

Terms of Reference

Consultancy Analysis of Meaningful Justice & Accountability Avenues for Victims of International Crimes committee in Sudan

15 April – 16 September 2024

1. BACKGROUND

The International Federation for Human Rights (FIDH) is an international non-governmental organisation (NGO) composed of 188 national human rights organisations from 116 countries. Since 1922, FIDH has been defending all human rights – civil, political, economic, social and cultural – as set out in the Universal Declaration of Human Rights. One of FIDH's priorities is to fight against the impunity of perpetrators of serious human rights violations, including crimes of international law, and support victims' access to truth, justice and reparation.

As part of an ongoing three-year project entitled '*We Stand up for Human Rights: Sudan CSOs Protect and Denounce Human Rights Violations in the Context of the Political Transition*', FIDH and its member organisation the African Center for Justice and Peace and Studies (ACJPS) are working towards two main objectives:

- To strengthen the capacity of Sudanese CSOs to monitor the violations of human rights and to ensure that monitoring is translated into strong policy, and
- To build the capacity of Sudanese CSOs to protect and promote human rights and to assume an effective leadership role for the promotion of human rights.

Within that framework, a key activity contributing to these objectives is the development of an analysis of the efficacy of national, regional and international justice mechanisms with jurisdiction over atrocities in Darfur, Sudan committed since 2003, as well as recent international crimes committed in the latest conflict which began in Khartoum in April 2023 and has spread throughout the country. In light of the persistent impunity gap in Sudan, it is necessary to take stock of the different accountability avenues available to victims and survivors also based on an analysis of their needs, interests, how to better tailor truth, justice, and reparations responses and ensure victims access to meaningful justice and accountability avenues. With a view to promoting accountability for serious human rights abuses that have occurred in Sudan since 2003, and highlight victims' needs, views and recommendations for meaningful justice avenues, this analysis will help inform litigation and advocacy strategies to help move truth, justice and reparations efforts forward in the best possible forum/fora.

This activity will advance FIDH's strategic priority to contribute to the fight against impunity by developing an integrated and inclusive approach to comprehensive justice and accountability for core international crimes and serious human rights violations in Sudan. It also fits into the broader FIDH objectives of adopting a strong mainstreamed victim-centred, trauma-informed, gender-responsive as well as holistic approach to justice and accountability.

2. MISSION AND OBJECTIVES

The **mission of the consultant** is to conduct desk and primary research and produce a draft report of maximum 30 pages in English providing an analysis of meaningful justice and accountability avenues for victims and survivors of serious human rights violations committed in Sudan since 2003.

The **overall objective** of this report (and related follow-up activities) is to change the narrative and raise victims' and survivors' agency, to identify main recommendations to different stakeholders, and advocate for change in terms of accountability and thereby contribute to the end of the cycle of violence.

The report will aim more specifically to:

- Provide a legal analysis of existing avenues for accountability for serious human rights violations, including international crimes, committed in Sudan since Al-Bashir's regime and the gaps and weaknesses. This analysis will focus on accountability mechanisms available at the domestic level, as well as regional and international levels, including universal jurisdiction and sanctions mechanisms, while also assessing activities at the International Criminal Court and transitional justice mechanisms;
- Raise victims and survivors' voices by highlighting the ongoing impact of human rights violations and crimes they face, and their needs, interests and asks in terms of truth, justice and reparations, that are meaningful for them; and
- Provide concrete and informed recommendations to key stakeholders.

3. MAIN DELIVERABLES, TASKS AND TIMELINE

1. Prepare and finalise a detailed outline for the report , including a comprehensive structure with section headings, key points, and footnotes formatting guidelines, as well as a detailed research methodology and plan. <ul style="list-style-type: none">● Address FIDH and ACJPS comments and update the detailed outline and research methodology and plan	By 6 May 2024
2. Conduct primary research including: <ul style="list-style-type: none">● Consultations (with support of FIDH staff and FIDH intern in The Hague) with victims and survivors, victims' organisations and other local and national CSOs to discuss ongoing impact of crimes on victims and what victims and affected communities want and need regarding justice and accountability; and● Consultations (with support of FIDH staff and FIDH intern in The Hague) with experts and other stakeholders involved in truth, justice and reparations mechanisms that are already in place.	May and June 2024
3. Conduct complementary desk research with the assistance of FIDH intern in The Hague focusing on legal precedents, academic and news articles, and other relevant publications.	May and June 2024
4. Prepare first draft of report ensuring the draft includes comprehensive legal analysis, citations, and footnotes according to academic standards. <ul style="list-style-type: none">● communicate with ACJPS and FIDH during the drafting process for clarifications, updates or additional information	By 31 July 2024
5. Address FIDH and ACJPS' comments and integrate feedback into the final report, refining the analysis and recommendations based on input from stakeholders.	By 2 September 2024

4. DURATION

Duration of consultancy: +/- 5 months

Start date: 15 April 2024

End date: 16 September 2024

5. EXPERIENCE AND SKILLS

- **Expertise in International Human Rights, Humanitarian, and International Criminal Law**, particularly with a focus on justice and accountability mechanisms for serious human rights violations and international crimes.

- **Proven experience in conducting legal research and analysis**, with the ability to produce high-quality, detailed reports including legal citations and footnotes.
- **Knowledge of Sudan's legal and political context**, and understanding of the challenges related to accountability for human rights violations.
- **Experience working directly with victims and survivors of human rights violations**, demonstrating sensitivity and a trauma-informed approach to engagement and consultation.
- **Strong drafting skills**, with experience in writing comprehensive reports on complex legal subjects that are accessible to a diverse audience.
- **Excellent communication skills**, with the ability to effectively engage with a wide range of stakeholders, including victims and survivors, local NGOs, international organizations, and legal experts.
- **Ability to work independently**, manage time effectively, and meet deadlines in a dynamic and complex project environment.
- **Proficiency in English is mandatory**; knowledge of Arabic and other local languages relevant to Sudan (e.g., Fur, Masalit, Nubian) is highly desirable, to facilitate deeper engagement with local communities and understand the nuances of the context.

6. FEES AND PAYMENT

Consultancy fees

Total of 5,000 Euros (all taxes included).

Payment

Payment in two installments: 1500 EUR on the start date and 3500 EUR upon delivery of the final report, and within 30 days from the date of the receipt of invoice and acceptance by FIDH.

7. OTHER IMPORTANT INFORMATION

The Consultant will work remotely.

8. If interested, please send the following documents to lhamilton@fidh.org

- 1) CV and credentials
- 2) A detailed proposal, explaining how they would go about the consultations and research, with an adjusted timeline if need be, and some indications of the number of days they would be able to dedicate to this task
- 3) A writing sample (ENG)
- 4) Two references