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**Human Rights Council**  
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## **Paths to justice: accountability for atrocities in the Sudan**

### **Independent international fact-finding mission for the Sudan\***

#### *Summary*

This conference room paper presents the findings of the independent international fact-finding mission for the Sudan on accountability for international crimes committed since mid-April 2023 in the conflict between the Sudanese Armed Forces and Rapid Support Forces, and their respective allies. It assesses the Sudan's domestic capacity to deliver justice and explains the options for accountability for international crimes grounded in four pillars: the right to truth, right to justice, right to reparations and legal and institutional reforms. The paper emphasizes that all accountability efforts must be victim-centred, gender-sensitive, inclusive, and rooted in dialogue across Sudanese society. It urges all stakeholders, including international and regional organizations, third States and Sudanese civil society and legal experts, to work together to end the cycle of impunity and ensure justice for all victims and survivors.

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\* Information complementary to that contained in the official report (A/HRC/60/22), submitted to the Human Rights Council pursuant to its resolution 57/2.

## I. Introduction

1. This conference room paper builds on Section V. Accountability of the report of the independent international fact-finding mission for the Sudan to the Human Rights Council, (A/HRC/60/22) entitled “Sudan: a war of atrocities”. As Section V focuses on accountability, this paper expands on that analysis and should be read in conjunction with the said report.

2. In its previous reports and conference room paper, the mission highlighted the myriads of serious violations of human rights and international humanitarian law that have been committed by both sides since mid-April 2023 across the Sudan. It found reasonable grounds to believe that they amount to atrocity crimes and called for the immediate implementation of accountability measures to halt the cycles of impunity and address the root causes of the many conflicts that have raged in the Sudan over the years, including the current conflict.<sup>1</sup>

3. In particular, in its report *Sudan: A War of Atrocities*, the Mission found that both parties to the conflict violated international law, amounting to international crimes. The Rapid Support Forces carried out large-scale and systematic attacks on civilians, constituting violations of international humanitarian law and human rights, including large-scale killings, sexual and gender-based violence, looting, and destruction of essential survival objects. The Mission emphasized that these acts constitute war crimes, including violence to life and person, outrages on personal dignity, intentionally directing attacks on civilians, hostage-taking, forced displacement, pillage and the use of starvation as a method of warfare. They also constitute crimes against humanity, including murder, torture, rape, sexual slavery and sexual violence of comparable gravity, and persecution based on intersecting gender, political and ethnic grounds. The deprivation of food, medicine and humanitarian assistance may also amount to extermination.

4. The Mission also found that the Sudanese Armed Forces committed violations of international humanitarian law and human rights, including directing attacks on civilians, indiscriminate airstrikes and artillery affecting populated areas and civilian infrastructure, and failed to protect hospitals, medical personnel, and humanitarian operations. The Mission stressed that these acts amount to war crimes, including violence to life and person, outrages on personal dignity, carrying out executions without previous judgment or judicial guarantees, and attacks on specially protected objects.

5. Calls for immediate implementation of accountability measures to halt the cycles of impunity and address root causes have been consistently made in the context of the many conflicts that have raged the Sudan over the years, including the current conflict. Against this background, the Mission seeks to elaborate on two aspects that were touched on in the above-mentioned report: first, the ability of the Sudan’s domestic legal system to ensure genuine accountability for international crimes; and, second, the available accountability options to deliver justice for the people of the Sudan.

6. The Mission reiterates its call to the parties to the conflict to respect and ensure respect for international humanitarian law and human rights. They must combat impunity and ensure justice and accountability for all violations and abuses, and related international crimes as well as provide remedies and reparations to victims and survivors.<sup>2</sup> Their actions must be in conformity with international law and investigations carried out promptly, thoroughly, independently and impartially and

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<sup>1</sup> A/HRC/57/23, paras. 96-104; A/HRC/57/CRP.6, paras. 296-328; A/HRC/60/22, paras. 123-131.

<sup>2</sup> E/CN.4/2005/102/ADD.1; A/RES/60/147.

those responsible prosecuted, tried and duly punished.<sup>3</sup> Where domestic mechanisms are unable or unwilling to conduct effective investigations or prosecutions, international mechanisms alongside third States may – and should – exercise concurrent jurisdiction to uphold victims’ human rights.<sup>4</sup>

## II. Measures by the Sudanese authorities

### A. Domestic investigations and prosecutions, and denial of responsibility

7. Following the onset of the conflict, the Sudanese authorities set up investigative mechanisms and urged civilians to report crimes by the Rapid Support Forces and its collaborators.<sup>5</sup> By June 2025, the authorities reported that 120,594 individual cases had been registered with the National Committee for the Investigation of Crimes and Violations of National and International Humanitarian Law.<sup>6</sup> Of those, 3,997 had been referred to regular courts and 1,093 verdicts had been issued.<sup>7</sup> By September 2025, the total number according to the authorities rose to 131,706 registered cases, of which 4,985 had been referred to courts and 1,988 verdicts reached.<sup>8</sup> 647 cases had been dropped during the investigation phase.<sup>9</sup> The National Committee also made requests to six States for the extradition of 17 suspects in undisclosed cases.<sup>10</sup>

8. It is unknown how many of these cases registered by the National Committee concern international crimes. As will be discussed further below, most cases appear to concern offences against the state under domestic law, including waging war against the state, rather than human rights and international humanitarian law violations and related international crimes. In light of the ongoing retaliation against individuals and communities for their actual or perceived association with the Rapid Support Forces, the Mission is concerned that some of the individuals may be arbitrarily detained for acts that do not constitute crimes under international law.

9. Various Sudanese officials praised the work of the National Committee, referring to the Rapid Support Forces and their alleged collaborators in public statements as “remnants,” “filth” and “cancer”, calling for “cleansing”, “elimination” and “purification operations”, and stating the “hour of retribution would come”.<sup>11</sup>

10. In July 2025, Dr. Kamil Idris, two months after his appointment as the civilian Prime Minister, called on “all citizens, including lawyers and legal professionals, to join forces and contribute to monitoring the militia’s large-scale violations,” stressing “the need for justice to take its course, particularly in cases related to the war and the

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<sup>3</sup> E/CN.4/2005/102/ADD.1, Principle 19.

<sup>4</sup> E/CN.4/2005/102/ADD.1, Principle 20.

<sup>5</sup> See also A/HRC/57/CRP.6, para. 296 onwards.

<sup>6</sup> Statement by the Sudan, 59<sup>th</sup> session of the Human Rights Council, 17 June 2025; the National Committee was previously titled National Commission of Investigation on Human Rights Violations, War Crimes, and Violations Committed by the Rebel Rapid Support Forces and Other Crimes.

<sup>7</sup> <https://suna-sd.net/posts/ambassador-al-harith-we-welcome-the-exchange-of-expertise-with-international-judicial-bodies-as-a-complement-to-the-national-judicial-process-not-as-a-replacement-for-it>.

<sup>8</sup> Statement by the Sudan, 60<sup>th</sup> session of the Human Rights Council, 9 September 2025.

<sup>9</sup> Ibid.

<sup>10</sup> Statement by the Sudan, 59<sup>th</sup> session of the Human Rights Council, 17 June 2025.

