

NO TIME TO LOSE: MEMBER STATES MUST ACT DECISIVELY TO STEM HORRORS OF WAR IN SUDAN

UNDERSTANDING THE CRISIS IN SUDAN

War in Sudan began on 15 April 2023 after decades of dictatorial rule, military coups, and deep-seated Islamist ideology which entrenched racist and misogynistic policy at the highest levels of Sudan's politics. Notions of Islamist and Arab supremacy have historically and to today led to protracted racially motivated violence and systemic discrimination of ethnic minorities and against individuals seeking democracy, freedom, peace, and justice in Sudan. These factors, in addition to impunity for historic human rights violations and international crimes, have once again led to the eruption of conflict, today between the Sudanese Armed Forces, Rapid Support Forces and, increasingly, other armed actors.

Since the outbreak of the war, the Federal Ministry of Health has [recorded](#) at least 1,081 deaths and about 11,714 injuries (as of 17 June). However, the true figures are no doubt much higher, given the scale of violence in West Darfur and other areas under a near-total communications blackout. To offer scale of what is being anecdotally reported through first-hand testimony upwards of 5,000 people have been killed in West Darfur alone since 15 April 2023. As the UN Office for the Coordination of Humanitarian Affairs (OCHA) has [outlined](#) in its recent reporting, the conflict has been characterized by “unprecedented levels of sexual violence,” lootings and robberies, indiscriminate aerial bombings in Khartoum, and “snipers lay[ing] in wait for human targets making it impossible to escape ever-deteriorating conditions.”

The head of Sudan's Combating Violence against Women Unit [reported](#) that RSF fighters are behind a wave of sexual violence, often using rape as [a] tool to force families from their houses, and noted that in Darfur RSF militias have carried out ‘mass rapes’ in major towns. For example, in one widely circulated video, a woman was gangraped by two men, shown laughing and smiling, while in another incident 25 girls and women were [kidnapped](#) from an IDP camp in Nyala (South Darfur), taken to a hotel, and “[raped for days](#).” Access to specialized care for rape victims is minimal, though Sudanese activists have mobilized to share tips and crowdsource resources as possible.

Humanitarian conditions are “catastrophic,” with civilians sheltering in place with no access to electricity, running water, food, medicine or medical care. To date, efforts to establish humanitarian corridors have largely been unsuccessful, as at least nine negotiated ceasefires have collapsed within hours, if not minutes, of their beginning. More than 2.5 million people have been displaced since the onset of the conflict, including nearly 2 million internally displaced. This number is expected to grow; the UN [estimates](#) that more than 1 million people will leave Sudan as refugees by October.

As the commander-in-chief of the Sudanese Armed Forces joins other armed actors in calling for the popular mobilization of Sudanese citizens, Member States (along with other key international partners) must act without delay to use every legal and diplomatic tool available to respond to the growing crisis in Sudan. The following briefing, developed by Sudanese and international civil society organizations, offers concrete recommendations for action by Member States.

OPTIONS FOR MEMBER STATES

Humanitarian response

- **Support the activation of human rights monitors in ‘hotspots’ for conflict-related sexual violence**

A substantial number of human rights documenters in Sudan have received intensive Psychological First Aid (PFA) training from the Global Initiative for Justice, Truth and Reconciliation Consortium ([GIJTRC](#)), and they can be activated on the ground where they can and are indeed already assisting with some of the containment that’s necessary for the survivors of sexual violence.

The embassies of Member States can be linked to these networks and provide support to the community resilience support networks as they provide containment for victims and survivors and documentation of atrocities, so we do not lose evidence and the stories of what has happened to the victims. Embassies could pursue multilevel engagements for partnerships of support. They could liaise with institutions such as the University of Khartoum which can get the word out to the communities.

