the capital; and (iii) impliedly threatening to attack Port Sudan (on this, see [Ezzat's recent comments](#) on the possible expansion of the RSF's attacks, as well as [Sudan War Monitor](#) on language used by RSF personnel). It remains to be seen whether [elements of the FFC-CC](#), which have been [accused](#) by some of strategically aligning closer to the RSF, would form any part of the RSF's civil authority.

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## ACCOUNTABILITY INTERNATIONAL CRIMES, SANCTIONS, ARBITRARY DETENTION

### New report on international crimes in Sudan

REDRESS has published a new report, "[Ruining a Country, Devastating its People](#)", which examines evidence of legal violations committed by both sides (including international crimes) and has recently been shared with State representatives at the UN Human Rights Council (the 'Council'). The report describes a "large body of credible (and evolving) *prima facie* evidence implicating both sides in the commission of [...] possible war crimes", as well as "reasonable grounds to conclude that some of the patterns [...] being reported constitute crimes against humanity", and "credible accounts of conduct in Darfur that could possibly amount to genocide". Amongst other recommendations, the report calls on: (i) the Council to adopt a resolution establishing an independent international commission of inquiry on Sudan (on which, see below); and (ii) all States to prioritise the urgent provision of substantial material support, including funding and technical capacity building, to Sudanese documentation organisations. A summary of the report can also be found [here](#).

### US impose sanctions on Hemedti's brother

The US has [designated](#) Abdelrahim Dagalo, Hemedti's brother – the first sanctions designation made against an individual responsible for atrocities in Sudan since 15 April 2023, and which follows recommendations made by REDRESS to the US in February 2022 and June 2023. Commenting on the decision (which Dagalo has labelled "[unjust](#)"), the Department of the Treasury's Office of Foreign Assets Control [stated](#) that Dagalo had been designated for "his connection to the RSF, whose members have committed human rights abuses against civilians in Sudan", including "conflict-related sexual violence and killings based on ethnicity". The US also imposed visa restrictions on Gen Abdelrahman Juma, the RSF's Sector Commander in West Darfur – who was implicated in the [killing](#) of West Darfur's *wali* (governor).

### Widespread use of arbitrary detention continues

Emergency Lawyers have [documented](#) a record number of detention centres in Khartoum – at least 47 affiliated with the RSF and eight affiliated with the SAF. In their reporting, Emergency Lawyers describe the appalling conditions in detention centres, including numerous instances of torture, hard labour, starvation, lack of toilets, and inadequate ventilation. The pattern of mass arbitrary detention against civilians appears to be extending beyond Khartoum, with the SAF's military intelligence reportedly detaining civilians in South Kordofan, ostensibly for supporting the SPLM-N al-Hilu. In recent weeks: (i) 30 civilians were [detained](#) by military intelligence in one incident, at least 8 of whom have been killed; and (ii) three people were [detained and killed](#) by military intelligence in another incident, reportedly as a result of severe torture.

### Novel proceedings begin against oil executives

A trial has [started](#) in Sweden of two former oil firm executives charged with complicity in war crimes committed in what is now South Sudan. The executives were, respectively, formerly CEO and chairman of Lundin Oil – a company that [entered into a contract](#) with the Government of

Sudan for the exploration and production of oil in southern Sudan. The company is alleged to have paid the Sudanese army and other armed groups to secure their operations in oil-rich areas. For four years, these groups led systematic and indiscriminate attacks on civilians, forcibly displacing around 160,000 people. An estimated 12,000 people were reportedly killed by the fighting or starved to death by the destruction of crops. The executives are accused of making their orders to the Government of Sudan with knowledge of, or disregard to, the IHL-violating conduct perpetrated by the Sudanese army and other armed groups in the area. The trial is expected to run until early 2026 and will hear 61 witnesses.

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## GOVERNMENT UN HRC, UNITAMS, DECREES

### Renewed call for an independent commission of inquiry

The Council's [54<sup>th</sup> session](#) commenced this week, featuring – on the second day – an interactive dialogue on the UN High Commissioner for Human Rights' oral update on Sudan. [Addressing the Council](#), Volker Türk emphasised historic impunity for perpetrators as a “major contributor to the decades-long instability in Sudan” and something that has “fuelled the current hostilities”. Over 100 Sudanese and international CSOs (including REDRESS) recently [reiterated their call](#) for the Council to adopt a resolution establishing an independent investigative mechanism on Sudan. While it had been hoped that lobbying from Saudi Arabia (which [blighted the May special session](#) on Sudan) would ease off this session, early suggestions (including from the speeches of various State representatives) suggest that this may not be the case. Sudan's representative, the attorney-general, emphasised that the Sudanese de facto authorities had formed a committee to investigate crimes committed by the RSF, despite the fact that this body: (i) lacks impartiality (both in mandate and personnel); (ii) has no publicly available procedures governing how it will operate; and (iii) appears to lack the necessary access, resources, survivor trust, or technical and institutional capacity to gather information effectively. It remains to be seen in the coming weeks whether the Core Group on Sudan (Germany, Norway, the US, and the UK) will mobilise and present a draft resolution calling for a mechanism – a decision that will likely be significantly influenced by their perceived ability to secure increased support (possibly in the form of further abstentions) from those in the African Group and beyond.