<sup>11</sup> See e.g. <https://www.suna-sd.net/posts/al-atta-commends-the-efforts-of-public-prosecution-and-the-national-committee-in-combating-crimes-and-violations-of-national-law>; <https://suna-sd.net/posts/al-burhan-directs-all-victims-of-militia-violations-to-resort-to-the-law-and-official-channels-to-recover-their-rights>; <https://suna-sd.net/posts/saf-official-spokesman-announces-cleansing-of-baldago-in-blue-nile-from-al-dagalo-militia-and-joseph-tukas-militias-remnants>; <https://suna-sd.net/posts/yassir-al-atta-state-and-government-institutions-must-be-purified-from-obstructors>; <https://www.suna-sd.net/posts/al-burhan-the-hour-of-retribution-will-come-and-the-people-will-ultimately-prevail>; <https://www.suna-sd.net/posts/al-burhan-from-khartoum-we-will-fight-until-sudan-is-liberated-from-rsf-rebel-militia>.

violations and crimes committed against citizens by the rebel Rapid Support Forces (RSF) militia.”<sup>12</sup>

11. The authorities continued to stress publicly that the small number of cases registered by the National Committee against the Sudanese Armed Forces, constituting 257 of the total cases registered as of June and 366 as of September 2025, reflected the isolated nature of such violations and that they did not constitute international crimes.<sup>13</sup> The Minister of Justice in particular stressed he would not accept “any report, statement, or letter that equates the National Institution of the Armed Forces, which is responsible for protecting the land and dignity of Sudanese citizens, with the terrorist rebel militia with regard to human rights, considering such equality, in this regard, to be unfair and in violation of international conventions and treaties that stipulate the country's sovereignty.”<sup>14</sup> It was reported that, during a visit to Khartoum in August 2025 to assess the situation of judicial institutions, the Minister of Justice further praised the Sudanese Armed Forces for the sacrifices made in the “battle of dignity”, and confirmed he would continue to fight alongside them “until the last militia and mercenary in our country is eliminated”.<sup>15</sup> This statement reflected language employed by other officials including General Al-Burhan confirming the Sudanese Armed Forces were resolved to “decisively vanquish and eliminate the rebel terrorist militia.”<sup>16</sup>

12. Information and evidence of violations and related crimes committed by the Sudanese Armed Forces and allies were largely denied in public statements without the initiation of credible investigations. For example, the authorities denied the use of arbitrary arrest and detention by the Sudanese Armed Forces, highlighting that the Rapid Support Forces were rather responsible for detaining individuals in degrading conditions.<sup>17</sup> In relation to torture and ill-treatment, the authorities referred to an ongoing criminal case that was registered against some members of the Sudanese Armed Forces in connection with allegations of acts of cruel, degrading or inhuman treatment.<sup>18</sup> It reiterated, however, that none of the criminal cases filed against individuals affiliated to the Sudanese Armed Forces concerned international crimes.<sup>19</sup>

13. Moreover, in June 2024, the Sudanese Armed Forces publicly denied responsibility for violations and related crimes reported to have been committed by its own forces after a video appeared on social media depicting individuals believed to be affiliated with the Sudanese Armed Forces executing prisoners. The video shows a row of men lying face down on the floor with their hands tied behind their backs while shots can be heard being fired in the background before their executions. The armed men surrounding the detainees can be heard chanting “Allahu Akbar, those are the mercenaries” and “we are only enforcing justice”.<sup>20</sup> Instead, without an indication of any credible investigation having been completed, they blamed the Rapid Support Forces and labelled them as fabricated.<sup>21</sup>

14. Broad immunities from prosecution provided to State forces were also upheld and blanket amnesties were offered to members of the Rapid Support Forces willing to

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<sup>12</sup> <https://www.suna-sd.net/posts/receiving-bar-association-prime-minister-affirms-justice-to-take-its-course-mainly-in-the-violations-of-rsf-rebel-militia>.

<sup>13</sup> See e.g. Statement by the Sudan, 59<sup>th</sup> session of the Human Rights Council, 17 June 2025; A/HRC/57/G.2, para. 19; Statement by the Sudan, 60<sup>th</sup> session of the Human Rights Council, 9 September 2025.

<sup>14</sup> <https://www.suna-sd.net/posts/sudan-urges-human-rights-expert-to-report-and-condemn-militia-crimes>.

<sup>15</sup> <https://www.suna-sd.net/posts/minister-of-justice-arrives-in-khartoum-state>; <https://www.suna-sd.net/posts/justice-minister-praises-armed-forces-sacrifices-in-the-battle-of-dignity>; <https://www.suna-sd.net/posts/minister-of-justice-meets-chief-of-staff>.

<sup>16</sup> <https://www.suna-sd.net/posts/al-burhan-people-of-sudan-will-not-accept-mutiny-or-those-who-support-it>; see also e.g. <https://www.suna-sd.net/posts/al-burhan-from-khartoum-we-will-fight-until-sudan-is-liberated-from-rsf-rebel-militia>.

<sup>17</sup> A/HRC/57/G.2, para. 8.

<sup>18</sup> *Ibid.*, para. 9.

<sup>19</sup> *Ibid.*, para. 19.

<sup>20</sup> FFMS-0311.

<sup>21</sup> See e.g., <https://suna-sd.net/posts/armed-forces-issues-press-release-denies-fabricated-videos>.

report to the Sudanese Armed Forces in violation of international law, as they do not exclude persons implicated in international crimes.<sup>22</sup> On 20 June 2024, the General Command of the Sudanese Armed Forces, following the defecting of Rapid Support Forces Commander Abu Aqla Kaykal and a number of his Sudan Shield Forces to the Sudanese Armed Forces, renewed “the amnesty of the head of the sovereignty council and commander in chief of the armed forces to any rebel that sides with the nation and reports to the nearest army base in all parts of Sudan.”<sup>23</sup> While international humanitarian law requires the authorities in power to endeavour to grant at the end of hostilities the broadest possible amnesty to persons who have participated in the armed conflict, such amnesty should not be offered to those suspected of having committed international crimes, which effectively shields them from investigation and prosecution.<sup>24</sup>

15. Further investigations and the set-up of emergency courts to deal with the Rapid Support Forces and their supporters were announced. On 15 January 2025, the Sudanese authorities set up an investigative committee into events in Tayba, Gezira.<sup>25</sup> The Mission found that the attack on Tayba from 9 to 12 January 2025 claimed the lives of at least 26 individuals.<sup>26</sup> The investigation by the authorities reportedly resulted in the arrest of 5,000 individuals, and in the trial of some, accused of collaborating with the Rapid Support Forces.<sup>27</sup> In Northern State, the authorities opened emergency courts in Dongola, Ad-Dabba, Halfa, and Merowe with a mandate to deal with criminal cases.<sup>28</sup> In Port Sudan, they proceeded with an in-absentia trial before the Special Terrorism Court against the Rapid Support Forces leadership in relation to the killing of Former Governor of West Darfur, Khamis Abkar, in El Geneina in June 2023.<sup>29</sup> Official charges against 16 defendants, including General Hemedti, were issued in absentia in August 2025, and included war crimes, crimes against humanity and genocide.<sup>30</sup>

16. The authorities also announced, on 11 July 2025, the formation of a national committee to investigate allegations of the use of chemical weapons.<sup>31</sup> On 27 September, in the context of the 60<sup>th</sup> session of the Human Rights Council, the Sudan Representative stated the committee had made progress, including conducting field surveys and taking soil samples. The Sudan Representative also alleged that the civil society groups who referred to chemical weapons in their statements to the Council were Rapid Support Forces supporters and threatened to take retaliatory action against them in the United Nations Economic and Social Council Committee on Non-Governmental Organizations.<sup>32</sup>

## **B. Unfair trials and death sentences violating international law**

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<sup>22</sup> OHCHR, Rule-of-law tools for post-conflict states: Amnesties, 1 January 2009, <https://www.ohchr.org/en/publications/policy-and-methodological-publications/rule-law-tools-post-conflict-states-amnesties>.

<sup>23</sup> <https://suna-sd.net/posts/armed-forces-issues-press-release-on-kaykal-giving-up>.

