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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

Albania,* Andorra,* Belgium, Czechia, Denmark,* Estonia,* Finland, Germany, Iceland,* Ireland,* Latvia,* Liechtenstein,* Lithuania, Luxembourg, Malta,* Monaco,* Netherlands (Kingdom of the),* New Zealand,* North Macedonia,* Norway,* Poland,* Romania, Slovakia,* Slovenia,* Sweden,* Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

54/... Responding to the human rights and humanitarian crisis caused by the ongoing armed conflict in the Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, and other relevant human rights instruments,

Reaffirming that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights,

Reaffirming also its strong commitment to the sovereignty, political independence, territorial integrity and national unity of the Sudan, and its solidarity with the Sudanese people,

Emphasizing that States have the primary responsibility for ensuring respect for and for the promotion and protection of all human rights and fundamental freedoms, and recalling that the Sudan has the responsibility to act in accordance with international humanitarian law, as well as to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity,

Recalling the obligations of all parties to the conflict under international humanitarian law and the obligations of the Sudan under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other treaties to which it is a State party, and recalling also the commitment of the Sudan, reflected in the Constitutional Declaration of 2019 and the Juba Peace Agreement of 2020, to elevate the

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value of human rights, and that all parties must continue to comply with their respective obligations, including as applicable during the ongoing armed conflict,

Recalling also the commitments made on 11 May 2023 by the Sudanese Armed Forces and the Rapid Support Forces under the Jeddah Declaration of Commitment to Protect the Civilians of Sudan, including with regard to allowing and facilitating principled humanitarian relief, and the affirmation by the parties of their responsibility to respect international humanitarian law and international human rights law.

Reaffirming Human Rights Council resolutions S-32/1 of 5 November 2021 and S-36/1 of 11 May 2023, and the mandates given therein to the United Nations High Commissioner for Human Rights and the designated Expert on human rights in the Sudan,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and that States Members of the United Nations are required to uphold the highest standards in the promotion and protection of human rights,

Recalling also Security Council resolutions 1564 (2004) of 18 September 2004 and 1593 (2005) of 31 March 2005,

Recalling further all other relevant resolutions adopted and statements made by the Human Rights Council, the General Assembly and the Security Council on the Sudan, and relevant statements on the Sudan by the Secretary-General, the High Commissioner and the Special Adviser to the Secretary-General on the Prevention of Genocide,

Recalling the common call for all parties to the conflict to immediately cease hostilities, to adhere to a ceasefire and to allow for full, safe and unhindered humanitarian access into and across the Sudan, and for the establishment of an inclusive civilian and democratic political process, made by all relevant actors of the international community and international forums, including the Security Council, the Secretary-General, the High Commissioner, the African Union, the Intergovernmental Authority on Development and the League of Arab States,

Noting with appreciation all relevant communiqués and resolutions of the African Union, the Intergovernmental Authority on Development and the League of Arab States issued since the start of the armed conflict on 15 April 2023,

Welcoming the ongoing engagement by the High Commissioner and his designated Expert with respect to the current armed conflict in the Sudan, with a view to addressing the dire human rights and humanitarian situation,

Mindful of the joint statement made on 15 August 2023 by the Principals of the Inter-Agency Standing Committee, which, inter alia, called on the parties to the conflict to end the fighting, protect civilians, grant safe and unfettered access to the United Nations and remove bureaucratic impediments; and to refrain from attacking civilians, looting humanitarian supplies, targeting aid workers, civilian assets and infrastructure, including health centres and hospitals, and blocking humanitarian assistance,

Noting with appreciation other initiatives and associated communiqués, including the Neighbouring States Summit, intended to respond to the ongoing armed conflict in the Sudan,

Noting the ongoing investigation by the Office of the Prosecutor of the International Criminal Court into alleged international crimes committed in Darfur in the context of the current armed conflict,

1. *Strongly condemns* the continuing armed conflict between the Sudanese Armed Forces and the Rapid Support Forces and their associated and allied forces and all alleged human rights violations and abuses and violations of international humanitarian law committed in this context, and welcomes the similar condemnations expressed by the Peace and Security Council of the African Union, the African Commission on Human and Peoples' Rights and the Quartet Group of Countries for the Resolution of the Situation in the Republic of Sudan of the Intergovernmental Authority on Development;

2. *Expresses its grave concern* at the ongoing dire humanitarian and human rights crisis in the Sudan, which has continued to deteriorate since the start of the current armed

conflict on 15 April 2023, and has displaced more than 5 million people both throughout the Sudan and into other States as refugees, and left more than 20 million people in the Sudan in need of food assistance and nearly 25 million in need of immediate humanitarian assistance;

