

Mandates of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; the Working Group on Arbitrary Detention; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on minority issues and the Special Rapporteur on violence against women and girls, its causes and consequences

Ref.: AL SDN 1/2026
(Please use this reference in your reply)

27 April 2026

Excellency,

We have the honour to address you in our capacities as Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; Working Group on Arbitrary Detention; Special Rapporteur on the right to education; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on minority issues and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 60/5, 60/8, 53/7, 52/9, 52/5 and 59/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **foreign military and logistical support, including the use of mercenaries and mercenary-related actors in the armed conflict which have been contributing to destabilize the situation in the country and to affect the result in the commission of atrocities and serious human rights violations of the people in Sudan.**

According to the information received:

On 25 October 2021, Lt. [REDACTED], Commander-in-Chief of the Sudanese Armed Forces (SAF), and Chairperson of the Transitional Sovereignty Council and General [REDACTED] Commander of the Rapid Support Forces (RSF) had jointly carried out a military takeover against the transitional civilian government in Sudan.

On 15 April 2023, hostilities broke out in Khartoum between the SAF and the RSF and quickly spread to other parts of the Sudan. The conflict spread to most of the states in the Sudan, with a devastating impact on the civilian population and civilian infrastructure across the country. An estimated 7, 259 million people have been forced from their homes within Sudan, and approximately 4,348,544 million more have left the country and allegedly, children have been also recruited as fighters.

Reportedly, military and logistical support by foreign powers, inclusive of the use of mercenaries and mercenary-related actors, have been utilised by both parties in the armed conflict, SAF and RSF, which have contributed to destabilizing the situation and to extending the hostilities, and consequently, affecting the human rights of people in Sudan.

Allegedly, SAF has received logistical, military, and material support from allied forces and militias in its war against RSF. This has reportedly included assistance in the form of the supply of arms and weapons, battlefield training and coordination, and training on the use of drones and aerial equipment. The supply and training on the use of drones have variously been used for intelligence, surveillance, reconnaissance, and in the planning and targeting of attacks.

Allied forces and militias have engaged in several reprisal attacks that have included shooting and killing unarmed civilians.

Mercenaries, mercenary-related actors and private military and security companies (PMSCs) are also known to have a presence in Sudan that are contributing to the escalation of the conflict with severe consequences for civilians.

While we do not wish to prejudge the accuracy of these allegations, we are deeply disturbed and express serious concern about the role of the foreign actors' involvement in the conflict between RSF and SAF and their contribution to prolong the humanitarian crises and to persist the violations of international humanitarian law and international human rights law in Sudan.

We are particularly concerned by the interference and military and logistical support by different foreign actors in Sudan to both parties in the conflict, SAF and RSF, through provision of fighters - including children -, auxiliary militia, weapons, ammunitions, air-missiles, military training, supplies and humanitarian aid, motivated by private gain, such as gold exploitation for business or smuggling.

We are also gravely preoccupied about the recruitment of children as fighters, deaths and injuries of non-combatant children, sexual and physical violence detention and enforced disappearance of women and girls. Deaths of children during airstrikes that hit civilian objects such as markets or schools and densely populated areas have been reported. For example, on 14 March 2024, the aerial bombardment of Hadra elementary school in South Kordofan, by the SAF, killed 13, including 11 children and 2 teachers.

We are particularly preoccupied with the impact of the foreign actors' contribution to the continuation of the conflict and its impact on the life of civilians in Sudan, such as deaths, injuries, extensive destruction of homes, hospitals, and schools, lack of food, drinking water and electricity), particularly in the states of Khartoum, Al-Jazirah and North Kordofan. We are also alarmed about extrajudicial killing, often, ethnically and geographically-based, arbitrary arrest and detention of civilians, Sexual violence, and unnecessary restriction of freedom of expression and access to information, attacks against journalists and human rights defenders. Access restriction including administrative impediments, to humanitarian aid for civilians has aggravated further the humanitarian situation¹. We are particularly alarmed by the shortage of food, drinking water and the lack of basic services and infrastructure including medical and psychological treatment as well as reparation in camps and gathering sites for internally

¹ See [A/HRC/57/23](#), 7 November 2024, (Para 86). [Report released by OHCHR Sudan](#) in November 2024 and [AL SDN 3/2024](#).

displaced persons notably women, children and people with disability who suffer immense trauma.