<sup>24</sup> Additional Protocol II, Article 6(5); Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume II: Practice, International Committee of the Red Cross (ICRC), 2005, Rule 159.

<sup>25</sup> <https://suna-sd.net/posts/tsc-president-issues-a-decision-forming-a-committee-to-investigate-the-events-that-took-place-in-taiba-camp-in-gezira-state>.

<sup>26</sup> A/HRC/60/22, para. 36.

<sup>27</sup> <https://suna-sd.net/posts/tsc-member-dr-salma-al-gezira-state-overcame-difficulties-and-completed-life-normalization>.

<sup>28</sup> <https://suna-sd.net/posts/head-of-northern-state-judiciary-issues-decisions-forming-emergency-courts-in-localities>.

<sup>29</sup> <https://suna-sd.net/posts/terrorism-court-for-the-killing-of-former-west-darfur-state-governor-continues-its-sessions-on-monday>.

<sup>30</sup> <https://www.suna-sd.net/posts/16-rebel-rsf-militia-commanders-charge-in-absentia-in-the-killing-of-former-west-darfur-wali-khamis-abkar>.

<sup>31</sup> <https://suna-sd.net/posts/sudan-affirms-commitment-to-chemical-weapons-convention>.

<sup>32</sup> 60<sup>th</sup> Council session, 28<sup>th</sup> meeting, 25 September 2025; see also <https://www.suna-sd.net/posts/sudans-delegate-in-geneva-refutes-lies-and-allegations-by-some-organizations-against-armed-forces-in-human-rights-council-meetings>.

17. The Mission has continued to collect information and evidence, including court records, videos of trials, and direct testimonies, of cases brought against individuals suspected of being affiliated with the Rapid Support Forces. Most cases against civilians appear to be based on their alleged collaboration with the Rapid Support Forces under articles 50 and 51 of the Criminal Act of 1991, which concern offences against the State. In particular, article 51(3), which prohibits ‘any type of support’ to waging war against the State, has been subject to overly broad and non-uniform interpretation.<sup>33</sup> This violates international human rights law which requires that arrest and detention is based on substantive grounds that are not only prescribed by law but also sufficiently precise to avoid arbitrary interpretation or application.<sup>34</sup> It also has a chilling effect on the exercise of fundamental rights in Sudan, including online and offline freedom of opinion and expression. Some of these cases have resulted in the imposition of death sentences for crimes that are not considered most serious under international law and hence further violate international human rights law, with more cases pending.<sup>35</sup>

18. For example, in Port Sudan a man was arrested for having pictures linked to the Rapid Support Forces on his phone. Following interrogation by the National Committee he was charged under articles 26, 50 and 51 of the Criminal Act of 1991 and in conjunction with article 27 of the Cybercrime Law of 2018. According to the court, under article 51a inciting war against the state applied to anyone who provided support in any way. It indicated that it was agreed that any support to the rebel Rapid Support Militia amounted to the crime of provoking war against the State. Accordingly, the only questions that needed answering were if the defendant was a supporter of the Rapid Support Forces and if the Rapid Support Forces provoked war against the state. The court answered these questions in the affirmative believing that the defendant was waiting for the right opportunity to assist the Rapid Support Forces and sentenced him to 10 years in prison.<sup>36</sup>

19. Punishments appeared to also be disproportionate to the crimes concerned. In River Nile State, for example, a man was sentenced to death by hanging for violating articles 50 and 51a of the Criminal Act of 1991 for having been mobilized by the RSF in Khartoum State and looting household items. The case revolved around a forced confession obtained by the intelligence services from the defendant under torture. The court dismissed these allegations and allowed the tainted statement into evidence.<sup>37</sup> In another case, also from River Nile State, a woman was sentenced to death by hanging by a court for violating article 51 of the Criminal Act of 1991 for having provided support to the Rapid Support Forces because she worked at a medical clinic that was headed by an individual who was affiliated to the Rapid Support Forces.<sup>38</sup> Moreover, in Northern state, two men who had just been acquitted by a court of charges concerning cooperation with the Rapid Support Forces, were re-arrested while barely released from prison without being informed of the reasons for their new arrest or receiving information on the new charges brought against them.<sup>39</sup>

20. The Sudanese authorities specifically targeted political opponents, lawyers, human rights defenders and journalists, with women facing compounded risks.<sup>40</sup> In

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<sup>33</sup> See also A/HRC/58/29, paras. 91-92.

<sup>34</sup> CCPR/C/GC/35, para. 22, the Committee further noted in para. 12 that “An arrest or detention may be authorized by domestic law and nonetheless be arbitrary. The notion of “arbitrariness” is not to be equated with “against the law”, but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality”.

<sup>35</sup> See e.g. <https://ishr.ch/latest-updates/sudan-over-25-women-facing-charges-that-could-lead-to-execution/>.

<sup>36</sup> FFMS-D-003464.

<sup>37</sup> FFMS-D-003410.

<sup>38</sup> FFMS-D-003456.

<sup>39</sup> FFMS-D-004291; FFMS-D-004218.

<sup>40</sup> E.g. FFMS-D-004286; FFMS-D-004205; FFMS-D-003409; FFMS-D-004212; FFMS-D-004211; FFMS-D-004208; FFMS-D-002875; FFMS-D-003512; FFMS-D-002912; FFMS-D-002742; FFMS-D-002856.

one reported case, a journalist was arrested by the Sudanese Armed Forces in early December 2024 and accused him of collaborating with the Rapid Support Forces. Shortly after his release, one month later, he died in hospital as a result of injuries sustained due to torture and ill-treatment in detention.<sup>41</sup>

21. In another emblematic case, a human rights defender and the legal representative of the former Democratic Civil Forces (Taqaddum) Coordination Committee, which was led by former Prime Minister Abdallah Hamdok and seen by the Sudanese authorities as aligned with the Rapid Support Forces, was arrested on 4 September 2024 and again on 7 September after inquiring about the charges filed against 17 leaders of the Taqaddum Coordination Committee. Charges were filed against him under article 53 of the Criminal Code of 1991 related to espionage and collaboration with a foreign state or its agents, which may carry the death penalty. A court hearing was reportedly held in April 2025. His case was widely reported on,<sup>42</sup> and previously brought to the attention of the Sudanese authorities by the United Nations Special Procedures.<sup>43</sup> He was reported released on 20 October 2025.<sup>44</sup>

22. The criminal charges filed by the National Committee against 17 leaders of the former Taqaddum Coordination Committee, in early April 2024, include offences that carry the death penalty such as inciting war against the state and undermining the constitutional order under articles 50 and 51 of the Criminal Act of 1991, as well as international crimes under Chapter 18 of the 2009 amendment to the Criminal Act of 1991.<sup>45</sup> In January 2025, the Public Prosecutor General for Economic Crimes published a list of 24 individuals believed to be fugitives under article 20, 21, 177(2) and 180 of the Criminal Act of 1991 and article 13 and 14 of the Empowerment Removal Law.<sup>46</sup> This list included politicians, journalists and activists, including former leaders of the Taqaddum Coordination Committee. Targeted individuals who sought refuge outside of Sudan informed the Mission of harassment that extended beyond its borders, including complications in passport renewals preventing them from travelling.

### C. Constitutional amendment (2025)

23. The Mission continued to receive information regarding the absence of checks and balances within the system.<sup>47</sup> A clear example of this trend is the February 2025 constitutional amendment adopted by the Sudanese authorities, which, among others, altered the composition of the Sovereignty Council. This body controls the State apparatus and is headed by General Al-Burhan as Commander-in-Chief of the Armed Forces. The amendment extended the transitional period by 39 months, therefore delaying the timeline for transition to civilian rule. It also increased the representation of the armed forces in the Council and expanded powers over key appointments and foreign policy.

