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Report of the independent international fact-finding mission for the Sudan*

Summary

In the present report, submitted pursuant to Human Rights Council resolution 54/2, the independent international fact-finding mission for the Sudan outlines the findings of its investigations into violations of international human rights law and international humanitarian law, and related crimes, committed in the Sudan in the context of the conflict that erupted in mid-April 2023. The report also contains recommendations, including on accountability and access to justice for victims.

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



I. Introduction

1. In its resolution 54/2, the Human Rights Council decided to establish an independent international fact-finding mission for the Sudan, composed of three experts, for an initial period of one year. It mandated the fact-finding mission to, inter alia, investigate and establish the facts, circumstances and root causes of all alleged violations and abuses of human rights and international humanitarian law, and related crimes, in the context of the ongoing armed conflict that had begun on 15 April 2023 between the Sudanese Armed Forces and the Rapid Support Forces, as well as other warring parties. In the same resolution, the Council requested the fact-finding mission to present a comprehensive report on its findings at its fifty-seventh session.

2. On 18 December 2023, the President of the Human Rights Council appointed Mohamed Chande Othman (United Republic of Tanzania) (Chair), Joy Ngozi Ezeilo (Nigeria) and Mona Rishmawi (Jordan and Switzerland) to serve as the three independent experts. Due to the liquidity crisis faced by the United Nations Secretariat, the secretariat of the fact-finding mission was only established in May 2024, in Nairobi, and composed of approximately two thirds of the allocated number of staff. Prior to its establishment, a small start-up team was provided by the Office of the United Nations High Commissioner for Human Rights (OHCHR), for which the fact-finding mission is grateful.

3. The present report outlines the findings of the fact-finding mission since the outbreak of the conflict in the Sudan in mid-April 2023. The fact-finding mission is also producing a conference room paper containing detailed information and analysis. The draft report was sent to the Government of the Sudan on 23 August 2024 for corrections to any factual inaccuracies by 1 September 2024. No response was received.

II. Methods of work

A. Engagements and consultations

4. Pursuant to its mandate, the fact-finding mission has engaged, both online and in person during missions to Chad, Kenya, Switzerland and Uganda, with Sudanese community leaders, civil society organizations, victims and survivors,¹ experts, organizations and entities involved in the situation in the Sudan, including United Nations agencies, and diplomatic missions.

5. The experts conducted missions to Geneva in January and June 2024 and held consultations with the United Nations High Commissioner for Human Rights, OHCHR staff and the President of the Human Rights Council.

6. Moreover, the fact-finding mission held discussions with the Expert on human rights in the Sudan, the Personal Envoy of the Secretary-General for the Sudan, the Special Adviser to the Secretary-General on the Prevention of Genocide, the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Representative of the Secretary-General for Children and Armed Conflict, the Panel of Experts on the Sudan and other senior United Nations officials. The fact-finding mission also engaged with the country rapporteur for the Sudan of the African Commission on Human and Peoples' Rights, the African Union Special Envoy on the Prevention of Genocide and Other Mass Atrocities and representatives of the International Criminal Court. It contacted the African Union, the League of Arab States, the Intergovernmental Authority on Development and the Organization of Islamic Cooperation with requests for dialogue and cooperation, to coordinate efforts and ensure complementarity, as required by the Human Rights Council in its resolution 54/2.

7. The fact-finding mission sent communications to the Sudanese authorities on four occasions (3 and 29 January, 7 June and 9 August 2024), requesting to visit the Sudan. Those

¹ The term "survivor" should be understood as interchangeable with the term "victim".

communications remained unanswered. The fact-finding mission remains open to engaging with the Sudanese authorities and to visiting the Sudan.

8. The Rapid Support Forces sent a communication to the President of the Human Rights Council, through OHCHR, on 20 December 2023, offering full cooperation with the fact-finding mission, and followed up on that communication in July 2024, after which there was some communication at the secretariat level.

9. The fact-finding mission expresses its readiness to engage with all parties to the conflict, in accordance with its mandate.

10. The fact-finding mission also contacted neighbouring countries (Central African Republic, Chad, Egypt, Ethiopia, Kenya, South Sudan and Uganda), requesting their cooperation and access to their territories to gather first-hand information from Sudanese victims of the conflict. The fact-finding mission visited Kenya in May and August, Chad in July and Uganda in August 2024. The fact-finding mission is grateful to the Governments of Chad, Kenya and Uganda for their cooperation.

B. Investigations and verification of information

11. The fact-finding mission issued a call for submissions and received a substantial amount of information from individuals and organizations. It examined reports from various sources, including United Nations entities, regional and international bodies and non-governmental organizations. It held extensive consultations with Sudanese civil society organizations, human rights defenders, subject-matter experts and other stakeholders.

12. The fact-finding mission obtained first-hand information through interviews with victims, their families, eyewitnesses, front-line responders and other sources, including during its visits to Chad, Kenya and Uganda. As at 31 July 2024, the fact-finding mission had conducted interviews with 182 individuals (67 women and 115 men).

13. The fact-finding mission expresses its gratitude to the witnesses who shared their accounts and the individuals and organizations it engaged with. In discharging its mandate, the fact-finding mission has adhered to the principles of independence, impartiality, objectivity, transparency, integrity, the protection of sources and “do no harm”. It has applied the “reasonable grounds to believe” standard of proof. It has made findings of fact and law only where it was able to obtain sufficient, reliable and corroborated information, based on which a reasonable and ordinarily prudent person would have reason to believe that such an incident or pattern of conduct had occurred as described. The phrase “the fact-finding mission finds” in the present report is reflective of this standard being met.

III. Applicable law

14. The fact-finding mission has applied international human rights law, international humanitarian law and international criminal law and has considered additional commitments undertaken by the parties to the conflict. It has also considered domestic laws of the Sudan, as relevant.

15. The Sudan is a party to seven of the nine core international human rights treaties, namely the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict. At the regional level, it is a party to the African Charter on Human and People’s Rights and the African Charter on the Rights and Welfare of the Child. It has not acceded to the Convention on the Elimination of All Forms of Discrimination against Women. It has signed but not ratified the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa.

16. The Sudan is a State party to the four Geneva Conventions of 12 August 1949 and their two Additional Protocols of 1977. Rules of customary international law are also applicable and binding on all parties to the conflict.

17. The Sudan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide. Sudan has signed but not ratified the Rome Statute of the International Criminal Court. However, the situation in Darfur since 1 July 2002 was brought within the jurisdiction of the Court pursuant to Security Council resolution 1593 (2005).

18. The Security Council imposed an arms embargo on Darfur.² Following the outbreak of hostilities, the Council, in its resolution 2724 (2024), called for an immediate cessation of hostilities and called upon all parties to comply with their obligations under international humanitarian law and their commitments under the Jeddah Declaration of Commitment to Protect the Civilians of Sudan. In its resolution 2736 (2024), the Council demanded that the Rapid Support Forces halt the siege of El Fasher and that all parties to the conflict ensure the protection of civilians.

IV. Current conflict

19. In mid-April 2023, hostilities broke out between the Sudanese Armed Forces and the Rapid Support Forces, and their respective allied militias, in Khartoum. They quickly spread to other parts of the Sudan. Tensions preceded the current conflict and had been rising since the removal of the former President Omer Hassan Ahmed Al-Bashir, in 2019, following which Lieutenant General Abdel-Fattah Al-Burhan took charge of the military-established Transitional Sovereignty Council, with Lieutenant General Mohamed Hamdan Dagalo, also known as Hemedti, as his deputy. Despite the adoption of a transitional constitution, under which the country would be governed by a civilian-military coalition for a transitional period of 39 months, the transition to civilian rule faltered as the Sudanese Armed Forces and the Rapid Support Forces jointly ousted the civilian leaders on 25 October 2021 and asserted military rule.

