

ONE STEP CLOSER TO JUSTICE AND HEALING

Briefing: Addressing conflict-related sexual violence in Sudan: Beyond the case of S.I. vs. Sudan

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REDRESS
Ending torture, seeking justice for survivors

 **Rights for Peace**
Preventing Mass Atrocities with Human Rights

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Sexual and gender-based violence (SGBV) has been a distressing hallmark of Sudan's history. State military, security, and intelligence actors have long employed various forms of sexual violence as a means of suppression, intimidation, punishment, and discrimination – perpetrated particularly against human rights defenders, pro-democracy demonstrators, ethnic groups and religious minorities, and individuals from other marginalised communities.

Sudan has also experienced recurring armed conflict characterised by the entrenchment of military actors in positions of power, the concentration of wealth and political influence in Khartoum, and the marginalisation of the peripheries, as well as a prevailing logic of recourse to violence as the principal means of doing politics. These conflicts have each been marked by conflict-related sexual violence (CRSV), including the systematic use of often racially motivated violence to consolidate territory and exert control over, humiliate, and forcibly displace communities.

The ongoing armed conflict between the Rapid Support Forces (RSF) and the Sudanese Armed Forces (SAF) has been no exception. The conflict, which began on 15 April 2023 and is ongoing at the time of writing, has exacerbated an already alarming situation. The warring parties have launched renewed campaigns of violence against the civilian population, including arbitrary arrests, unlawful detention, torture, and sexual violence – targeting individuals on the basis of age, gender, ethnicity, or affiliation with pro-democracy, human rights, and 'anti-war' activism.

Survivors of CRSV in Sudan struggle to access justice and obtain reparation, as documented by the Global Survivors Fund (GSF), Rights for Peace, and national NGOs in the [Sudan Study on the Status of and Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence](#) (Study on Reparations for CRSV Survivors in Sudan). Perpetrators have very rarely been held to account, owing to the near total impunity for State-sanctioned violence enshrined in Sudan's power structures and legal and constitutional arrangements.

Within this context, the case of S.I. represents a significant milestone in challenging the prevailing cycle of impunity for sexual violence in Sudan. In August 2023,¹ the African Commission on Human and Peoples' Rights (ACHPR) issued a groundbreaking decision in which it found Sudan responsible for failing to investigate, prosecute, and punish those responsible for the torture, including sexual violence, of S.I., a student involved in pro-democracy rallies in Khartoum in 2011. This is the first time that the ACHPR recognised that sexual violence automatically implies gendered discrimination. The ACHPR also stressed that rape necessarily meets the level of severity to amount to torture under international law.

The decision not only impacts S.I. as a survivor but also provides an opportunity to address ongoing human rights violations and enhance prevention, as the ACHPR ordered Sudan to implement a number of measures to tackle CRSV and SGBV (see next section).

¹ The ACHPR adopted the decision during its 72nd ordinary session held from 19 July to 2 August 2022. The decision was communicated to REDRESS in August 2023: [Safia Ishaq Mohammed Issa v. Republic of Sudan, Communication 443/13](#).

S.I. herself expressed the significance of this decision, stating:

“ This decision has brought me one step closer to justice and healing. My hope is that it will contribute to shedding light on the broader human rights violations happening in the country and inspire action to end these atrocities.

Recommendations: Reparation measures ordered by ACHPR

The ACHPR ordered Sudan to pay adequate compensation to S.I. and to conduct a prompt and effective investigation in order to identify and hold accountable those responsible for her arrest, torture, and rape.

The ACHPR also requested Sudan to implement measures of non-repetition to address SGBV and ensure that S.I. and other victims obtain reparation for such violations. These include institutional and practical reforms to:

- Identify the root causes of SGBV to enhance prevention.
- Adequately document SGBV and hold perpetrators accountable.
- Support victims in legal proceedings and ensure their access to healthcare.
- Create reparation programmes that are efficient, accessible, and ensure victims’ participation.
- Incorporate and enforce safeguards to prevent torture and other ill-treatment in accordance to the [Robben Island Guidelines](#).
- Provide training to security officers on the prohibition of torture and custodial safeguards.

Additional recommendations

In addition to our priority recommendations to address the existing context of conflict outlined in REDRESS’ report [Ruining a Country, Devastating its People](#) (p. 8-9), echoing recommendations by GSF and Rights for Peace, the measures below are key to any future accountability and reparation efforts for CRSV in Sudan and apply to all relevant actors involved in these processes:

- Any post-conflict political agreements should include firm commitments on accountability and reparation for CRSV survivors, with particular attention to gender-sensitive interim reparation measures for CRSV and other survivors in need.
- Reparation processes and the wider transitional justice agenda should be developed in a participatory, victim-centred manner that enables survivors to contribute meaningfully and in conditions that ensure their safety and well-being.
- Community awareness campaigns and training programmes on sexual violence should be implemented to address the social stigma and discrimination associated with CRSV that hinders survivors’ pursuit of justice and reparation.
- Holistic support should be provided to survivors to ensure access to justice and reparation.
- At the international level, such support may encompass awareness raising and facilitating survivor participation in ongoing processes, such as the United Nations’ (UN) Fact-Finding Mission on Sudan (FFM, see below) and the International Criminal Court (ICC).