- **Fund dissemination of resources on critical mental health issues**

GIJTRC has developed Mental Health and Psychosocial Support infographics on issues such as trauma and its responses, psychological safety, coping during conflict or in distressful situations, coping with loss, and safety planning during times of violent conflict. Other Sudanese [groups](#) are similarly developing context-specific materials for educating the Sudanese public on how to access mental health services.

GIJTRC-trained monitors and other community groups can disseminate materials, but funds are needed to ensure widespread distribution and to provide protection services if needed for activity leaders. Fortunately, the provision of psychosocial support is not an antagonistic act – it’s about taking care of victims and maximizing safety and mental health during times of turmoil. Funding this will not get the attention of the army and warring parties – it’s something that can be done under the radar and should not garner too much undue attention. There is a need to look at finding entry points and harness what has been done before and add and build upon it to upscale it. It can be linked to different networks and partnerships to provide support.

- **Creation of a fund for the protection of human rights defenders**

As human rights defenders (HRDs) face increased threats to their safety (e.g., a Sudanese monitoring organization [reported](#) on 29 June 2023 that eight HRDs have been targeted in El-Geneina on a repeated basis), Member States should create – or lobby for the creation of – a Fund that assists HRDs. Support could include funds for relocation of HRDs under threat, crisis/care packages for those fleeing, or special visa pathways, particularly for those with preexisting links to Member States.

- **Fund humanitarian services for refugees**

The humanitarian situation is catastrophic at Sudan's borders with Chad, Egypt and South Sudan. International donors pledged [only half of what is needed](#) to respond to the humanitarian situation at a mid-June pledging conference. Much more is needed, particularly in regions like South Sudan, where there are only limited humanitarian response activities. The majority of those crossing the Sudan – South Sudan border are South Sudanese who had been living in Sudan as refugees. UNHCR has [reported](#) that the “Sudan crisis is making an already dire humanitarian situation [in South Sudanese camps] worse,” compounded by the arrival of the rainy season, which will make road transport of supplies impossible.

Member States should pledge additional funds for emergency basic services as well as make resources available for CSOs that are willing and able to continue providing services to communities in Sudan. These funds should not be earmarked for a specific purpose to allow organizations to set up flexible emergency funds that are responsive to basic needs. Organizations such as the Emergency Response Rooms are already working to provide life-saving humanitarian assistance and are able to receive funds.

Member States should also consider funding CBOs working in Sudan's neighbouring countries. Many organizations are now working urgently to support the resettlement of Sudanese refugees; see, for example, [Tawafol](#), an Egyptian community-based organization that is supporting Sudanese refugees to find housing and legal information.

Increasing pressure on the warring parties

- **Impose targeted sanctions without delay**

Since the October 2021 coup, Member States have yet to impose targeted sanctions on any malign actors in Sudan. The argument has been since the coup that targeted sanctions would deepen the siege mentality of the generals, particularly Hemedti and Burhan, and that not making sanctions designations would preserve negotiating lines. It should be evident by now that these arguments don't hold much water. The priority is to cut off resupply lines to the warring parties and to increase the imperative for influential external actors to exert downward pressure.

Member States should work with international partners to impose network sanctions, targeting both direct perpetrators, their bankers, and their international agents to close off avenues for escaping their enforcement. For example the UK has done this in the context of Russia's invasion of Ukraine, and there is an [increasing body of evidence](#) that shows how carefully crafted sanctions can have meaningful impact.

Sanctions should also be imposed sequentially, so that actors take them seriously. Benchmarks should be outlined for their imposition and the rationale for targeted sanctions communicated to the general public (distinguishing 'targeted sanctions' from blanket economic sanctions).

Member States need to be seen as operating in lockstep with the US, which has imposed some limited sanctions on RSF- and SAF-owned entities. At the moment, the US is out on its own, frustrating their efficacy. Member States should be less concerned about whether there is

parity in how sanctions are imposed (i.e., two sanctions against the RSF and two against the SAF) and more concerned about imposing sanctions where they will hurt – on the top commanders of the warring parties, all of whom have significant business interests, and on the sources of funding for forces’ salaries and weaponry resupplies.

