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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Situation of human rights in the Sudan

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report has been prepared pursuant to Human Rights Council resolution S-36/1, in which the Council requested the High Commissioner, with the assistance of his designated Expert on human rights in the Sudan, to present a comprehensive report on the situation of human rights in the Sudan and on violations and abuses committed by all parties in the Sudan to the Council at its fifty-fifth and fifty-eighth sessions. The report, which covers the period from 15 April to 15 December 2023, depicts the key human rights challenges faced by the Sudan and includes recommendations to address them.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.



I. Introduction and methodology

1. The present report, which covers the period from 15 April to 15 December 2023, is submitted pursuant to Human Rights Council resolution S-36/1, in which the Council requested the United Nations High Commissioner for Human Rights, with the assistance of his designated Expert on human rights in the Sudan, to submit a comprehensive report on the situation of human rights in the Sudan and on violations and abuses committed by all parties in the Sudan to the Council at its fifty-fifth and fifty-eighth sessions.
2. A draft of the present report was shared with the Sudanese authorities for factual comments. Their written response was received on 19 February 2024.
3. The report is based on information gathered by the designated Expert on human rights in the Sudan and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Sudan. It includes information obtained through interviews with at least 303 victims and witnesses (188 men, 107 women, 4 boys and 4 girls), including interviews carried out during OHCHR monitoring missions to Chad (from 17 June to 1 July 2023) and Ethiopia (from 5 to 23 July 2023). It also includes an analysis of photographs, satellite imagery and video footage, in addition to United Nations reports and statements by authorities and secondary sources, including those published in different media. The conflict in the Sudan has had a significant impact on the security situation nationwide, imposing serious limitations on access to the most violence-affected areas and forcing OHCHR to rely on remote monitoring of human rights violations and abuses and/or violations of international humanitarian law.
4. During the reporting period, the designated Expert on human rights in the Sudan continued to hold regular online meetings with representatives of civil society organizations. A visit to the Sudan by the designated Expert planned for May 2023 was cancelled because of the outbreak of hostilities. From 28 August to 3 September 2023, the designated Expert visited Ethiopia, where he met with various interlocutors, including Sudanese civil society actors, human rights defenders and civilians who had fled the Sudan.
5. OHCHR employs a “reasonable grounds to believe” standard in its assessment of incidents investigated and considers the credibility and reliability of the sources, taking into account their nature and objectivity. It draws conclusions in its assessment of incidents documented only when that standard has been met.

II. Political and security developments

6. The outbreak of hostilities between the Sudanese Armed Forces and the Rapid Support Forces in Khartoum State and in Merowe on 15 April 2023 followed tensions between the two forces as a result, inter alia, of their disagreement on proposals for security sector reform.¹ The mobilization of troops and a military build-up, in particular in Khartoum, Darfur and the northern regions, had been reported since early March.
7. Since May 2023, Saudi Arabia and the United States of America have co-facilitated talks in Jeddah, Saudi Arabia, between representatives of the Sudanese Armed Forces and the Rapid Support Forces. Despite commitments made by both parties to protect civilians and respect temporary ceasefires, including in the 11 May 2023 Jeddah Declaration of Commitment to Protect the Civilians of Sudan,² there has been no significant change in the situation on the ground. On 7 November, the two parties reached an agreement on measures to facilitate humanitarian access to civilians and agreed to implement confidence-building measures. The talks were suspended indefinitely on 5 December. On 9 December, a summit of the Intergovernmental Authority on Development in Djibouti concluded with the creation of an alternative mediation mechanism between the parties, to be led by the Authority.

¹ One of five issues set aside in the Sudan political framework agreement of 5 December 2022, which was signed by the civilian and military forces, for further consultation before inclusion in a final agreement that would lead to the formation of a new civilian-led transitional government.

² See <https://www.state.gov/jeddah-declaration-of-commitment-to-protect-the-civilians-of-sudan/>.

8. By mid-December, there had been no progress towards a ceasefire, with heavy fighting between the two parties continuing and spreading, by 15 December, to Wad Medani in Al-Gazira State.

III. Legal framework

A. International legal framework

9. A non-international armed conflict is ongoing in the Sudan between the Sudanese Armed Forces and the Rapid Support Forces. Consequently, in this situation, international human rights law and international humanitarian law apply concurrently.

1. International humanitarian law

10. The Sudan is party to the four Geneva Conventions of 12 August 1949 and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). Consequently, common article 3 of the Geneva Conventions of 1949 as well as Protocol II apply to the situation. In addition, the rules of customary international humanitarian law are applicable. International humanitarian law governs the conduct of hostilities, limiting the means and methods used in the conduct of hostilities, and protects persons who do not, or no longer, participate in such hostilities. Medical and religious personnel and objects, as well as humanitarian relief personnel and objects, in addition to children, are granted special protection under international humanitarian law.

11. The parties to a conflict are obliged to respect international humanitarian law, including the principles of precaution, distinction and proportionality. When launching an attack, they must at all times distinguish between civilians and those taking a direct part in hostilities as well as between civilian objects and military objectives.

2. International human rights law

12. As a party to a number of international human rights treaties,³ the Sudan must respect and ensure the human rights established therein to all individuals in its territory and subject to its jurisdiction. It includes the obligation to exercise due diligence and to do everything in its capacity to protect all persons against threats to the enjoyment of their human rights posed by armed groups and other non-State actors.

13. Where armed groups and other non-State actors exercise government-like functions and control over territory, they must respect human rights standards under customary international law when their conduct affects the human rights of individuals under their control.

3. International criminal law

14. Because the Sudan has signed but not yet ratified the Rome Statute of the International Criminal Court, it is not a party to it. However, the International Criminal Court has jurisdiction over crimes listed in the Rome Statute committed in Darfur by virtue of the referral by the Security Council on 31 March 2005,⁴ through which the situation prevailing in Darfur since 1 July 2002 was referred to the Prosecutor of the International Criminal Court.

B. National legal framework

15. The relevant national legal framework has not changed since the previous report, which was issued in May 2023.⁵

³ A/HRC/50/22, para. 5.

⁴ See <https://press.un.org/en/2005/sc8351.doc.htm>.

⁵ A/HRC/53/19.