24. The Sovereignty Council was further given the power, together with the Council of Ministers, to issue laws and legislation pending the establishment of a Legislative Council and to appoint and dismiss key justice actors, including the Chief Justice and President and members of the Constitutional Court, until the formation of the High

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<sup>41</sup> Submission A-226; FFMS-D-004290.

<sup>42</sup> See e.g. <https://www.frontlinedefenders.org/en/case/human-rights-defender-montaser-abdullah-may-face-death-penalty>; <https://freedomhouse.org/article/justice-shackles-global-persecution-judges-and-lawyers>; <https://www.lawyersforlawyers.org/statement-on-the-arbitrary-arrest-and-detention-of-sudanese-lawyer-montaser-abdullah/>.

<sup>43</sup> AL SDN 4/2024 of 25 November 2025; JUA SDN 1/2025 of 23 May 2025.

<sup>44</sup> <https://www.lawyersforlawyers.org/statement-on-the-arbitrary-arrest-and-detention-of-sudanese-lawyer-montaser-abdullah/>.

<sup>45</sup> See e.g. <https://www.altaghyeer.info/en/2024/04/04/criminal-charges-filed-against-former-sudans-pm-anti-war-leaders/>.

<sup>46</sup> <https://www.suna-sd.net/posts/announcement-of-publication-for-fugitive-defendants>

<sup>47</sup> FFMS-D-003409; FFMS-D-002856; A/HRC/57/CRP.6, paras. 240-255; see also e.g. OHCHR, “‘Don’t ask about him’: Detention facilities and practices in Khartoum State in the context of the conflict in the Sudan”, 6 March 2025, para. 82.

Judicial Council. In August 2025, General Al-Burhan issued a constitutional decree appointing the Chief Justice of the Constitutional Court.<sup>48</sup> The Constitutional Court has since resumed its functions,<sup>49</sup> and can again consider final appeals related to the protection of human rights and fundamental freedoms, including death sentences. Once this appeals process has been exhausted, General Al-Burhan has the final power to approve the implementation of death sentences. While the Minister of Justice stated that the Constitutional Court “would reduce the number of death row inmates whose sentences have become final by adjudicating their applications before it”,<sup>50</sup> Sudanese legal experts expressed fears that this development would instead lead to the implementation of death sentences.<sup>51</sup>

25. The constitutional amendment (2025) also abolished the 3 June 2019 massacre investigative committee. This investigative committee had been established pursuant to article 8(16) of the 2019 Transitional Constitutional Document “(...) to conduct a transparent, detailed investigation of violations committed on 3 June 2019, and events and incidents where violations of the rights and dignity of civilian and military citizens were committed. (...)”. The investigative committee was reportedly able to gather a significant amount of evidence, including over 3,000 testimonies, related to the killing of over 100 protesters and injuring of hundreds more in front of the military headquarters in Khartoum, as well as dozens of reported rapes.<sup>52</sup>

26. Although the work of the investigative committee was generally welcomed, concerns were expressed over the lack of gender parity in its membership and its ability to function fully independently and resist political pressure.<sup>53</sup> This became evident in 2022, when the investigative committee had to suspend its activities after security forces raided its offices and the authorities denied access to Sudan to foreign teams to support its forensic investigations.<sup>54</sup> As a result, it was not able to conclude investigations or deliver its findings prior to its abolition, and hence the truth and accountability for the killings and other violations were escaped for the time being.<sup>55</sup> The Mission finds that this development is emblematic of a wider pattern of establishing investigative bodies and when they start to be effective, abolish them to evade accountability.<sup>56</sup>

## D. Cooperation with international mechanisms

27. The Sudanese authorities continued to call for complementarity and provision of technical support, not interference in its domestic affairs.<sup>57</sup> It noted that the National

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<sup>48</sup> <https://www.suna-sd.net/posts/tsc-president-issues-constitutional-decree-appointing-wahbi-mohamed-mokhtar-as-chief-justice-of-the-constitutional-court>.

<sup>49</sup> <https://www.suna-sd.net/posts/tsc-member-kabashi-meets-constitutional-courts-chief-justice>; <https://www.suna-sd.net/posts/tsc-member-yahya-stresses-activation-of-constitutional-court-and-enforcement-of-rule-of-law>; <https://www.suna-sd.net/posts/minister-of-justice-meets-president-of-the-constitutional-court>; <https://www.suna-sd.net/posts/dr-wahbi-mokhtar-sworn-in-as-chief-justice-of-the-constitutional-court>.

<sup>50</sup> <https://www.suna-sd.net/posts/ministries-of-justice-and-interior-discuss-legal-conditions-in-khartoum-state>.

<sup>51</sup> FFMS-D-003409; FFMS-D-002856; Constitutional Amendment (2025), <https://www.moj.gov.sd/>; see also e.g. <https://www.dabangasudan.org/en/all-news/article/legal-expert-constitutional-amendments-give-sudan-military-absolute-control>; Sudan News Agency, 20 February 2025, <https://suna-sd.net/posts/government-spokesperson-media-outlets-published-inaccurate-points-about-the-constitutional-document>; Sudan News Agency, 19 February 2025, <https://www.suna-sd.net/posts/in-a-joint-meeting-of-tsc-and-cabinet-constitutional-document-amended>.

<sup>52</sup> A/HRC/48/46, para. 43.

<sup>53</sup> A/HRC/45/53, para. 75; A/HRC/42/63, para. 84; <https://www.amnesty.org/en/latest/news/2021/06/sudan-speed-up-investigations-into-2019-khartoum-massacre/>

<sup>54</sup> See e.g. <https://www.dabangasudan.org/en/all-news/article/june-3-massacre-investigation-committee-forced-to-suspend-its-activities>; <https://www.aljazeera.com/news/2022/3/9/sudanese-authorities-raid-offices-of-2019-massacre-tribunal>.

<sup>55</sup> See e.g. A/HRC/42/63, para. 84; A/HRC/48/46, para. 43.

<sup>56</sup> See e.g., A/HRC/53/19, paras. 71-80; A/HRC/50/22, paras. 58-65.

<sup>57</sup> See e.g. A/HRC/56/G/4, page 15; Statement by the Sudan, 59<sup>th</sup> session of the Human Rights Council, 17 June 2025; <https://suna-sd.net/posts/ambassador-al-harith-we-welcome-the-exchange-of-expertise-with-international-judicial-bodies-as-a-complement-to-the-national-judicial-process-not-as-a-replacement-for-it>

Committee was cooperating with the International Criminal Court and had provided it with information on its mandate and progress of work on violations and crimes committed by the Rapid Support Forces with focus on West Darfur, including through a visit in December 2024 to the Court in The Hague.<sup>58</sup>

28. The Office of the Prosecutor in turn reported cautious optimism in cooperation with Sudan with a visit carried out to Port Sudan in April 2025. It, however, noted the need for further consolidation and expansion of the cooperation.<sup>59</sup> The Prosecutor referred in particular to the continued lack of execution of warrants of arrest issued by the Court against former President Omar Hassan Ahmad Al Bashir, former Minister of State for the Interior Ahmad Muhammad Harun and former Minister of Defence Abdel Raheem Muhammad Hussein.<sup>60</sup> These suspects all face charges of multiple counts of war crimes and crimes against humanity, and in the case of former President Al Bashir also genocide, committed in Darfur in the mid- to late 2000's with arrest warrants outstanding for over two decades.<sup>61</sup>