- At the national level, this may include establishing transitional justice mechanisms and judicial processes and implementing legal and institutional reforms to ensure compatibility with the international standards binding on Sudan.
- Documentation of CRSV by justice actors in Sudan should comply with recognised standards, including the Istanbul Protocol 2022: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Istanbul Protocol) and the Preventing Sexual Violence in Conflict Initiative’s International Protocol on the documentation of sexual violence in conflict.
- In the long term, priority should be given to legislative and institutional reforms to prevent and address CRSV, including as ordered by the ACHPR. This may include the approval of the Draft Violence Against Women Law, addressing limitations of the medical report “Form 8”, protecting victims and witnesses, as well as implementing and training law enforcement personnel and other stakeholders on safeguards against SGBV based on international and regional human rights standards.
- Ratification and implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), with the necessary legal reforms to ensure the domestic definitions of rape and sexual harassment align with international standards, are also key.

See further recommendations in the GSF and Rights for Peace Study on Reparations for CRSV Survivors in Sudan and the REDRESS report Ruining a Country.

CRSV IN SUDAN



©Reuters/Zohra Bensemra. A 24-year-old mother, who said she was raped by armed militiamen in El Geneina, West Darfur, seats outside a makeshift shelter in Chad in 2023.

Structural violations

This section provides a brief overview of current CRSV abuses in the country, showcasing the urgent need for intervention and reform. For more details, refer to REDRESS' report [Ruining a Country](#), GSF and Rights for Peace [Study on Reparation for CRSV Survivors in Sudan](#), and [REDRESS Justice + Conflict newsletter archive](#) for updates on accountability, political developments, and ongoing armed conflict.

CRSV has been long perpetrated with impunity by Sudanese security forces and armed groups as a weapon of war, creating a climate of fear and repression across the country. As documented by GSF and Rights for Peace in the above study, forms of sexual violence documented in Sudan include trafficking, sexual slavery, genital mutilation, and forced marriage, with the most prevalent cases involving rape and gang-rape (p. 18). These violations have been systematically used to discriminate, punish, and control entire communities in regions of Sudan, as well as to target human rights activists, especially women, with the aim of deterring their involvement in pro-democracy movements and stifle their voices in the pursuit of justice and equality (Study on Reparation for CRSV Survivors in Sudan, p. 17, 20).

CRSV in the June 2019 massacre

The June 2019 Massacre (also known as the “Khartoum Massacre”) is an appalling illustration of a State-sanctioned crackdown on protesters and the use of CRSV against demonstrators, including women activists.

On 3 June 2019, security forces, mostly comprised of RSF officers, violently assaulted peaceful demonstrators participating in a pro-democracy sit-in in Khartoum. Security forces killed over one hundred demonstrators, with hundreds more sustaining injuries. Demonstrators faced beatings, unlawful detentions, enforced disappearance, and various forms of intimidation and humiliation.

The incident was also marked by the use of CRSV against demonstrators, including rape and gang-rape. As reported by the Central Committee of Sudanese Doctors, there were at least 70 cases of rape against women, girls, and men during and in the aftermath of the attacks, based on data compiled by a committee of doctors in Khartoum. UNICEF also recorded cases of sexual abuse involving at least 12 child survivors who received medical treatment after the demonstrations.

This wave of violence and abuses persisted, with RSF forces disrupting a student protest in the city of El-Obeid on 29 June 2019, killing six protesters, including three minors. Subsequently, RSF forces attacked protesters in Omdurman on 30 June 2019, killing at least ten people. Despite the establishment of multiple investigative committees for the “Khartoum Massacre”, there is no record of successful criminal prosecutions resulting from these inquiries. (See REDRESS and ACJPS’ report A Way Forward? Anti-Torture Reforms in Sudan in the Post-Bashir Era, and REDRESS’ report Ruining a Country, Devastating its People).

The widespread nature of CRSV in Sudan is well documented. According to GSF and Rights for Peace, “based on counts of UN official reports from 2006 to 2020, in which reported case numbers were provided, it is estimated that there have been tens of thousands of victims in the 2002-20 conflict, if not more” (Study on Reparation for CRSV Survivors in Sudan, p. 18).