C. State of emergency

16. The State's obligations under international human rights law pertaining to states of emergency and comments on national legislation pertaining to states of emergency are set out in the previous report.⁶

17. Although a nationwide state of emergency has not been declared since the outbreak of the conflict, states of emergency imposed or renewed in Blue Nile, East Darfur, Al-Gazira, Gedaref, Kassala, Khartoum, Kordofan, Red Sea, River Nile, Sennar and West Darfur States remain in force, disproportionately restricting human rights.

IV. Impact of hostilities on civilians

A. Conduct of hostilities

18. During the reporting period, both parties carried out indiscriminate attacks in densely populated areas, used residential areas for military purposes and used explosive weapons with wide-area effect, including missiles fired from fighter jets, unmanned aerial vehicles, tanks, mortars, anti-aircraft weapons and artillery shells.

19. On 15 April, Sudanese Armed Forces fighter jets reportedly fired four missiles towards a Rapid Support Forces clinic in the Hijraa area of the Shambat neighbourhood, in Khartoum North. Fighters of the Rapid Support Forces fled the clinic after the first missile landed, taking shelter in surrounding buildings. At least 15 civilians in nearby houses were reportedly killed. On 22 April, Sudanese Armed Forces fighter jets fired two missiles at vehicles of the Rapid Support Forces north of the Shambat Bridge, which links Khartoum North and Omdurman. The missiles hit some vehicles and the occupants of the remaining vehicles took refuge in the nearby Souq Al-Markzi (central market) close to Al-Halfya Bridge. Shortly afterwards, four missiles were fired in the direction of the market by the Sudanese Armed Forces, killing at least 30 civilians, including women and children.

20. On 7 June, Sudanese Armed Forces jets reportedly launched four missiles at positions held by the Rapid Support Forces in the Al-Hella Al-Jadida area, west of the Dar El-Salam neighbourhood in Omdurman. The missiles reportedly exploded in the busy Al-Muwaliah livestock market, killing at least 10 civilians, including five individuals from the same family, and at least 80 livestock. No warning had reportedly been given. On 10 September, at least 40 civilians were reportedly killed and many others injured in airstrikes believed to be launched by the Sudanese Armed Forces against Rapid Support Forces positions in the vicinity of the Kourou Market, located in the Janoub al-Hizam neighbourhood of Khartoum.

21. On 28 September, at least 10 civilians were reportedly killed when shells allegedly fired by the Rapid Support Forces landed on a public transportation station in Al-Jarafah area of Karrari in Omdurman. It was reported that the Sudanese Armed Forces had taken up positions in Al-Jarafah area.

22. There has been intense fighting in Kordofan region between the Sudanese Armed Forces and the Rapid Support Forces, which have taken control of most of West Kordofan, including oil fields, up to the Abyei box, since mid-September. The Sudan People's Liberation Movement–North Al Hilu faction has clashed with the Sudanese Armed Forces since the end of May and has seized control of six localities in South Kordofan. OHCHR has documented the killing of over 300 civilians and the injury of more than 800 others by both parties in the Kordofan region as a result of the clashes. In addition, public and private property were looted and destroyed.

23. By the end of November, the Rapid Support Forces controlled four of the five Darfur states. In Nyala and Zalingei, in South and Central Darfur, the indiscriminate shelling of residential neighbourhoods by both parties resulted in hundreds of civilian casualties. On 22 August, at least 26 civilians, mostly women and children, were killed while sheltering under

⁶ Ibid., para. 10.

a bridge by shells reportedly fired by the Sudanese Armed Forces. In Zalingei, dozens of internally displaced persons were reportedly killed between 14 and 17 September when the Hasahisa camp for internally displaced persons, close to the Sudanese Armed Forces base, was hit by shells fired by the Rapid Support Forces.

24. The incidents highlighted above raise serious concerns about the adherence of the parties to the conflict to the international humanitarian law principles of distinction, proportionality and precaution in their military operations.

B. Attacks on specially protected objects

25. As at 15 December, the World Health Organization (WHO) had recorded 60 attacks on health facilities.⁷ A witness stated that, on 30 April, the Rapid Support Forces took control of East Nile hospital, in the east of Khartoum, forcing patients and medical workers to evacuate the facility. On 15 May, without prior warning, the Sudanese Armed Forces carried out an air strike on the hospital. A missile hit the generator's fuel container, resulting in a fire that caused major damage. At least four women selling tea in front of the hospital and a rickshaw driver were reportedly killed.

26. On 1 June, the Rapid Support Forces fired two artillery shells at the Libya Souq in the Hamd Al-Nile area of Omdurman, killing at least 15 people, including seven to nine children and three older men who were praying in a mosque inside the Souq. There were reportedly no Sudanese Armed Forces soldiers in the mosque and no warning was given prior to the attack, raising concerns about the failure of the Rapid Support Forces to direct their attacks against military objectives only and to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.

27. On 6 November, the Evangelical Presbyterian Church in Omdurman was hit by an artillery shell allegedly fired by the Sudanese Armed Forces, resulting in its complete destruction. The Rapid Support Forces have reportedly taken over five evangelical church sites in Khartoum State.

C. Use of human shields

28. The Rapid Support Forces have adopted a strategy of taking over residential buildings and, in some instances, placing civilians in open areas close to their sites, including for purposes of shielding themselves from attacks by the Sudanese Armed Forces.

29. On 23 April, a civilian man was taken with five others from the street in the Al-Haj Yousif area of East Nile, East Khartoum, and detained in a building in Kafouri area in Khartoum North with around 30 others for more than three weeks. He reported that the 35 persons arbitrarily deprived of liberty were forcibly placed by the Rapid Support Forces on a street close to the building for at least six hours over the course of four days. They were informed that this would deter the Sudanese Armed Forces from launching airstrikes on the building. Another victim and three friends, arrested on 22 April by the Rapid Support Forces in Souq Sita in the Al-Haj Yousif district of East Nile, were taken to the Kober area in Khartoum North and arbitrarily deprived of liberty in a building, together with 35 others, for nearly 25 days. On one occasion, the 39 persons arbitrarily deprived of liberty were placed in an open area close to the building as Sudanese Armed Forces fighter jets were flying over Khartoum. Such actions would constitute a violation of the prohibition on use of human shields and would amount to a war crime.

