



Sudan Knowledge Centre

Briefing Paper 1

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Independent International Fact-Finding Mission for the Sudan

The Independent International Fact-Finding Mission for the Sudan (FFM) concluded the first year of its mandate and presented its first comprehensive report, A/HRC/57/23, to the 57th regular session of the UN Human Rights Council (HRC) on 10th September 2024. The HRC established the FFM on 11th October 2023, through resolution [A/HRC/RES/54/2](#) and it became operational by early January 2024. The FFM is composed of three internationally acclaimed human rights experts headed by former Chief Justice Mohamed Chande Othman (Tanzania) with membership of Prof. Joy Ngozi Ezeilo (Nigeria) and Ms. Mona Rishmawi (Jordan/Switzerland).

The establishment of the FFM had been in response to the growing human rights and humanitarian crisis in Sudan. It was mandated to investigate and establish the facts, circumstances and root causes of all alleged human rights violations and abuses and violations of international humanitarian law, including those committed against refugees, and related crimes in the context of the ongoing armed conflict between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF), as well as the militia groups allied to each one of the warring parties, and which began on 15th April 2023.

The HRC authorized the FFM to investigate the root causes of all alleged violations of human rights and humanitarian law in Sudan, which represents a unique comparative advantage over previous special mechanisms of the HRC that were charged with investigation and reporting about the situation in Sudan. This provision allows the FFM to investigate, question and disclose the thinly veiled reasons beneath armed conflicts and political unrest, and recommend measures to address them. The protracted armed conflicts and political unrest, which are at the origin of massive violations of human rights and humanitarian law in Sudan, are in fact the manifestations of a deeper crisis, which is yet to be recognized and treated.

The FFM report was discussed by states members of the HRC as well as by observer states and non-governmental organizations (NGOs) in an enhanced interactive dialogue addressed by members of the FFM, the Deputy UN High Commissioner for Human Rights, the Attorney General of Sudan, the Special Advisor of the UN Secretary General on the Prevention of Genocide and the President of the Sudanese Human Rights Monitor on behalf of civil society organizations. The representatives of 48 diplomatic missions, including state members of

HRC and observer states in addition to UNICEF and 10 NGOs have participated in the debate and orally presented the positions of their governments and organizations on the crisis in Sudan. Some of the oral statements were delivered on behalf of groups of countries. This high-level of participation and the diverse interventions, show the seriousness of the situation in Sudan and demonstrate the concern of the international community as well as the importance attached to the FFM's work. With only a few exceptions, all the governmental and non-governmental delegates that took the floor placed special emphasis on the protection of civilians and a peaceful end to the ongoing humanitarian tragedy. Respect of internal human rights and humanitarian law by the two warring parties and accountability for the perpetrators of international crimes were also placed at the top of the HRC's agenda.

Importance of FFM and its Findings

At present, the FFM is the only internationally authorized independent mechanism mandated to investigate, document and report about all types of alleged human rights abuses and violations of international humanitarian law in Sudan. Its work, therefore, plays a crucial role in guiding the international community in its understanding of the situation in Sudan and shaping international response thereto. The FFM reports are expected to largely unify the international public opinion of governments, groups and individuals and to generate the necessary momentum for collective action to end the brutal and tragic conflict in the country. For these valid reasons, several governmental and non-governmental delegates underscored the importance of the FFM's work and called for renewal of its mandate and that it should be provided with the necessary means and resources to conduct its task.

By and large, the first FFM report, which is to be supplemented by an enlarged conference paper that includes testimonies from victims and witnesses, is the most comprehensive, authoritative and authentic report produced on the ongoing crisis in Sudan. The first FFM's report, which contained 19 pages, has documented a series of widespread and large-scale violations of international human rights and humanitarian law, some of which may amount to war crimes and crimes against humanity.^[1] The FFM report, which in the words of the UK delegate to the HRC, makes a "*harrowing read*," has established the fact that both the SAF and the RSF are responsible for massive violations of international human rights and humanitarian law thus aggravating the crisis faced since the eruption of the armed confrontations on 15th April 2023, with the lion's share of the violations attributed to the RSF.

The RSF and its allied militias were particularly accused of committing heinous and serious war crimes and crimes against humanity such as rape, sexual slavery, and pillage. They are also accused of ordering the displacement of civilian populations and the recruitment of children below 15 years of age in the hostilities. The brutal attacks imputed to the RSF and its allied militiamen against the Masalit tribal people in and around El Geneina, West Darfur State, in June 2023, were particularly mentioned in the report as an example in point.

In light of the gravity of its findings and the unwillingness of the warring parties to stop the military confrontations and indiscriminate attacks of civilian targets in densely populated areas, through aerial bombardments and shelling by heavy artillery, consequently their failure to spare the lives and preserve the wellbeing of millions of noncombatants, including women and children from the wrath of their military actions, the FFM placed special emphasis on the need for urgent and immediate action points to protect the civilian victims of the conflict. It made the following key recommendations^[2] to the international community:

1. *The deployment of an independent and impartial force with a mandate to protect civilians is necessary.*
2. *All states and entities must comply with the existing arms embargo imposed in Darfur pursuant to Security Council Resolution 1556. This embargo must now cover the whole of Sudan.*
3. *The jurisdiction of the International Criminal Court should be expanded to cover all Sudan. Given the focus of the ICC on those most responsible, a separate international judicial mechanism working in complementarity with the ICC is also needed.*
4. *Immediate establishment of a dedicated entity in the form of a victim's support and reparations office.*