CRSV and the March 2022 demonstrations

After a report of gang-rape of a teenager by nine officers of the security forces in Khartoum, in March 2022, Sudan witnessed widespread demonstrations in Khartoum, Omdurman, and three cities in South Darfur. Videos of rapes and gang rapes were widely shared on social media, “seemingly used as part of a campaign to silence women and as reprisals for other advancements in women’s rights” (Study on Reparation for CRSV Survivors in Sudan, p 21).

Women’s activists and other human rights defenders had been experiencing an increased wave of violence after the coup of October 2021, including arbitrary arrests and sexual violence. As reported by International Service for Human Rights at the time, “women protesters, journalists, lawyers and human rights defenders are facing increasing attacks since the military coup of 25 October 2021 [...] Civic space for women rights’ groups is shrinking, while violence against women is increasing across the country”.

Since the outbreak of war between RSF and SAF on 15 April 2023, there has been another disturbing surge in CRSV incidents. As explained in REDRESS’ report Ruining A Country, Devastating Its People:

“Sexual violence has been a constant feature since the start of the conflict. As of late July 2023, the Combating Violence against Women Unit (‘CVAW’) of Sudan had documented 108 cases of rape and sexual violence [later updated to 136 cases]. In the first two weeks of the conflict alone, CVAW reported at least 24 cases of sexual violence in Khartoum and 25 cases in Nyala, Darfur, most of which were apparently perpetrated by officers in RSF uniform. In one case reported to the CVAW, a woman in Kafouri, Khartoum North was reportedly gang raped by 17 RSF officers. In another case in East Sahafa, Khartoum, on 14 May 2023, RSF officers entered the area and began shooting their weapons. During the night, the officers raped a number of women. A witness described how she could hear the women screaming throughout the night.” (p. 24).

Forms of CRSV reported in the ongoing conflict

Sexual violence has been regularly reported since the start of the ongoing conflict, particularly perpetrated by the RSF in areas under its control including parts of Khartoum, Darfur, Gezira, and the Kordofan States.

As recently documented by the Strategic Initiative for Women in the Horn of Africa (SIHA Network), rape and gang rape are among the most common forms of CRSV being used as a weapon of war by all parties involved in the ongoing conflict in Sudan. While at the start of the conflict instances of individual rape were more predominant, “reports of gang rapes have increased markedly and seem to have become more prevalent, making up a significant portion of reported sexual assaults” (p. 8).

The UN Office of the High Commissioner for Human Rights (OHCHR) also “expressed alarm on Friday [3 November 2023] over reports that in Sudan, women and girls are being abducted, chained and held in ‘inhuman, degrading slave-like conditions’ in areas controlled by the [RSF] in Darfur”. Several instances of abductions, disappearances, and sexual slavery have been reported by SIHA Network.

Survivors and victims have been attacked in their homes, in the context of protests, and against ethnic groups. Deliberate targeting of journalists and human rights defenders by both warring parties as an attempt to silence these actors is also cause for concern.

Attacks against women human rights defenders

As reported in February 2024 by eight organisations within the framework of the Observatory for the Protection of Human Rights Defenders, “the [SAF] launched an intensified attack on human rights defenders, humanitarian workers and volunteers, journalists, and peace activists in the last few months in the areas under their control. Aid groups and first responders faced rising restrictions of movement and supplies. [RSF] continued to arrest civilians, loot both public and private properties and perpetrate systemic sexual violence across the areas under their control. WHRDs [women human rights defenders] and Women’s Rights Groups struggle to operate in these areas as the risks of sexual violence are growing. At least five WHRDs and women first responders have been detained, summoned, harassed or threatened in the last few weeks. The attacks were reported in areas controlled by both warring parties. Since the war erupted, four WHRDs have been killed, two of whom were journalists. At least 11 women health workers were killed as well.”

The ongoing conflict has been marked by the use of CRSV against particular ethnic groups, including months of deadly attacks by the RSF and allied militia targeting the Masalit and other ‘non-Arab’ groups in West Darfur that may amount to war crimes, crimes against humanity, and possibly genocide. In its January 2024 report, the UN Panel of Experts on Sudan found that:

“The escalation of the conflict exposed women and girls to increased risks of sexual violence. Sexual violence not only was widespread, but also escalated across Darfur as the conflict progressed. The Panel interviewed reliable sexual and gender-based violence local monitors who reported 262 rape cases over the period from April to August [2023]. The figures were likely to be much higher owing to underreporting, the overall lack of access to health care, lack of Internet connectivity and the fear of stigma and marginalization from the victims’ communities.