Sanctions must be imposed immediately to ‘capture’ assets before they are moved. Countries like the UAE and others have already moved money out of Sudan and major conglomerates based outside of Sudan are taking action to lay off employees or otherwise move money. RSF- and SAF-controlled companies are expected to take similar action to minimize the possible damage of targeted sanctions.

- **Exert greater diplomatic leverage over influential countries**

We’ve seen so far that the international community has only limited leverage in this context, based on the failures of the US-Saudi led process and other unfruitful mediation efforts. But there are levers that have not yet been pulled, particularly over countries like the UAE, which is one of Sudan’s largest trading partners. For example, the UK is in the process of negotiating a new free trade agreement with the UAE and should use this as an opportunity to exercise greater influence. Member States should be working to identify similar pressure points vis-à-vis Egypt, Saudi Arabia, and Qatar.

Member States should also play a strong role in ensuring coherence across the various mediation efforts happening at the regional and international level to prevent duplication of efforts and multiply pressure on the warring parties across fora. These efforts should be accompanied by clear indicators from Member States that there will be no recognition whatsoever of the SAF and RSF as legitimate future governing partners. In other words, that these aren’t negotiations with a view to the military or its offshoots playing a role in future governing bodies.

- **Leverage July presidency of UN Security Council to push for protection of civilians and arms embargo**

The UK will assume the presidency of the UN Security Council in July. This is an opportunity for the UK and Member States to push publicly for the reorienting of the UNITAMS mandate to include a stronger protection of civilians component.

Member States can also push for the extension of the existing UNSC arms embargo (imposed in July 2004) across the country, beyond just North, South and West Darfur. From the outset, that the UN arms embargo applied only to Darfur made it difficult to prevent the internal transfer of weapons into Darfur, given that Sudan had its own domestic weapons manufacturing industry. This is less of a problem now that the Yarmuk arms manufacturer and others have been attacked or otherwise dismantled in the course of the conflict.

The other problem historically for the UN arms embargo was that that leading arms suppliers like Russia and China were resistant to active policing of the embargo or compliance. Member States should test whether this context has changed sufficiently now such that there are greater incentives for follow-through on implementation, particularly with the cooperation of regional states seeking to avoid spillover conflict.

The imposition of a broader arms embargo should be tailored to support diplomatic efforts. In particular, the UNSC can introduce the embargo while outlining a pathway to its at least partial lifting by tying them to milestones that both parties need to achieve. The benchmarks currently in place under the UN Panel of Experts as set out in July 2021 now do not reflect the ongoing conflict and should be updated to include a lasting cessation of hostilities and eventually transitional justice and security sector reform.

- **Support a robust conflict analysis that includes a mapping of Islamist leaders and other possible spoilers to any mediated solution**

As recent reporting from [Reuters](#) indicates, “thousands of men who worked as intelligence operatives under former president Omar al-Bashir and have ties to his Islamist movement are fighting alongside the army in Sudan’s war” —perhaps as many as 6,000 regime loyalists. This reporting was preceded by news that more than two dozen of al-Bashir’s key allies, including Ahmed Haroun (wanted by the ICC), escaped from prison in the early days of the war.

Member States should support Sudanese analysts in demystifying these and other individuals’ possible lines of influence, including by mapping and documenting Islamist militias actively engaged in the conflict now. This analysis should seek to uncover supply lines and recruitment channels for such militias, their current leadership, and the motivations of key leaders, including their possible alignment to the SAF, RSF, and external actors.

This is an essential component to any robust conflict analysis that has to date been undervalued, perhaps because “Islamist influence” has been a red herring used by the RSF in social media campaigning to justify the conflict. Nonetheless, it is important to understand to the greatest extent possible the risk that former al-Bashir allies act as spoilers in political negotiations or further inflame the conflict in Sudan.

