

Mandates of the Special Rapporteur on the human rights of internally displaced persons; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

Ref.: AL SDN 3/2025

(Please use this reference in your reply)

23 September 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the human rights of internally displaced persons; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 59/12, 54/14, 53/4, 52/36, 58/14, 52/7, 59/20 and 59/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning serious allegations of violations of international human rights law and international humanitarian law committed against civilians in the context of the ongoing conflict in Sudan since April 2023. Reported violations include large-scale and systematic internal displacement; indiscriminate attacks and killings of civilians (including women and girls); summary executions of civilians and persons hors de combat; enforced disappearances; torture and other cruel, inhuman or degrading treatment or punishment, including sexual torture; as well as the looting and destruction of homes and civilian infrastructure. Further allegations point to the obstruction of humanitarian assistance and the imminent risk of additional civilian deaths as a result of continued violence. Some of these acts, addressed in detail in previous communications addressed to your Excellency's Government such as SDN 1/2025 and SDN 2/2024 may amount to crimes under international law.

According to the information received:

Indiscriminate Killings and Attacks on Civilians

The ongoing conflict in Sudan has precipitated a humanitarian crisis marked by widespread indiscriminate killings and attacks on civilians, contravening international humanitarian law. Both the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) have been implicated in numerous violations, including aerial bombardments, ground assaults, and the targeting of civilian infrastructure. These actions have resulted in thousands of civilian casualties

and have exacerbated the displacement of over 12 million individuals, making it one of the most severe displacement crises globally.

Between 1 January and 30 June 2025, at least 3,245 civilians were reportedly killed in indiscriminate attacks involving air and drone strikes, grenade attacks, explosive ordnance incidents, shelling, artillery fire, and missile strikes. The SAF reportedly carried out over 305 air/drone strikes, killing more than 1,335 civilians. These included the use of unguided airdropped bombs on residential and commercial neighbourhoods, notably in Nyala, South Darfur. The RSF allegedly conducted 95 air/drone strikes during the same period, causing 242 civilian deaths – a marked increase from only 18 such strikes in 2024 – indicating expanded drone capabilities and a heightened risk to civilians in conflict areas. Fatalities from SAF and RSF drone strikes were reported in Abu Abad and Al Fula, West Kordofan; Al Fasher, North Darfur; Al Obeid, North Kordofan; Khartoum city and Um Durman, Khartoum state; and Nyala, South Darfur. Civilians living near military targets were reportedly particularly exposed, forcing many residents to flee.

Reports also indicate targeted and ethnically motivated killings. Between January and June 2025, more than 520 violent attacks against civilians resulted in at least 1,865 deaths. In North Darfur, reports received by the experts highlighted that in July 2025 that RSF forces assaulted or killed men from non-Arab communities, particularly the Zaghawa, whom they suspected of collaborating with SAF. In April 2025, RSF forces allegedly killed Zaghawa civilians in Darfur. Following SAF's recapture of Wad Madani, Al Jazirah, in January 2025, RSF reportedly initiated ethnicity-based attacks on civilians in Abugoota, Abu Ushar, Albashagra, and Rufaa. SAF and allied militias, including the Sudan Shield Forces, have also allegedly carried out reprisal killings and other abuses against ethnic communities from western Sudan, Darfur, and South Sudan, including the Kanabi group, in Al Jazirah. In Tayba, Al Jazirah, in early 2025, Sudan Shield Forces reportedly targeted civilians perceived to be RSF supporters. After recapturing parts of Khartoum in early 2025, SAF allegedly conducted reprisal attacks, including killings, against civilians suspected of collaborating with RSF. In February 2025, women and children were reportedly used as human shields during hostilities in Kadugli, South Kordofan, though the perpetrators remain unidentified.

In addition, brutal attacks by the RSF on the besieged city of El Fasher and the adjoining Abu Shouk camp for displaced persons in North Darfur, Sudan, resulted in the killing of at least 89 civilians over a 10-day period up to 20 August 2025.

We also received allegations of deliberate targeting of civilian infrastructure essential for survival. Between January and June 2025, there were 38 confirmed or probable incidents of violence or obstruction affecting health services, with more than 70 per cent of health facilities in conflict-affected areas reportedly non-functional. Attacks on power stations and fuel facilities have led to widespread electricity outages, severely disrupting healthcare and other essential services. In May 2025, coordinated RSF drone strikes in Port Sudan damaged the international airport – forcing its closure from 4 to 6 May 2025 –

a major fuel depot, and a key electricity substation, causing fires, explosions, and a citywide blackout that impeded humanitarian operations and displaced more than 3,000 civilians. Additional civilian infrastructure, including schools, airports, and irrigation channels, has also been affected, disrupting education, healthcare, and access to clean water.

