

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 Mar 2024

BIG STORIES FIRST

- Despite calls for a ceasefire during the month of Ramadan by both the [UN Security Council](#) and [UN Secretary-General](#), fighting has continued across large parts of Sudan – with the SAF recently capturing several key strategic sites in Omdurman. On 8 March, the UN Security Council adopted a [UK-drafted resolution](#) (14 votes in favour, [Russia abstaining](#)) calling on the warring parties to (amongst other things) immediately cease hostilities during Ramadan and enable full, rapid, safe, and unhindered humanitarian access (on which, see below). As with prior initiatives, the RSF [endorsed the ceasefire proposal](#) but has notoriously failed to substantiate similar previous commitments, and the de facto authorities [cautiously welcomed](#) the initiative though [messaging within the SAF was inconsistent](#) and their conditions for acceptance proved so impractical as to effectively amount to a rejection (requiring e.g., (i) the RSF's withdrawal from civilian areas/areas it occupied following the [Jeddah Declaration](#); (ii) the cessation of atrocities and violations committed by the RSF; and (iii) the return of looted property and perpetrators being held accountable). So far, neither side has engaged sincerely in ceasefire negotiations; instead, coordinating attacks in the build-up to increase their respective leverage. While this strategy has to date mostly benefitted the RSF, this time the SAF [regained control of the national radio and television headquarters](#) in Omdurman – a key [strategic and symbolic location](#) that the RSF has controlled since the early stages of the conflict – used as a [military base and detention centre](#). While the buildings have been [damaged by heavy artillery shelling and air/drone strikes](#), it is unclear to what extent the on-site archives have been affected. Soon after its capture, al-Burhan [travelled to Omdurman](#) and the SAF [took control of Wad al-Bashir Bridge](#) – demonstrating the [steady yet significant gains](#) it has made in Omdurman in recent weeks. Now, attention will turn to: (i) how the de facto authorities and related actors will use radio and television to aid mobilisation efforts and [control the narrative](#); (ii) whether the SAF can [build on its momentum](#) (both within Khartoum State and re-taking Jezira State as has been recently rumoured); and (iii) [key Islamist actors](#) again being seen as spoiling ceasefire talks.

- The de facto authorities [continue to obstruct](#) cross-border delivery of aid into areas controlled by the RSF, meaning families “[already teetering on the edge of survival will face deeper levels of hunger and malnutrition](#)”. Following widespread condemnation of its latest aid restrictions, the de facto authorities [agreed in principle](#) to facilitate access from Chad through the Tina border crossing into North Darfur, as well as via existing SAF-controlled land/sea routes, and if needed, through humanitarian flights into airports in Al-Fashir, Kadugli, and El-Obeid. While this increased access has been [welcomed](#), the new policy remains highly problematic for various reasons, including that the authorities: (i) continue to obstruct access by other border crossings, meaning vast parts of Darfur, Kordofan, Khartoum, and Jezira States [remain inaccessible](#); and (ii) [failed to consult](#) with the RSF and other armed groups in Darfur, meaning that humanitarian actors [lack adequate safety guarantees](#), particularly in respect of the three airports (which are all located in areas that have experienced regular fighting). At a broader level, UN actors seeking to broker increased humanitarian access have been accused of failing to properly hold the de facto authorities to account for their systematic obstruction of access into RSF-controlled areas thereby inadvertently bolstering the [SAF’s political claims](#). Relatedly, communications outages have continued across parts of Sudan, [further exacerbating coordination obstacles](#) for grassroots emergency assistance and humanitarian services.