20. At the time of drafting the present report, the conflict had spread to most of the states in the Sudan, with a devastating impact on the civilian population across the country. Multiple initiatives have been pursued to end the conflict. On 16 April 2023, the Peace and Security Council of the African Union called for an immediate ceasefire, the protection of civilians and the provision of humanitarian support to civilians.³ On 27 May 2023, the African Union adopted the Roadmap for the Resolution of the Conflict in Sudan, which includes a call for a comprehensive cessation of hostilities.⁴ A separate political process was initiated by the Intergovernmental Authority on Development, resulting in the adoption of a road map on 12 June 2023.⁵

21. In early May 2023, Saudi Arabia and the United States of America co-facilitated talks in Jeddah, Saudi Arabia, between the Sudanese Armed Forces and the Rapid Support Forces. The talks resulted in the signing of the Jeddah Declaration. Under this agreement, the parties committed to protecting civilians, respecting international humanitarian law and international human rights law, allowing humanitarian operations to resume, protecting humanitarian personnel and assets, ensuring that their respective forces abided by international humanitarian law and scheduling expanded discussions to achieve a permanent cessation of hostilities. Those commitments remain largely unimplemented. Another round of talks took place in Manama in January 2024 and in Geneva in August 2024, leading to an agreement to open the border at Adré, Chad, for humanitarian aid.⁶

² See Security Council resolutions 1556 (2004), 1591 (2005), 1945 (2010) and 2676 (2023).

³ See PSC/PR/COMM.1149 (2023).

⁴ See PSC/HoSG/COMM.1156 (2023).

⁵ See <https://igad.int/final-communicue-of-the-14th-ordinary-session-of-the-igad-assembly-of-heads-of-state-and-government-djibouti-republic-of-djibouti-12th-june-2023/>.

⁶ See <https://www.unocha.org/publications/report/sudan/sudan-adre-border-crossing-situation-update-flash-update-no-01-27-august-2024>.

22. On 21 November 2023, the Secretary-General appointed a Personal Envoy for the Sudan. In July 2024, the Personal Envoy held talks with representatives of the parties to the conflict on measures to ensure the distribution of humanitarian assistance and the protection of civilians across the Sudan.

Key actors in the conflict

23. The fact-finding mission considers that the situation in the Sudan amounts to a non-international armed conflict to which article 3 of the Geneva Conventions and the Protocol Additional thereto, and relating to the Protection of Victims of Non-International Armed Conflict, applies. The two main parties to the armed conflict are the Sudanese Armed Forces and the Rapid Support Forces. Both sides rely on regular armed and paramilitary forces, auxiliary militias, allied militias and intelligence and security agencies.

Sudanese Armed Forces Alliance

24. The Sudanese Armed Forces Alliance is led and controlled by its Commander-in-Chief, Lieutenant General Al-Burhan. He sets the political and military strategy and his most senior military officers control the Transitional Sovereignty Council, the Sudanese Armed Forces, national ministries and state governments. In addition to the General Intelligence Service, the Sudanese Armed Forces have their own military intelligence agency, which reports directly to Lieutenant General Al-Burhan.

25. During the current conflict, the Sudanese Armed Forces have relied heavily on their air force and have sought to strengthen their ground forces, which, prior to the conflict, included the Rapid Support Forces, through a massive mobilization drive. The leadership of the Sudanese Armed Forces established a committee to coordinate the recruiting, arming and financing of new militias. In a parallel mobilization track, new recruits, known as “the mobilized” (*mustanfareen*), are enlisted into the Sudanese Armed Forces and deployed to reinforce depleted divisions.

26. Several armed groups originating in Darfur, including the Justice and Equality Movement, the Sudan Liberation Army-Minni Minawi, the Sudan Liberation Army Tambour Faction, the Sudanese Alliance, the Sudan People’s Liberation Movement/Army-North under Malik Agar and some groups from the eastern part of the Sudan have aligned their forces with the Sudanese Armed Forces. The Justice and Equality Movement, the Sudan Liberation Army-Minni Minawi and other armed groups from Darfur have formed a joint force that fights in coordination with the Sudanese Armed Forces against the Rapid Support Forces, particularly in North Darfur State and its capital, El Fasher.

Rapid Support Forces Alliance

27. The Rapid Support Forces are led by Lieutenant General Mohamed Hamdan Dagalo. His older brother, Lieutenant General Abdelrahim Hamdan Dagalo, is the second in command. The Rapid Support Forces have operated as a highly mobile ground fighting force that combines regular Rapid Support Forces units, their own intelligence service and newly recruited Rapid Support Forces-aligned militias into an alliance under the overall control of Lieutenant General Mohamed Hamdan Dagalo.

28. The roots of the Rapid Support Forces can be traced to the early 2000s, when the Government of the Sudan armed civilians to counter an insurgency in Darfur. Arab nomadic tribes without a traditional homeland and wishing to settle, given the encroaching desertification, responded to the call and the Government organized them into militias that became known as Janjaweed. In 2005, Janjaweed militias were found to have committed, in concert with the Government, serious violations of human rights and international humanitarian law.⁷

29. From 2013, facing a renewed insurgency, the Government reorganized some of the Janjaweed militias into what became known as the Rapid Support Forces. Lieutenant General Mohamed Hamdan Dagalo was appointed as the commander of operations. The Rapid

⁷ S/2005/60, paras. 68, 69 and 248–413.

Support Forces were formally recognized under the Rapid Support Forces Act of 2017. Before the current conflict, the Government provided the Rapid Support Forces with extensive resources and support. The Rapid Support Forces increased their political influence and military capacity through deployments in Darfur, other parts of the Sudan and Yemen.

30. From the beginning of the conflict, the Rapid Support Forces senior leaders, directly and through intermediaries, recruited fighters from neighbouring States and the periphery of the Sudan in exchange for money, weapons and other incentives, including the prospect of looted goods.

Other armed groups

31. A number of other armed groups are not aligned with either the Rapid Support Forces or the Sudanese Armed Forces. These include the Sudan Liberation Army-Abdul Wahid and the Sudan Liberation Movement-Transitional Council in Darfur and the Sudan People's Liberation Movement-North Abdelaziz al-Hilu faction, which controls parts of South Kordofan and Blue Nile States.

V. Root causes

32. The conflict between the Sudanese Armed Forces and the Rapid Support Forces is often described as a dispute over power between Lieutenant General Al-Burhan and Lieutenant General Mohamed Hamdan Dagalo. There are, however, deeper roots and complex factors that can be attributed to the lack of inclusive and democratic government, vast inequalities, the centralization of power and resources, the marginalization of various communities and rampant impunity in the Sudan.

33. Since its independence, the Sudan has been fragmented and stuck in a cycle of violence, even during times of peace. It has experienced extensive periods of armed conflict and political strife. More than 46 peace agreements have been signed. One key weakness common to all past peace processes has been the focus on ending the conflict without addressing the root causes or enforcing accountability for mass atrocities. This has persisted, despite recommendations pursuant to various initiatives, including the International Commission of Inquiry for Darfur and the African Union High-level Panel on Darfur. While the recommendation of the International Commission of Inquiry for Darfur for the referral of the situation to the International Criminal Court was implemented, the other proposed measures to end impunity were not. The recommendations of the African Union High-level Panel on Darfur to address the root causes and accountability were also not implemented.