Humanitarian personnel and operations have also been targeted. Between 1 January and 30 June 2025, 32 attacks on aid workers were recorded, killing 35 people. On 2 June 2025, an attack on a 15-truck humanitarian convoy transporting essential food and nutrition supplies resulted in the deaths of five responders; the perpetrators remain unidentified. Insecurity has forced the suspension of life-saving humanitarian activities, including the World Food Programme's food distributions in Zamzam camp, North Darfur, from 26 February 2025, and Médecins Sans Frontières' operations in Bashair Teaching Hospital, one of the last functioning hospitals in Khartoum, between 10 January and 9 May 2025.

Most recently, preliminary reports received by the experts indicate that, on 11 August, at least 57 civilians were killed in a large-scale attack on the besieged city of El Fasher, including 40 internally displaced people in the adjoining Abu Shouk camp, in Sudan's North Darfur state. The reported attack is the latest in a series of RSF assaults on camps for displaced people in and around El Fasher. Between January and June 2025, the Abu Shouk camp came under attack by the RSF at least 16 times, leaving at least 212 internally displaced persons (IDPs) dead and 111 others injured.

Particularly egregious incidents include the April 2025 assault on the Zamzam displacement camp, where RSF forces reportedly killed over 2,000 displaced civilians, many of whom were women and children. Survivors recounted mass executions, abductions, and sexual violence, with humanitarian workers among the victims. Similarly, in June 2025, an airstrike on the al-Mujlad hospital in West Kordofan resulted in the deaths of more than 40 civilians, including health personnel, highlighting the deliberate targeting of medical facilities.

In the latest reports received by the experts in attacks taking place between 16 and 20 August 2025, at least 32 civilians were killed. Experts remain particularly alarmed by the fact that among the most recent spate of civilian killings, 16 appear to have been cases of summary executions. Most of the victims were killed in Abu Shouk camp and belonged to the African Zaghawa tribe, according to information received. In another case in the El Fasher area, a victim was asked which tribe he belonged to. He was killed after responding that he was from the African Berti tribe. This pattern of attacks on civilians and wilful killings, which are serious violations of international humanitarian law, deepens our concerns about ethnically motivated violence.

The sustained bombardments, obstruction of humanitarian relief, and attacks on critical infrastructure appear to form part of a deliberate strategy to subjugate the civilian population through hunger, fear, and exhaustion. There is no safe passage out of El Fasher; roads are blocked, and those attempting to flee face attacks, extortion at checkpoints, discrimination, and, in some cases, death.

Survivors have reported being looted of even essential items such as water and having to dig graves along escape routes for those who died or were killed during the journey.

In addition, the presence of landmines has been confirmed at multiple locations, including anti-personnel mines in Mogran, Khartoum and anti-vehicle mines in Omdurman and Bahri, exacerbating risks for civilian population of those areas, posing extreme danger for humanitarian agencies and returned IDPs and refugees, while also presenting a threat to durable solutions to displacement, including returns.

It is alleged that these actions constitute violations of international human rights law and international humanitarian law, including the principles of distinction, proportionality, and precaution.

Sexual abuse, sexual exploitation and violence against women and girls, including sexual torture

Gender-based violence (GBV) remains a severe and pervasive threat in Sudan, affecting an estimated 12.1 million people. Conflict-related sexual violence (CRSV) is widespread, with women and girls – particularly those in IDP camps, areas of shifting control, and from targeted ethnic groups such as the Masalit and Nuba – facing disproportionate risk.

Since the outbreak of the conflict, at least 368 incidents involving 521 victims have been documented. More than half of these cases involved rape, often ethnically motivated and targeting internally displaced women and girls. Actual numbers are believed to be far higher due to pervasive underreporting linked to stigma, fear of retaliation, and the collapse of medical and legal systems.

The majority of documented CRSV incidents are attributed to the RSF and affiliated groups, though the SAF and other armed actors are also implicated. Verified cases include rape, gang rape, sexual slavery, forced marriage, sexual exploitation in detention, and abductions for sexual purposes. Survivors face severe physical, psychological, and socio-economic consequences, while access to care remains critically limited, with only 27 per cent of health facilities able to provide clinical management of rape.

Reports received by the experts describe patterns of extreme violence against women and girls, often perpetrated with alarming brutality, including for instance rape cases against children since the beginning of 2024. There are an additional 77 cases of sexual assault against children, primarily attempted rape cases. Of the 221 child rape survivors, 147 children, or 67 per cent, are girls. It is also important to note that 33 per cent of survivors are boys. This requires specific attention as they may face stigma and unique challenges in reporting, seeking help, and accessing services. Shockingly, 16 child rape survivors were under 5 years of age, including four one-year-olds. It is also worth noting that in 2024, the number of documented grave violations against children in Sudan was 16 per cent higher than in 2023, which was already a 473 per cent increase from 2022.

In addition to rape and gang rape, which as described herein are likely to also constitute violations of the prohibition on torture and/or other ill-treatment, soldiers and affiliated militias have allegedly also subjected women and girls to other forms of torture and other cruel, inhuman or degrading treatment including beatings, cutting them with sharp blades and pouring hot and melting liquid on their bodies, inflicting women with severe bodily injuries.

