

A Joint letter from Sudanese civil society organizations on the human rights situation in Sudan, September 2023

20 September 2023

To the African Commission on Human and Peoples' Rights (ACHPR)

We, the undersigned Sudanese civil society organizations, call for the ACHPR to support to adopt a resolution on Sudan setting up an international commission of inquiry into all violations of international humanitarian and human rights laws and related crimes committed in Sudan since 15 April 2023.

We draw the attention of the regional and international community, through the HRC and the ACHPR, to the deteriorating human rights situation in Sudan by highlighting some of the serious human rights violations that have occurred since the eruption of war between the Sudan Armed Forces (SAF) and the Rapid Support Forces (RSF) on 15 April 2023. The war is marred with large-scale violations, especially in Khartoum State, the main theater of military operations in addition to most parts of Darfur states, where fighting has spread parallelly. The war also expanded to North and South Kordofan in the west, and Blue Nile state in the south. The human rights situation has worsened significantly across the country due to the lack of rule of law, absence of functioning state institutions, collapse of judicial and law enforcement institutions and taking public facilities, and services (such as health and education services and fuel, water and electricity supplies) out of service. Furthermore, economic collapse in most sectors because of the war and disruption of production and commercial activity affected the lives of millions of people and put the entire country on the brink of total collapse. The two warring parties have shown extreme disregard for the applicable international humanitarian law (IHL) and international human rights law opening the door wide to systematic violations, some of which can be classified as war crimes or crimes against humanity.

Some reports reveal that hundreds of citizens, including women and minors, have been illegally incommunicado detained by the RSF and SAF. Many of those arrested have been subjected to torture and ill-treatment, in addition to rape and sexual violence. Also, some human rights activists, politicians, and members of the Resistance Committees are intimidated and harassed, while others were subjected to detention for varying periods by both parties in their areas of control.

We, the undersigned organizations, while pointing out some of the violations that have been committed by the two warring parties, call on Sudanese public opinion and regional, and international actors to make every effort to stop this dreadful war. Until an end to the war is achieved, the warring parties must adhere closely to the guidelines of IHL and that they should be held accountable by the international community for international crimes and gross violations of human rights. Below are some examples of these violations:

First, violations of IHL and international human rights law

Since the outbreak of this war, both parties have committed multiple serious violations of IHL and international human rights law that can be classified as war crimes or crimes against humanity. Part of these violations emanated from the situation of lawlessness imposed on Khartoum State by the RSF, which they have controlled since the start of the war. Over the past five months, RSF have committed multiple crimes, some of which can amount to crimes against humanity, such as rape, sexual violence, and torture. According to some reports, the RSF killed hundreds of civilians, carried out extensive looting of citizens' homes and property, intimidated the civilian population, occupied homes, robbed cars, and searched vehicles in a provocative and humiliating manner and at gunpoint. RSF also looted, destroyed, and burned many public and private facilities, including factories, warehouses, banks, government institutions and markets. Furthermore, in clear violation of IHL, RSF deployed troops in the heart of residential areas, occupied hospitals and converted them into military barracks, which resulted in taking many of them out

of service. RSF also paraded prisoners of war to the media in a humiliating manner and published their pictures and videos on social media.

On its part, SAF has carried out indiscriminate shelling of civilian residential areas and facilities. In most cases this indiscriminate shelling damaged civilian objects resulting in civilian casualties and destruction of many houses and public facilities, including hospitals, air bombardment, rocket raids or shelling. The United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS) documented at least 327 killings of civilians and 294 injury cases due to airstrikes between 7 May and 20 August. On 12 and 13 September, deadly airstrikes by SAF in Khartoum, Khartoum North and Omdurman killed nearly 140 civilians. The Sudanese Defenders Center for Legal Aid has documented about 118 incidents of shelling since the beginning of the war, which left at least 533 people dead in the various localities of Khartoum State. The de facto government, under the leadership of the army Commander General and the head of the Sovereign Council, has been unable to provide the needed protection to citizens, with the police force completely disappeared in Greater Khartoum since the outbreak of war. Overall, SAF failed to comply with the guidelines on the observance of IHL in conducting this war in a manner that minimizes harm to civilians and civilian facilities.

Since the outbreak of hostilities between SAF and RSF, at least 4,000 people, in some estimations, were killed by both parties, and tens of thousands injured. However, the real number may be much higher. Across the country, hundreds of women were subjected to sexual violence. Regrettably, the escalation of sexual violence since 15 April is an integral part of the current war. The Unit for Combating Violence against Women and Children under Sudan's Ministry of Social Development verified 132 cases of rape since the beginning of the conflict until 11 September 2023. The UN Joint Human Rights Office (UNJHRO) also documented 73 cases of sexual violence during the previous period. Survivor stories indicate systematic use of sexual violence as a weapon in this war, particularly by the RSF. Further, sexual assaults by SAF were also reported.

According to the Sudanese Defenders Center for Legal Aid, a force from the RSF attacked Dabak area, north of Khartoum North on September 15, killed two persons and arrested 40 people, while 17 people are still missing. The attack resulted in the displacement of about 6,000 people. Since the outbreak of war, more than 4 million people have been forced to flee their homes. The ongoing war jeopardizes the stability of the entire region with hundreds of thousands of refugees who fled into neighboring countries according to the UNHCR. The majority of those who crossed the border sought refuge in Egypt, South Sudan, Chad, the Republic of Central Africa, Ethiopia, Uganda, and Kenya.