34. Many of those who took up arms in prior conflicts came from the poorest communities. Their poverty was caused, in part, by neglect from the central Government, underdevelopment, discrimination and ecological and demographic changes. Ongoing conflicts have led to massive displacement across the Sudan, exacerbating the situation.

35. Moreover, since independence, the Sudan has struggled with internal political instability, leading to several military takeovers, restrictive military rule and exclusion of the civilian population from participation in political processes. This situation was aggravated under Mr. Al-Bashir's 30-year rule and did not fundamentally change after his ousting in April 2019. The succeeding period saw little improvement in terms of civilian participation in political processes, despite the December 2018 civilian uprising and planned transition to a democratic civilian rule. The civilian movement, organized through resistance committees that had evolved since the 2019 revolution, was perceived as a threat by the military, which applied repressive methods to suppress it.⁸

36. The community leaders and civil society representatives to whom the fact-finding mission spoke stressed that political and ideological manipulation, recurring violence without accountability and the policy of divide and rule, particularly during the era of Mr. Al-Bashir's rule, had intensified differences among various groups. They stressed the need for an

⁸ See [A/HRC/50/22](#).

inclusive dialogue to enable a deeper understanding of grievances and chart the way forward based on equality and justice for all citizens of the Sudan.

VI. Violations of human rights and international humanitarian law

37. Since the outbreak of the conflict in mid-April 2023, 19,000 persons are estimated to have been killed and 33,000 injured.⁹ A substantial number of those are civilians, who have been affected by airstrikes, heavy artillery shelling and ground attacks on homes and villages. The use of explosives with wide area effects in densely populated areas, particularly in Khartoum and Darfur, has resulted in deaths, injuries and the extensive destruction of homes, hospitals, schools and other critical infrastructure, exacerbating the humanitarian crisis. As of August 2024, 10.7 million persons were internally displaced, which includes an estimated 7.9 million persons who had fled their homes since the start of the conflict, and another 2.8 million persons who had been displaced in earlier conflicts.¹⁰ More than 2.1 million persons, including returnees, fled to neighbouring countries.¹¹

A. Conduct of hostilities

1. Airstrikes and bombardments affecting civilians

38. On 15 April 2023, heavy gunfire and explosions shook Khartoum, generating panic in the city and beyond. The exchange of fire between the Sudanese Armed Forces and the Rapid Support Forces led to constant airstrikes and artillery shelling across the tri-city area of Khartoum, Omdurman and Bahri (greater Khartoum). Shelling took place across civilian areas and the conflict spread beyond military bases to residential neighbourhoods, causing civilian deaths and injuries and large-scale destruction, including of critical bridges.

39. Frequent shelling and airstrikes in greater Khartoum continued, affecting various neighbourhoods. For example, on 22 April 2023, bombs were dropped at rapid intervals in the Al-Diyum neighbourhood in Khartoum, resulting in civilian deaths. Several areas of greater Khartoum appear to have been flattened. The neighbourhoods of Al-Salama al-Qadema, Salma al-Kababesh, Al-Azhari, Al-Inkaz and Al-Nahda were subjected to frequent airstrikes. Between April and June 2023, the Al-Remila neighbourhood in Khartoum suffered shelling from both the Sudanese Armed Forces and the Rapid Support Forces. The civilian death toll continued to rise.

40. The conflict immediately spread to Darfur, widely affecting its towns. In May and June 2023, there was intense artillery shelling of various neighbourhoods in El Geneina, West Darfur State. Mortars fell on civilian houses, medical clinics, internally displaced persons sites, and schools. The shelling reportedly came from the west and south of El Geneina, areas under the control of the Rapid Support Forces.

41. Starting in April 2023, in Nyala, South Darfur State, the Rapid Support Forces and their allied militias were engaged in intense armed confrontations with the Sudanese Armed Forces. Both forces constantly shelled the area, affecting civilian neighbourhoods. The Taiba bridge in Nyala was shelled in August 2023, causing deaths and injuries among the dozens of civilians who had been seeking shelter near the bridge. The fighting persisted until 26 October 2023, when the Rapid Support Forces captured the Sudanese Armed Forces base in Nyala.

42. In Zalingei, Central Darfur State, armed confrontations ensued between the Sudanese Armed Forces and the Rapid Support Forces and their allied militias, from 15 April until 31 October 2023, when the Rapid Support Forces captured the Sudanese Armed Forces base. During that period, both forces exchanged shelling across civilian neighbourhoods, resulting

⁹ See Office for the Coordination of Humanitarian Affairs, "Sudan: humanitarian update – 1 September 2024".

¹⁰ See <https://dtm.iom.int/sudan> (accessed on 31 August 2024).

¹¹ See <https://data.unhcr.org/en/situations/sudansituation> (accessed on 31 August 2024).

in civilian deaths, injuries and displacement, including in the Stadium, Imtidad, Salam and Zariba neighbourhoods on 13 and 14 May 2023.

43. In South Kordofan State, on 14 March 2024, the Sudanese Armed Forces reportedly bombed Hadra elementary school, killing 11 children and two teachers, and injuring 46 children. The Rapid Support Forces allegedly shelled a religious school known as Al-Khalwa al-Tijaniyah in El Fasher, killing at least 34 persons, mostly children.

44. The fact-finding mission finds, based on the body of evidence gathered, that both the Sudanese Armed Forces and the Rapid Support Forces failed to take sufficient measures to minimize the impact of airstrikes or artillery shelling on civilians. It notes that international humanitarian law requires that all parties to a conflict strictly abide by the principles of distinction, proportionality and precaution. Attacks are considered indiscriminate when they fail to distinguish between military objectives and civilians or civilian objectives, because they are not or cannot be directed at a specific military objective, or their effects cannot be limited. Practices inconsistent with international humanitarian law, including indiscriminate attacks posing risk to the lives of civilians, also violate international human rights law.

2. Pillage and destruction of civilian objects and infrastructure

45. The fact-finding mission established that civilian infrastructure and objects, including objects indispensable to the survival of the civilian population, were attacked, damaged or destroyed by both the Sudanese Armed Forces and the Rapid Support Forces. Water, communication networks and electricity supply lines were destroyed in Khartoum, Darfur and other locations, leaving civilians in dire conditions. Large-scale destruction of residential homes through airstrikes and shelling left thousands of civilians without shelter, forcing many to flee and seek refuge in other locations.

46. Medical facilities in various locations affected by the conflict were also subjected to attacks, causing severe disruptions to the healthcare system. Several hospitals, including Al-Shuhada hospital in Khartoum, were looted by the Rapid Support Forces and their staff and patients were assaulted or even killed during the attack.

47. The fact-finding mission has documented widespread pillage, predominantly by the Rapid Support Forces and allied militias. They were sometimes followed by civilians, bandits and groups of looters, including *kassiba*.¹² Multiple incidents of pillage and looting, in numerous instances accompanied by killings and other violence against civilians, were reported in and around Khartoum, Al-Gazira and Darfur, particularly in and near the towns of El Geneina, Ardamata, Nyala, El Fasher and Zalingei. Those who were displaced from their homes in Khartoum, Darfur, Al-Gazira or other areas reported that the Rapid Support Forces and/or their allied militias took all, or nearly all, of their belongings, including houses, which were subsequently occupied by them. In Darfur, the pillage, looting and destruction of property affected entire livelihoods and the civilian infrastructure, including shelter, food and water, the health system, water stations, public offices and facilities, of non-Arab communities, in particular the Masalit.