Armed actors from both sides and associated militias have been documented forcibly entering homes and, at gunpoint, demanding that families surrender their daughters – frequently accompanied by physical assaults on family members and instances of rape committed in the presence of relatives. Armed men have also threatened and assaulted children during flight from conflict-affected areas, including at checkpoints and along escape routes. Survivors report cases of repeated rape by multiple perpetrators following abduction and confinement in private residences. Girls who became pregnant as a result of rape face profound social stigma, often experiencing rejection by their families and exclusion from their communities, compounding the physical and psychological trauma of the assault.

Rape, gang rape, sexual slavery, and other forms of sexual violence committed in the context of armed conflict are serious violations of international humanitarian law that amount to war crimes, including the crime of torture and other inhumane acts against protected persons. They also violate several human rights, including the rights to equality and non-discrimination, to physical security and integrity, to physical and mental health and the absolute prohibition of torture and the prohibition of other ill-treatment.

According to insights shared by experts in earlier communication (SDN 2/2024), a significant number of women who became pregnant have faced serious barriers in accessing timely medical attention. This includes critical services such as rape kits, emergency contraception, and abortion care.

Due to the extremely restricted availability of safe, medically supervised abortion procedures, many survivors with unintended pregnancies have reportedly turned to unsafe methods carried out by unqualified individuals — exposing themselves to life-threatening risks and severe health complications. In addition, the absence of adequate psychological support has allegedly led to devastating outcomes, including cases of suicide among survivors.

Internal Displacement

As Sudan enters its third year of armed conflict, violent clashes between RSF, its allied militias, and military government forces have caused mass internal displacement. Between April 2023 and December 2024, more than 27,000 people were killed nationwide. Over 12 million people have been forced from their homes, including 8.6 million internally displaced persons and more than 3 million who have sought refuge in neighbouring countries. Sudan is now the epicentre of the largest displacement crisis in the world.

Large numbers of civilians have been killed and injured as a result of frequent and indiscriminate attacks carried out by both the SAF and the RSF, often employing explosive weapons with wide-area effects in and from densely populated civilian neighbourhoods. In Darfur, Gezira, and Khartoum states, civilians have been deliberately targeted, while indiscriminate shelling of residential areas and airstrikes have caused mass civilian casualties across the country. These attacks have resulted in the displacement of hundreds of thousands of people, many of whom had already been uprooted by earlier cycles of conflict.

The Zamzam IDP camp in North Darfur, formerly sheltering over 400,000 people, has seen more than 332,000 civilians flee amid relentless bombardment. Allegations include indiscriminate shelling, deliberate targeting of civilian infrastructure, and collapse of health, food, and water services, directly affecting the humanitarian principles of distinction, proportionality, and precaution.

In addition, for over fourteen months, the civilian population of El Fasher has remained under siege. The city has been subjected to sustained aerial and artillery bombardments, compounded by the deliberate use of starvation as a method of warfare. Humanitarian assistance has been systematically denied entry for months, while traders have faced attacks and farmers have been prevented from planting. Reports indicate the diversion and hoarding of food supplies for military purposes, further exacerbating civilian suffering. With markets depleted, movement of goods heavily taxed, and prices escalating sharply, civilians have been forced to consume animal fodder for survival, the remaining stocks of which are nearing exhaustion. In the absence of safe shelter, some civilians have resorted to digging holes in the ground to shield themselves from ongoing shelling.

We have also received disturbing reports from the ground that during attacks on 16 August at least 40 internally displaced men were abducted. Their whereabouts remain unknown.

These displacements place overwhelming pressure on already fragile systems, leaving millions without adequate access to protection, shelter, healthcare, water, or food. Such conditions exacerbate the vulnerability of displaced populations, including women, children, older persons, and people with disabilities.

According to received reports, over 1.3 million Sudanese, including one million IDPs and more than 300,000 refugees, have returned to areas of origin despite ongoing insecurity and devastation of essential infrastructure. While voluntary repatriation and return may represent a sign of resilience, we underscore that, under international human rights and humanitarian law, all returns must be voluntary, safe, dignified, and sustainable. Reports of coercion and pressure on IDPs to return prematurely raise serious concerns of violations of the principle of non-refoulement and the prohibition of forced return. At the same time, the repeated attacks by the RSF on IDP camps in Darfur, including Zamzam and Abu Shouk, have resulted in civilian deaths, destruction of shelters and medical

facilities, and further displacement, thereby depriving IDPs of protection and safe alternatives.

Abduction, Kidnapping, Enforced Disappearance, and acts tantamount to, Arbitrary Detention, torture and/or other cruel, inhuman or degrading treatment or punishment

The experts have received reports indicating that abductions, kidnappings, enforced disappearance and acts tantamount to, and arbitrary detentions have become pervasive tactics in the ongoing conflict by RSF, SAF, and affiliated militias in Sudan. Since April 2023, credible sources report thousands of cases, with official monitoring between December 2023 and November 2024 documenting 2,309 enforced disappearances or acts tantamount to, while estimates suggest the true figure may exceed 50,000 individuals. Those affected include men, women, children, humanitarian workers, and civil society actors. Areas most affected include Khartoum, Darfur, and Kordofan, with abductions often targeting individuals or groups perceived to oppose armed forces or belonging to specific ethnic communities.