### III. Measures by the Rapid Support Forces

#### A. Establishment of a parallel authority

29. The Rapid Support Forces have reportedly continued to set up its own civilian administrations in areas under its effective control, including West and South Kordofan, Blue Nile, Khartoum and the Darfur States.<sup>62</sup> On 15 April 2025, it further announced the establishment of a parallel “Government of Peace and Unity” also called founding coalition for Sudan or Ta’sis alliance to be headed by General Mohamed Hamdan Dagalo (“Hemedti”).<sup>63</sup> The announcement was accompanied by the publication of its own constitution founded in “freedom, equality and justice”. As part of its principles, the Rapid Support Forces committed to justice and accountability, and promised to adhere to international human rights conventions, end impunity by prosecuting all those responsible for human rights violations and crimes against the nation, and hand over individuals wanted by the International Criminal Court.<sup>64</sup>

30. Members of the United Nations Security Council rejected the announcement of the establishment of a parallel governing authority by the Rapid Support Forces, expressing grave concerns about *inter alia* fragmentation of the country and worsening an already dire humanitarian situation.<sup>65</sup> The African Union also strongly condemned and rejected the announcement of the so-called “parallel government”. It called on all African Union Member States and the international community to reject the fragmentation of Sudan and not recognize the “parallel government”, indicating it would have serious consequences on peace efforts.<sup>66</sup>

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<sup>58</sup> <https://suna-sd.net/posts/ambassador-al-harith-we-welcome-the-exchange-of-expertise-with-international-judicial-bodies-as-a-complement-to-the-national-judicial-process-not-as-a-replacement-for-it>

<sup>59</sup> Statement of ICC Prosecutor Karim A.A. Khan KC to the United Nations Security Council on the Situation in Darfur, pursuant to Resolution 1593 (2005), 28 January 2025; Statement of Deputy Prosecutor Nazhat Shameem Khan to the United Nations Security Council on the Situation in Darfur, pursuant to Resolution 1593 (2005), 11 July 2025.

<sup>60</sup> *Ibid.*, statement of 28 January 2025.

<sup>61</sup> <https://www.icc-cpi.int/darfur>.

<sup>62</sup> See e.g. <https://www.darfur24.com/en/2025/07/19/rsf-form-first-civil-administration-in-north-darfur/>; <https://sudantribune.com/article294032/>; <https://sudanwarmonitor.com/p/rsf-establish-civil-administration>.

<sup>63</sup> <https://rapidsupportforce.com/en/news-details/April-15-War>.

<sup>64</sup> Founding Sudan’s Coalition Charter, Chapter One, Principles 11, 18 and 23.

<sup>65</sup> <https://press.un.org/en/2025/sc16144.doc.htm>.

<sup>66</sup> <https://papsrepository.africanunion.org/entities/publication/20184702-fa8b-4ff2-9c42-f3a34cbdc0b0>.

## **B. Attacks on the justice system and denial of responsibility**

31. The Rapid Support Forces publicly denied responsibility for reported violations and related crimes. Without indication of any credible investigations having been instituted, they labeled them as individual acts, not systematic and fabricated.<sup>67</sup> For example, in June 2025, the Rapid Support Forces stated that the contents of a video circulating online depicting scenes of alleged violations by the Rapid Support Forces within the Zamzam camp, North Darfur, as “orchestrated” by the Sudanese Armed Forces and Joint Forces to falsely incriminate the Rapid Support Forces. “The scenes were filmed under the full supervision of a production team equipped with cameras, directors, and assistants, some of whom can be seen in the background, instructing men and women to perform scripted roles,” aimed at “manipulating Sudanese emotions,” according to the Rapid Support Forces.<sup>68</sup>

32. In September 2025, another video circulated on social media showing a woman hanging by her arms from a tree somewhere in the Darfur region.<sup>69</sup> She appeared to have been subjected to acts of torture resulting in her death. The face of the alleged perpetrator is briefly shown in the video, who the Rapid Support Forces confirmed wore the “distinctive military uniform of our Forces”.<sup>70</sup> The Rapid Support Forces, however, again denied responsibility and without any indication of any investigation having been carried out labeled it as a fabrication and “deceptive theatrics”.<sup>71</sup>

33. The Mission reported on the destruction of the justice system by the Rapid Support Forces in its 2024 report.<sup>72</sup> This included the destruction of government buildings and records, in particular in Khartoum and Darfur States, as well as the targeting of courts, including in El Geneina, Nyala and Zalingei courts, and judicial records. Further attacks were carried out on justice actors, in particular lawyers, often with an ethnic undertone.

34. The Mission found a pattern of targeting of, in particular, Masalit lawyers, human rights defenders, community leaders and politicians, including through arbitrary arrest and detention, torture and ill-treatment, and killings. For example, as part of their attack on El Geneina, West Darfur, in 2023, lawyers belonging to the Masalit tribe and those previously involved in criminal cases filed against Rapid Support Forces members, including in the first Krinding camp massacre, were targeted and a number killed. The Krinding case concerned the killing or wounding of around 180 Masalit persons by the Rapid Support Forces in 2019.<sup>73</sup> The Mission also recorded more recent cases of lawyers detained and tortured by the Rapid Support Forces for reasons related to their work in other areas of the country, including Khartoum State.<sup>74</sup>

## **C. Establishing administrations, investigative bodies and courts**

35. The Rapid Support Forces set up investigative mechanisms and courts in areas under its effective control.<sup>75</sup> They previously announced the establishment of investigative bodies, including into the killing of the former Governor of West Darfur and the mass killing at Ardamata in 2023, a “Commander Fudail Investigative Committee, and a “Committee to Adress Violations” (sometimes also referred to as the Committee to Address Negative Phenomena).<sup>76</sup> It reportedly also set up further

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<sup>67</sup> See e.g. interview on Al Jazeera of 7 September 2025, [https://www.youtube.com/watch?v=ZbI3UM\\_shDg](https://www.youtube.com/watch?v=ZbI3UM_shDg).

<sup>68</sup> <https://rapidsupportforce.com/en/news-details/fabricated-footage>.

<sup>69</sup> FFMS\_0314.

<sup>70</sup> <https://rapidsupportforce.com/ar/news-details/torture-of-woman>.

<sup>71</sup> *Ibid.*

<sup>72</sup> A/HRC/57/CRP.6, para. 310.

<sup>73</sup> FFMS-D-002156; FFMS-D-002152; FFMS-D-001714; FFMS-D-001422; FFMS-D-002150; FFMS-D-002167.

<sup>74</sup> FFMS-D-000021; FFMS-D-002912.

<sup>75</sup> See also A/HRC/57/CRP.6, para. 321-328.

<sup>76</sup> A/HRC/57/CRP.6, paras. 321-328.

investigative bodies in Al Jazeera and Khartoum States.<sup>77</sup> More recently, the Rapid Support Forces announced that while these investigative bodies had initially been created by General Hemedti, a new commission had been established by the Ta'asis coalition to continue the work of the previously established investigative bodies.<sup>78</sup> This commission did not only look at alleged violations by the Rapid Support Forces but also those committed by civilians.<sup>79</sup>

36. Witnesses the Mission spoke to further confirmed the existence of courts set up by the Rapid Support Forces in areas under its control such as in Zalingei, El Geneina, and around El Fasher, but stated they did not carry out any investigations despite complaints filed.<sup>80</sup> No further information had been made available on the legal basis, composition or functioning of these courts or the newly established Ta'asis commission at the time of writing, despite the Mission's request for such information. The Mission finds that none of these mechanisms or investigative bodies have carried out credible investigations to date.