3. *Condemns* the human rights abuses and atrocities reportedly committed in the Darfur region of the Sudan, principally but not exclusively by members of the Rapid Support Forces and allied militia, including those involving acts of sexual and gender-based violence, ethnically motivated attacks on civilians, looting, and the burning and destruction of villages and towns across Darfur, and expresses its deep concern at the clear parallels visible between these developments and the developments that preceded previous atrocities in Darfur;

4. *Expresses its grave concern* at reported acts of sexual and gender-based violence, the indiscriminate use of force against civilians by both parties to the conflict; reported acts of indiscriminate aerial bombardments by the Sudanese Armed Forces resulting in civilian deaths and the destruction of civilian homes and critical infrastructure; the recruitment and use of children in armed conflict, principally by the Rapid Support Forces; and reported acts of mistreatment and life-threatening conditions faced by detainees held by both parties;

5. *Condemns* the attacks on and looting of humanitarian convoys and aid agencies across several areas of the Sudan, including by the Rapid Support Forces in Khartoum, and the continued undue restrictions imposed by the parties to the conflict on humanitarian access, with their dire consequences for people in need, including bureaucratic and administrative impediments, such as visa and travel permit delays, and cumbersome customs procedures imposed by the Sudanese authorities and Sudanese Armed Forces, and the presence of armed forces in hospitals;

6. *Also condemns* the breaches by both parties of previously agreed ceasefires and of the Jeddah Declaration of Commitment to Protect the Civilians of Sudan, signed by both the Sudanese Armed Forces and the Rapid Support Forces on 11 May 2023;

7. *Strongly deplores* the reported killings, attacks, arbitrary detention of and acts of intimidation, and retaliation against humanitarian and health workers, human rights defenders, community leaders, public servants or local government workers, journalists and other media workers, students and lawyers and other civil society actors, and against members of international organizations and the diplomatic community in the Sudan, which has a direct impact on the capacity of the international community to respond to the human rights and humanitarian crisis in the Sudan;

8. *Reiterates* its call for an immediate and complete ceasefire by all parties, without pre-conditions, the rapid establishment of full, safe and unhindered humanitarian access, the establishment of an independent monitoring mechanism of the ceasefire, the rehabilitation of critical basic infrastructure, a negotiated and peaceful resolution to the conflict on the basis of inclusive dialogue, and the recommitment of all parties with the people of the Sudan to return to its transition towards civilian-led government;

9. *Calls upon* the parties to the conflict in the Sudan to demonstrate the utmost restraint and to refrain from any human rights violations or abuses or violations of international humanitarian law; to adhere fully to the commitments made in the Jeddah Declaration; to agree and adhere fully to and enforce local and national ceasefires, including to allow the evacuation of civilians without preconditions; and to allow full, safe and unhindered humanitarian access to civilians, in particular the most vulnerable and hardest to reach;

10. *Urges* all parties to the conflict in the Sudan to respect and protect civilians, including those who are humanitarian workers and health workers, and civilian infrastructure, and to allow civilians to move freely to access the basic services and humanitarian assistance they need;

11. *Strongly urges* all parties to take immediate and specific measures to put an end to and prevent further acts of sexual and gender-based violence, including rape, sexual slavery and sexual exploitation and abuse, by members of their respective forces or allied groups, and to ensure access to services for survivors, and stresses the importance of ensuring

accountability for those who commit acts of sexual and gender-based violence, and ensuring a survivor-centred approach when responding to such acts;

12. *Welcomes* the leadership role of the African Union and the Intergovernmental Authority on Development in responding to the situation in the Sudan, including the initiative of the African Union to convene an expanded mechanism of interested regional and international partners for the crisis in the Sudan, and underscores the importance and urgency of continued and coordinated involvement of all international, regional and State actors in reaching a durable and sustainable peace in the Sudan and supporting the establishment of an inclusive civilian and democratic political process resulting in a transition to civilian-led government;

13. *Also welcomes* the communiqué issued by the African Union Peace and Security Council, following the Heads of State and Government meeting on the Sudan on 27 May 2023, which inter alia demanded the warring parties to immediately declare a ceasefire, without any preconditions; to stop mobilization and the bringing in of reinforcements; and to disengage to agreed positions, in order to end the suffering of the Sudanese people; to embrace the peaceful resolution of disputes; to grant unhindered humanitarian access; and to resume the political transition process culminating in the conduct of elections, towards a democratic, civilian-led government; emphasized that no sustainable military solution to the conflict is feasible, and adopted the African Union Roadmap for the Resolution of the Conflict in Sudan, calling upon the international community to support its implementation;

14. *Further welcomes* resolution 563 by the African Commission on Human and Peoples' Rights, adopted on 4 August 2023, which inter alia called for an immediate and unconditional ceasefire by the warring parties and for talks to bring a definitive end to the current armed conflict; and also condemned the atrocities being committed in Darfur, including killings and rape, and the destruction of properties and livelihoods targeting in particular people on the basis of their ethnicity, affecting mostly members of the Masalit ethnic group;