Widespread sexual violence committed by members of RSF and allied militias were reported in all areas under RSF control [in Darfur]. Women and girls aged 9 to 75 were at risk of being raped in camps for internally displaced persons, when traveling, at checkpoints and in their homes. Racial slurs were common during the violations. In El Geneina, women were targeted owing to their Masalit ethnicity [...]. In Nyala [South Darfur], almost all the cases of sexual violence occurred in camps for internally displaced persons and in neighbourhoods inhabited by African communities. Similar patterns were observed in Zalingei [Central Darfur] and El Fasher [North Darfur].

Kidnapping, ransom and sexual exploitation formed part of the conflict-related sexual violence patterns. For example, reliable local sources reported at least 25 cases of kidnapping, rape and sexual exploitation at the RSF-controlled Aldaman hotel in Nyala. In El Geneina, the Panel received reports of 16 girls having been kidnapped and raped by multiple men in an RSF house [...].”

CRSV against Masalit women and girls

A Reuters Special Report published at the end of 2023 provides a detailed account of some of the violations committed against Masalit women and girls in West Darfur. According to Reuters, at least 11 young women from the Masalit tribe were sexually abused by RSF and allied Arab militias, with nine of the victims having reported being gang-raped. A teenager reported being abducted by four men as she attempted to flee El Geneina and taken to a hut where she was gang-raped for three days.

Sexual violence is inscribed in a wider pattern of targeting of the Masalit community. Between April and June 2023, the RSF launched unrelenting attacks against the Masalit in El-Geneina and other towns/villages in West Darfur. The UN Panel of Experts’ Final Report on Sudan (January 2024) notes that “[i]n El-Geneina alone, between 10,000 and 15,000 people were killed.” The RSF’s killing of the wali (governor) of West Darfur and other Masalit community leaders prompted mass forced displacement of the Masalit and other civilians – primarily to Adré, Chad as well as Ardamata, West Darfur. Further violence against the Masalit has been documented, including reports of torture, executions and sexual violence since early November 2023 – coinciding with the RSF’s capture of most of Darfur. Rights for Peace noted that Masalit women and girls in Ardamata reported rapes and other forms of CRSV during what is now being referred to as a “six days of terror”.

In response to these violations, on 30 November 2023, UN experts issued a [joint statement](#) expressing concerns and calling on RSF to end abuses:

“ We are appalled by reports of widespread use of gender-based violence, including sexual violence, as a tool of war to subjugate, terrorise, break and punish women and girls, as a means of punishing specific communities targeted by RSF and allied militias.

In this context, activists and women-led organisations and initiatives, with the support of UN Women Sudan office, have [formed](#) a network named the Peace for Sudan Platform to provide support to survivors of CRSV, including protection and psychological accompaniment, and to advocate for increased women’s participation in peace agreements.

At the international level, after renewed calls from over 120 Sudanese and international organisations, in October 2023 the UN Human Rights Council finally adopted a [resolution](#) establishing the [Independent International Fact-Finding Mission \(FFM\) for Sudan](#). The FFM is led by [three international human rights and humanitarian law experts](#) and has an initial term of one year. It is mandated to:

- Investigate the facts, circumstances, and root causes of all alleged violations committed by all warring parties in the context of the ongoing armed conflict;
- Collect, consolidate, analyse, and verify the evidence of such violations, including systematically recording and preserving information, documentation, and evidence, consistent with international best practices in preparation of any future legal proceedings;
- Identify those responsible for violations and make recommendations on accountability measures to end impunity and address its root causes. Ensuring accountability will include individual criminal responsibility and access to justice for victims.

The establishment of the FFM represents a crucial step towards accountability. As part of its mandate, the FFM made a [call for submissions](#) to collect information on acts of SGBV and targeting of human rights defenders, among other issues. The deadline for submissions is 31 July 2024.

Within its mandate, it is crucial that the FFM investigates the systemic use of CRSV in Sudan, acknowledging the gender element of the violations and adopting a gender-approach to its investigative efforts, as well as the do-no-harm principle. This means that there should be sensitivity to gender from the initial design and throughout the investigation, ensuring a comprehensive inquiry that takes into account the factors that contribute to the occurrence, nature, and impact of SGBV on survivors. In particular, it requires acknowledging and addressing the unique vulnerabilities, experiences, and rights of survivors based on their gender, being aware that “[v]ulnerable victim-witnesses, such as survivors of sexual- and gender-based violence, may need special measures”, as emphasised by the [UN Special Rapporteur on Torture](#) (see relevant instruments below).

THE CASE OF S.I.



©Reuters. Heavily armed police patrolling Khartoum's main streets in January 2011. Witnesses described how police beat and arrested students, as demonstrations broke demanding the government resign.

S.I.'s story

On 13 February 2011, S.I., a student at the University of Khartoum, was arbitrarily arrested and detained by agents of the National Intelligence and Security Services of Sudan (NISS), because of her involvement in student pro-democracy demonstrations, and her association with the Youth Forum for Social Peace and a non-violent resistance movement named Girifna.