We are extremely worried about the situation of those deprived from their liberty including civilians, notably women, and those placed hors de combat, notably about torture and ill-treatment, the poor detention conditions including lack of access to adequate medical care in areas under the control of all parties of the conflict. We are also very concerned about the fate and the whereabouts of thousands of civilians and those placed hors de combat reported missing or disappeared since the beginning of the conflict, including women.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations, particularly with regard to foreign support to the hostilities as well as the presence of mercenaries, mercenary related actors, private military and security companies and foreign fighters.
2. Please also provide information on any bilateral agreements and/or Memorandum of Understanding on the use of foreign fighters, mercenary-related actors, and/or private military and security personnel between your Excellency's Government and other governments and/or legal entities and/or enterprises.
3. Please provide information regarding entities and companies providing private military and security services in Sudan, notably with regard to the nature of their activities, their owners, control and personnel as well as their clients, and the modes of recruitment, contracting, provision of services and how they are compensated for their services.
4. Please also provide information on how the companies involved are linked to one another and what is the existent chain of command, to whom they report, who is the responsible for activities and operations and how they can be held accountable under the Sudanese law.
5. Please explain the domestic legal framework and related regulation and oversight mechanisms applicable to mercenaries, mercenary-related actors, foreign fighters, and private military and security services provided by entities, particularly in relation to the use of force and the provision of private military and security services abroad.
6. Please highlight the steps that your Excellency's Government has taken, or is considering to take, to protect civilians against humanitarian and

human rights violations as above-described during the conflict between SAF and RSF.

7. Please provide information on what measures are being undertaken to prevent the participation of children in armed conflict.
8. Please highlight what access and remedy to justice your Excellency's Government has taken, or is considering to take, for victims who have suffered human rights abuses and violations committed by mercenaries, mercenary-related actors, foreign fighters and private military and security entities.
9. Please provide information on the measures undertaken or envisaged to prevent the use of mercenaries, mercenary-related actors, foreign fighters and private military and security companies (PMSCs) in the current armed conflict in Sudan.
10. Please provide information on any measures that have being undertaken regarding civilians who are missing or disappeared.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit a case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the letter of allegation and the regular procedure.

Please be informed that a related letter on this subject matter has also been sent to the Rapid Support Forces (RSF) with copy to your Excellency's Government, Central African Republic, Chad, Colombia, Ethiopia, Mauritania, Lybia, Niger, Panama, Somalia, South Sudan, in addition to GSSG, A4SI and Global Staffing; and another related letter on this subject matter has also been sent to the United Arab Emirates with

copy to Chad, Colombia, Panama and Somalia as well as GSSG, A4SI and Global Staffing.

Please accept, Excellency, the assurances of our highest consideration.

Michelle Small

Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Ganna Yudkivska

Vice-Chair of the Working Group on Arbitrary Detention

Farida Shaheed

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Nicolas Levrat

Special Rapporteur on minority issues

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of Your Excellency's Government to the relevant international norms and standards that are applicable to the issues raised by the situation described above.

In relation to the above-mentioned allegations, we would like to refer your Excellency's Government to the international customary law consolidated on the common article 3 of the Geneva Conventions of 12 August 1949, ratified by Sudan on 23 September 1957, ruling about non-international armed conflicts and the Additional Protocol II of 1977 of the Geneva Conventions, ratified by Sudan on 13 July 2006. These laws state that persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely without any distinction. Regarding the presence of the presence of mercenaries, mercenary related actors and private military and security companies in the Sudanese territory, we would like to recall that as per article 1 of the Geneva Conventions, States must not only ensure respect by their own armed forces, but also by other groups or persons acting on their behalf and the population as a whole. All States must refrain from providing aid or assistance to the commission of violations and work actively to ensure compliance with international humanitarian law.

Moreover, articles 7, 9, 10, 19 and 27 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Sudan on 18 March 1986, which prohibits torture and other cruel, inhuman or degrading treatment or punishment and provide that persons deprived of their liberty are to be treated with dignity and humanity, as well as liberty from arbitrary arrest and detention, the right to freedom of opinion and expression and the rights of persons belonging to minorities.

Particularly regarding the arbitrary arrest and detention, article 9 of the ICCPR provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. In this regard, we wish to emphasize that in accordance with the jurisprudence of the Working Group on Arbitrary Detention, enforced disappearances constitute a particularly aggravated form of arbitrary detention. Further, as stated in the jurisprudence of the Working Group on Arbitrary Detention and in general comment no. 35, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression, is arbitrary.