Arbitrary detention has similarly been reported on a wide scale. Detention often occurs without charges, access to legal representation, or due process. Reports from multiple facilities indicate extreme overcrowding, lack of food, water, and medical care, and widespread physical abuse, including torture and/or other ill-treatment. In May 2025, at least 465 individuals reportedly died in a RSF-controlled detention site in Khartoum. Those detained include civilians accused of affiliation with opposing forces, human rights defenders, and family members of alleged combatants. The use of detention as a punitive and coercive tool has contributed to a climate of fear and impunity in conflict-affected areas.

Women, girls, and children are particularly vulnerable to these abuses. Female detainees and abductees frequently reportedly experience sexual violence, abuse, or coercive confinement alongside children. Families are sometimes collectively targeted, leaving many individuals missing for prolonged periods. Children are at heightened risk of forced recruitment, detention, or being taken hostage. The convergence of abduction, enforced disappearance, and arbitrary detention exacerbates the vulnerability of internally displaced persons and other civilians, leaving them without protection or recourse to justice and severely undermining fundamental human rights across Sudan.

We express our grave concern that the acts described above, if confirmed, may constitute serious violations of international humanitarian law and human rights law, including the principles of distinction, proportionality, and precaution, as well as violations of international human rights law, including the right to life, liberty, and security of person, the absolute prohibition on torture, the prohibition of discrimination, and the prohibition on enforced disappearance. Many of these acts appear to constitute war crimes and crimes against humanity, including murder of civilians, attacks on civilians and civilian property, launching indiscriminate and disproportionate attacks, sexual and gender-based violence, starvation, forced displacement and acts of violence intended to spread terror amongst the civilian population.

We are particularly concerned about the reported targeting of civilians on ethnic grounds, the killing of children, sexualized forms of harm amounting to torture, and attacks on humanitarian personnel and infrastructure indispensable to the survival of the civilian population. Internally displaced persons, refugees, and women appear to be disproportionately affected. These violations not only result in physical and psychological harm to individuals and their families but also contribute to the broader destabilization of already vulnerable communities.

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.
2. Please clarify what measures have been taken or are envisaged to avoid attacks on civilians and civilian infrastructure, including the use of disproportionate and indiscriminate attacks and weapons that are by nature indiscriminate, the use of starvation as a method of warfare, attacks against objects indispensable to the survival of the civilian population, and other violations of international humanitarian law
3. Please provide information on steps taken to receive complaints and undertake investigations into the above-mentioned allegations, including those of torture and other ill-treatment.
4. Please clarify what measures were taken or are envisaged to provide protection and assistance to those displaced, including alternative adequate housing, water, essential food and medical services, and other forms of humanitarian and/or legal assistance.
5. Please provide information on steps undertaken to investigate allegations of coercion, intimidation, or forced returns of IDPs, including accountability mechanisms for violations.
6. Please provide information on the measures undertaken or envisaged to prevent further arbitrary displacement, provide protection and assistance to IDPs, as well as to investigate violations of their rights and ensure remedy and accountability.
7. Please provide information on the measures undertaken or envisaged to guarantee safe and regular access to humanitarian assistance, ensure that international and national humanitarian actors can safely access affected victims and communities in need of assistance, investigate attacks against humanitarian personnel and hold perpetrators accountable. Please also provide detailed information on the measures undertaken by

your Excellency's Government to address the reported presence of landmines and other explosive remnants of war in conflict-affected areas. In particular, we would appreciate clarification regarding steps taken to ensure systematic mine clearance, risk education for affected communities, and the establishment of effective mechanisms for victim assistance and rehabilitation.

8. Please clarify what measures have been taken or are envisaged to ensure durable solutions for those affected, including access to effective remedies and justice for rights violations experienced during displacement.
9. Please provide information on the issuance, content, and dissemination of the SAF's announced and adopted directives. In particular, clarify whether the directives include explicit prohibitions against sexual and gender-based violence, torture and other ill-treatment, and the mechanisms in place to monitor their enforcement across the chain of command and ensure accountability for violations. Please remind soldiers under your authority that there is no defense of superior orders for committing torture including sexual torture.
10. Please indicate measures taken by your Excellency's Government to ensure that women and girls survivors of sexual violence have adequate access to healthcare, including sexual and reproductive healthcare (eg: access to safe abortion, contraceptives, pre- and post-partum care, and psychological care).
11. Please provide information on what measures have been taken to prevent sexual violence and other gender-based violence against women and girls.
12. Please provide information on any investigation, prosecution and punishment of perpetrators of sexual and gender-based violence during the conflict, including against women and women human rights defenders, as well as measures taken to ensure that such processes are gender-sensitive and survivor-centered.
13. Please provide information on the measures taken to prevent the sexual exploitation and abuse of children, as well as efforts made to identify, rescue and refer child victims of these crimes in line with their best interests for reintegration.
14. Please provide information on the measures undertaken for the provision of remedy, assistance, protection, rehabilitation, recovery and redress for victims of sexual- and gender-based violence and torture and other ill-treatment.
15. Please indicate what measures are being taken to investigate alleged violations and prosecute and punish perpetrators, in accordance with international standards.