D. Displacement and humanitarian access

30. As at 14 December, more than 6.7 million people had been displaced by the conflict, half of whom were children, making the Sudan the country with the largest displaced

⁷ See https://www.emro.who.int/images/stories/sudan/WHO-Sudan-conflict-situation-report-15-December_2023.pdf?ua=1.

population in the world.⁸ More than 5 million people were internally displaced and more than 1.4 million had sought refuge in neighbouring countries, namely the Central African Republic, Chad, Egypt, Ethiopia, Libya and South Sudan.⁹ Most of those displaced are reportedly living in dire humanitarian conditions, with shortages of food, water and medicines, and are vulnerable to diseases.

31. According to the Office for the Coordination of Humanitarian Affairs, the provision of assistance to internally displaced persons in hard-to-reach areas posed significant challenges during the reporting period,¹⁰ primarily due to insecurity and lack of commitment by the parties to the conflict to ensure the safety of humanitarian workers.

32. Offices, assets and warehouses of United Nations and other humanitarian partners were looted in conflict-affected areas. According to the Office for the Coordination of Humanitarian Affairs, as at 30 September, 50 humanitarian warehouses and 86 offices had been looted and 220 vehicles stolen.¹¹ On 8 December, the Humanitarian Aid Commission announced that more than 3,000 humanitarian organizations, including 2,900 national organizations and 110 foreign and regional organizations, had ceased working in the Sudan because of the fighting.¹² Since the conflict began, 32 aid workers have been detained and at least 20 killed,¹³ raising concerns about the compliance of the parties with international law, under which attacks against humanitarian relief personnel are prohibited. In addition, such attacks may amount to war crimes.

33. The delivery of aid has also been impeded by bureaucratic and administrative obstacles, including long delays in issuing visas and travel permits for staff of United Nations and other humanitarian organizations. Insufficient funding also remained a significant impediment. As at 14 December, the humanitarian response plan for the Sudan for 2023 was only 38.9 per cent funded.¹⁴

34. On 15 December, the International Committee of the Red Cross (ICRC) paused some of its operations pending dialogue with the parties to the conflict. The pause in its operations followed the killing of two members of a bus crew and the injuring of seven others, including three ICRC staff members on 10 December in Khartoum during an operation requested by the parties to evacuate civilians trapped in conflict zones.

V. Right to liberty and security of persons

A. Killings

35. Establishing accurate numbers of civilian casualties has been challenging. According to WHO, as at 8 December, 12,260 people had been killed.¹⁵

36. OHCHR received multiple reports of the unlawful killing of persons, including children and women. Reports highlighted a pattern of unlawful killing by the Rapid Support

⁸ See <https://www.unocha.org/publications/report/sudan/sudan-humanitarian-update-14-december-2023>.

⁹ Ibid.

¹⁰ See <https://reliefweb.int/report/sudan/sudan-humanitarian-access-situation-report-august-september-2023>.

¹¹ See <https://reliefweb.int/report/sudan/sudan-humanitarian-access-situation-report-april-may-2023>; <https://www.unocha.org/publications/report/sudan/sudan-humanitarian-access-situation-report-june-july-2023>; and <https://reliefweb.int/report/sudan/sudan-humanitarian-access-situation-report-august-september-2023>.

¹² See <https://news.cgtn.com/news/2023-12-09/Over-3-000-humanitarian-organizations-cease-working-in-war-torn-Sudan-1po5VzvfGqQ/index.html>.

¹³ See <https://reliefweb.int/report/sudan/sudan-humanitarian-access-situation-report-august-september-2023>.

¹⁴ See <https://reliefweb.int/report/sudan/sudan-humanitarian-update-14-december-2023-enar>.

¹⁵ See <https://www.ungeneva.org/en/news-media/bi-weekly-briefing/2023/12/press-briefing-united-nations-information-service-1>.

Forces of unarmed individuals in Khartoum while trying to protect their property or to protect female relatives from sexual violence by the Rapid Support Forces.

37. An eyewitness informed OHCHR that his brother and nephew had been shot dead on 8 May while resisting an attempt by the Rapid Support Forces to enter their house in Khartoum North. On 23 April, a man with a visual impairment was stopped and shot dead by the Rapid Support Forces while walking in Al-Barakah Street with his son. On 11 May, members of the Rapid Support Forces shot and killed a man in the Dar El-Salam neighbourhood, Omdurman, after he resisted their attempt to rape his 18-year-old niece in their home.

38. OHCHR received allegations of the unlawful killing by the Rapid Support Forces of humanitarian volunteers and others who had denounced, or had tried to prevent, the harming of civilians and the looting of property in Khartoum State. On 26 July, a Rapid Support Forces fighter reportedly killed a humanitarian volunteer who had criticized human rights violations in his neighbourhood of Khawjalab, Khartoum North, and had reportedly erected a barricade to prevent the Rapid Support Forces from entering the neighbourhood. The volunteer had been arrested, along with two other residents, and they had been reportedly taken to Al-Kabbashi neighbourhood in Khartoum North, where the volunteer had been interrogated and allegedly tortured before being shot dead.

39. A witness described seeing Rapid Support Forces fighters shoot dead at least three wounded men in uniforms of the Sudanese Armed Forces in an area close to Al-Kalakela Cemetery in Khartoum on 16 April. Other dead soldiers were lying close by.

40. In El Geneina, West Darfur, fighting between the Rapid Support Forces and the Sudanese Armed Forces that broke out on 23 April took on ethnic dimensions, in particular between the Arab and African Masalit communities. Between May and November, the Rapid Support Forces and its allied Arab militias carried out at least 10 attacks against civilians in El Geneina and surrounding areas, including attacks carried out between 24 April and 16 June that primarily targeted the Masalit community, killing hundreds of people.¹⁶ On 14 June, the Governor of West Darfur, Khamis Abdullah Abbakar, a prominent Masalit and leader of the Sudan Alliance, was killed while in the custody of the Rapid Support Forces in El Geneina.¹⁷

41. OHCHR gathered first-hand testimony of unlawful killings by the Rapid Support Forces and allied militias, primarily of individuals from the Masalit community fleeing towards the Sudanese Armed Forces base in Ardamata and on the road to Chad during attacks that took place between 24 April and 16 June.¹⁸ Consistent accounts indicated that people were mainly shot at close range after being ordered to lie on the ground or by armed men opening fire into fleeing crowds. A survivor reported that out of his group of 30 people, only 17 had survived. Remains of many of those killed in El Geneina were left on the streets as family members were unable to collect or bury them; 87 bodies were buried in a mass grave on the outskirts of the town. In some cases, the injured were denied medical care in El Geneina, stopped on the road to Adre and prevented from accessing essential aid.

