



Justice and Accountability in Sudan

11 June 2020

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The popular legitimacy of Sudan's transitional government will be jeopardised if citizens do not see progress in confronting human rights abuses. Khartoum, supported by the international community, must urgently respond to widespread demands for mechanisms to deliver justice and accountability, before it is too late.

Justice delayed is justice denied

In the absence of progress on justice and accountability, the cries made by protestors during the 2019 Sudan Uprising of "We are all Darfur!" ring hollow to those from Sudan's conflict-affected areas. Alongside continuing economic hardship, this foments popular discontent with the government. Trust has been lost, and community tensions are rising; we are seeing an increase in hate speech and crime. Debates about systemic racism are nascent in Sudan, with many of those from Khartoum feeling the need to defend themselves against claims from the periphery and conflict-affected areas, that they ignored their suffering for years, and took a passive or active part in their oppression and persecution. These conversations are timely given the importance of the Black Lives Matter movement globally, and signal that in Sudan justice is not yet experienced.

Background

In 2018 mass protests began in Sudan, sparked by the deteriorating economic situation, but quickly leading to calls for regime change. They escalated throughout the early months of 2019, led by women and youth. In April 2019 the movement succeeded in toppling former President Bashir, who had orchestrated genocide in Darfur, and led campaigns of violence in the Nuba Mountains and Blue Nile regions, also presiding over a collapse in governance and the Sudanese economy. Not satisfied, protesters did not stop there, with the streets calling for broader-based reforms for 'freedom, peace and justice' and civilian rule. Demonstrators had been congregating in front of army headquarters in the capital Khartoum, but remained at risk of being encircled by armed forces, and of a state-imposed internet blackout. In June 2019 [we wrote](#) that Sudan had a window of opportunity to prevent predictable escalations of identity-based violence.

On 3 June 2019 the Rapid Support Forces (RSF) attacked the sit-in site, killed hundreds, injured many more, committed mass rapes, and dumped bodies in the River Nile. For many, this was a moment of reckoning: the violence that the RSF had perpetrated when it was known as the *Janjaweed* in Darfur had now reached Khartoum. The massacre drew international condemnation, forcing the hand of the Transitional Military Council to make concessions to the opposition Forces of Freedom and Change (FFC), leading to the formation of a joint civilian-military government in August 2019.

Where are we now

- **RSF leader Mohamed Hamdan Dagalo, or Hemetti**, remains a key political figure, and has immunity from prosecution given his role in the ruling Sovereign Council.
- **The security sector** has not been meaningfully reformed, making the continued involvement of military groups, and torture-prone intelligence services, in Sudan's transitional bodies controversial.
- **Although in October 2019** a national commission was established to investigate the events of 3 June, headed by human rights lawyer Nabil Adib, it has been criticised on the grounds of transparency and accessibility, especially for sexual violence victims, and it is yet to offer its final report, blaming the delay on the COVID-19 pandemic.
- **Peace talks between** armed movements have taken longer than expected, and with the FFC increasingly divided, this has led to a delay in the appointment of a legislative council or state governors.
- **Little progress has** been made on establishing promised commissions on transitional justice, human rights, and law reform.
- **Bashir has been** convicted and sentenced for corruption and money laundering offenses, but the arrest warrants issued by the International Criminal Court (ICC) on charges of war crimes, crimes against humanity, and genocide, remain unanswered. Another ICC indictee, Ali Kushayb, recently surrendered himself to face charges of crimes against humanity and war crimes and is now in the Court's custody. But while Sudan recently guaranteed it will cooperate with the Court, it has yet to take concrete steps.
- **International attention has** focused on trying to pull Sudan out of an economic black hole. The Friends of Sudan is the framework adopted by representatives from interested foreign governments to mobilise political will and resources for the cash injection Sudan needs, and to strategise on medium-term financing options until such time as Sudan can access international loans and debt relief, following the country's removal from the US State Sponsors of Terrorism List. The next Friends of Sudan partnership conference is scheduled for 25 June in Berlin.
- **The United Nations Security Council** recently presided over the withdrawal of the hybrid UN-African Union mission in Darfur (UNAMID) by the year end (subject to review in October), and its replacement by a follow-on mission under Chapter VI, the UN Integrated Transition Assistance Mission in Sudan (UNITAMS) in 2021, which leaves Sudan responsible for protection of civilians across the country, despite increasing reports of violence by state actors against civilians.