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 to clarify the issues in question.

Please be informed that a letter in this subject has also been sent to the Rapid Support Forces. We stress that this letter does not in any way imply the expression of opinion concerning the legal status of the Rapid Support Forces.

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

Paula Gaviria
Special Rapporteur on the human rights of internally displaced persons

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Morris Tidball-Binz
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K.P. Ashwini
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Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

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

Claudia Flores
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights and humanitarian law

In connection with the above alleged facts and concerns, we would like to draw your attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

In this regard, we would like to refer to article 3 of the Universal Declaration of Human Rights which provides that every individual has the right to life, liberty and security of the person. The right to life constitutes a jus cogens, peremptory norm from which no derogation is permitted. It applies at all times including during armed conflicts. We further highlight that an integral part of the right to life is the conduct of thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. We would also refer to article 12 of the UDHR recognizing the right of everyone not to be subjected to arbitrary interference with his or her privacy, family, home or correspondence.

Additionally, we would like to refer to the International Covenant on Civil and Political Rights (ICCPR), to which Sudan acceded on 18 March 1986. Article 6 of the Covenant guarantees the inherent right to life, which must be protected by law, and prohibits arbitrary deprivation of life under all circumstances. Article 9 provides for the prohibition of arbitrary arrest or detention. Article 12 further guarantees the right to liberty of movement and freedom to choose one's residence, which includes protection against arbitrary displacement.

Article 5 of the Universal Declaration of Human Rights (UDHR); article 7 of the International Covenant on Civil and Political Rights (ICCPR); article 37(b) of the Convention on the Rights of the Child; and at least articles 1, 2 and 16 of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Convention against Torture) prohibit torture and other cruel, inhuman or degrading treatment or punishment. The prohibition on torture has attained the status of a peremptory norm of international law for which no exceptions or derogations are permissible. Article 10 of the ICCPR also requires that all persons deprived of their liberty be treated with dignity and respect.

Attached to such prohibition are obligations to criminalize and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute or extradite suspects, to punish those responsible and to provide remedies to victims.¹

States parties to the Convention against Torture –Sudan acceded to the Convention on 10 August 2021 - have explicit treaty duties to establish all acts of torture as offences under domestic law (art. 4), to exercise jurisdiction over said offences (art. 5), to receive complaints and examine them promptly and impartially (art. 13), and to investigate those allegations promptly and impartially (art. 12).

¹ For full explanation of the obligations to criminalize, investigate and prosecute the crimes of torture and related ill-treatment, see Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/77/502): <https://documentsddsny.un.org/doc/UNDOC/GEN/N22/610/77/PDF/N2261077.pdf?OpenElement>

Defendants cannot rely on orders of a superior or public authority, or states of emergency, to exonerate their actions (art. 2 (3) and 2(2)), while any legal mechanisms which interfere with that obligation, such as statutes of limitations, immunities or amnesties, are considered contrary to the non-derogable nature of the prohibition (art. 2(2)). Amnesties provided at domestic law do not remove criminal liability pursuant to international tribunals or universal jurisdiction. Prosecutors and courts have a duty to refuse evidence obtained, or suspected of having been obtained, through torture or other illicit means (art. 15).

Victims are to be protected from reprisals or intimidation during said investigations (art. 13) and they have an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible (art. 14).

States parties to Convention against Torture have overarching obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment via effective legislative, administrative, judicial and other measures (articles 2 and 16), to educate and train relevant personnel including military officials on the prohibition (article 10) and to keep all rules, instructions, methods and practices relating to interrogation, custody and treatment under systematic review (article 11).

Under international humanitarian law, torture and other inhumane acts are likewise absolutely prohibited.

Sexual torture – like all other forms of torture – is strictly prohibited under international law (A/77/502, para. 29; A/79/181). Sexual assaults committed by warring parties are almost always torture.² The Trial Chamber of the International Criminal Tribunal for Rwanda found “Like torture, rape is used for such purposes as intimidation, degradation, humiliation, discrimination, punishment, control or destruction of the person. Like torture, rape is a violation of personal dignity”.³ The International Criminal Tribunal for the former Yugoslavia held that forcing male prisoners to commit sexual acts against each other⁴, and forcing people to watch other people being raped⁵, constitute torture or cruel and inhuman treatment. The International Criminal Court has found that rape and sexual violence against abducted women constitutes torture as a crime against humanity and a war crime.⁶

Every international and regional human rights body (courts and committees) has recognized rape and other sexual assaults of comparable gravity as torture or cruel, inhuman or degrading treatment or punishment, and has placed a priority on victims of war violence (see further A/79/181).