While in detention, S.I. was tortured and ill-treated by State agents. She suffered continuous beatings, verbal abuse, and was gang-raped by three NISS agents. She was also interrogated about her participation in student pro-democracy demonstrations, affiliation with communism, and involvement in activities related to regime change. S.I. was later released but continued to face threats and intimidation by the Sudanese authorities.

On 16 February 2011, she reported the crimes to national authorities, including the Attorney General and the Sudanese police, who harassed her and told her not to file a complaint against NISS agents. S.I. provided a statement at the police station and had to undergo medical examination, the findings of which were documented in a medical report based on a template known as "Form 8A".

S.I. continued to face threats, harassment, and intimidation by Sudanese authorities in an attempt to preclude and discourage her from proceeding with the case. Due to fear of persecution, she was forced into exile, having

been granted asylum in Europe in March 2012. Her lawyer in Sudan was also subjected to similar threats and harassment, prompting her to flee and ultimately be granted asylum in a third country.

The Sudanese authorities failed to conduct an effective investigation into the allegations and no one was held accountable, despite S.I.'s numerous attempts to seek justice and reparation.

In 2013, S.I., with the assistance of REDRESS and the African Centre for Justice and Peace Studies (ACJPS), filed a complaint to the ACHPR against Sudan, denouncing violations of torture, discrimination and right to equality, right to liberty and security, freedom of expression, association, and assembly, right to appeal and defence (fair trial), freedom of movement and residence, and right to health.

After nearly a decade of legal battle, in 2023 S.I. finally received some form of acknowledgement for the violations she endured at the hands of Sudanese security agents, as the ACHPR ruled Sudan responsible for violating her human rights under the African Charter on Human and Peoples' Rights (African Charter – see next section).

In reaction to the ACHPR's decision, S.I. noted:

“ I am overwhelmed with emotions. This decision served as a reminder that justice can prevail even in the face of great adversity. I hope it encourages others who have experienced similar violations to seek help and pursue justice, and that it also prevents future violations.

S.I. was also supported by a number of human rights defenders and activists. She is now married and continues to live in exile.

Although her case dates back to events in 2011, its relevance persists as a stark reminder of the continuous crisis of human rights violations in Sudan, as outlined in the previous section.

Key findings of the ACHPR

The ACHPR adopted a decision on the merits of S.I.'s case during its 72nd ordinary session held from 19 July to 2 August 2022. The decision was communicated to REDRESS in August 2023.

The ACHPR found Sudan responsible for violating several of S.I.'s human rights under the African Charter. While this section focuses on key findings related to violations of non-discrimination, freedom from torture, freedom of expression, association and assembly, and fair trial, a summary of all violations can be found in the table below.

Non-discrimination and equality

The ACHPR decision in S.I.'s case is groundbreaking as it marks the first time that the ACHPR recognised that sexual violence automatically implies gendered discrimination by targeting victims' gender. This is a crucial step to address the root causes and broader societal issues perpetuating sexual violence, providing a foundation for a more nuanced and comprehensive approach to combatting such violence. Beyond the specific case of S.I., this finding signals a pivotal shift in recognising inherent discrimination based on gender in the commission of sexual violence, urging a re-evaluation of legal and institutional frameworks to better protect and support survivors. As a result, the ACHPR made a number of recommendations in the form of non-repetition reparative measures to tackle sexual violence in Sudan (see Executive Summary and recommendations).

Freedom from torture

The ACHPR adopted the definition of torture under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), which requires the intentional infliction of severe physical or mental pain or suffering, for a specific purpose, such as punishment, extraction of a confession or information, or discrimination of any kind, by or with the involvement, consent or acquiescence of a State official or other person acting in an official capacity (see REDRESS Module 2: The UN Convention against Torture and the Definition of Torture).

Importantly, the decision emphasised that rape is so grave and cruel in nature that it inevitably meets the level of severity to amount to torture under international law. In this sense, it highlighted the jurisprudence of the Inter-American Court of Human Rights in *Fernandez Ortega et al. v Mexico*, which noted that “...the severe suffering of the victim is inherent in rape, even when there is no evidence of physical injuries or disease” (para 124). By equating rape with torture – provided that the other elements of UNCAT’s definition are present –, the decision reinforces the need to respond to sexual violence with utmost severity. This consequently requires, for example, specific standards and practices for the documentation and investigation of such violations (see next section).

To make a finding of rape, the ACHPR relied on S.I.’s statements, an expert psychological report by an international organisation that attested the ongoing impacts she endures, as well as the medical examination “Form 8A”, which described injuries consistent with an allegation of sexual violence. The ACHPR also noted the State’s burden of proof in cases of human rights violations and its failure to present contradicting evidence in this instance.