42. Killings in West Darfur by the Rapid Support Forces and its allied Arab militias continued over the following months. At least 55 civilians, including five women and four children, were reportedly killed in Morni (80 km east of El Geneina) between 26 and 29 June. At least 18 civilians, including four women and one child, were reportedly killed in Kerenik between 3 and 5 July and several hundred people were reportedly killed in Ardamata between 4 and 10 November after the Rapid Support Forces overran the Sudanese Armed Forces base. OHCHR received information that the Rapid Support Forces and allied Arab militias had targeted the Ardamata and Dorti camps for internally displaced persons, as well as

¹⁶ See <https://www.ohchr.org/en/press-releases/2023/07/sudan-least-87-buried-mass-grave-darfur-rapid-support-forces-deny-victims>; see also <https://www.ohchr.org/en/press-briefing-notes/2023/11/sudan-killings-ardamata>.

¹⁷ See <https://www.ohchr.org/en/press-briefing-notes/2023/06/sudan-high-commissioner-appalled-killing-west-darfur-governor>.

¹⁸ The Roots national human rights monitoring organization reported that it had identified 5,864 persons killed between 25 April and 16 June, 2,654 people missing and 4,700 injured. The Darfur Bar Association identified around 4,000 people killed.

Al-Jazeera, Al-Kabri and Al-Rassafa neighbourhoods, which are mostly inhabited by people of the Masalit community. They reportedly arrested men, women and children, separated the women from the men and subsequently unlawfully killed most of the men. Some of the victims were reportedly burned alive.

43. Lawyers were also victims of unlawful killings, particularly in West Darfur, where the Rapid Support Forces and allied Arab militias are believed to have been responsible for the killing of at least four lawyers in June in El Geneina, including prominent Masalit human rights defenders.

44. The above incidents raise serious concerns about respect by parties to the conflict for the prohibition of arbitrary deprivation of life under international human rights law, which also encompasses unlawful killing in the conduct of hostilities.

B. Sexual and gender-based violence

45. Since mid-April, there have been widespread allegations of sexual and gender-based violence in the areas most affected by fighting, including in Khartoum State and in the Darfur and Kordofan regions.

46. As at 15 December, OHCHR had received credible reports of 58 incidents of conflict-related sexual violence that are prohibited under international law, including rape, gang rape, attempted rape and other forms of sexual violence, as well as trafficking for the purpose of sexual exploitation and forced prostitution, by both parties to the conflict and their allied groups. These incidents involved at least 118 victims (98 women, 1 man, 18 girls and 1 boy): 26 of the incidents took place in Khartoum, 10 in South Darfur, 10 in North Darfur and 12 in other states, including Central Darfur, North Kordofan, West Darfur and West Kordofan. In 39 incidents, the perpetrators were identified as men dressed in the uniform of the Rapid Support Forces and in nine as armed men affiliated with the Rapid Support Forces, together comprising 83 per cent of the total number of incidents. In two incidents, members of the Sudanese Armed Forces were identified as the perpetrators. Some of the incidents may amount to war crimes.

47. More than half the incidents of sexual violence reported in Khartoum were perpetrated inside peoples' homes while others took place on streets where victims were seeking refuge or supplies. In all states of Darfur, perpetrators targeted internally displaced women and girls, in particular those of African ethnicity, including Fur, Masalit and Zaghawa peoples. In the context of the attacks by the Rapid Support Forces and their allied Arab militias in West Darfur between May and November, OHCHR received reports that women and girls, including many from the Masalit community, were victims of sexual violence, including rape.

48. In at least eight incidents documented in Khartoum, North Darfur and Central Darfur States, victims were abducted and held, sometimes in inhuman conditions, and subjected to ill-treatment. In one incident, a victim was held for 35 days and frequently gang-raped by members of the Rapid Support Forces. Pregnancy as a result of rape was reported in three incidents: one victim managed to obtain an abortion within the timeline allowed by law, one had a miscarriage while the third was denied an abortion due to the expiration of the legal window for abortion. In one incident, a victim of gang rape by the Rapid Support Forces died in May in Khartoum State as a result of injuries suffered and lack of access to medical care.

49. Owing to the collapse of the health-care system and other public services, and given the intensity of the hostilities, access to medical care services, psychological support and legal assistance have been challenging for victims of sexual and gender-based violence. Most victims were unable to access needed medical care, including post-exposure prophylaxis or emergency contraception, during the first 72 hours after such violent incidents.

50. Only four victims reported their cases to the police or a prosecutor, while the rest either could not do so due to the non-functioning of the justice system in conflict-affected areas or chose not to for lack of trust in the justice system, fear of social stigmatization and the risks associated with reporting.

51. During a call with the Special Representative of the Secretary-General on Sexual Violence in Conflict on 1 August, the Deputy Commander of the Rapid Support Forces acknowledged the gravity of sexual violence in the conflict and agreed to issue a communiqué to combat such crimes.¹⁹ According to the Rapid Support Forces, a field circular was issued on 4 August in response, although there was no reference in the circular to the prevention of or response to sexual violence.

52. On 15 August, in a communication to the commander of the Rapid Support Forces, 17 special procedure mandate holders expressed concern about the widespread allegations of sexual violence, harassment and abuse by the Forces and requested, inter alia, information on the measures taken to guarantee the immediate cessation of all violence.²⁰ No response was received.

C. Detention

53. Since the outbreak of hostilities, hundreds of fighters have been captured by the two parties, the fate and whereabouts of most of whom remain unknown. As at November 2023, according to information available in the public domain, ICRC facilitated the release of 363 persons detained in connection with the conflict.