### Perthes resigns as Special Representative for Sudan

In his briefing to the UN Security Council, UNITAMS head Volker Perthes [announced](#) his resignation as the UN Secretary-General's Special Representative for Sudan, having served in post for over two and a half years. During his tenure, Perthes' leadership on Sudan has been regularly criticised by Sudanese activists and political analysts, including for his role in legitimising the Sudanese de facto authorities following the October 2021 coup as well as for inadequate leadership of the political mediation process that followed. Perthes had faced increased resistance within Sudan in recent months, including: (i) an individual calling for a [fatwa](#) authorising Perthes' assassination and offering to commit the killing; (ii) Perthes being ([purportedly](#)) declared [persona non grata](#) by the Sudanese de facto authorities; and (iii) the Sudanese de facto authorities [repeatedly threatening](#) to terminate the UNITAMS mission should Perthes remain in post. See this [Twitter Thread](#) summarising some of the key criticisms made against Perthes.

### Al-Burhan issues decrees regarding the RSF

Al-Burhan has issued a series of [decrees](#), including purportedly dissolving the RSF and repealing the [RSF Act 2017](#) (which regulates the RSF as an official military force). The decrees are the

latest in a series of actions taken by the Sudanese de facto authorities against the RSF (see our [previous roundup](#) on the formation of a new investigative committee, arrest warrants, revocation of diplomatic passports, and dossier of evidence to be presented to the ICC). These latest actions (which were [announced](#) during the early stages of the conflict) appear intended to bolster the SAF's narrative to the international community (including to the Council) of the RSF of a terrorist group that the SAF must eradicate. It is unclear what legal or practical impact these latest decrees have, as the repeal of the Act [may require legislative action](#) and the decisions will certainly be disregarded by the RSF.

### **RSF raid on JEM leader's residence**

The RSF has reportedly [conducted](#) a raid on the residence of JEM's leader, Gibril Ibrahim, and arrested his former guard commander as well as two others. It has been a turbulent period for JEM as of late, including after a group of ousted officials formed a [splinter group](#), designating Suleiman Sandal as their new leader. Meanwhile, Ibrahim [travelled](#) to Eritrea as part of an FFC-DB delegation for talks with other political parties and entities – apparently regarding efforts to end the conflict, alleviate the humanitarian crisis, and facilitate inter-Sudanese dialogue.

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## **HUMANITARIAN SITUATION** AL-HILU, MUSA HILAL, ESCALATION

### **Al-Hilu-SAF and Musa Hilal-RSF alliances denied**

Speculation continues regarding the status of various armed groups and their involvement in the conflict. Following various attacks by SPLM-N al-Hilu on SAF positions in South Kordofan, [Sudan Tribune's sources](#) indicated that al-Burhan met with Abdelaziz al-Hilu in [Eriteria](#) and requested that his forces support the SAF in its fight against the RSF (apparently in exchange for al-Burhan's support for al-Hilu's long-standing political demands, including committing to State secularism). According to those sources, al-Hilu requested a week to deliberate. While such an agreement could change the dynamics of the fighting (bringing in additional fighters and allowing the SAF to deploy troops from the Kordofan States), the SPLM-N al-Hilu [denies](#) that any such meeting took place. Elsewhere, contrary to reports that Musa Hilal's forces had joined the RSF in fighting in Al-Fashir (North Darfur), [new reports claim](#) that he has embarked on a tour of Al-Koma and Kutum areas in North Darfur, engaging with local leaders of Arab tribes, apparently in an effort to end the conflict. The source denies any involvement by Hilal's forces fighting alongside the RSF.

### **Further attacks across Darfur**

Attacks have again been reported in parts of Darfur, including Nyala (as described above) as well as [Al-Fashir](#) and [Sirba](#) (West Darfur). Meanwhile, Minni Minnawi (who also travelled to Eritrea as part of the FFC-DB delegation) has [warned](#) about threats of attacks by the RSF on humanitarian convoys travelling from Kosti to Darfur. Some RSF supporters have accused the joint Darfur forces of transporting weapons and ammunition to the SAF in Darfur under the guise of commercial and humanitarian convoys, culminating in these recent threats. In response, Minnawi emphasised that "this state of neutrality may transform into a necessity-imposed state" – a warning of possible armed escalation that may further devastate Darfur.

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# weekend read

Darfur victims [await justice](#) at ICC; the risks of [mediation shopping](#) (and external mediation as a [barrier to peace](#)); Sudan conflict becoming a [forgotten crisis](#); what's behind al-Burhan's [foreign trips?](#) (and the [beginning of the endgame?](#)); is the US [picking sides?](#); [looting spree](#) in Khartoum; RSF [Twitter misinformation](#); [Sudan Conflict Monitor #6](#); and [Sudan Conflict Observatory Report 010](#).

*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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