#### **D. Cooperation with international mechanisms**

37. The Office of the Prosecutor of the International Criminal Court noted efforts made to engage with the Rapid Support Forces, including a meeting held in January 2025 with its representatives. While the Prosecutor expected swift and meaningful action earlier in the year,<sup>81</sup> his 41st report to the United Nations Security Council noted that "The upcoming period and in particular the substance of information or assistance received from the RSF will serve to demonstrate any genuine readiness and willingness to fully cooperate with the Office".<sup>82</sup>

### **IV. Options for victim-centred accountability measures**

38. The Mission reaffirms that peace without justice is merely an illusion, and that accountability is not a privilege but a fundamental right, as well as a cornerstone of sustainable peace in Sudan. Its absence has long been among the principal drivers of conflict. The Mission stresses the pressing need to deliver justice and urges that preparations for justice and accountability begin without delay. These must form an integral part of any future peace agreement, which, historically, have too often overlooked them, and serve as a catalyst for genuine transformation and social healing.

39. Many Sudanese individuals expressed to the Mission their lack of confidence in domestic processes to render justice for international crimes in a fair and impartial manner. Autocratic rule, military coups and the inability to settle political differences peacefully, as well as the various measures employed to evade international accountability efforts, have contributed to the Sudanese civilians lacking trust in domestic institutions.

40. To effectively break the cycle of impunity in Sudan, a range of options for delivering justice and ensuring accountability should be considered. Towards this end, the mission engaged with a diverse range of Sudanese, regional and international stakeholders, including through interviews, meetings and missions, ensuring balance in among others in age, gender, profession and region of origin. It also organized a

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<sup>77</sup> A/HRC/58/29, para. 90.

<sup>78</sup> Interview on Al Jazeera of 7 September 2025, [https://www.youtube.com/watch?v=ZbI3UM\\_shDg](https://www.youtube.com/watch?v=ZbI3UM_shDg).

<sup>79</sup> Ibid.

<sup>80</sup> FFMS-D-001425; FFMS-D-001421; FFMS-D-001692; FFMS-D-001282 and FFMS-D-001723; FFMS-D-002828.

<sup>81</sup> Statement of ICC Prosecutor Karim A.A. Khan KC to the United Nations Security Council on the Situation in Darfur, pursuant to Resolution 1593 (2005), 28 January 2025.

<sup>82</sup> Forty-first report of the Prosecutor of the International Criminal Court to the United Nations Security Council pursuant to Resolution 1593 (2005), July 2025, para. 39.

consultation in Nairobi, Kenya, from 28 to 30 May 2025, with the support of the Kenya Section of the International Commission of Jurists. The three-day meeting included 145 Sudanese and other participants with near equal gender representation, offering a safe space for developing its initial recommendations on accountability measures. These included a call for an expansion of the jurisdiction of the International Criminal Court to cover the entire territory of Sudan, as well as the establishment of a complementary judicial mechanism, truth commission, and victim support and reparation office.

41. During the consultation, lessons learnt from past accountability and transitional justice experiences in Sudan and the region and options for future measures for justice and accountability in Sudan were explored. The discussion touched on the sequencing between justice and peace and options for future measures, and agreed that preparations for justice and accountability must begin without delay. As an overarching principle, all-inclusive Sudanese dialogue with a gender-sensitive approach should guide the design and implementation any of accountability process in line with its legal, cultural and social contexts. This should be ensured through continued inclusive consultations and coordination and cooperation between the various bodies. A victim-centered approach should equally be prioritized, which must include the equal representation of women in all areas and at all levels as well as consider the situation of children affected by the conflict. Accountability mechanisms must also ensure that survivors of sexual and gender-based violence are provided with safe, confidential, and trauma-informed avenues to enable their participation in justice processes and related reparations.

## **A. Right to truth**

42. Victims and survivors, their families, affected communities and society as a whole have the right to know the truth about violations of international human rights law and international humanitarian law that have been committed in Sudan.<sup>83</sup> They must be supported in their efforts to seek and obtain information on the commission of the alleged violations and related crimes, the causes thereof, the fate and whereabouts of loved ones, and the role of the authorities in their commission, if any.<sup>84</sup> The right to truth and to the right to justice, including individual accountability of perpetrators of international crimes, are mutually reinforcing and part and parcel of transitional justice and a path towards sustainable peace.

43. Professional documentation of violations and related crimes should therefore continue as a tool for establishing the truth in support of the victims and survivors of repeated cycles of conflict and related violations, and to enable independent and impartial justice processes to take place in the future. This could include the creation of repositories and registers for damages particularly related to the widespread pillage, looting and destruction of private properties, and specific harms suffered, such as deaths, missing persons, rape and other forms of sexual and gender-based violence. The Mission's mandate of evidence collection and preservation remains crucial in this regard and it is committed to continue its efforts and cooperate with all other relevant stakeholders.

44. To facilitate the participation of Sudanese civil society organizations in the documentation and truth-seeking process, immediate technical training and capacity-building is needed. Many Sudanese individuals from different backgrounds have since the onset of the conflict supported monitoring and documentation of violations and related international crimes in Sudan without proper training or financial support.

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<sup>83</sup> A/RES/60/147, Principle 24.

<sup>84</sup> United Nations, *Guidance note of the Secretary-General, Transitional Justice A Strategic Tool for People, Prevention and Peace*, 2023, page 14; African Union, *Transitional Justice Policy*, 2019.

## B. Right to justice

45. The right to justice, including to remedies and reparations, centres on victims' and survivors' access justice and fair and impartial proceedings.<sup>85</sup> They should *inter alia* be provided with the necessary information on available remedies, rendered assistance as may be needed to access justice, and receive protection from intimidation and retaliation.<sup>86</sup> To this end, alongside truth-seeking processes, further consideration should be given to the Mission's recommendations on the expansion of the jurisdiction of the International Criminal Court to cover the entire territory of Sudan and the establishment of an independent and impartial judicial mechanism for Sudan to work in tandem with the Court adhering to its complementarity principles as stipulated by the Rome Statute.<sup>87</sup>

46. Firstly, there is a credible argument to be made that many aspects of the current conflict in Sudan stem from and are a continuation of the Darfur conflict. The mandate of the Office of the Prosecutor should include critical events in other parts of Sudan where there is a sufficiently strong connection to Darfur, including based on the same alleged perpetrators and/or victim groups. The execution of already issued arrest warrants is imperative. The Mission reiterates its call on all States to fully cooperate with the Court and for Sudan to extradite all suspects in the Darfur case, including former President Omar Hassan Ahmad Al Bashir and former Minister of State for the Interior Ahmad Muhammad Harun, so that the victims and survivors of atrocities in Sudan may finally see justice done.

47. In a recent development, while referring to the non-execution of other arrest warrants in the Darfur situation, on 6 October 2025, Trial Chamber I of the International Criminal Court issued its judgment in the case of former Janjaweed leader Ali Muhammad Ali Abd-Al-Rahman (nickname Ali Kushayb), who surrendered himself to the Court in 2020. It found Mr. Abd-Al-Rahman guilty on 27 counts of war crimes and crimes against humanity, including for the first time persecution on ethnic, gender and political grounds, in relation to attacks carried out against members of the Fur ethnicity on the villages of Mukjar, Deleig, Kodoom and Bindisi, in Darfur, between August 2003 and April 2004.<sup>88</sup>

48. The Chamber confirmed, among others, that it was established beyond reasonable doubt that a plan had been designed at the highest level of state with an ethnic dimension to target and attack the non-Arab Fur, Masalit and Zaghawa tribes, and that orders given failed to distinguish between fighters and civilians, without a doubt resulting in the commission of crimes. The Presiding Judge stated that the case had given a voice to victims for the first time – 1591 victims were able to participate in the trial proceedings,<sup>89</sup> - and made a connection to the further misery suffered by the citizens of Sudan due to the current conflict.<sup>90</sup> The Mission hopes this landmark judgement can act as a catalyst to further victim-centered accountability efforts.