Finally, although the ACHPR failed to recognise that the gang-rape was committed by State agents, it acknowledged the State’s responsibility for acts of torture, including rape, committed by private or unidentified actors due to its failure to exercise due diligence to prevent and address such violations. On this basis, it found Sudan responsible for breaching S.I.’s right to freedom from torture.

Freedom of expression, association and assembly, and fair trial

The ACHPR acknowledged the link between S.I.’s detention and torture and her involvement in pro-democracy demonstrations, in breach of her right to freedom of expression, association and assembly. It also recognised that intimidation and threats extended beyond S.I. to encompass her lawyer and other supporting human rights organisations, in violation of S.I.’s right to an effective legal assistance and access to justice (fair trial).

These findings align with a contemporary pattern of sexual violence, being used in Sudan to suppress human rights activists and discourage women from engaging in democratic protests, and now the escalation of CRSV committed by the warring parties, especially the Rapid Support Forces in the context of the ongoing conflict, as well as to impede accountability efforts (see below). The decision therefore is significant for unveiling and addressing this systemic use of sexual violence, urging the State to tackle its root causes and implement measures to prevent its recurrence (see above).

Summary of violations

African Charter	Violations	Summary of findings
Art. 5	Freedom from torture	<ul style="list-style-type: none"> Rape automatically meets the threshold of severity to constitute torture. S.I. was subjected to torture in the form of sexual abuse (gang rape). Sudan failed to investigate the acts, identify, and punish the perpetrators.
Arts. 2 and 3	Non-discrimination and equality	<ul style="list-style-type: none"> Sexual violence automatically implies gendered discrimination. S.I. suffered discrimination and gender-based violence given the nature of insults and rape. Sudan failed to investigate the acts and hindered S.I.'s access to justice through threats and harassment.
Art. 6	Liberty and security	<ul style="list-style-type: none"> Deprivation of liberty without due process and fair trial violates the right to liberty. Sudan failed to investigate and prosecute those responsible for S.I.'s arbitrary arrest and detention.
Art. 7 (1) (a)	Fair trial	<ul style="list-style-type: none"> S.I.'s lawyer was unable to perform their functions due to intimidation and harassment. Supporting human rights activists and organisations were also targeted. Sudan failed to guarantee an effective legal assistance and access to justice.
Arts. 9, 10, and 11	Freedom of expression, association and assembly	<ul style="list-style-type: none"> S.I.'s detention and torture were connected to her participation in a pro-democracy demonstration. Sudan failed to ensure her right to freedom of expression, which includes political and human rights discourses. Sudan failed to investigate the violations suffered by S.I. in the context of peaceful protests.
Art. 12	Freedom of movement and residence	<ul style="list-style-type: none"> Threats and harassment by Sudanese authorities were directed at S.I., her lawyer, journalists, and human rights organisations. S.I. and her lawyer were compelled to flee the country due to fear of persecution. Sudan failed to ensure the right to freedom of movement and residence.
Art. 1	Obligation to adopt legislative or other measures	<ul style="list-style-type: none"> Sudan failed to investigate the sexual violence suffered by S.I. in a manner which recognises the societal rejection of such violence and the State's obligation to tackle it.

■ BREAKING THE CYCLE OF IMPUNITY



© Mahmoud Hjj/Anadolu Agency via Getty Images. Security forces intervene protesters demanding the restoration of civilian rule in Khartoum in January 2024.

The need for accountability for CRSV

Breaking the cycle of impunity for CRSV in Sudan demands a concerted effort to address its widespread and systematic nature and tackle its root causes. This includes addressing the underlying gender-discriminatory practices, policies, and legislation, establishing and enforcing robust accountability frameworks and mechanisms, and supporting survivors' rehabilitation and community agency. In addition, urgent measures are needed to end the ongoing armed conflict and forge a path for democratic transition and long-term sustainable peace (see specific recommendations in *Ruining a Country*, p. 8-9). Survivors call for the protection of UN and humanitarian agencies as well as international justice.

The lack of justice and reparation not only deepens the harms experienced by sexual violence survivors and their families, but it also contributes to its recurrence over time. Impunity, one of the cornerstones of the ongoing cycle of CRSV in Sudan, allows perpetrators to evade consequences and perpetuates an environment where such human rights violations become normalised tools of control and repression.

The importance of justice was also voiced by many CRSV survivors in Sudan: according to GSF and Rights for Peace, "a number of survivors indicated that justice is the one thing that would support their emotional healing" (*Study on Reparation for CRSV Survivors in Sudan*, p. 34). As expressed by S.I.,

“ Accountability for sexual and gender-based violence is crucial. I believe that my case is not just a victory for me but a glimmer of hope for all those who continue to suffer silently in Sudan. We must stand together and ensure that all our voices are heard and that our rights are protected.