54. Both parties to the conflict have allegedly arbitrarily detained hundreds of individuals, including women and children, inter alia, in Blue Nile, Central Darfur, Al-Gazira, Khartoum, North Darfur, Northern, River Nile, Sennar and West Darfur States, as well as in the Kordofan and East Sudan regions. Most victims were picked up on the street, at checkpoints or from homes.

55. In general, detainees have not been informed of the reason for their arrest and the nature of the charges against them, nor have they had access to their relatives or to legal representation.

56. Detainees have been held by both parties in official detention facilities and unofficial places of detention. In Khartoum and Omdurman, corroborated information indicates that the Sudanese Armed Forces used its military sites, military intelligence headquarters, military prisons, the premises of the General Intelligence Service²¹ and some police stations as places of detention, whereas the Rapid Support Forces used military sites, security premises and civilian buildings taken over during the fighting. In some cases, detainees were held incommunicado for up to four months, which may constitute cruel, inhuman or degrading treatment or punishment. The whereabouts of hundreds of other civilian detainees, including at least 49 women, remain unknown.

57. The Rapid Support Forces detained mostly individuals perceived to be members or supporters of the Sudanese Armed Forces, members of the National Congress Party or, in some cases, based on their ethnic origin or affiliation with certain tribes. The Sudanese Armed Forces detained individuals perceived to be members or supporters of the Rapid Support Forces and supporters of the Political Framework Agreement, in some cases based on their ethnic origin or affiliation with Arab tribes of the Darfur region or for holding anti-war opinions. Lawyers have been subjected to arbitrary detention by both parties.

58. Members of the resistance committees²² and persons working in emergency rooms established by the resistance committees²³ were also detained by both parties for providing voluntary humanitarian assistance in neighbourhoods affected by the war in Khartoum.

¹⁹ See <https://www.un.org/sexualviolenceinconflict/press-release/sudan-un-special-representative-on-sexual-violence-in-conflict-engages-with-parties-to-address-sexual-violence/>.

²⁰ OTH 101/2023, available from <https://spcommreports.ohchr.org/>; see also <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28332>.

²¹ Military Intelligence and the General Intelligence Service are security bodies belonging to the Sudanese Armed Forces.

²² Popular committees that led the 2019 revolution and continued to organize protests against the military until the ongoing conflict broke out.

²³ Makeshift emergency rooms were established by resistance committees to provide basic medical care.

59. Persons hors de combat and civilians accused of collaboration with an opposing party continued to be most vulnerable to torture, in particular during the initial period of their detention and during interrogations. In general, they appear to have been tortured with the aim of extracting confessions or other information and to degrade and humiliate them. Many persons provided accounts of torture by both parties, including electric shocks, beatings with objects, including metal bars and water pipes, flogging on the soles of the feet, suspension in stress positions or being forced to kneel without moving in the full sun for extended periods of time. Videos on social media have confirmed most of these practices.

60. Most detention facilities, in particular those in unofficial places of detention, were described as overcrowded, with shortages of food and water and limited access to medical care. As at November, over 750 people, including seven women, were reportedly held in an unofficial place of detention run by the Rapid Support Forces in Al-Riyadh area, Khartoum. On 19 May, a man was stopped in Khartoum by the Rapid Support Forces and deprived of liberty for some 30 hours in a building that was used as a place of detention. He reported that 200 to 300 detainees were held in the basement in humid conditions with limited access to sanitation. Detention facilities operated by the Sudanese Armed Forces included the Wadi Sayidna Air Force base, where reportedly 92 detainees were held as at 13 August, suffering shortages of food, water, medicines, sanitation and ventilation, according to persons held there.

61. In some cases, poor conditions and medical neglect reportedly led to the death of detainees. One detainee reported that two detainees had died in the Al-Riyadh facility operated by the Rapid Support Forces and a witness reported the death of 11 detainees at the Sudanese Armed Forces Armoured Corps detention facility between 9 May and 21 August. The witness attributed the deaths to lack of water and food.

62. A man who was detained by the Rapid Support Forces in its Sports City base in the south of Khartoum informed OHCHR that at least five men dressed in the uniform of the Sudanese Armed Forces were detained at the same location, two of whom were wounded. He said that the five men were regularly beaten and that the two injured men were denied medical care.

D. Disappearances

63. OHCHR continued to receive reports of missing persons, which raises concerns of enforced disappearance. A national missing persons initiative led by representatives of civil society recorded that 715 people were missing as at 15 October, including 650 men, 47 women, 16 boys and 2 girls. Many were believed to be held incommunicado in areas under the control of the Rapid Support Forces, including in Khartoum and North Kordofan and in many parts of Darfur. It was reported that 595 cases, including cases involving 43 women, were recorded in Khartoum State, although the actual number of victims could be significantly higher. Twelve of the 18 members of the resistance committees and individuals working in the emergency rooms set up by the resistance committees who went missing in Khartoum are also believed to be held by the Rapid Support Forces and six others are believed to be held by the Sudanese Armed Forces. As at 20 October, the Sudan Police Forces reported 113 cases of missing persons since June 2023. By 3 August, the Attorney General had reportedly registered 500 cases.²⁴

64. According to information received by OHCHR, hundreds of people disappeared in areas controlled by the Rapid Support Forces in Khartoum, including 228 individuals who disappeared during the period between 15 April and 31 May, as well as 49 women who disappeared in Khartoum during the reporting period.

²⁴ See <https://sudantribune.net/article275727/> (in Arabic).

E. Recruitment of children

65. There were several calls for civilians to mobilize. On 27 June, Lieutenant-General Abdel-Fattah Al-Burhan called on all Sudanese, particularly youths, to go to the nearest military base to take up arms “to defend the honour of the homeland”.²⁵

66. On 31 October, the spokesperson for the Sudanese Armed Forces reported that military training targeting thousands of civilians, including young people, was under way. Training camps were established in several states, including Al-Gazira, Gedaref, Kassala, Red Sea and River Nile States. It was also reported, on 30 July, that the Peoples’ Authority to Support the Sudanese Armed Forces²⁶ had armed 255,000 young men in established camps and were preparing other camps to receive 117,000 trainees. It further reportedly announced, on 14 September and 30 October, respectively, the graduation of 120,000 and 415,000 trainees.