49. Secondly, Sudan itself can take the step of making a declaration under Article 12(3) of the Rome Statute to accept the exercise of jurisdiction by the International Criminal Court as the State on whose territory international crimes have been

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<sup>85</sup> A/RES/60/147, Principle 12.

<sup>86</sup> *Ibid.*

<sup>87</sup> International Criminal Court, Office of the Prosecutor, *Policy on Complementarity and Cooperation*, April 2024.

<sup>88</sup> <https://www.icc-cpi.int/news/ali-muhammad-ali-abd-al-rahman-declared-guilty-war-crimes-and-crimes-against-humanity>.

<sup>89</sup> *Ibid.*

<sup>90</sup> International Criminal Court, summary of judgement in the Abd-Al-Rahman case, 6 October 2025, <https://www.youtube.com/watch?v=nWiBo1befw8>.

committed. Other States who were not at the time a party to the Rome Statute, namely Armenia,<sup>91</sup> Palestine,<sup>92</sup> and Ukraine,<sup>93</sup> have made such declarations.

50. Thirdly, action should be taken by the international community without delay towards the establishment a complementary mechanism to ensure all perpetrators of international crimes are held to account. Lessons learned from past accountability initiatives in Sudan and the region should play a central role in its design, which should be based on an all-inclusive Sudanese dialogue, include a gender-sensitive lens and take account of Sudan's legal, cultural and social contexts. For example, the 2020 Juba Agreement for Peace in the Sudan included an approach for transitional justice and envisaged the set-up of a hybrid special court for Darfur. This hybrid special court was never implemented and its design, including as regards the independence of judges and prosecutors and time limits imposed on its operations, faced serious criticism. However, with the necessary amendments and a mandate covering the whole of Sudan, a hybrid design could be included in a future peace agreement.

51. As highlighted in the Mission's previous report, there are indeed different options to be considered for the design of any independent and impartial judicial institution for Sudan – given the spectrum of options from fully international, to hybrid or an internationalized design - based on experiences in among others in Rwanda, Sierra Leone, Central African Republic and Senegal (Chad).<sup>94</sup> For example, the institution could be composed of both national and international judges, employ a mix of Sudanese and international staffing, and rely on an independent special police force and prosecutors office attached to it, allowing at the same time for Sudanese trust and capacity building.<sup>95</sup> The Mission believes that what is crucial in the selection of a design for the complementary independent and impartial judicial institution for Sudan, is that the institution is able to decide on cases before it in an independent and impartial manner, meaning “on the basis of the facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.”<sup>96</sup> Its features must reflect its impartiality, including in its ability to function without political interference and ensure victim participation and witness protection.

52. Fourthly, access to justice should also be guaranteed by third States through the use the universal jurisdiction as a tool to pursue individuals suspected of having committed international crimes in Sudan. Universal jurisdiction permits States to investigate and prosecute international crimes extraterritorially given their heinous character and in the interest of the international community as a whole. There are already a myriad of examples of the application of universal jurisdiction in relation to international crimes committed in other country contexts, including in relation to the Gambia and Syria.<sup>97</sup> The Mission calls on all third States to include the situation in Sudan in their efforts to uphold international law through the application of universal jurisdiction and support victims and survivors of international crimes in Sudan in their desperate search for accountability.

53. An important example of the role of domestic courts in other countries is the Lundin trial. In February 2025, the Mission observed hearings in Stockholm regarding the criminal trial before the District Court of Stockholm against two former executives of Lundin Oil, Alexandre Schneider and Ian Lundin, charged with complicity in war crimes committed between 1999 and 2003. The case,

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<sup>91</sup> [https://www.icc-cpi.int/sites/default/files/2023-11/Letter\\_MFA.pdf](https://www.icc-cpi.int/sites/default/files/2023-11/Letter_MFA.pdf).

<sup>92</sup> <https://www.icc-cpi.int/palestine>.

<sup>93</sup> <https://www.icc-cpi.int/situations/ukraine>.

<sup>94</sup> A/HRC/57/CRP.6, para. 333.

<sup>95</sup> A/HRC/57/CRP.6, para. 333.

<sup>96</sup> A/CONF.121/22/Rev.1, Principle 2.

<sup>97</sup> See e.g. Federal Criminal Court, Bellinzona, Switzerland, 15 May 2024, [https://www.bstger.ch/uploads/2025-01-20\\_Press\\_release.pdf](https://www.bstger.ch/uploads/2025-01-20_Press_release.pdf); The Hague Court of Appeals, The Netherlands, decision, 27 August 2025, <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:GHDHA:2025:1715>.

unprecedented in holding corporate leaders accountable for business-related violations of international law, is of direct relevance to the Mission's mandate on justice, accountability, and addressing the root causes of violations. The charges stem from one of the most extensive investigations ever conducted by Swedish authorities, launched in 2010 following civil society reports documenting serious crimes in what is now South Sudan's oil-producing areas. The indictment alleges that the company's operations contributed to violations of international humanitarian law in connection with efforts to secure oil concessions. The proceedings, which began in September 2023 and are expected to continue until February 2026, involve extensive documentary evidence and participation by victims seeking compensation amounting to SEK 110 million. The hearings observed were sober and reflective of the gravity and complexity of the case.

### **C. Right to reparations**

54. Under the 2005 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, reparations may take multiple complementary forms, reflecting the nature and gravity of the violation. These include restitution, aimed at restoring the victim to the original situation before the violation occurred; compensation, for economically assessable damage; rehabilitation, encompassing medical, psychological, legal, and social services; satisfaction, which includes measures such as public acknowledgment, truth-seeking, and apologies; and guarantees of non-repetition, through institutional and legal reforms to prevent recurrence. Together, these forms embody a holistic approach to justice and the restoration of dignity.<sup>98</sup>

55. Victims and survivors of atrocities committed in the ongoing conflict in Sudan are living in dire situations, often having been displaced multiple times inside Sudan and across borders to neighbouring countries. They cannot wait and interim reparations must be provided to them as a matter of priority. Especially women and children are in urgent need of assistance and safe spaces in displacement camps and urban centers where they can seek refuge and receive protection, including from sexual and gender-based violence and other threats. Sudanese victims and survivors further repeatedly stressed to the Mission the need for education for their children, medical treatment, psycho-social assistance, and access to basic necessities such as food and shelter. Survivors of sexual and gender-based violence, including rape and gang rape, in particular need urgent access to medical and psychological services. Victims and survivors also wished for economic opportunities to support their families and displaced Sudanese communities in their hardship.

56. A victim-centered approach to any accountability process for international crimes committed in Sudan must take their situation into account. It requires that all victims and survivors of these atrocities, as well as affected communities, are supported in an equal manner to enable their full participation. Without this any accountability process will instead risk creating further communal tensions and exacerbate conflict and be rendered meaningless. As one person told the Mission, justice can only be pursued and those responsible held to account, once victims and survivors have access to shelter, medical care, education, and other basic necessities.<sup>99</sup> This was echoed by all other relevant actors during the accountability consultation held earlier this year.

57. Reparations and distributive justice are therefore essential elements of accountability that is transformative in character. There is no "one size fits all" and interim measures must be tailored to the specific situation and needs of victims and survivors and affected communities, and the types of harms and violations of human

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<sup>98</sup> A/RES/60/147, Principles 19-23.

<sup>99</sup> FFMS-D-002660.

rights and international humanitarian law suffered and their specific gendered impacts. The Mission believes that a dedicated entity should be established to coordinate this complex task and award victims' interim reparative measures. It therefore reiterates its recommendation for the set-up of a victim support and reparations office and additionally encourages States to create a dedicated trust fund to facilitate timely reparations delivery.