² Ibid., para. 21

³ International Criminal Tribunal for Rwanda, *Prosecutor v. Akayesu*, ICTR-96-4-T, Judgment of 2 September 1998, para. 687.

⁴ International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Tadić*, IT-94-1-T, Judgment of 7 May 1997, paras. 206, 726, and 730.

⁵ International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Furundžija*, IT-95-17/I-T, Judgment of 10 December 1998, paras. 266–269.

⁶ International Criminal Court, *Prosecutor v. Ongwen*, ICC-02/04-01/15, Judgment of 4 February 2021, paras. 3072–3077

We would like to recall that all parties to the conflict are under an obligation to distinguish between combatants and civilians and to direct attacks only against combatants (see also rules 1, 6 and 7 of the International Committee on the Red Cross, [study on customary International Humanitarian Law](#) (“the Customary Rules”). Indiscriminate attacks are prohibited (rule 11 of the Customary Rules). Further, launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, or damage to civilian objects, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited (rule 14 of the Customary Rules). Parties to the conflict must “do everything feasible to verify that targets are military objectives” (ICRC study, rule 16) and take all feasible precautions to avoid and minimize incidental loss of civilian life (rule 15 of the Customary Rules). We further remind that extensive destruction of property not justified by military necessity and carried out unlawfully or wantonly constitutes a war crime (rule 156 of the Customary Rules).

Additionally, the State has a duty to investigate alleged or suspected violations of article 6 including in situations of armed conflict in a prompt, effective, thorough, independent, impartial and transparent manner, and that all persons identified by the investigation as having participated in crimes of extra-legal or arbitrary killings, should be brought to justice and punished with sentences commensurate with the gravity of the crimes committed (general comment 36). Failure to properly, independently and reliably investigate the killing, with a view to holding accountable those responsible, would in itself constitute a grave violation under international law. In this respect, we refer to the United Nations Revised Manual for the Effective Investigation of Extra-Legal, Arbitrary and Summary Executions also known as the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) (“The Minnesota Protocol”), which provides detailed guidelines on the duty to investigate potential unlawful deaths “promptly, effectively and thoroughly, with independence, impartiality and transparency.”

We would like to highlight the importance of ensuring the protection of the bodies and human remains of victims of potentially unlawful death including to facilitate investigations and respect the rights of families of victims. In this regard we note that parties to a conflict must take all possible measures to search for the dead in a timely manner, especially following the cessation of hostilities, to prevent the despoilment of remains; and prevent the mutilation or mistreatment of dead bodies (rules 112 and 113, of the Customary Rules). The dead must be disposed of in a respectful manner and their graves respected and properly maintained (rule 115). Additionally, parties to the conflict must record all available information prior to disposal of remains, mark grave locations and endeavour to facilitate the return of remains where requested to the next of kin or the party to the conflict to which they belong (rules 114 and 116).

In addition, particularly with regard to reports of targeted and ethnically motivated killings, we would like to refer to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which Sudan acceded to on 21 March 1977. Article 2 of ICERD contains a comprehensive prohibition on all forms of racial discrimination. Article 5 contains obligations for States to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the

law. Article 5 explicates that equality before the law applies to a range of rights, including the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.

The Declaration on the Elimination of Violence against Women, adopted by the United Nations General Assembly resolution 48/104 of 20 December 1993, states that women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. Especially, we would like to bring to your attention article 4(c and d) of the Declaration, which calls for due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.

Moreover, article 4(g) notes the importance of ensuring that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.

In this context, we also like to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), updated by general recommendation No. 35 (2017), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women, ratified by Sudan on 30 May 1985, whether perpetrated by a State official or a private citizen, in public or private life. Sudan also ratified the Convention on the Rights of the Child (CRC) on 3 August 1990, which requires the State to protect children from all forms of violence, sexual abuse, and exploitation (articles 19 and 34), and to respect the rights of children affected by armed conflict (article 38).

The CEDAW Committee considers that parties are under an obligation to act with due diligence to investigate all crimes perpetrated against women and girls, to prosecute and punish perpetrators, and to provide effective reparations without delay. In general recommendation No. 35, the Committee clarifies that parties are responsible for acts or omissions of its organs and agents that constitute gender-based violence against women.

This includes the acts or omissions of officials in its executive, legislative and judicial branches. Furthermore, parties are responsible for investigating, prosecuting and applying appropriate legal or disciplinary sanctions, as well as providing reparation, in all cases of gender-based violence against women, including those constituting international crimes, and in cases of failure, negligence or omission on the part of public authorities. The Committee also indicates that gender based violence against women, including rape, can amount to torture or cruel, inhuman or degrading treatment in certain cases, and that some forms of gender-based violence may constitute international crimes (see also general recommendation No. 30 on this).

The Committee recommended that sexual assault, including rape, should be characterized as a crime against the right to personal security and physical, sexual and psychological integrity and time limitations, where they exist, should prioritize the interests of the victims/survivors and give consideration to circumstances hindering their capacity to report the violence suffered to the competent services or authorities. It also recommended to provide effective reparations to victims/survivors of gender based violence against women, which should include different measures, such as monetary compensation, the provision of legal, social and health services, including sexual, reproductive and mental health services for a complete recovery, and satisfaction and guarantees of non-repetition, in line with previous recommendations (i.e., Nos. 28, 30 and 33).