67. The recruitment and use of children by the parties to the conflict was reported in Darfur and Kordofan regions, as well as in Khartoum State. The Rapid Support Forces reportedly approached tribal leaders, in particular the leaders of Arab tribes, to recruit adolescent and younger boys, and a significant number of African tribes also reportedly responded to the call to mobilization. African tribes, including the Fur, Masalit and Zaghawa, also reportedly responded to recruitment campaigns by the Sudanese Armed Forces and armed groups signatory to the Juba Peace Agreement. International law prohibits the recruitment and use of children in hostilities. These acts constitute war crimes.

VI. Civic space

68. Civic space has shrunk since the fighting started. Powers under the states of emergency have contributed to undue restrictions of fundamental freedoms and have had a significant and chilling effect on civic space in the country.

69. OHCHR has documented a pattern of arbitrary detention of civil society actors by both parties to the conflict. During the reporting period, the General Intelligence Service and Military Intelligence arrested at least 109 members of resistance committees and persons working in emergency rooms, including human rights defenders and other political and civil society actors across the country. Most of those arrested were released shortly thereafter; the fate although the whereabouts of nine individuals remained unknown as at 15 December. The latter cases may possibly amount to enforced disappearance.

70. During the reporting period, the Rapid Support Forces deprived at least 27 persons working in emergency rooms, members of resistance committees and lawyers in Khartoum, including three volunteer doctors, of their liberty.

71. In North and West Kordofan States, dozens of members of civil society and activists were detained by both the Sudanese Armed Forces and the Rapid Support Forces on the allegation of supporting the opposing party. Many of those detained reported intimidation and threats, making it risky for them to monitor and report allegations of human rights violations and abuses, and many, including human rights defenders and lawyers, have left the Kordofan region.

72. Human rights defenders, including women human rights defenders, were subjected to threats, including death threats and smear campaigns, allegedly orchestrated by supporters of the Sudanese Armed Forces and the former regime. In June, a list of names of journalists accused of supporting the Rapid Support Forces was posted on Facebook by supporters of the former regime. Some women human rights defenders who felt threatened lacked the funds to relocate and were not able to move freely due to the deteriorating security situation and social stigmatization.

²⁵ See <https://sudantribune.net/article274737/> (in Arabic).

²⁶ Body reportedly supporting the Sudanese Armed Forces by mobilizing youth and preparing training camps.

73. Protection service providers informed OHCHR that they had received more than 1,000 protection requests from human rights defenders between April and October and had provided support to some 260 individuals.

74. Most Sudanese media outlets were closed owing to the ongoing conflict and several were raided and taken over by the Rapid Support Forces, including the premises of the national radio and television in Khartoum, which was seized on 15 April and turned into a detention facility, as well as the temporary office of Al-Jazeera in Khartoum, which was raided by the Rapid Support Forces on 17 June.

75. In addition, there were allegations of unlawful killings, arbitrary detention and the disappearance of journalists. The Sudanese Journalists Syndicate reported that, as at 15 December, it had recorded 353 violations and abuses against journalists and that at least four journalists, including two women, had been killed and 31 deprived of their liberty, including two journalists who had disappeared. A woman journalist working for Sudan Bukra TV died after she was fatally struck by a Rapid Support Forces vehicle while working on 10 October. A man journalist was severely beaten by the Sudanese Armed Forces in Omdurman while broadcasting live on Facebook on 16 July.

76. In Sennar and Red Sea States, OHCHR received reports of the intelligence services restricting reporting by journalists on the humanitarian situation. The Sudanese Journalists Syndicate reported the arrest of a journalist by the General Intelligence Service in Sennar on 16 August following the publication of a report on conditions of internally displaced persons. The journalist was later released. In Red Sea State, journalists were instructed to request approval from Military Intelligence in order to conduct any reporting activity.

77. In Blue Nile, East Sudan and Kordofan regions, powers granted under the states of emergency were invoked by state authorities to restrict civil society and political activities, from anti-war gatherings to training workshops, including those in support of the humanitarian response plan. Civil society actors have been instructed, either through emergency decree, as in Gedaref State, or through instructions by General Intelligence Service and Military Intelligence, as in Blue Nile, East Sudan and Kordofan regions, to request prior permission before organizing any event. In Blue Nile and East Sudan, the General Intelligence Service and the Military Intelligence reportedly prevented the organization of or interrupted at least 10 events. On three occasions, they arrested participants in such events but released them shortly afterwards.

VII. Economic and social rights

78. The conflict has severely undermined the enjoyment of economic, social and cultural rights. People living in conflict zones have faced skyrocketing prices of food and non-food items, reduced purchasing power and limited livelihood opportunities. For instance, in September 2023, the average price of sorghum in the Sudan was 15 to 20 per cent higher than the year before and 238 to 370 per cent higher than the five-year average.²⁷

79. The economy of the Sudan has experienced a sharp downward deterioration, with an increased budget deficit, driven by a reduction in public revenues and a disruption in exports as a result of the fighting. Supply chain disruption has led to a decline in domestic production and economic activities. This has also been exacerbated by widespread looting and destruction of businesses, markets, factories and warehouses, including the reported destruction of 411 factories in Khartoum and other conflict-affected states.²⁸ Exacerbating the situation, the withdrawal of investments by numerous international and local companies and the suspension of operations has resulted in mass layoffs, impacting the right to work and employment. Those factors have contributed to the devaluation of the Sudanese pound by approximately 40 per cent.

80. The International Monetary Fund (IMF) forecasts that the Sudan will face a severe economic contraction and a reduction in its gross domestic product by negative 18.3 per cent

²⁷ See <https://reliefweb.int/report/sudan/sudan-food-security-outlook-october-2023-may-2024>.

²⁸ See https://sudantribune.net/article278585/#google_vignette (in Arabic).

by the end of 2023. In addition, IMF data indicate an increase in unemployment from 32 per cent in 2022 to 46 per cent in 2023.²⁹ Meanwhile, the International Food Policy Research Institute estimates that approximately 5.2 million workers, or half of the sectoral employees at the national level, will have lost their jobs.³⁰

81. Reportedly, as at November 2023, civil servants across the Sudan, including medical staff and teachers, had either not received their salaries or received only a small portion since April. Additionally, all social security schemes have been suspended. Consequently, household incomes are expected to decline by over 40 per cent in both urban and rural areas, leading to an estimated increase of 1.8 million people living in poverty since the beginning of the conflict. The economic downturn will have the most significant impact on persons in vulnerable situations.³¹

82. Millions of people have been deprived of their right to food, with the number of food insecure people nearly doubling since May, reaching over 20.3 million people, of whom 6.3 million are experiencing acute hunger according to the Integrated Food Security Phase Classification.³² At least 14 million children were reported to be in urgent need of humanitarian aid.