As for the suppression of freedom of expression, including media freedom and access to information, article 19 of the ICCPR guarantees the right of all persons to freedom of expression, encompassing the freedom to seek, receive and information and ideas of all kinds, which includes freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. Any restrictions on freedom of expression must be strictly limited and meet the high threshold set out in article 19 (3) of the Covenant, following which any limitations must be determined by law and conform to the strict

tests of necessity and proportionality. As underlined by the Human Rights Committee in its general comment no. 34, attacks on persons because of the exercise of their freedom of expression, including in the form of arbitrary arrest, cannot under any circumstance be compatible with article 19. The Committee states that States parties to the ICCPR have a duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression. Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” ([CCPR/C/GC/34](#), para. 23).

Regarding the shortage of food and drinking water, the destruction of homes, schools and hospitals as well as lack of medical facilities in the detention centers and the lack of infrastructure of the internally displaced persons, we recall the articles 11, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights of 1966 (ICESCR), acceded by Sudan in 18 March 1986, which states that the right to housing, education and health shall be ensured by its States Parties.

Regarding the acts of rape and sexual and gender-based violence against women in conflict affected areas, we would like to stress that these acts of gender-based violence are strictly prohibited by international humanitarian law and constitute a grave breach of the Geneva Conventions. When committed in the context of armed conflict, such acts are prohibited through (i) grave breaches provisions such as article 147 of the Fourth Geneva Convention and article 85 of Additional Protocol I, which prohibit torture, inhuman treatment, and willfully causing great suffering or serious injury to body and health; (ii) Common article 3, which prohibits violence to life and person, cruel treatment and torture, and outrages upon personal dignity; and other provisions, such as article 27 of the Fourth Geneva Convention, articles 75-77 of Additional Protocol I and article 4(2) of Additional Protocol II, which explicitly prohibit attacks against women, including rape, enforced prostitution and any form of indecent assault. Moreover, the article 34 of the Convention on the Rights of the Child of 1989, ratified by Sudan in 3 August 1990, engage the States Parties to protect the child from all forms of sexual abuse.

As well, regarding the recruitment of children as fighters as well as the physical violation and deaths, the Convention on the Rights of Child recognizes that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding and should be ensured the right to health (article 27) and right to education (article 28).

We also would like to recall the Jeddah Declaration of Commitment to Protect the Civilians of Sudan of 11 May 2023, agreeing that the interests and well-being of the Sudanese people are our top priority and the Security Council Resolution ([S/RES/2736](#), of 13 June 2024) requesting for the full implementation of the Declaration and that parties to the conflict allow and facilitate the rapid, safe, unhindered and sustained passage of humanitarian relief for civilians in need.

We would like to draw your attention to the Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict recalls existing legal obligations of States and private military and security companies and their personnel and draws on various international and human rights agreements and customary international laws, including the references above. In particular, the document reaffirms in its paragraphs 9 and 10 that “Territorial States have an obligation, within their power, to ensure respect for international humanitarian law by PMSCs operating on their territory, in particular to:

- a) disseminate, as widely as possible, the text of the Geneva Conventions and other relevant norms of international humanitarian law among PMSCs and their personnel;
- b) not encourage or assist in, and take appropriate measures to prevent, any violations of international humanitarian law by personnel of PMSCs;
- c) take measures to suppress violations of international humanitarian law committed by the personnel of PMSCs through appropriate means such as military regulations, administrative orders and other regulatory measures as well as administrative, disciplinary or judicial sanctions, as appropriate”

Moreover, States are required to enact legislation to provide effective penal sanctions, to search, and to bring before its courts persons alleged to have committed or ordered to be committed the wilful killing or wilfully causing great suffering or serious injury to body or health of a civilian.

We also wish to refer to the global study of national regulations of private military and security companies published by the former Working Group on the use of mercenaries ([A/HRC/36/47](#)) and the Working Group’s report on the evolving forms, trends and manifestations of mercenaries and mercenary-related activities ([A/75/259](#)), which pointed to the difficulties in preventing and holding private military and security personnel accountable for their actions, including in situations of armed conflict. In another thematic report, on the role of mercenaries, mercenary-related actors and private military and security companies in the trafficking and proliferation of arms, the Working Group highlights that most vulnerable regions enabling environment for mercenaries and private military and security companies are those involved in prolonged armed conflicts and/or have vulnerable political situation ([A/HRC/57/45](#), para. 42).

On the gold smuggling, we would like to refer to the Working Group’s 2019 thematic report, Relationship between private military and security companies and the extractive industry from a human rights perspective ([A/HRC/42/42](#)), it refers that “a private military or security company and its personnel providing services to an extractive company in a situation of armed conflict is therefore bound by the rules set out under international humanitarian law, and should respect human rights”(para. 38).