58. Following the recent guilty verdict in the Abd-Al-Rahman case (nickname Ali Kushayb), the International Criminal Court will consider next the victims' application for reparations. The Court previously confirmed they may be awarded to individual victims and survivors to make repairs for the harms they have suffered and/or to benefit a group or category of persons who have suffered a shared harm.<sup>100</sup> An example can be taken from the Ongwen case that concerned victims of crimes committed in Northern Uganda and where the Court handed down the largest reparations order to date. The Court in this case ordered both individual and collective community-based measures and programmes due to the sheer number of around 50,000 victims. It acknowledged the wishes of victims to receive individual reparations and prioritized these over collective ones, awarding all eligible victims 750 EUR.<sup>101</sup>

#### **D. Legal and institutional reform**

59. Finally, as part of guarantees of non-recurrence, legal and institutional reforms, in particular of the justice and security sectors in Sudan will need to be prioritized alongside accountability as part of any transitional justice process for the country to address root causes of recurring violence and conflict and transition to a stable and democratic society in line with the aspirations expressed by the Sudanese people.<sup>102</sup> The Mission stresses that domestic legal and institutional reforms can only be credibly undertaken following such transition to a fully democratic rule and based on inclusive consultations. However, the mapping of a justice and security sector reform agenda, which was commenced during the 2019 transitional period but prematurely halted, should be undertaken pending this transition. This comprehensive mapping of what needs to be changed requires urgent updating and completion by Sudanese legal experts.

60. Sudanese legal experts referred to the current situation in Sudan as a crisis of implementation of laws and ability and willingness to deliver justice.<sup>103</sup> Initiatives undertaken during the transitional period to fully incorporate international laws into Sudanese domestic legislation were not only cut short, the progress that was made was largely reversed by the Sudanese authorities since the onset of the conflict. An emblematic example of this is the reversal regarding extensive immunities provided to State actors, including under the 2024 amendment of the General Intelligence Services law.<sup>104</sup> As detailed previously, the Criminal Act of 1991 and its 2009 amendment, Criminal Procedure Act of 1991, and Evidence Act of 1994, among others, require significant legal review and amendment to align them with international human rights law.<sup>105</sup>

61. For example, a longstanding issue is that defendants carry the burden of proof to show that their confession was obtained under torture for it to be considered inadmissible in court. This reversed burden of proof is contrary to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to

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<sup>100</sup> International Criminal Court, *Prosecutor v. Ntaganda*, Reparations Order, ICC-01/04-02/06, 8 March 2021.

<sup>101</sup> International Criminal Court, *Prosecutor v. Ongwen*, Reparations Order, ICC-02/04-01/15 28 February 2024; See also <https://www.globalsurvivorsfund.org/latest/articles/icc-largest-ever-reparation-order-ongwen/>.

<sup>102</sup> A/HRC/57/CRP.6, para. 338.

<sup>103</sup> FFMS-D-002856; FFMS-D-003409; confidential meetings held by the Mission.

<sup>104</sup> A/HRC/57/CRP.6, para. 304.

<sup>105</sup> A/HRC/57/23, paras. 96-104; A/HRC/57/CRP.6, paras. 296-328.

which Sudan is a party.<sup>106</sup> In addition to the issue of mixed definitions of the core international crimes included in the 2009 amendment of the Criminal Act of 1991,<sup>107</sup> another problem identified is that of command responsibility and its absence from Sudanese domestic legislation that effectively prevents the leadership of parties to the conflict as well as mid-level commanders and superiors from being held accountable for the international crimes committed.<sup>108</sup> Furthermore, as regards international cooperation to ensure accountability for international crimes committed in Sudan, an amendment to the Criminal Procedure Act of 1991 was introduced in 2009 to prevent the extradition of any Sudanese national for overseas prosecution.<sup>109</sup> Domestic law further does not foresee in any right to remedies and reparations.<sup>110</sup>

62. Legal and institutional reforms should further guarantee the full independence of judges and lawyers as well as of state institutions, such as the office of the prosecutor, from any form of political or other type of interference. Sudanese legal experts also stressed the need for legal education on human rights and international criminal law combined with English language skills to ensure domestic capacity to deal with violations of human rights and international crimes and cooperate internationally. Long-term trust-building measures, including legal digitization to ensure transparency, will simultaneously be required to restore the faith of the Sudanese people in its institutions, and for credible justice to be able to be delivered in the future at the domestic level to all victims and survivors of atrocities that have taken place in the current conflict.

## V. Conclusions and recommendations

**63. The Mission concludes that accountability for international crimes committed during the ongoing conflict in Sudan, as well as in previous cycles of violence, remains elusive. It finds that Sudan, including all parties to the conflict, remain unwilling or unable to conduct genuine, thorough, prompt, and impartial investigations and prosecutions, as evidenced by recent developments and documented cases. The Mission reiterates its earlier findings of selective justice and the continued lack of trust among victims and survivors in domestic institutions, given the longstanding pattern of using domestic laws and mechanisms to evade accountability. It further emphasizes the urgent need for comprehensive legal and institutional reforms within the framework of a democratic civilian rule.**

**64. The breakdown of the rule of law in Sudan amid the ongoing conflict, compounded by serious gaps in domestic legislation, has been further aggravated by the February 2025 constitutional amendment adopted by the Sudanese authorities, which delays the transition to civilian rule. The Mission is deeply concerned by the continued targeting of political leaders, lawyers, human rights defenders, journalists, and civilians. It is also alarmed by the further fragmentation of authority and its negative impact on accountability following the Rapid Support Forces' announcement of a parallel authority, including the establishment of courts and investigative bodies without any legal basis, framework, or capacity to guarantee fair trial rights and protection for victims and survivors.**

**65. Calls for accountability can no longer be ignored. Immediate, concrete steps must be taken to deliver justice and support to all Sudanese victims and survivors of atrocities. Accountability measures must be victim-centered, gender-sensitive, and inclusive, and grounded in broad-based consultations with**

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<sup>106</sup> A/HRC/57/CRP.6, paras. 303-304.

<sup>107</sup> Ibid., para. 300.

<sup>108</sup> Ibid., para. 306.

<sup>109</sup> Ibid., para. 307.

<sup>110</sup> Confidential meeting held by the Mission.

all segments of Sudanese society. To this end, the Mission identifies four essential pillars in its roadmap for justice: the right to truth, right to justice, right to reparations, and legal and institutional reforms. It urges all stakeholders — including international and regional organizations, third States, and Sudanese civil society and legal experts — to work collectively to break the cycle of impunity and advance accountability.

66. There are viable paths to justice and accountability for the atrocities committed in Sudan. These are anchored in the roadmap presented by the Mission in its September 2025 report to the United Nations Human Rights Council (A/HRC/60/22) and include the following:

- a. For the parties to the conflict: immediately cease hostilities, protect civilians, and commit to a lasting peace; comply with obligations under international law; end impunity, including by cooperating fully with the Mission and the International Criminal Court, including the surrender of all persons subject to arrest warrants.
- b. For other States: pursue avenues to bring perpetrators to justice, including by expanding the jurisdiction of the International Criminal Court and supporting the establishment of an independent and impartial judicial institution for Sudan; suspend cooperation with individuals suspected of international crimes; exercise universal jurisdiction to prosecute them in national courts; impose targeted sanctions against those responsible; and fund victim support and interim reparatory mechanisms.
- c. For mediators: align peace efforts with the Sudanese people's aspirations for justice, stability, and prosperity; ensure that justice and accountability are central to any peace process; and reject amnesties for international crimes.
- d. For civil society: continue to document violations, preserve evidence for future accountability processes, and advocate for impartial justice and genuine accountability in Sudan.