48. Based on the foregoing, the fact-finding mission finds that the Rapid Support Forces and their allied militias, at times with the involvement of civilians or *kassiba*, engaged in a pattern of pillage and destruction of objects indispensable to the survival of the civilian population, including through intentionally directing attacks against specially protected objects, in violation of international humanitarian law. Under international human rights law, it finds that these acts violate the economic, social and cultural rights of the civilian population, in particular their rights to physical and mental health and to food, water and housing.

¹² *Kassiba* (or *Kasaba*) is a colloquial Arabic term in the Sudan, which translates as “profiteers”. It is commonly used to refer to groups of outlaws engaged in robbery and looting of houses during times of war.

B. Ethnic-based attacks in El Geneina

49. In some parts of the country, the violence had an ethnic undertone. This was particularly manifest in the attacks carried out against the non-Arab Masalit community in West Darfur State.

50. In El Geneina, the capital of West Darfur, the current conflict further stretched pre-existing tribal tensions, and was fought mainly along ethnic lines, pitting the Rapid Support Forces and their allied militias against the Sudanese Armed Forces and Masalit ethnic groups. Between April and November 2023, the Rapid Support Forces and allied militias clashed with the Sudanese Armed Forces and their allies, including the Sudanese Alliance led at the time by the Governor of West Darfur, Khamis Abakar, and other Masalit groups, over control of El Geneina.

51. El Geneina was an ethnically diverse city with a population of around 540,000 inhabitants. Following the outbreak of the conflict, on 24 April 2023, the Rapid Support Forces and their allied militias attacked a Sudanese Armed Forces convoy in the Al-Jamarek neighbourhood. The Rapid Support Forces and their allied militias encircled the Al-Jamarek, Al-Thawra, Al-Tadamon and Al-Madares neighbourhoods, subjecting them to intense mortar shelling and sniper fire, causing a large number of casualties. As the Sudanese Armed Forces retreated to their base in Ardamata, with some of their elements taking shelter in some of the civilian neighbourhoods, the Rapid Support Forces and their allied militias began a campaign of violence targeting the Masalit community in El Geneina, resulting in large-scale atrocities, including thousands of killings,¹³ torture, rape and other forms of sexual violence, pillage and destruction of property. During these attacks, the Sudanese Armed Forces failed to protect the civilian population.

52. Masalit men were systematically targeted. The Rapid Support Forces and their allied militias went door to door in Masalit neighbourhoods, looking for men and brutally attacking and killing them, sometimes in front of their families. Lawyers, doctors, human rights defenders, academics and community and religious leaders were apparently specifically targeted. Commanders of the Rapid Support Forces reportedly issued orders to “comb the city” and place checkpoints throughout.

53. The height of the assault on El Geneina occurred on 14 and 15 June 2023, following the capture and subsequent killing of the Governor of West Darfur, Khamis Abakar, a Masalit. During the night of 14 June, tens of thousands of individuals, the majority of them Masalit civilians, attempted to flee from the Al-Jamarek and Al-Madares neighbourhoods and seek refuge in Ardamata. At dawn on 15 June, as the miles-long convoy of people passed through the El Geneina neighbourhoods of Al-Shatii and Al-Naseem, it was ambushed by the Rapid Support Forces and their allied militias. The attackers fired at the convoy from their vehicles, killing and injuring thousands of individuals, leaving many dead bodies, including of women and children, on the streets of El Geneina and on the road to the border with Chad. The Rapid Support Forces and their allied militias also pillaged, burned down or otherwise destroyed and shelled Masalit neighbourhoods in El Geneina. Interviewees described the Rapid Support Forces and their allied militias using racial slurs against Masalits and other non-Arab groups, describing them as *umbay* (slave) *komrod* (Masalit fighter) and *nuba* (black), accompanied by threats and claims that the land belonged to Arabs. Several Masalit detainees at the Rapid Support Forces base in Al-Jamarek and other locations endured severe beatings and torture.

54. Women were assaulted, raped and robbed of their belongings because of their ethnicity. The attackers used derogative terms about the Masalit in the context of rape and other forms of sexual violence. A survivor from El Geneina was told: “We will make you, the Masalit girls, give birth to Arab children” after being raped inside her house at gunpoint. Several women reported that they had been explicitly told by the Rapid Support Forces and their allied militias to leave for Chad and not to return or they would be harmed.

¹³ S/2024/65, para. 54.

55. This widespread violence and destruction caused hundreds of thousands of persons to flee.¹⁴ The Rapid Support Forces and their allied militias continued to pursue and attack fleeing civilians along the escape routes to Chad. Individuals were asked to declare their ethnicity at checkpoints manned by the Rapid Support Forces and their allied militias.

56. Based on the foregoing, the fact-finding mission finds that the Rapid Support Forces and their allied militias committed coordinated and large-scale attacks on the civilian population, mainly the Masalit community in El Geneina, and other areas under their control along the routes taken by fleeing civilians. The above-described acts of killings, torture and other forms of cruel, inhuman or degrading treatment or punishment, including rape and other forms of sexual violence, as well as looting, pillage and destruction of objects indispensable to the survival of the civilian population, formed part of large-scale attacks that targeted, in particular, the Masalit community, on the basis of their ethnicity. The fact-finding mission finds that these acts amount to violations of international humanitarian law to life and person, in particular murder of all kinds, cruel treatment and torture, and outrages upon personal dignity, in particular humiliating and degrading treatment and rape and any form of indecent assault, and threats to commit the foregoing acts. They also constitute human rights violations, in particular of the rights to life and non-discrimination, and the prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment, including rape and other forms of sexual violence. The fact-finding mission also finds that the Rapid Support Forces and their allied militias violated the international humanitarian law prohibitions of acts and threats of violence primarily intended to spread terror among the civilian population, making the civilian population the object of attack, destroying objects indispensable to the survival of the civilian population, and forcible displacement.

C. Sexual and gender-based violence

57. The fact-finding mission finds that sexual and gender-based violence, in particular rape and gang rape, is widespread in the context of the conflict and continues to occur on a large scale across the Sudan. While women and girls of reproductive age were overwhelmingly targeted by these acts, sources informed the fact-finding mission of the rape of girls as young as 8 years old and women as old as 75 years old. Based on testimonies, vaginal single and multiple-perpetrator rape has been the most documented type of sexual violence. Other acts of rape and sexual violence, such as anal rape or rape with body parts, notably fingers, also occurred. Men and boys were not spared, although the number of reported cases is substantially lower.

58. Rape and other forms of sexual violence documented by the fact-finding mission were largely attributed to men wearing the Rapid Support Forces uniforms and, in the context of Darfur, armed men allied to the Rapid Support Forces, who victims referred to as Janjaweed, wearing traditional attire and shawls (*kadamol*) around their heads, masking most of their facial features.

59. The fact-finding mission finds that sexual violence was perpetrated on a large scale by the Rapid Support Forces in the context of attacks of cities in the Darfur region and the greater Khartoum area. There are numerous victims and witnesses of the rape and other forms of sexual violence that occurred during attacks on El Geneina from mid-April to mid-June 2023, and Ardamata in November 2023. Victims recounted being attacked in their homes, beaten, lashed and threatened with death or harm to their relatives or children, before being raped, often by more than one perpetrator. They were also subjected to sexual violence while seeking shelter from attacks or fleeing.