Additionally, the Working Group on discrimination against women have found that non-State armed groups have often subjected women and girls to various forms of gender-based violence, including abductions and detentions, forced marriage or sexual slavery, and forced recruitment for combatant or support roles in conflicts (A/HRC/41/33, para. 72). The Working Group explained that such violations are motivated in part by the desire to impose a social order based on a strict division of gender roles and the subjugation of women. The Working Group has recommended that States effectively protect women and girls from non-State armed groups or criminal gangs, guarantee the non-recurrence of violations, and provide comprehensive and appropriate services and reparation to survivors (para. 82).

Furthermore, the Working Group, in its report on sexual and reproductive rights in crisis (A/HRC/47/38), also stressed that crisis responses must be gendered and require a combination of emergency and long-term measures. They must be developed and implemented with the active participation of women and girls, taking into account their urgent medical needs and the pervasive structural discrimination against them, while protecting individual autonomy and freedoms, through a coordinated and holistic approach. The Working Group stressed that sexual and reproductive health matters are intrinsic to every woman and girl and tied to their ability to live with dignity and exercise their agency. It expressed deep concern about the widespread impunity for violations of the sexual and reproductive health rights of women and girls. The experts emphasized that women and girls are entitled to receive adequate reparations, including restitution, compensation, satisfaction, rehabilitation and guarantees of non-repetition, for violations of their sexual and reproductive health rights, and States have a core obligation to ensure access to effective and transparent reparations. The Working Group recommended expanding the availability of sexual and reproductive health services, including through telemedicine and mobile clinics, to reach diverse populations. The Working Group also recommended ensuring access to a full range of contraceptive information and services for women and girls, including emergency contraceptives. It recommended expanding access to safe abortion services, including medical abortion and post abortion care, and removing legal barriers to abortion, in particular in situations of crisis.

Regarding the acts of rape and sexual and gender-based violence against women and girls in conflict affected areas, we would like to stress that these acts of genderbased violence and sexual torture are strictly prohibited by international humanitarian law and constitute a grave breach of the Geneva Conventions. When committed in the context of internal armed conflict, such acts are prohibited through common article 3 of four

Geneva Conventions ratified by Sudan, which prohibits violence to life and person, cruel treatment and torture, and outrages upon personal dignity; and other provisions, such as article 4(2) of additional protocol II, which explicitly prohibit attacks against women, including rape, enforced prostitution and any form of indecent assault, which is a part of customary law.

We recall that a range of sexual violence offenses were included in the ICC Statute and of ad hoc tribunals, ICTY and ICTR, that convicted perpetrators for rape and forced pregnancy and enslavement of rebels “wives”, as well as in other sex and gender based violence cases. UN Security Resolution 1820 requires that “all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence,” noting that civilians account for the vast majority of those adversely affected by armed conflict; that women and girls are particularly targeted by the use of sexual violence, including as a tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate.”

In the report on the criminalisation and prosecution of rape (A/HRC/47/26), the Special Rapporteur on violence against women and girls noted that under international humanitarian law and international criminal law, rape can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide when other 15 elements of the crimes are present. The Special Rapporteur stressed that rape is a violation of a range of human rights, including the right to bodily integrity, the rights to autonomy and to sexual autonomy, the right to privacy, the right to the highest attainable standard of physical and mental health, the right to equality before the law and the rights to be free from violence, discrimination, torture and other cruel or inhuman treatment. The Special Rapporteur recommended that there should be no statute of limitation for initiating legal proceedings on rape, whether committed during conflict or in peacetime. Finally, the Special Rapporteur recommended that legislation on the criminalisation and prosecution of rape should be reviewed in order to allow for accountability of the perpetrators, in line with international human rights standards.

We wish to draw your attention also to the provisions of international humanitarian law. According to customary international humanitarian law applicable in non-international armed conflict, attacks must not be directed against civilians (see ICRC Study on Customary International Humanitarian Law, rule 1). Civilians only lose their protection against attack when, and for such time as, they take a direct part in hostilities (see rule 6). Every effort should be made to distinguish between civilians and combatants (rule 1). In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects (rule 15). Indiscriminate attacks are prohibited (see rule 11) as are area bombardment (rule 13), violence aimed at spreading terror among the civilian population (rule 2), and attacks where collateral damage to civilians and civilian objects would be excessive in relation to the military advantage anticipated (rule 14).