ACCOUNTABILITY FORM 8, ICC, SANCTIONS

Campaign urges flexibility for sexual violence survivors

The Sudanese Together Against Rape and Sexual Violence campaign has submitted a [memorandum](#) to Sudan’s acting Attorney General reporting rape and other sexual violence perpetrated by the warring parties, the inadequate support provided for survivors, and the need to apply flexible legal procedures to address the situation. Amongst other things, the memorandum highlighted: (i) the need for hospitals to perform abortions for survivors who become pregnant (see [Art. 135, Criminal Law Act 1991](#)) and provide other healthcare services, noting that some survivors have been refused abortions and had to travel to RSF-controlled areas or have attempted self-abortions; and (ii) the challenges facing survivors seeking justice – as prosecutors often file legal cases against “unknown armed parties”, and stigma, insecurity, and a lack of access to health professionals/prosecutors prevents other women from coming forward. The memorandum describes how both of these issues are exacerbated by the need for survivors to complete [Form 8](#) (the document used to document physical injuries) to access certain healthcare or file a legal claim. Form 8, which can only be obtained from police stations or large hospitals, was already challenging for some survivors to obtain before the conflict (particularly outside of Khartoum). Now, with many police stations/hospitals not operational, it is more difficult than ever to obtain a copy. While Form 8 is not explicitly mandated in Sudanese law, it remains a significant barrier to survivors receiving medical treatment including abortions or filing legal cases against perpetrators. The campaign urged the Attorney General to adopt flexible procedures to enable survivors of rape to receive

medical treatment and facilitate the filing of legal reports and evidence by survivors and witnesses, in each case without requiring the use of Form 8.

OTP delegation requests increased cooperation

A delegation from the ICC Office of the Prosecutor (OTP) has [travelled to Port Sudan](#) and met with the acting Justice Minister. It is understood that the OTP delegation sought to secure increased cooperation by the de facto authorities, including with respect to outstanding requests for assistance and the issuance of [multiple entry visas](#). Since the start of the armed conflict (and more broadly, since the October 2021 coup), the de facto authorities have provided very limited cooperation with the ICC; instead obstructing access to Sudan for ICC staff to engage with witnesses, officials, and affected communities. Relatedly, see: (i) [here](#) on reports that the SAF successfully extracted ICC indictees Omar al-Bashir, Abdel Raheem Muhammad Hussein, and others from [\[i\]here%20on%20reports%20that%20doctors%20at%20Alia%20Hospital%20recommended%20that%20ICC%20indictee%20al-Bashir%20be%20transferred%20to%20another%20hospital%3B%20\(ii\)\]Alia Hospital](#); and (ii) [here](#) for an interview with the US ambassador-at-large for global criminal justice on the US' support for the ICC's Darfur investigation, including on the prospect of charging Hemedti.

BNP Paribas aware it was violating Sudan sanctions

A judicial investigation remains ongoing into French bank BNP Paribas' [alleged role](#) in crimes against humanity, genocide, and torture committed in Sudan between 2002 and 2008. BNP Paribas previously admitted to acting as the [primary foreign bank of Sudan](#) during this period, when the Sudanese government committed widespread atrocities in Darfur. According to the French authorities' [preliminary findings](#), BNP Paribas was aware "in real time" of the Sudan sanctions regimes in place, the bank "decided to continue banking operations with this country in full knowledge, even acting in the place of US banks for clearing operations", and a warning issued by the bank's compliance department in late 2005 failed to have any consequences. In 2014, the bank was [fined \\$8.9 billion by the US authorities](#) for processing financial transactions for US-sanctioned Sudanese, Iranian, and Cuban entities. Concurrently, [Swiss regulators found](#) that BNP Paribas' Swiss subsidiary had persistently and seriously violated its duty to identify, limit and monitor the inherent risks.