60. Witnesses from greater Khartoum and other areas in Darfur, particularly Nyala and Zalingei, confirmed that similar patterns of widespread rape and gang rape had been perpetrated by Rapid Support Forces members and their allies during attacks on cities and sites for internally displaced persons. In some conflict areas, perpetrators of sexual violence used racist slurs, in particular referring to non-Arab ethnicity, associated with pejorative attributes (see para. 53 above), indicating that ethnicity was a basis for discrimination, often

¹⁴ Ibid., para. 55.

entailing more violent assaults. Women human rights defenders, journalists and medical personnel were also targeted with sexual violence, seemingly in reprisal for their activities.

61. Women and girls were also abducted by the Rapid Support Forces for the purpose of sexual violence and/or sexual exploitation in Darfur and greater Khartoum. Some victims were abducted and transported to remote locations where they were raped. Witnesses also described women and girls being abducted and taken on pickup vehicles to unknown destinations. Some victims described being abducted and forcibly held in and confined to a house or a room for a duration ranging from several days to several months, during which time they were subjected to repeated rape and/or sexual exploitation by different Rapid Support Forces members and threatened with violence or death if they tried to leave or resist sexual violence.

62. Based on the foregoing, the fact-finding mission finds that the large-scale rape and other forms of sexual violence committed primarily by the Rapid Support Forces and their allied militias amount to violations of international humanitarian law, namely, violence to life and person, and outrages upon personal dignity, in particular humiliating, degrading and cruel treatment and torture, and rape and any form of indecent assault, and threats to commit the foregoing acts. It also finds that the abduction, confinement and detention of women and girls for sexual purposes, including rape and sexual exploitation, by the Rapid Support Forces constituted conditions whereby they exercised powers attaching to the right of ownership over the victims, whose liberty they also deprived, amounting to prohibited acts of sexual slavery. Under international human rights law, these acts constitute violations of the rights to be free from torture and other cruel, inhuman degrading treatment or punishment, including rape and sexual violence, to physical and mental health, including reproductive rights, and to non-discrimination based on gender.

63. The fact-finding mission also documented several cases of sexual violence, including rape and rape threats, attributed to the Sudanese Armed Forces and their military intelligence agency. The fact-finding mission received information concerning allegations of sexual exploitation of women and girls by the Sudanese Armed Forces in exchange for food in areas under their control. Further investigations are necessary to determine the extent and patterns of sexual violence perpetrated by the Sudanese Armed Forces in the context of the current conflict.

D. Grave violations against children

64. Children are paying a very heavy toll in the conflict. They have been recruited and used in hostilities, killed, injured, abducted and forcibly displaced, detained with adults, tortured, subjected to sexual violence and deprived of healthcare and education. In his most recent annual report on children and armed conflict, the Secretary-General lists the Sudanese Armed Forces and the Rapid Support Forces among the parties that have committed grave violations against children.¹⁵ Both parties have been newly listed for the killing and maiming of children and for attacks on schools and hospitals, while the Rapid Support Forces have also been listed for the recruitment and use of children and for the rape and other forms of sexual violence against children. The investigations of the fact-finding mission confirm these findings. It also received multiple credible reports that the Sudanese Armed Forces have played a role in the training and arming of children who have joined the popular mobilization.

1. Child recruitment or use of children in hostilities

65. Despite undertakings by the Government of the Sudan to maintain the minimum age for voluntary service at 18 and to prohibit the forced or voluntary conscription of any person below that age, there is credible information that children younger than 18 have been associated with regular Sudanese Armed Forces troops, notably in Darfur. Of particular concern is that the Sudanese Armed Forces leadership has been pursuing alliances with armed groups that have been listed in the report of the Secretary-General for the recruitment and use

¹⁵ See [A/78/842-S/2024/384](#).

of children in hostilities, including the Sudan Liberation Army-Minni Minawi and the Justice and Equality Movement.

66. The Rapid Support Forces and their allied militias systematically recruit and use children in hostilities. Witnesses reported that young boys have been seen with the Rapid Support Forces and allied militias in El Geneina, Ardamata and other localities along the border with Chad, as well as Zalingei, Nyala, Wad Madani and Khartoum. Reports also indicate that children have been fighting alongside the Rapid Support Forces in El Fasher.

67. The Rapid Support Forces and their allied militias have used children as bodyguards and informers, in combat units and to conduct security patrols, monitor checkpoints, carry out searches, monitor arrestees, pillage, commit arson and commit acts of torture in detention centres. Eyewitnesses reported that some children were dressed in Rapid Support Forces uniforms, with some holding ranks.

2. Killing and injuring of children

68. The deaths, maiming and serious injuries of children as a result of airstrikes and shelling of residential areas, including in Khartoum and parts of Darfur, have been documented. Numerous eyewitnesses reported the deaths of children during airstrikes that hit civilian objects such as markets or schools and densely populated areas. For example, and as mentioned above, the aerial bombardment of Hadra elementary school in South Kordofan, on 14 March 2024, reportedly by the Sudanese Armed Forces, killed 11 and injured 46 children.

69. In Darfur, dead bodies, including of children with gunshot wounds, were seen lying in the streets during the attack on El Geneina by the Rapid Support Forces and allied militias mentioned in paras. 49–56 above. Children were killed by snipers while walking on the streets, inside their houses or when the Rapid Support Forces and allied militias shelled houses, schools or hospitals in El Geneina, Ardamata and Zalingei.

70. Based on the foregoing and in connection with other relevant sections of this report, the fact-finding mission finds that the Rapid Support Forces and affiliated militias recruited and used children in hostilities and committed acts of killing and maiming, abduction and rape or other sexual violence against children, attacks on schools and hospitals and deprivation of essential humanitarian assistance for children. It finds that the Sudanese Armed Forces committed acts of killing and maiming of children, attacks on schools and deprivation of essential humanitarian assistance for children. These acts constitute violations of international humanitarian law and international human rights law, in particular under the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, and fall under the six grave violations against children in times of conflict.¹⁶

E. Arbitrary arrests and detention

71. The fact-finding mission has documented widespread arrests and detention conducted by both the Sudanese Armed Forces and the Rapid Support Forces since mid-April 2023 in areas under their control. Civilians were arrested mainly on suspicion of supporting the other party to the conflict. Documented arrests and detentions took place in various locations of Khartoum, West and Central Darfur and River Nile States. Use of unofficial locations by both the Sudanese Armed Forces and the Rapid Support Forces has been reported: a factory, the sports centre in Khartoum, schools and ordinary residential buildings were used as detention centres by the Rapid Support Forces, in particular in Khartoum and Blue Nile States.

72. Civilians were arrested in different locations, including checkpoints and their homes, often accompanied by acts of physical violence. Harsh detention conditions were reported. Victims said that they were detained in extremely congested facilities, in inhumane

¹⁶ See Security Council resolution 1261 (1999). See also <https://www.unicef.org/children-under-attack/six-grave-violations-against-children>.

conditions without access to adequate food, water or sanitation facilities. Medical facilities appear to have been totally lacking. Arrests were conducted without a warrant or any other type of legal documentation and access to legal assistance and family visits was denied.

73. Former detainees told the fact-finding mission that they had been held together with hundreds of other detainees. A man who was detained at a Sudanese Armed Forces detention centre in December 2023 estimated the number of detainees at about 400. Another former detainee indicated that he had been detained alongside more than 600 other persons at a Rapid Support Forces detention facility in November 2023. Boys under the age of 18 were arrested and held in both Sudanese Armed Forces and Rapid Support Forces detention facilities together with adult male detainees in Khartoum and Darfur. Numerous cases of deaths in detention in facilities of both forces have been documented.