Earlier this month, we hosted [an online event](#) to mark the 1-year anniversary of the 3 June 2019 massacre. Panellists included survivors of both recent and historic atrocity crimes, policy-makers, and human rights and legal practitioners, with comments from the ICC itself. The urgency of the situation was stressed. Zohal Ibrahim, a survivor of the 3 June massacre herself said, “We feel like time is running out.” Elbashir Idris, a youth activist, said, “Our hearts were crushed, our spirits were stained, and yet I genuinely think that every Sudanese person has come back stronger and learned from the lessons of them.” The below recommendations are based on the rich discussion held.

Recommendations

To ensure justice and accountability is prioritised, the Transitional Government of Sudan, alongside the international community, should:

- **Ensure that any** bodies representing the issue of transitional justice, like Sudan’s incoming transitional justice commission, are genuinely consultative, including engaging with survivors and affected communities in the diaspora.
- **Draw on best** practice in the area of transitional and restorative justice, including local and traditional Sudanese systems of dispute resolution like *joudia* and *rakuba*. Programmes could focus on victim/offender mediation or dialogue, peacemaking circles, victim assistance and involvement, and real restitution to address conflicts in rural areas between polarised and fractured communities.
- **Properly finance justice** initiatives, by securing donor funds which are ring-fenced for addressing this challenge, and multi-year, in recognition that this could take decades. As a start, commitments on this basis should be made at a Berlin-based Friends of Sudan partnership conference scheduled for later this month. Offers of technical support must also be made.
- **Create and promote** platforms that convene affected groups, and mainstream the discussion about justice, race, and national identity and belonging.
- **Commit to preventing** your country from becoming a safe haven for Sudanese genocidaires by pursuing universal jurisdiction cases. Domestic instruments such as Unexplained Wealth Orders, Asset Freezing Orders, and repatriation can prevent financial systems being used to harbour stolen or diverted state assets. Magnitsky sanctions should also be considered.
- **Ensure that all** those subject to arrest warrants from the International Criminal Court for atrocity crimes committed in Darfur, including Bashir, are handed over as soon as possible to the custody of the Court and brought to trial.

Recommendations *(continued)*

- **Fund secure documentation** of evidence by supporting and engaging civil society groups tracking human rights abuses, in order to preserve such evidence for transitional justice mechanisms, including future prosecutions, and as historically important archival records.
- **Ensure all future** policy on Sudan integrates an understanding and ongoing monitoring of identity-based divisions and indicators of potential violence, as a first step engaging civil society organisations on atrocity prevention and civilian protection issues, including through the UK Atrocity Prevention Working Group coordinated by Protection Approaches, and engagement with the UK-Sudan advocacy group and network of diaspora contacts coordinated by Waging Peace.

“We feel like time is running out.”

- Zohal Ibrahim,
Human rights defender,
survivor of the 3 June massacre

“Our hearts were crushed, our spirits were stained, and yet I genuinely think that every Sudanese person has come back stronger and learned from the lessons of them.”

- Elbashir Idris,
Human rights and community activist

In 2007 Waging Peace collected over 500 [drawings by children](#) depicting the destruction of their villages during the genocide in Darfur, and of their lives in refugee camps in Chad. They also gathered a further 60 drawings from the similarly besieged area of the Nuba Mountains during a trip to visit Yida refugee camp in South Sudan in 2018.

This picture was drawn by an 18 year old boy in 2007 depicting his village in Darfur attacked by *Janjaweed* and Sudanese armed forces three years earlier. In this drawing houses are set on fire and civilians are shot dead and thrown into the river. These are hauntingly similar tactics used by the RSF (aka re-branded *Janjaweed*) in Khartoum during the 3 June 2019 massacre.

Behind the drawing, he has written ‘Look at these pictures carefully, and you will see what happened in Darfur. Thank you’



Waging Peace is an NGO campaigning against human rights abuses in Sudan, and supporting Sudanese asylum-seekers, refugees, and the wider community to build meaningful lives in the UK.

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