83. The right to safe drinking water remained a serious concern, especially for civilians in conflict zones, including in Darfur, Khartoum and Kordofan regions owing to prolonged electricity outages and attacks on water treatment plants.³³

84. Accessibility, availability and affordability of health services and medicine remain of serious concern, with approximately 70 to 80 per cent of hospitals in conflict-affected States reported to be non-operational owing to persistent shortages of medical supplies and attacks on health facilities.³⁴ On 24 June, it was reported that 13 children with kidney disease had died due to inadequate treatment options. This dire situation has been further exacerbated by the outbreak of diseases such as measles, cholera and dengue fever.³⁵

85. OHCHR received information that women's sexual and reproductive health and rights were severely impacted. Women's access to maternal health services had become increasingly challenging due to the scarcity and inaccessibility of health-care facilities across the country. Furthermore, the quality of services in the limited number of operational hospitals has significantly declined due to the acute shortage of medical supplies, personnel and issues related to overcrowding.

86. As a result of the conflict, the enjoyment of the right to education continued to be affected. On 6 November, the United Nations Children's Fund reported that an estimated 19 million children in the Sudan, nearly all school-aged children, had been deprived of education.³⁶ At least 10,400 schools were forced to close in conflict-affected areas in eight states across Darfur, Khartoum and Kordofan regions. Additionally, 171 schools were reportedly being used as emergency shelters for displaced populations in areas less affected by the conflict.³⁷

²⁹ See <https://www.imf.org/external/datamapper/profile/SDN>.

³⁰ See <https://ebrary.ifpri.org/utils/getfile/collection/p15738coll2/id/136843/file/137054.pdf>.

³¹ Ibid.

³² See <https://reliefweb.int/report/sudan/sudan-ipc-acute-food-insecurity-snapshot-1-june-2023-february-2024>.

³³ See <https://reliefweb.int/report/sudan/statement-humanitarian-coordinator-sudan-indiscriminate-attacks-civilian-facilities-and-infrastructure>.

³⁴ See <https://reliefweb.int/report/sudan/glance-protection-impacts-conflict-update-no-20-13-november-2023>.

³⁵ See https://www.emro.who.int/images/stories/sudan/WHO-Sudan-conflict-situation-report-15-December_2023.pdf?ua=1.

³⁶ See <https://www.unicef.org/sudan/press-releases/unicef-statement-over-200-days-war-leaves-generation-children-sudan-brink>.

³⁷ See <https://reliefweb.int/report/sudan/sudan-keeping-children-safe-and-learning-advocacy-brief>.

VIII. Administration of justice and accountability

87. In Khartoum State and in Darfur and Kordofan regions, attacks and looting targeting the judiciary and courts had a serious impact on the administration of justice and the rule of law. In Khartoum State, courts and public prosecutions ceased activities soon after the conflict erupted. Between July and September, several judicial facilities, including courts, were hit by missiles and either partially or completely destroyed. Other court buildings were looted and set on fire, including the Dar El-Salam court complex in Omdurman, in May, as well as the Criminal Court of the Anti-Corruption and Public Fund Violations. The responsibility for those acts has yet to be established. On 16 September, the Ministry of Justice building in Khartoum was largely destroyed when a fire broke out following clashes between the parties.

88. As a result of the attacks on courts, many files and records have disappeared or been burned. OHCHR received information that there are no digital records of documents. On 18 September, the Under-Secretary of the Ministry of Justice announced the formation of a committee to retrieve data. There has been no update on progress in this regard.

89. On 3 July, the Nyala North court, South Darfur, was looted. Responsibility for the incident has yet to be established.

90. The departure or displacement of judicial personnel as a result of the conflict contributed to the shutdown of justice institutions in some areas. Many judges, prosecutors and other judicial staff, including the Chief Justice, fled Khartoum to other States. OHCHR learned that the chief judges in Kassala and Port Sudan were adjudicating cases related to crimes committed in Darfur and Khartoum. Similar arrangements were made by public prosecutors at the State level following a decision of the Attorney General, who operated from Wad Medani in Al-Gazira State, while prosecutors from Khartoum resumed work in the states where they had relocated.

91. All civilian prisons in Khartoum were reportedly evacuated between 21 and 25 April in response to the security and humanitarian situation, either deliberately or following clashes between the parties. While no official figures were announced, information received by OHCHR indicated that around 12,000 prisoners were released or escaped from Al-Huda, Kober, Omdurman and Soba prisons in Khartoum and 172 inmates from Ed-Daein Prison in East Darfur. In Kordofan region, prisoners were released on security and humanitarian grounds, except those facing death sentences. The Governor of Blue Nile State released around 120 detainees on 25 April.

92. The prisoners released included three persons indicted by the International Criminal Court for crimes committed in Darfur in 2003, including former president Omar Al-Bashir.

93. In the current circumstances, the domestic justice system does not have the means or capacity to conduct prompt, independent and credible investigations or to prosecute persons in a manner consistent with international human rights norms and standards. Challenges include the high number of allegations of violations and abuses, lack of protection for judicial actors, victims and witnesses and limitations in the legal framework and the capacity of the judicial system.

94. In early August, the Public Prosecution in Wad Medani, Al-Gazira State, started investigations into over 500 cases of enforced disappearances and 20 cases of sexual assault allegedly perpetrated by the Rapid Support Forces in Khartoum since 15 April. In September, members of the Sudanese Police Force operating from Port Sudan established a special police committee tasked with investigating conflict-related crimes and established a digital complaint system. On 21 October, the Committee reported having received over 31,000 complaints.³⁸

95. Reports indicated that victims of violations allegedly perpetrated by the Sudanese Armed Forces or its affiliated security agencies were reluctant to file complaints due to lack of confidence in the justice system and fear of retaliation. The absence of investigations into

³⁸ See https://suda.news/18267/?utm_campaign=nabdapp.com&utm_medium=referral&utm_source=nabdapp.com&ocid=Nabd_App (Arabic).

alleged crimes and violations committed by the Sudanese Armed Forces raises concerns about the objectivity and impartiality of the investigation process led by the public prosecution.