Both warring parties turned a deaf ear to all calls by internal, regional, or international actors to end the war. Further, they did not respond to the repeated calls to identify safe corridors, or allow delivery of relief to those affected, especially in Khartoum State. Rather, short truces concluded during the past months were used to achieve military gains on the ground. Truces were often used to carry out more armed robberies and plunder private property, a systematic conduct of the RSF.

Second: Escalation of violence in Darfur

Darfur region, which has been ridden by armed conflicts for more than two decades, suffers in most of its states from deteriorating humanitarian and security conditions as well as serious human rights violations. In West Darfur state, where grave violations and systematic ethnic targeting took place, the Governor, Khamis Abdullah Abbakar, was killed on June 14 after he was arrested by the RSF, or their allies, in El Geneina, the capital of the state. Reports indicate that thousands of people were killed in West Darfur and hundreds of thousands were displaced, most of whom crossed the border into Chad. Violations of last June in El Geneina may amount to genocide, which requires an independent inquiry by the International Criminal Court (ICC).

According to Darfur Bar Association, hundreds of civilians have been killed in Nyala in South Darfur since April 15 due to the clashes between SAF and RSF. IDP camps in the area were also attacked by RSF. It is important to note that civilians lack access to basic services and suffer acute shortage of basic goods, and

power outages. The latter made drinking water inaccessible. The war in Darfur has taken on a serious nature that amounts to genocide and ethnic cleansing, as is the case in West Darfur. RSF and their allied militias bear the primary responsibility of these crimes. The legacy of impunity in Sudan continues but lasting peace cannot be achieved without holding all perpetrators accountable and achieving justice and reparations for the victims.

Third: detention, enforced disappearance and torture

Both warring parties arrested hundreds of people, sometimes under the allegation of collaboration with the other side, and sometimes without bringing specific charges. According to UNITAMS report, there are 471 arrest cases. However, the actual number may be much higher. RSF has arrested individuals and groups and detained them in harsh and inhuman conditions, according to the survivor testimonies. Mostly, detention takes place in unknown places. The Military Intelligence of SAF also arrested activists from Resistance Committees and civil society organizations, and journalists. They are detained incommunicado for extended periods in unknown locations. The Military Intelligence practiced systematic racial profiling against some civilians because they belong to western Sudan, while RSF also used the same approach. In a recent report, Emergency Lawyers documented hundreds of cases of unlawful arrest and detention by the RSF and SAF. The report listed 44 detention centers controlled by RSF in Greater Khartoum as well as eight detention centers managed by SAF. The report documented frequent use of torture and other forms of inhumane, degrading and ill-treatment. It also pointed to the cases of rape and sexual assaults on both females and males. In general, several reports indicated that detention, especially by RSF, takes place in harsh, degrading and inhuman conditions. In addition, there have been reports of cases of enforced disappearance of hundreds of people, including women and minors.

Fourth: targeting human rights defenders and political activists

RSF and SAF have arrested hundreds of activists and humanitarian volunteers since the outbreak of war. Human rights defenders, journalists and anti-war politicians have been systematically targeted by the *de facto* government, military, and security authorities in several states. Freedom of expression, freedom of association, the right to peaceful assembly as well as right to liberty and personal security were restricted with many activists, both male and female, arrested and detained. For example, a security team raided an anti-war protest organized by the Sudan Mothers' Initiative at Al-Mawlid Square in Al-Damazin, the capital of Blue Nile State [on 30 August]. Eight female attendees were detained for hours. In Kassala, east Sudan, representatives of political parties and civil society organizations met on Saturday, 12 August 2023, to discuss ways of coordination to stop the war were threatened. Several of the attendees were interrogated for several hours at the offices of the Security Service. On August 8, a forum organized by the "No to Oppression Against Women" initiative in Madani, Gezira State was canceled due to threats directed to the organizers. On the other hand, RSF destroyed and looted the offices of civil society organizations, restricted freedoms, threatened and intimidated activists, and arrested dozens of them in the areas under their control. A recent report from the Democratic Front for Lawyers stated that on September 12, RSF arrested about 50 people from a mosque in the Al-Shaqila area in Haj Youssef locality. Later, RSF personnel killed 4 of the detainees upon their release, including a human rights lawyer after robbing their money and phones.

Fifth: Recommendations

To the ACHPR

- Urge Sudan authorities to conduct a transparent and independent investigation into all war crimes, crimes against humanity, and other human rights violations that have occurred since 15 April 2023.
- Undertake a visit to Sudan at the soonest possible time to assess the situation in Sudan, particularly the serious violations of IHL and human rights law since 15 April 2023.

- Support our call to an international commission of inquiry into all violations of international humanitarian and human rights laws and related crimes committed in Sudan since 15 April 2023.

Signatories

1. Access to Justice and Legal Services.
2. African Center for Justice and Peace Studies (ACJPS).
3. African Organization for Rights and Development.
4. Al Khatim Adlan Centre for Enlightenment and Human Development (KACE).
5. Confederation of Sudanese Civil Society Organizations.
6. Darfur Network for Human Rights (DNHR).
7. Justice Africa Sudan.
8. National Religious Freedom Association.
9. No to the Women's Oppression Initiative.
10. Noura for combating violence against women and girls.
11. Nuba Mountains Lawyers Association.
12. Nuba Women Association for Education and Development (NuWEDA).
13. People's Legal Aid Center (PLACE).
14. Sudanese Defenders Center for Legal Aid.
15. Sudanese Human Rights Initiative (SHERI).
16. Sudanese Human Rights Monitor (SHRM).
17. The Network of women journalists-Sudan.
18. The Strategic Initiative for Women of the Horn of Africa (SIHA).
19. Women of Sudanese Civil and Political Groups (Mansam).