Indeed, her case represents a noteworthy disruption in the cycle of impunity for sexual violence generally in Sudan, whilst at the same time serves as a reminder of the pressing need for increased accountability efforts for human rights violations.

Challenges faced by CRSV survivors

Recognising survivors’ needs and priorities, as well as understanding the challenges they confront, are crucial steps in developing effective strategies to address impunity for sexual violence, enhance support for survivors, and overcome barriers to reparation.

The key challenges identified in the GSF and Rights for Peace Study on Reparation for CRSV Survivors in Sudan include:²

- ongoing armed conflict between RSF and SAF, which exacerbates pre-existing issues of insecurity and lack of protection of survivors;
- the absence of a functioning administrative apparatus since April 2023;
- lack of trust in State authorities, worsened by reprisals and torture of survivors who sought the support of human rights groups; and
- sporadic atrocities in Darfur, often with an ethnic dimension, and repression of political activists increased since the 25 October 2021 military coup (p. 5).

Another set of non-legal obstacles include cultural stigma and social exclusion, survivors’ lack of awareness about their rights – including the right to reparation – and concerns about urgent basic needs, such as medical assistance, psychosocial and economic support, and personal safety and of their families (Study on Reparation for CRSV Survivors in Sudan, p. 8). As mentioned above, the increased crackdown on human rights defenders and aid groups has worsened survivors’ access to services. Moreover, arrests and torture of survivors, and the use of CRSV against girls whose mothers are themselves activists or associated with activism, have exacerbated survivors’ fear of reprisal and their reluctance to report cases to authorities (Study on Reparation for CRSV Survivors in Sudan, p. 35).

² This section presents an overview of the main hurdles faced by CRSV survivors in Sudan when seeking justice and reparation. A comprehensive account of these challenges can be found in the GSF and Rights for Peace Study on Reparation for CRSV Survivors in Sudan.

Stigma and underreporting

The stigma associated with sexual abuse in Sudan creates a culture of silence that contributes to the normalisation of such violations. Survivors often fear social exclusion, and have expressed the need for sensitisation initiatives also at the community level to build an environment where they are safe to come forward (Study on Reparation for CRSV Survivors in Sudan, p. 8).

Fear of reprisals, social exclusion, and shame, amongst other issues, result in significant underreporting of CRSV cases (Study on Reparation for CRSV Survivors in Sudan, p. 19).

According to the CVAW, the number of reports of CRSV registered since April 2023 is estimated to represent approximately only 2% of the actual cases. Under-reporting could be linked to “a range of factors, such as shame, social stigma, fear of repercussions, survivors being trapped in areas without functioning medical services, communications outages, or the inability of survivors to access first sexual violence response kits” (Ruining a Country, p. 24).

Further, even before the ongoing armed conflict, where cases of CRSV were reported, Sudanese authorities often failed to adequately document and investigate violations, leaving survivors with no support or appropriate redress. In addition to reprisals and the lack of protection of victims and witnesses, survivors mentioned that they were “turned away at police stations”, or that “cases are neither investigated nor followed-up”, with one survivor attributing this to discrimination on grounds of ethnicity (Study on Reparation for CRSV Survivors in Sudan, p. 29-30). Furthermore, authorities often lack adequate training to respond to survivors of sexual violence:

“Deeply engrained prejudices of officials against survivors often result in victim-blaming, or victims not being believed, a lack of privacy for testimonies and a sense that they can be publicly shamed. Additionally, the conditions in police stations do not encourage reporting, given the lack of trained officials or female personnel to handle sexual violence victims. Furthermore, investigations, invasive methods of collective evidence and the lack of witness and victim protection mechanisms create further obstacles for positive justice outcomes” (Study on Reparation for CRSV Survivors in Sudan, p. 35).

The deficiency in appropriately documenting and tackling cases of sexual violence not only poses a substantial barrier to achieving justice and accountability for CRSV but also heightens the risks of re-victimisation of survivors. Ensuring that investigations are survivor-centred and adopt a gender approach is imperative to mitigate the adverse impact on survivors and uphold their rights throughout proceedings. Therefore, it is critical to implement appropriate documentation practices and targeted sensitisation of authorities in accordance with international human rights standards, including the CEDAW framework, the ACHPR Guidelines on Combating Sexual Violence and its Consequences in Africa; the Istanbul Protocol; the Murad Code of Conduct for Documenting and Investigating Conflict-Related Sexual Violence; and the Preventing Sexual Violence in Conflict Initiative’s International Protocol on the documentation of sexual violence in conflict.