96. In early July, the commander of the Rapid Support Forces declared the establishment of “Rapid Support Forces field martial courts” to prosecute fighters allegedly involved in looting and human rights abuses. The composition, work and outcomes of the courts have not been made public.³⁹ On 13 November, the Rapid Support Forces announced the establishment of a fact-finding committee to investigate the mass killing by their forces and allied Arab militias of members of the Masalit community in early November in Ardamata, West Darfur, the findings of which are to be made public. However, the composition of the committee, its *modus operandi* and the deadline to present its findings are unknown.

97. On 31 July, the chairperson of the Transitional Sovereignty Council, Lieutenant-General Abdel Fattah Al-Burhan, established the Committee for War Crimes, Violations and Practices of the Rebel Rapid Support Forces since the beginning of the war on 15 April 2023, to be headed by the Attorney General. The Committee includes the head of the Steering Committee of the National Human Rights Commission,⁴⁰ representatives of the General Intelligence Service and Military Intelligence, the Sudanese Police Force and the Ministries of Justice and Foreign Affairs. On 17 August, the Committee published a list of 46 persons, including the commander and deputy commander of the Rapid Support Forces, as well as the commander of the Rapid Support Forces in West Darfur, accusing them of committing gross human rights violations. On 17 October, the Committee reported 5,717 complaints against the Rapid Support Forces and stated that eight cases had been referred to the judiciary.

98. The nature of the above Committee and its applicable legal framework are unclear, including whether it is a commission of inquiry or has prosecution powers. In addition, there are concerns over the impartiality, objectivity and independence of the investigations, in particular in the light of its sole focus on abuses committed by the Rapid Support Forces, as well as its composition, which includes representatives of security agencies implicated in human rights violations.

99. In July, in his briefing to the Security Council on the situation in Darfur, the Prosecutor of the International Criminal Court stated that his mandate with regard to alleged crimes of genocide, crimes against humanity and war crimes committed in Darfur since 15 April 2023 was ongoing.⁴¹

IX. Conclusion and recommendations

100. **Both parties to the conflict have reportedly committed gross violations and abuses of international human rights law as well as serious violations of international humanitarian law, some of which may amount to war crimes and possibly other serious crimes under international law. The intensity of hostilities between the Sudanese Armed Forces and the Rapid Support Forces and the significant lack of adherence to international humanitarian law and international human rights law standards are concerning.**

101. **The United Nations High Commissioner for Human Rights calls upon all parties to the conflict:**

(a) **To cease hostilities immediately and engage in an inclusive dialogue, aiming to reach a peaceful resolution of the conflict, with the participation of a wide range of stakeholders, including women and youth, to restore a civilian-led government;**

³⁹ Neither the Sudanese Armed Forces Act nor the Rapid Support Forces Act provide for the Rapid Support Forces to establish such courts.

⁴⁰ The head of the Committee is an official of the Ministry of Justice.

⁴¹ See <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-uk-2023-10-17>.

(b) To comply with their obligations under international humanitarian law and cease and punish violations of international humanitarian law committed by their forces;

(c) To respect international human rights law, including by halting the practices of arbitrary detention and enforced disappearance; release, immediately and unconditionally, all persons arbitrarily detained; and halt all attacks on human rights defenders, civil society organizations and media actors;

(d) To end the recruitment and use of children in hostilities and ensure that measures are taken to prevent such acts;

(e) To ensure rapid and unimpeded passage of humanitarian relief for civilians in need as well as the safe and unimpeded access of humanitarian organizations to all areas under their control;

(f) To stop all forms of discrimination and violence against women and girls, declare a zero-tolerance policy for sexual and gender-based violence, facilitate access to justice for victims and ensure that survivors have timely access to multisectoral services, including medical care, psychosocial support and legal services;

(g) To cooperate with OHCHR, the designated Expert on human rights in the Sudan and the Independent International Fact-Finding Mission for the Sudan to protect and promote human rights in the Sudan and to facilitate the freedom of movement of their staff within the country.

102. The High Commissioner recommends that Sudanese authorities:

(a) Consider acceding to the Rome Statute of the International Criminal Court and introduce domestic legislation consistent with it;

(b) Ensure the declarations and implementation of states of emergency comply with international human rights law, including by informing the population of the substantive, territorial and temporal scope of the state of emergency and related measures and by ensuring that measures do not unduly restrict the exercise of human rights;

(c) Conduct prompt, thorough, effective, transparent, independent and impartial investigations into alleged violations and abuses of international human rights law and violations of international humanitarian law committed during the conflict, ensure that alleged perpetrators, including persons in positions of command, are prosecuted in judicial procedures that observe international standards and grant full reparations to victims and their families;

(d) Cooperate with the Independent International Fact-Finding Mission for the Sudan.

103. The High Commissioner calls upon the international community:

(a) To ensure the scaling-up of humanitarian assistance by providing the urgently needed funding to the humanitarian response plan;

(b) To promote and support all efforts to reach a cessation of hostilities and to achieve a sustainable and inclusive peace, with accountability for human rights violations and abuses at its centre, leading to the reinstatement of a civilian-led government;

(c) To support national institutions, local civil society networks and other relevant actors by providing resources and strengthening their capacities to work with people affected by the conflict and by providing comprehensive services to all survivors, including sexual reproductive health care and information, paying particular attention to survivors of sexual violence and children born from such violence;

(d) To continue to support the work of OHCHR in the Sudan and of the designated Expert on human rights in the Sudan as key tools for the protection of human rights and continue constructive engagement with the authorities;

(e) To encourage the Sudanese authorities to cooperate with the members of the Independent International Fact-Finding Mission for the Sudan, including by granting them access to the country;

(f) To cooperate with the Personal Envoy of the Secretary-General for Sudan and with regional and intergovernmental organizations to work collectively on a unified and coordinated road map for the resolution of the conflict.