GOVERNMENT MEDIATION, SANCTIONS, US ENVOY

Range of mediation initiatives developing

With the Jeddah process seemingly still stalled, third States and international stakeholders are attempting to progress other avenues to end the armed conflict. Following [al-Burhan](#) and [Hemedti's](#) recent visits to Libya, Sudan's acting Foreign Minister claims that the de facto authorities have agreed to participate in indirect negotiations with RSF [mediated](#) by Libya and Türkiye, though this initiative has not been publicly acknowledged by either of the warring parties. Meanwhile, Abdalla Hamdok – who recently [travelled to Egypt for talks](#) – has suggested that Egyptian officials [could host a meeting](#) between al-Burhan and Hemedti. This comes following Egypt's participation in the [January Manama talks](#) and growing emergence as

a [potential mediation venue](#), though much would depend on its [perceived impartiality](#) as well as its ability to get the [right actors in the room](#), prevent the warring parties from forum-shopping, and counter the influence of spoiler Islamists. Finally, the AU High-Level Panel on Sudan has met with various actors, including [al-Burhan](#), representatives of the [RSF](#), [Taqqadum](#), and defunct NCP, as well as JPA signatories, political parties, [FFC-DB](#), women's groups, civil society, and others. Al-Burhan claimed the de facto authorities would have "[confidence in the AU's potential solutions](#)" on the condition that Sudan's AU membership is reinstated. The AU [suspended](#) Sudan's membership following the October 2021 coup, which – speaking to the AU Panel – al-Burhan claimed was not a military coup but rather a "[dissolution of the partnership between the military and civilian components due to their inability to reach a consensus](#)".

Further EU targeted sanctions may follow

Speaking with a Radio Dabanga correspondent, the [Swedish Ambassador to Sudan](#) [noted](#) that the EU is ready to impose additional targeted sanctions if necessary, noting that "[o]ther companies could also be included [alongside the six companies [the EU sanctioned in January](#)], because financing this senseless war is something that should not happen". The Ambassador recognised that EU sanctions "take considerable time, as they require consensus among [its] member states". The EU was noticeably slower than the US and UK to impose targeted sanctions on entities supporting the armed conflict in Sudan and has not yet sanctioned any individuals (much like the UK). Its initial six Sudan designations align with designations made by the US and UK. Having now finalised its initial match of sanctions, it is expected that the EU may be able to act more promptly when considering other prospective sanctions targets. On 16 October 2023, REDRESS submitted an evidence dossier to the EU recommending that it sanction various individuals and entities for their role in post-coup violations and the ongoing armed conflict.

US Envoy for Sudan meets grassroots groups

The new US Special Envoy for Sudan has begun his first regional trip since his appointment – [focusing](#) on securing a ceasefire and ensuring humanitarian access. So far, he has met with the [UN Envoy for Sudan](#), [Taqqaddum representatives](#), as well as – encouragingly – a number of [pro-democracy](#) and [grassroots](#) groups. He has emphasised the work of women, youth, and marginalised communities leading efforts to restore freedom, peace, and justice in Sudan; noting that "[Sudan's civilians must be the ones to define Sudan's path going forward and lead a transition to democracy](#)".

Iran naval base rejected

According to the [Wall Street Journal](#), during recent discussions between the two States, Iran offered to provide [advanced weaponry](#) to the SAF, including a helicopter-carrying warship, in exchange for permission to establish a permanent naval base on Sudan's Red Sea coast. This was reportedly rejected by Sudan, with the de facto authorities citing concerns about potentially alienating the US and Israel. Both the Sudanese authorities and Iran have [rejected the claims](#). As previously reported, Russia previously decided to [indefinitely postpone](#) its own plans to build its own military base on the Red Sea due to the ongoing armed conflict and lack of Sudanese legislative body to [ratify the deal](#).

HUMANITARIAN SITUATION

See Big Stories First.

weekend read

What's [fuelling](#) the war in Sudan?; [urgent action](#) needed on hunger crisis (and conflict [disrupts](#) food supply); new [diplomatic push](#) needed; give [Sudan FFM](#) a chance; Egypt is [barely a refuge](#); inside Darfur's [neglected refugee crisis](#) (and [funds dry up](#)); how HRDS are [risking their lives](#) to document the conflict; Agar leads [new political group](#); and [Sudan Conflict Monitor #11](#).

Thanks for reading, and see you in two weeks.

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