74. Based on the above, the fact-finding mission finds that both the Rapid Support Forces and the Sudanese Armed Forces arbitrarily arrested and detained civilians, including children, in violation of fundamental guarantees under international humanitarian law and international human rights law. Individuals, including children, were not informed of the reasons for their arrest, or any charges brought against them, and often held in unofficial detention locations in inhumane conditions and without access to legal assistance or judicial oversight, in violation of the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

F. Torture and other cruel, inhuman or degrading treatment or punishment

75. Acts amounting to torture and other forms of ill-treatment were carried out by the Sudanese Armed Forces, including their military intelligence agency, and by the Rapid Support Forces and their allied militias.

76. The most common methods of torture identified by the fact-finding mission as used by the Sudanese Armed Forces included pouring cold water on the victim; lashing; beating the victim on various parts of the body or, in some cases, on the entire body with iron cables, whips, rifles or weapons; causing sometimes deep cuts and bleeding; and pulling out or damaging fingernails or toenails.

77. The most common methods of torture identified as used by the Rapid Support Forces included lashing and beating the victim on various parts of the body or, in some cases, on the entire body with iron cables, whips, rifles or weapons. For example, one victim said that the Rapid Support Forces had taken her from a house in El Geneina, blindfolded her and transferred her to another location, where they beat her with a whip for what seemed like a long time, severely injuring her.

78. Boys under the age of 18 were also subjected to acts of torture or ill-treatment and sometimes sexual violence in detention. The Rapid Support Forces also appear to have used teenage boys as guards in detention facilities to torture other detainees, notably in Al Nakheel Police Station in Omdurman.

79. Based on the foregoing, the fact-finding mission finds that both the Sudanese Armed Forces and the Rapid Support Forces intentionally inflicted severe physical and mental pain or suffering on their victims, including children, with the purpose of intimidating, coercing or obtaining a confession from them or as a form of punishment or on a discriminatory basis. These acts amount to violations of international humanitarian law, namely, violence to life and person, in particular cruel treatment and torture, and outrages upon personal dignity, in particular humiliating and degrading treatment. They also amount to violations of international human rights law, in particular under the Convention against Torture and the Convention on the Rights of the Child.

G. Suppression of free speech, information and media

80. Following the eruption of the conflict, key media outlets and telecommunications services were suspended or shut down. The Rapid Support Forces seized critical

communications infrastructure, resulting in major network disruptions. As a result, civilians were unable to access essential services. The Internet shutdown by the Sudanese Armed Forces and the Rapid Support Forces also hampered the work of front-line humanitarian aid providers, including persons working in the emergency response rooms,¹⁷ preventing them from coordinating and obtaining food, medicine and other essential items for those in need.

81. In addition, both the Rapid Support Forces and the Sudanese Armed Forces, and their intelligence agencies, systematically exercised censorship and suppressed media freedom by arresting, threatening, intimidating, harassing and attacking journalists and media professionals. One female journalist was repeatedly threatened by the Rapid Support Forces after being linked to media coverage of human rights violations by them. They first warned her brother that continuing to write would “lead to trouble”. Two members of the Rapid Support Forces then made death threats against her and subsequently opened fire on her family home. The journalist, along with her mother and sister, was forced to go into hiding. In another case, in June 2024, Sudanese Armed Forces military intelligence officers arrested, assaulted and threatened a freelance journalist in El Fasher. He said he was held in a small cell and kicked and beaten until he lost consciousness.

82. The fact-finding mission has also documented multiple incidents of threats, intimidation, harassment, attacks and reprisals against individuals involved in documenting human rights violations, including human rights defenders, lawyers, emergency response room and resistance committee members, and other members of civil society, by both the Sudanese Armed Forces and the Rapid Support Forces.

83. Based on the foregoing, the fact-finding mission finds that both the Rapid Support Forces and the Sudanese Armed Forces imposed broad Internet shutdowns by cutting access to information and communications through Internet and media services and curtailing the free speech of journalists and the media, which are incompatible with the right to freedom of opinion and expression under the International Covenant on Civil and Political Rights and the African Charter on Human and People’s Rights.

H. Humanitarian situation

84. According to the Office for the Coordination of Humanitarian Affairs, close to 16 million persons in the Sudan were in need of lifesaving assistance due to prolonged internal conflicts and instabilities, and economic crises before the conflict broke out.¹⁸ By August 2024, more than half of the Sudanese population – 25.6 million – was experiencing acute hunger. Among them, more than 8.5 million persons were facing emergency levels of hunger and more than 755,000 were in catastrophic conditions in Darfur, South and North Kordofan, Blue Nile, Al-Gazira and Khartoum States.¹⁹

85. The conflict has brought the country’s health system to the verge of collapse, and people are facing a lethal combination of displacement, shortage of potable water, hunger and disease. In July 2024, the Famine Review Committee of the Integrated Food Security Phase Classification determined that famine conditions (meaning that at least one in five people or households have an extreme lack of food and face starvation and destitution, resulting in extremely critical levels of acute malnutrition and death) were prevalent in one of the camps for internally displaced persons.²⁰

86. Access restrictions, including administrative impediments, and insecurity for humanitarian aid and humanitarian workers have further aggravated the humanitarian crisis. Humanitarian organizations operating in the Sudan indicated that they were facing multiple challenges, including arbitrary denial of or delays in processing visa applications for humanitarian workers, restrictions on border crossing options for humanitarian aid and delays

¹⁷ Online spaces created by the civilian movement to coordinate support by receiving requests for help from the public through social media platforms.

¹⁸ See <https://reports.unocha.org/en/country/sudan/card/7yQOEKQPua/>.

¹⁹ “Sudan: humanitarian update – 1 September 2024”.

²⁰ See <https://reliefweb.int/report/sudan/famine-sudan-ipc-famine-review-committee-confirms-famine-conditions-parts-north-darfur>.

in the issuance of travel permits for humanitarian workers and in the authorization of domestic humanitarian movement.²¹ Since the beginning of March 2024, the planned movement of over 125 trucks to hard-to-reach areas had been pending approval for over 90 days, affecting delivery of humanitarian aid in South, Central, North and East Darfur and Khartoum States.²²

87. The Sudanese Armed Forces, including through their intelligence services, have hampered the transport of humanitarian aid through border crossings to communities in need of aid, especially access to locations controlled by the Rapid Support Forces, which are also preventing access to areas under the control of the Sudanese Armed Forces. From February to August 2024, the Sudanese Armed Forces blocked the passage of humanitarian assistance from Chad through the Adré border crossing, based on perceived benefit to the Rapid Support Forces, while the Rapid Support Forces blocked the delivery of medical supplies to El Fasher on the basis that it would benefit the Sudanese Armed Forces. The Sudanese authorities reopened the Adré border crossing from 15 August 2024, as talks led by the United States continued in Geneva.²³

88. While it welcomes the reopening of the Adré border crossing, the fact-finding mission finds that, despite the call by the Security Council, in its resolutions 2724 (2024) and 2736 (2024), to the parties to the conflict to allow and facilitate the rapid, safe, unhindered and sustained passage of humanitarian relief for civilians in need, both the Sudanese Armed Forces and the Rapid Support Forces have engaged in actions contrary to their obligations under international humanitarian law regarding such passage of humanitarian relief.