The following acts, among others, are also prohibited: murder (rule 89, common article 3 to the Geneva Conventions, to which Sudan is a party, and article 4(2)(a) of additional protocol II), torture and other inhuman acts (common article 3), rape and other forms of sexual violence (rule 93, common article 3 and article 4(2)(e) of

additional protocol II), on enforced disappearance (rule 98), arbitrary deprivation of liberty (rule 99), pillage (rule 52 and article 4(2)(g) of additional protocol II), attacks against objects indispensable to the survival of the population such as foodstuff, agricultural areas for the production of foodstuff, crops, livestock, drinking water installations and supplies (rule 54, and article 14 of additional protocol II), the destruction or seizure of private property, except where required by imperative military necessity (rule 51), the use of starvation of the civilian population as a method of warfare (rule 53), obstructing humanitarian relief for civilians in need (rule 55), limiting the movements of humanitarian personnel except in the case of imperative military necessity (rule 56), the use of chemical weapons (rule 74) and the indiscriminate placement of landmines (rule 81).

The Geneva Conventions also call on parties to respect and protect medical personnel (rule 25), medical facilities (rule 28), and religious personnel (rule 27). Ordering the displacement of the civilian population, in whole or in part, for reasons related to the conflict is prohibited, unless the security of the civilians involved or imperative military reasons so demand; and the parties to a conflict have the duty to prevent displacement caused by their own acts, such as terrorizing the civilian population or carrying out indiscriminate attacks (rule 129 and article 17 of additional protocol II to the Geneva Conventions). This includes the prohibition of ethnic cleansing, which aims to change the demographic composition of a territory through the displacement of the civilian population and/or other acts such as attacks against civilians, murder and sexual violence.

International humanitarian law also provides that, in case of displacement, all possible measures must be taken in order that the civilians concerned are received under satisfactory conditions of shelter, hygiene, health, safety and nutrition and that members of the same family are not separated (rule 131 and additional protocol II, article 17). Displaced persons have a right to return and their property rights must be respected (rules 132 and 133). Women and children are entitled to special protection (rules 134 and 135). Each party to the conflict must respect and ensure respect for international humanitarian law by its armed forces (rule 139), and war crimes allegedly committed by nationals or armed forces must be investigated and the suspects prosecuted (rule 158).

We would also like to refer to the 1998 Guiding Principles on Internal Displacement, which establish the need to respect and ensure respect for international human rights law to prevent and avoid conditions that might lead to the displacement of persons (principle 5). We moreover stress that according to the guiding principles, every human being shall have the right to be protected against being arbitrarily displaced from his or her home, including situations of armed conflict and based on policies resulting in altering the ethnic or religious composition of a population (principle 6). It is incumbent upon the authorities undertaking displacement to ensure proper accommodation is provided to displaced persons, under satisfactory conditions of safety, nutrition, health, and hygiene, and that members of the same family are not displaced (principle 7). Displacement should not be carried out in a manner that violates the right to life, dignity, liberty, and security of the displaced (principle 8). Indigenous peoples and minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands should be particularly protected from displacement (principle 9). Internally displaced persons should be protected against

genocide, murder, summary execution, indiscriminate acts of violence, starvation as a method of combat, use as shields, attacks against their camps and settlements, landmines, rape, and arbitrary detention (principles 10-12).

Internally displaced persons should enjoy adequate standard of living, which includes basic shelter and housing, food and water, and access to medical services (principles 18-19). The property rights of internally displaced persons must be respected, and their property and possessions should in all circumstances be protected from pillage, indiscriminate attacks, destruction as a form of collective punishment, and arbitrary and illegal appropriation, occupation, or use (principle 21). All authorities concerned should not impede the passage of humanitarian assistance to internally displaced persons, and humanitarian workers and supplies must be respected (principles 25-26). Internally displaced persons are entitled to a durable solution of their choice, i.e. safe, voluntary and dignified return to their places or origin, settlement elsewhere in the country or local integration (principles 28-30).

We are further drawing your Excellency's Government's attention to the absolute and non-derogable prohibition of enforced disappearances (articles 2 and 7) which has attained the status of *jus cogens*. We refer to the International Convention for the Protection of All Persons from Enforced Disappearance, in particular rule 1, 2, 3, 12, 17 – 21 and 24 and the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, which establishes that no State shall practice, permit or tolerate enforced disappearances, in particular articles 7, 9-13 and 19.

Lastly, we wish to highlight that Sudan signed the Rome Statute of the International Criminal Court on 8 September 2000. The Statute reflects norms of customary international law that are binding upon Sudan. In this regard, we remind your Excellency of article 18 of the Vienna Convention on the Law of Treaties (VCLT), requiring that States must refrain from acts that would defeat a treaty's object and purpose. Under the Statute, the intentional directing of attacks against civilians or civilian objects constitutes a war crime (articles 8(2)(b)(i) and 8(2)(e)(i)). Murder, extermination, and other inhumane acts causing great suffering may amount to crimes against humanity (articles 7(1)(a), 7(1)(b), and 7(1)(k)). Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and other forms of sexual violence are explicitly recognised as both war crimes and crimes against humanity (articles 7(1)(g) and 8(2)(e)(vi)). Deportation or forcible transfer of population (article 7(1)(d)) and persecution on ethnic or gender grounds (article 7(1)(h)) are also recognised as crimes against humanity. As well as enforced disappearance of persons (article 7 (1)(i)).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.