15. *Welcomes* the communiqués issued by the Quartet Group of Countries for the Resolution of the Situation in the Republic of Sudan of the Intergovernmental Authority on Development, which inter alia committed to working closely with the international community to put in place a robust monitoring and accountability mechanism that would be instrumental in bringing perpetrators to justice;

16. *Commends* the bravery and work of Sudanese and regional relief and aid workers operating in the Sudan and along its borders in challenging and dangerous circumstances to provide life-saving support to communities, and the efforts of neighbouring countries that have hosted and provided assistance to refugees fleeing ongoing violence, and recalls the importance that all States under international law adhere to the principle of non-refoulement;

17. *Stresses* that ensuring accountability for human rights violations and abuses and violations of international humanitarian law is central to any solution to the ongoing crisis in the Sudan, as well as to efforts to address the root causes of armed conflict and prevent further instability in the Sudan, and underscores the urgency of initiating prompt, full, independent, impartial, transparent and credible investigations into all alleged abuses and violations by all parties to the conflict, to end impunity and to hold accountable those responsible through robust and credible criminal justice processes;

18. *Decides* to urgently establish an independent international fact-finding mission for the Sudan, comprising three members with expertise in international human rights law and international humanitarian law, to be appointed as soon as possible by the President of the Human Rights Council for an initial duration of one year, with the following mandate:

(a) To investigate and establish the facts, circumstances and root causes of all alleged human rights violations and abuses and violations of international humanitarian law, including those committed against refugees, and related crimes in the context of the ongoing armed conflict that began on 15 April 2023, between the Sudanese Armed Forces and the Rapid Support Forces, as well as other warring parties;

(b) To collect, consolidate and analyse evidence of such violations and abuses, including those affecting women and children, and to systematically record and preserve all information, documentation and evidence, including interviews, witness testimony and forensic material, consistent with international best practices, in view of any future legal proceedings;

(c) To document and verify relevant information and evidence, including through field engagement, and to cooperate with judicial and other entities, as appropriate;

(d) To identify, where possible, those individuals and entities responsible for violations or abuses of human rights or violations of international humanitarian law, or other related crimes, in the Sudan, with a view to ensuring that those responsible are held accountable;

(e) To make recommendations, in particular on accountability measures, all with a view to ending impunity and addressing its root causes, and ensuring accountability, including, as appropriate, individual criminal responsibility, and access to justice for victims;

(f) To give the Human Rights Council an oral update on its work at its fifty-sixth session, followed by an interactive dialogue, and a comprehensive report thereon at its fifty-seventh session, to be followed by an enhanced interactive dialogue that should include the participation of, inter alia, the United Nations High Commissioner for Human Rights, representatives of the African Union and the Special Adviser to the Secretary-General on the Prevention of Genocide;

(g) To submit the above report to the General Assembly at its seventy-ninth session;

(h) To cooperate and share best practice with other international, regional and domestic accountability initiatives, as and when these are established, as appropriate;

(i) To include in its work a specific focus on the human rights and humanitarian situations in the areas of greatest concern, such as Khartoum and the Darfur region of the Sudan;

19. *Also decides* that the additional mandate and corresponding resources provided to the designated Expert of the High Commissioner pursuant to Human Rights Council resolution S-36/1 with respect to documentation since 15 April 2023 should be wholly transferred to and integrated into the above mandate;

20. *Further decides* that the participation of the High Commissioner in the above-mentioned enhanced interactive dialogue will supersede and replace the oral update to be given by the High Commissioner and the associated interactive dialogue to be held at its fifty-seventh session pursuant to Human Rights Council S-36/1;

21. *Requests* the fact-finding mission, the Office of the High Commissioner and the designated Expert to coordinate to ensure that the mission is able to make use of all relevant information, analysis and reporting, with due consideration to their respective and distinct mandates;

22. *Decides* that the fact-finding mission should give due regard to ensuring the complementarity of its efforts with those of other actors, in particular the Secretary-General and his Special Representative for the Sudan, the High Commissioner, the Office of the High Commissioner and the designated Expert, as well as the African Union and other appropriate regional and international entities, drawing on the expertise of, inter alia, the United Nations Organization, the African Union, the African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development and the League of Arab States, and international, regional, State and civil society actors to the extent practicable;

23. *Requests* the immediate operationalization of the mandate of the fact-finding mission by the President of the Human Rights Council, and requests the Secretary-General to provide all the resources and expertise, including on international human rights law, including with respect to women and children, and international humanitarian law, necessary to enable the Office of the High Commissioner to provide such administrative, technical and

logistical support as is required to implement the provisions of the present resolution, in particular in the areas of fact-finding, legal analysis and evidence collection;

24. *Calls upon* the parties to the conflict to cooperate fully with the fact-finding mission in the performance of its work, and calls upon the international community to support fully the implementation of its mandate;

25. *Decides* to remain actively seized of the matter.