Response of Sudan to the FFM work

The response of Sudan, as the state concerned, to the FFM's report had been disappointing. It has refused to allow the FFM to access the country and to assess the situation on the ground. Sudan has even declined to respond to four letters sent to it in this regard. It has also refused to comment about the advanced version of the report which was shared with it before the start of the session. As an elected member of the HRC, and by virtue of UN General Assembly resolution A/RES/60/251 of 15th March 2006, which established the HRC, Sudan committed itself to: "... uphold the highest standards in the promotion and protection of human rights" and accepted the obligation to. "... fully cooperate with the Council ..."^[3] Sudan's refusal to fully cooperate with the FFM therefore defeats the object and purpose of the HRC.

Sudan's delegation to the HRC's 57th regular session was headed by the Attorney General, who by virtue of Sudan's Constitutional Charter^[4] as amended in 2020 and the Attorney General's Chambre Act of 2015,^[5] is an independent body and not subject to the executive or legislative authorities of the country. In his main speech during the enhanced interactive dialogue on the FFM's report, Sudan's Attorney General detailed what he described as violations of international human rights and humanitarian law committed by RSF. On its part, the FFM largely covered serious accusations against the RSF but surprisingly Sudan's delegate declined to recognize the FFM's findings, which supplement his claims, and instead he called for the termination of the FFM's mandate. Sudan's unwelcoming gesture towards the FFM and rejection of its incriminating report contradicts its official strategy of propagating allegations of the commission of human rights violations and international crimes against the RSF. These accusations represent the core of Sudan's advocacy calls at the UN General Assembly, the Security Council and elsewhere to declare the RSF as a terrorist organization.

It is noteworthy that in his concluding remarks at the end of the enhanced interactive dialogue, Sudan's Attorney General launched an unwarranted attack against the FFM accusing it of politicization on the ground that it addressed a press conference before presenting its report to the HRC. This accusation is ill-informed as it has been acceptable standard practice that UN human rights mechanisms address the press, issue public statements and post their reports weeks before the Council's sessions. The Attorney General reiterated accusations made during the interactive dialogue against the United Arab Emirates that it supports the RSF, which provoked their response to refute his allegation. Finally, he attempted to intimidate and threaten the representatives of some NGOs with reprisal.

Conclusion and Recommendations

1. The recommendations made by the FFM regarding the protection of civilians, an enlarged and nationwide arms embargo, expansion of the jurisdiction of the ICC to cover the whole of Sudan and the establishment of a victims' support and reparations office are pertinent and urgently needed. These recommendations should be a blueprint for future action of the international community on Sudan.
2. At present, the FFM is the only internationally authorized independent mechanism to investigate and document violations of human rights and international humanitarian law in Sudan. Its work is an important advocacy tool to inform the international public opinion and recommend action. Its mandate, therefore, should be extended for additional periods in order to keep the situation in Sudan under review and scrutiny.
3. The FFM successfully conducted its first-year work under heavy pressure due to reduced human and material resources as well as lack of cooperation from the parties to the conflict in Sudan. Additional resources from the UN regular budget must be put at the disposal of the FFM. The SAF and the RSF must allow the FFM to visit the country and meet with the victims in areas under their control without hindrance.
4. The ability of the FFM to meet important groups of victims and survivors of the armed conflict who fled Sudan into neighbouring countries was also reduced as it could not access them, namely those groups of Sudanese nationals in Egypt, South Sudan and Ethiopia. All those countries are encouraged to allow the FFM to visit their territories and freely meet with the Sudanese communities that are currently living within their geographic confinements.
5. The FFM's mandate is comprehensive which enables it to address the root causes of all alleged violations of human rights and international humanitarian law in Sudan. Addressing these matters will place the FFM in a position to raise the fundamental questions about the reasons that instigate such protracted and ceaseless violations, violence and fratricide in the country. The mandate also enables the FFM to offer answers about the nature of the violations, their scope and manifestations and to suggest the best ways to achieve lasting peace in the country.

¹ Sudan: UN Fact-Finding Mission outlines extensive human rights violations, international crimes, urges protection of civilians at <https://www.ohchr.org/en/press-releases/2024/09/sudan-un-fact-finding-mission-outlines-extensive-human-rights-violations>

² Statement of Justice Mohammed Chandi Othman at the HRC, 57th Session, 10 September 2024, <https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/57/Pages/Statements.aspx?SessionId=81&MeetingDate=10/09/2024%2000:00:00>

³ Resolution A/RES/60/251 establishing the Human Rights Council, adopted by the General Assembly on 15th March 2006, OP9, at <https://documents.un.org/doc/undoc/gen/n05/502/66/pdf/n0550266.pdf>

⁴ Sudan Key Documents, PILPG, Draft Constitutional Charter for the 2019 Transitional Period, Page 17, <https://static1.squarespace.com/static/5900b58e1b631bffa367167e/t/63c1a1c239e72035e9d9953e/1673634243148/Sudan+Constitutional+Declaration+%282019%29.pdf>

⁵ Sudan's Attorney General's Chamber Act, 2015, Chapter 2, Article 3 (sub. art. 1 and 2), <https://moj.gov.sd/assets/uploads/other/2015v.pdf>