Form 8

Form 8 is a medical form used in Sudan to document a medico-legal opinion which can be relied on as evidence in legal proceedings. It is used by professionals to document physical abuse, whether it be assault, torture, sexual violence or other abuses. Even though its use is not explicitly mandated by Sudanese law, authorities routinely treat Form 8 as a practical requirement to filing a legal claim or accessing certain medical treatment (e.g., abortion). (Study on Reparation for CRSV Survivors in Sudan, p. 38).

There are considerable limitations and concerns related to this form. As noted in a 2017 [report](#) by the UN Secretary-General, “the legally discontinued, but still widely upheld, requirement that victims obtain a specific form (‘form 8’) from the police in order to receive medical care deters reporting” (para 67).

Form 8 itself is a single page form which does not provide sufficient space to document in detail evidence of sexual violence. As a result, in many instances, the full extent of injuries is not adequately documented, compromising the form’s value as evidence in legal proceedings. Though in principle doctors may attach additional information (ie, photographs or diagrams) to the form, many doctors and lawyers have reported to REDRESS that they are not aware that this is a possibility, or that judges have rejected supplementary information. Further, because Sudan’s medical curriculum does not include a component on Form 8 or the conduct of medical examinations into specific violations, and because there are very few forensic medicine experts in Sudan, doctors often draw flawed conclusions where they conduct examinations. For example, a high-level government official within Sudan’s Ministry of Social Development told REDRESS that doctors conducting examinations of rape victims have reported things like “the removal of the hymen is old” without basis to reject victims’ allegations.

The form’s accessibility poses its own set of challenges. Form 8 is only available in police stations or large hospitals (which are generally in Khartoum). Survivors often struggle to cover associated fees or transportation costs to reach a police station or a hospital, and at times are denied access to the form by authorities. This issue has worsened since the start of the armed conflict as many police stations and hospitals in conflict zones are not operational.

In rural areas, including in states like North Darfur, lawyers have told REDRESS that a lack of qualified medical practitioners means that there are not enough personnel to conduct adequate medical examinations and that the available medical personnel do not have the requisite expertise to conduct examinations into issues of torture or sexual violence. In Khartoum, doctors are reluctant to complete Form 8 because they do not want to be called into court to testify—a common occurrence, despite a criminal circular which stipulates that such testimony is only required where the medical evidence is not clear.

Form 8 can also adversely impact the survivors who rely on it. For instance, it has sometimes been used as evidence to initiate criminal proceedings for adultery (*zina*) against the victim.

Finally, the absence of judicial remedies and the impact of discriminatory or otherwise inadequate laws and practices add to the numerous complexities sexual violence survivors face in Sudan. For instance, traditional justice mechanisms addressing sexual violence cases do not tend to comply with international human rights standards, and it is not uncommon for survivors of rape to be charged with the crime of adultery (crime of Zina) under the Sharia Law when they report cases to national authorities (Study on Reparation for CRSV Survivors in Sudan, p. 19). Further, despite recent reforms to the 1991 Criminal Code, the definitions of rape and sexual harassment do not fully comply with international and regional human rights standards, and Sudan has yet to ratify CEDAW (Study on Reparation for CRSV Survivors in Sudan, p. 48-49).

In summary, the challenges faced by sexual violence survivors in Sudan are multifaceted and deeply entrenched, posing significant barriers to justice, accountability, and reparation. Addressing these issues requires a holistic approach that recognises the urgent need for comprehensive legal and procedural reforms to ensure survivors are protected and able to access justice and seek reparation with the necessary support.

CONCLUSION

The ACHPR decision in the case of S.I. represents a landmark step towards addressing CRSV and SGBV in Sudan. Alongside its profound impacts for S.I. as a survivor, it serves as a rare thorn in the longstanding cycle of impunity in Sudan and establishes a significant precedent in regional African jurisprudence on torture and sexual violence. The ACHPR, aligning with standards set by other human rights bodies, declares that rape inherently implies gendered discrimination and reaches the severity level to be considered as torture under international law.

The issues raised in the case remain highly relevant, particularly in the context of CRSV perpetrated by the warring parties in Sudan since April 2023. S.I.'s pursuit of justice underscores the necessity of addressing impunity and supporting survivors in their quest for justice and reparation.

In the face of persistent human rights abuses, S.I.'s story and the ACHPR decision emphasise the imperative for concerted efforts to urgently address sexual violence in Sudan. Echoing calls made by UN experts,

“ The world must not turn a blind eye to the atrocities and large-scale sexual violence unfolding in Sudan. The international community must send a strong and clear message to parties to the conflict that they will be held accountable for their actions and violations of international humanitarian and human rights law.

Photo by Ozan Kose/AFP via Getty Images.
A Sudanese protestor stares at a recently painted mural during a protest outside the army complex in the capital Khartoum in April 2019.

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