- **Take immediate steps to support civilian leaders in articulating political priorities**

As former civilian leaders aligned with the Forces of Freedom and Change [announce plans](#) to “address issues of leadership, unite the civilian front [and] bring the December Revolution agenda to the front seat,” Member States should support Sudanese leaders in establishing a legitimate civilian government, and should let identified leaders set the agenda rather than the warring parties.

To this end, the Member States should provide capacity building for transitional leaders as needed and conduct an analysis to identify strengths and weaknesses of the 2019 transitional government to learn from the past for a better future.

Human rights and accountability

- **Prioritize the creation of a Commission of Inquiry at the UN**

Member States should play a leading role in pushing for the creation of a UN Commission of Inquiry by the Human Rights Council or, alternatively, the General Assembly (for which there is precedent – see the International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011). Commissions of

inquiry play a key role in collecting and collating evidence, which is distinct from the role that the UN independent experts might play.

However specifically implemented, the outcome needs to be a body that is explicitly tasked with collecting, consolidating, preserving, and analysing evidence. This mechanism should be tasked with (1) building case files that could be sent to either domestic prosecuting authorities, other countries for universal jurisdiction proceedings, or to a court like the ICC where appropriate and (2) making recommendations for prosecutions.

Member States should engage the African Group at the UN, framing the push for a Commission of Inquiry as an opportunity to exert greater influence and legitimacy than thus far demonstrated by the AU.

- **Demonstrate leadership in urging for expansion of existing UNSC referral to the International Criminal Court**

Member States should urge the United Nations Security Council to refer the crisis in Sudan – beyond Darfur – to the ICC to convey the seriousness of the crimes, to hold perpetrators accountable, and to help deter violence. This should be seen as part of Member States' obligation to prevent and punish the crime of genocide as required by the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. The escalating violence in Darfur is taking on ethnic dimensions as warned by UN Secretary-General António Guterres, UN Special Representative for Sudan, Volker Perthes, and UN Special Adviser on the Prevention of Genocide, Alice Wairimu Nderitu.

At the very least, Member States should urge the ICC Prosecutor to announce an investigation into crimes presently being conducted in Darfur, which should be viewed as falling within the existing UNSC referral. Member States should also prioritize the arrest of Bashir and others who have already been indicted by the ICC in ongoing negotiations.

- **Provide technical and other support to the International Criminal Court**

Member States can take two other steps to support the ICC's work in Sudan. First, Member States could create a mechanism for taking 'screening statements' from any Sudanese who have left Sudan since April and may have witnessed serious international crimes. These should not be complete witness statements but rather an indication of the information an individual may possess and their contact details. The statements could be useful for the ICC or for another accountability mechanism.

As part of this work, Member States should also be developing a proactive strategic approach that involves the diaspora community and by extension their networks, particularly in relation to the possible flow of lower-level perpetrators from Sudan to Member States territory.

Member States should also put together a package of support for the ICC as, for example, the UK has for Ukraine, either by lending international lawyers to the ICC or by providing other forensic and technical capabilities, such as satellite footage, other kinds of intelligence, etc. These resources should be specifically earmarked for the Sudan investigation.

- **Work with other European jurisdictions and Interpol/Europol to track possible travel of known perpetrators of serious international crimes**

Member States have been caught wrongfooted when known perpetrators of serious international crimes have traveled to South Africa or, in the example of the UK, such as Salah Gosh, who traveled to the UK on multiple occasions but was not arrested despite overwhelming evidence of his participation in crimes.

Authorities of Member States must be prepared to execute arrest warrants at the time of travel, leveraging diaspora networks and civil society expertise to prepare applications for arrest warrants that would be ready 'off the shelf.' Member States should work with other European jurisdictions and Interpol to track the travel of specific individuals to the extent possible, and to prepare for possible arrests where there is sufficient evidence.