VII. International crimes and their perpetrators

89. The fact-finding mission has examined the above findings in accordance with its standard of proof under international human rights law and international humanitarian law through the lens of international criminal law, which provides for individual criminal responsibility for the core international crimes.

A. War crimes

90. The fact-finding mission finds that the above-described violations took place in the context of the non-international armed conflict in the Sudan since mid-April 2023. On this basis, it finds reasonable grounds to believe that many of the established violations of international humanitarian law constitute war crimes.

91. The fact-finding mission finds reasonable grounds to believe that the Rapid Support Forces and affiliated militias committed the war crimes of violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; committing outrages upon personal dignity, in particular humiliating and degrading treatment; rape, sexual slavery and any form of indecent assault; pillage of towns or places; conscripting or enlisting children under the age of 15 or using them to participate actively in hostilities; intentionally directing attacks against the civilian population; and ordering the displacement of the civilian population for reasons related to the conflict.

92. It also finds reasonable grounds to believe that the Sudanese Armed Forces committed the war crimes of violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; and committing outrages upon personal dignity, in particular humiliating and degrading treatment.

²¹ See <https://reliefweb.int/report/sudan/sudan-humanitarian-access-snapshot-july-2024>.

²² Office for the Coordination of Humanitarian Affairs, "Sudan: humanitarian update – 24 June 2024".

²³ See <https://reliefweb.int/report/sudan/sudan-adre-border-crossing-situation-update-flash-update-no-01-27-august-2024-enar>.

B. Crimes against humanity

93. Crimes against humanity concern the commission of prohibited acts as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. An attack against the civilian population involves multiple acts directed against a predominantly civilian population pursuant to or in furtherance of a State or organizational plan or policy, which may be inferred from the acts.²⁴

94. The fact-finding mission has established the existence of a large-scale attack by the Rapid Support Forces and their allied militias against the predominantly non-Arab civilian population, in particular the ethnic Masalit, in El Geneina and other areas along the routes taken by civilians fleeing El Geneina. On the basis of an examination of the facts, it finds that this attack was widespread and/or systematic in nature. It further finds, on the basis of inferences drawn from the facts, that the attack was carried out pursuant to or in furtherance of an organizational policy.

95. The fact-finding mission finds reasonable grounds to believe that the Rapid Support Forces and their allied militias committed the crimes against humanity of murder, torture, enslavement, rape, sexual slavery and acts of a sexual nature of comparable gravity, persecution on the basis of intersecting ethnic and gender grounds in connection with the foregoing acts, and the forcible displacement of population.

VIII. Accountability

96. The Sudan carries the primary responsibility to prevent and halt violations and abuses of human rights and violations of international humanitarian law. In line with the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, it must provide remedies and reparation to victims.

A. Domestic legal system

97. Following the removal of the former President Mr. Al-Bashir, the 2019 Transitional Constitutional Document (Constitutional Decree No. 38), amended in 2020 by the Juba Agreement for Peace in the Sudan, set out legislative and institutional reforms to be undertaken by State agencies to address the country's legacy of past violations. The process was, however, cut short following the 2021 military takeover and the subsequent eruption of the current conflict.

98. The Criminal Act of 1991, as amended in 2009, allows for the prosecution of certain acts as war crimes, crimes against humanity and genocide at the domestic level. The Armed Forces Act of 2007, amended in 2022, also contains provisions on war crimes. However, the categories and definitions employed in Sudanese legislation are narrower than those recognized by international law, thereby impeding accountability for the full range of international crimes committed at the national level.

99. In terms of judicial and legal infrastructure, the fact-finding mission received information on the destruction of government buildings and records, in particular in Khartoum and the Darfur states, by the Rapid Support Forces. Several interviewees noted the targeting of courts, including in El Geneina, Nyala and Zalingei, and the destruction of records. Prisons were also attacked in several locations and detainees were reportedly released by the warring parties, demonstrating the breakdown of the rule of law.

²⁴ International Tribunal for the Former Yugoslavia, *Prosecutor v. Kordić and Čerkez*, Judgment, 26 February 2001, paras. 178–182.

B. Accountability mechanisms in areas controlled by the Sudanese Armed Forces

100. On 21 July 2023, the Sudanese authorities established the National Committee of Investigation on Human Rights Violations, War Crimes and Violations by the Rebel Rapid Support Forces and Other Crimes. According to the authorities, as at 18 June 2024, the number of registered criminal cases had reached 12,470 and 346 arrest warrants had been issued against the commanders and employees of the Rapid Support Forces.²⁵ The authorities also indicated that 65 cases had been tried. The fact-finding mission notes, based on the list included in the progress report circulated by the authorities at the fifty-sixth session of the Human Rights Council, that only 2 of the 65 cases appear to include charges of international crimes. The others concern offences against the State and sedition. The fact-finding mission received information that these cases target Sudanese civilians for their activities as lawyers, humanitarians, grass-roots activists, human rights defenders or emergency response room coordinators. This is indicative of the National Committee being involved in selective justice, primarily targeting activists perceived as affiliates of the Rapid Support Forces.

101. A second committee was established by the authorities, focusing on international lawsuits, including the submission of information on crimes committed by the Rapid Support Forces to the International Criminal Court.²⁶ In his statement to the Security Council on 5 August 2024, the Prosecutor of the Court noted that his Office had finally received cooperation from the Sudan and that his team could enter Port Sudan and had managed to collect evidence.²⁷

102. To date, accountability efforts undertaken by the authorities have been focused on crimes committed by the Rapid Support Forces and their perceived affiliates. The fact-finding mission has not received any information on investigations and prosecutions, where appropriate, of members of the Sudanese Armed Forces or other government entities for international crimes. The fact-finding mission believes that the developments at the domestic level are indicative of a lack of willingness to investigate and prosecute all those responsible on an equal basis. Victims have also informed the fact-finding mission of their lack of trust in the domestic justice system, including fear of reprisals for reporting violations committed by the Sudanese Armed Forces and other government entities.

C. Accountability mechanisms in areas controlled by the Rapid Support Forces

103. The Rapid Support Forces announced the establishment of the “Commander Fudail investigative committee” to investigate all criminal activities in areas under their control, and a fact-finding committee to look into reported mass killings in Ardamata.²⁸ The Prosecutor of the International Criminal Court noted that, while his office had received the names of individuals that the Rapid Support Forces contended were part of an investigative committee, no information had been transferred from the Rapid Support Forces to his office in relation to either allegations against the Rapid Support Forces or allegations regarding the Sudanese Armed Forces.²⁹

104. The fact-finding mission has received allegations indicating the establishment by the Rapid Support Forces of their own administration in areas under their control, including a field court under the head of administration to address criminal activities. The fact-finding mission has not been able to obtain further information on these mechanisms, including any of their activities, which seem to have had no discernible impact on violations by the Rapid Support Forces and their allied militias. The fact-finding mission is concerned that these

²⁵ Attorney General of the Sudan, statement to the Human Rights Council at its fifty-sixth session, Geneva, 18 June 2024.

²⁶ See [A/HRC/55/G/2](#).

²⁷ See [S/PV.9697](#).

²⁸ [A/HRC/55/29](#), para. 96.

²⁹ See [S/PV.9538](#).

courts have been set up outside of the framework of the law and therefore lack any legal basis and the necessary fair trial guarantees.

IX. Options for accountability and access to justice for victims

105. For permanent peace to be maintained in the Sudan, there is a need for accountability. The fact-finding mission considers that only a comprehensive transitional justice process with appropriately endowed mechanisms can address the impunity and justice gaps in the Sudan and provide remedies and reparation for victims. In this context, the 2023 updated Guidance Note of the Secretary-General on Transitional Justice and the 2019 African Union Transitional Justice Policy Framework are highly relevant to the current situation. These policy documents incorporate the four pillars of transitional justice: justice, truth, reparation and guarantees of non-repetition.

106. With regard to the first pillar, justice, one mechanism already in place is the continuing jurisdiction of the International Criminal Court over crimes committed in Darfur since 1 July 2002. The role of the Court remains crucial, particularly in the light of the decades of prevailing impunity. Since the Security Council referral, the Court has issued seven arrest warrants. The trial against one individual, Ali Muhammad Ali Abd-Al-Rahman, who was transferred to the Court on 9 June 2020, is ongoing. In one case the charges were not confirmed and another case was terminated following the death of the suspect. Four suspects, including the former President Mr. Al-Bashir, remain at large. The Prosecutor of the International Criminal Court indicated on 5 August 2024 that the Sudan had responded to some requests for assistance, while others remained pending.³⁰ With the spread of the conflict to most of the Sudan, the Court's jurisdiction should now be expanded to cover the entire country.

107. Moreover, and since the International Criminal Court focuses on a few cases involving those most responsible for international crimes, other pathways to justice should also be explored to ensure accountability by perpetrators at all levels. Different options could be considered, from fully international to hybrid and internationalized judicial mechanisms. States are encouraged to use universal jurisdiction to pursue individuals suspected of having committed international crimes.

108. The root causes of the violations that have been chronically hampering the Sudan from respecting, protecting and fulfilling the human rights of its people must be thoroughly identified and fully addressed. This could be achieved through a genuine truth-seeking process to address the scale of violations committed and their impact on individuals and communities. Truth commissions can be established alongside the proposed judicial mechanism to enhance national dialogue, with the ability to refer cases to the judicial mechanism as appropriate. To foster a culture of accountability, such a commission should not be endowed with the power to provide immunity or amnesty to those responsible for international crimes.

109. Reparation for serious violations of human rights and international humanitarian law, including through restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, as outlined in the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, is critical to help victims, survivors, families and communities overcome the devastating impact of the violence. The fact-finding mission has heard from Sudanese civil society, human rights defenders, activists, survivors, witnesses and the legal community about the overwhelming and immediate need for assistance to victims and survivors of the conflict in the Sudan within the country and those displaced. A dedicated entity should be established for those purposes.

³⁰ See S/PV.9697.

X. Conclusions and recommendations

110. The Sudan is in turmoil and its people within and outside the country are experiencing immense suffering. The fact-finding mission concludes that the Sudanese Armed Forces and the Rapid Support Forces, and their allied militias, are responsible for large-scale violations of human rights and international humanitarian law. Many of these violations amount to international crimes.

111. The fact-finding mission finds that there are reasonable grounds to believe that the Sudanese Armed Forces and their allied militias have committed the war crimes of violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture and committing outrages upon personal dignity, in particular, humiliating and degrading treatment.

112. The fact-finding mission finds that there are reasonable grounds to believe that the Rapid Support Forces and their allied militias have committed the war crimes of violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture, committing outrages upon personal dignity, rape, sexual slavery and any form of indecent assault, pillage, conscripting or enlisting children under the age of 15 or using them to participate actively in hostilities, intentionally directing attacks against the civilian population, intentionally directing attacks against persons and objects involved in humanitarian assistance and other specially protected objects and ordering the displacement of the civilian population for reasons related to the conflict. The fact-finding mission also finds that there are reasonable grounds to believe that the Rapid Support Forces has committed the crimes against humanity of murder, torture, enslavement, rape, sexual slavery and acts of a sexual nature of comparable gravity, persecution on the basis of intersecting ethnic and gender grounds in connection with the foregoing acts and forcible displacement of population. The fact-finding mission, therefore, makes the recommendations set out below.

113. Sudanese people have endured much pain. Their suffering must stop, and their human rights must be protected. This cannot be done without ending the fighting. All efforts must be invested in reaching a sustainable ceasefire that would also enable the effective delivery of much-needed humanitarian assistance. Concerned by the rampant food insecurity in various parts of the Sudan and starvation, the fact-finding mission notes the agreement on opening the Adré border crossing with Chad as a step in the right direction. It applauds the various efforts to bring the parties to the negotiating table and urges any agreement reached, including a permanent cessation of hostilities, to take the findings and recommendations of this report into account.

114. Given the failure of the parties to protect civilians so far, the fact-finding mission recommends the deployment of an independent and impartial force with a mandate to protect civilians in Sudan. The protection of civilians is paramount, and the parties must comply with their obligations under international law. The Sudanese Armed Forces and the Rapid Support Forces and their respective allied militias must refrain from directing attacks against civilians or civilian objects, pillage and looting of property and committing outrages upon personal dignity, torture, rape and other forms of sexual violence, and recruitment and use of children. Ethnically motivated attacks must end. Commanders must issue explicit and detailed instructions to their forces and allied militias to refrain from unlawful acts, also in line with their commitments under the Jeddah Declaration. They must effectively investigate all violations and bring the perpetrators to justice.

115. The fact-finding mission considers that fighting will stop once the arms flow stops. Therefore, all States and entities must comply with the existing arms embargo in Darfur pursuant to Security Council resolution 1556 (2004) and subsequent resolutions. This embargo should be expanded to cover the entire country. The supply of weapons, ammunition and other logistical or financial support to any of the warring parties must end immediately as there is a risk that those supplying arms may be complicit in grave violations of human rights and humanitarian law. Businesses and private actors active in the Sudan must respect the Guiding Principles on Business and Human Rights.

116. **Forcible displacement must end and the communities that host refugees should be supported. The fact-finding mission applauds the generosity of host communities, including in the Central African Republic, Chad, Egypt, Ethiopia, Kenya, South Sudan and Uganda. It calls upon the international community to increase its financial and other support for Sudanese refugees and their host communities, who themselves face desperate humanitarian situations.**

117. **Rape and other forms of sexual violence must end. Women and youth should be enabled to meaningfully participate in any peace negotiations or initiatives, in line with Security Council resolution 1325 (2000), to ensure that they take into account their lived experiences and address their concerns. Recruitment and use of children must end, and children must be protected.**

118. **The impunity gap in the Sudan is among the key root causes of decades of continued violations. The fact-finding mission recommends that the Security Council expand the jurisdiction of the International Criminal Court to cover the entire territory of the Sudan. It urges the Sudan to cooperate with the Court through the surrender to it of all indicted persons, including the former President Mr. Al-Bashir.**

119. **To fully address accountability and to provide justice to victims, a path towards a comprehensive approach to transitional justice must be pursued based on inclusive dialogue and genuine consultations. The establishment of a separate international judicial mechanism working in tandem and complementarity with the International Criminal Court, as well as a truth commission and a victim support and reparation office, should urgently be considered.**

120. **The Sudan has a diverse population, endowed with ample resources. Its people deserve to live in peace and prosperity. Many Sudanese with whom the fact-finding mission spoke with stressed their wish to live in a peaceful, inclusive and human rights-oriented Sudan. They spoke of a representative and participatory government, encompassing all communities, where the equal rights of all citizens are respected, irrespective of their race, ethnicity, gender or economic status. This aspiration must be supported by the international community charting the way towards equality, justice and sustainable peace.**
