

## **Sudan: there is no more time to lose for the UN Human Rights Council**

### **States should support the creation of an independent mechanism**

No one can in good faith claim that the Human Rights Council will stop the war in Sudan. But neither can one claim, without a dose of bad faith, that the UN's top human rights body has no role to play in addressing the crisis.

Mid-October 2023 will mark the end of the Council's 54<sup>th</sup> session. It will also mark six months of misery for the Sudanese people. The conflict shows no sign of abating. With its continuation, horrific reports of violence, including sexual and interethnic violence, and of violations of international law by both the Sudanese

#### **The need for international action**

Half a year after the outbreak of conflict, the situation in Sudan is nothing short of a disaster. Mediation initiatives have failed to produce any concrete results. As we speak, there are no serious prospects of a sustainable ceasefire, safe humanitarian corridors, and peace talks. In any case, even if successful in the future, mediation efforts are unlikely to prioritise human rights and accountability.

In New York, the UN Security Council remains paralysed. It has failed to issue even a modest statement – let alone a resolution. In Addis Ababa, the African Union condemned violations. Elsewhere on the continent, African institutions issued communiqués and resolutions supporting accountability. This is the case

#### **Without prospects for accountability, no lasting peace**

Impunity is a key driver of the current conflict, as well as of previous cycles of violence. Unless accountability is made a top priority of, and integrated into, political efforts at all levels, Sudan will be doomed to failure and violence will recur. What actors with influence over Sudanese parties should do bilaterally, and what

se Armed Forces (SAF) and the Rapid Support Forces (RSF) and their allies, multiply.

Civil society calls for action.<sup>1</sup> Its assessment is that the Human Rights Council can and should send a clear message to those responsible for violations that they are being watched and will be held to account. Failing to send that message, through the creation of an independent investigative and accountability mechanism, will embolden perpetrators, encourage impunity, and pave the way for further atrocities.

of the IGAD Quartet of Countries for the Resolution of the Situation in the Republic of Sudan and of the African Commission on Human and Peoples' Rights (ACH-PR).

But the international community's failure to unequivocally make the fight against impunity central to any resolution of the crisis<sup>2</sup> shows that the main lesson of the past decades has yet to be learned. It is impunity that enabled atrocities to recur in Darfur and throughout Sudan. It is impunity that sent warring parties the message that violence was an acceptable means of advancing their interests.

We need to collectively reverse that message.

all states should do at the multilateral level, is to advance both political accountability (exposing those responsible for atrocities) and criminal accountability (acting in support of legal proceedings).

There is a path. As the Human Rights Council is meeting in Geneva, a draft resolution is on the table. It

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<sup>1</sup> DefendDefenders et al., "Sudan: the Human Rights Council should establish an independent mechanism," 1 September 2023, <https://defenddefenders.org/sudan-hrc-should-establish-mechanism/>.

<sup>2</sup> Hassan Shire, "Only an accountability-centered truce can yield sustainable peace in Sudan," The Independent Uganda, 15 June 2023, <https://www.independent.co.ug/only-an-accountability-centered-truce-can-yield-sustainable-peace-in-sudan/>.

seeks to establish an independent fact-finding mission (FFM) for Sudan, with a mandate to, among other elements, investigate and establish the facts, circumstances and root causes of violations, collect and preserve evidence, and identify those responsible.

### **The Human Rights Council should act now**

Setting up a Sudan FFM would be fully in line with the Council's mandate, which includes addressing violations of human rights, including gross and systematic violations, and responding promptly to human rights emergencies.

Sudan is a textbook example. The special session the Council held, on 11 May 2023, was a step in the right direction, but it fell short of civil society expectations. More tragically, it failed to send a clear message of solidarity and hope to the Sudanese people. Since then, the human rights and humanitarian situation has continued to deteriorate, threatening to destabilise the whole region and beyond. At the opening of

This mechanism will not by itself stop the war. But it will send the right message to those involved and thus contribute to efforts to establish peace and a return to the democratic transition.

the 54<sup>th</sup> session, High Commissioner Volker Türk said that “[t]his catastrophic conflict has broken a nation” and that “[t]he devastating common thread is [the conflict’s] brutal impact on civilians.” He concluded his update by warning that “[t]his horrific conflict must stop before it is too late to pull Sudan back from disaster.”<sup>3</sup>

The international community cannot wait any longer to prioritise accountability. It cannot wait until the next Council session, which will open in five months, in late February 2024. The Council should act now by adopting the draft resolution on Sudan and operationalising the FFM immediately.

### **Sudan is also an opportunity to address narratives of double standards**

Many crises are on the Council's agenda. Some are not. By any objective measure, Sudan is one of the most serious: it deserves the strongest response. The Council took action last May, but it was not enough.

States have the opportunity to address narratives of double standards that have gained traction considering the high level of attention to, among others, the war in Ukraine. States that have spearheaded efforts to shed light on, and advance accountability for, violations stemming from Russia's aggression against Ukraine have an opportunity to show that they pay as much attention to other crises – including in Africa – and are ready to address these crises in the same manner.

States that demand that international attention to crises in Africa be as high as the kind of attention Ukraine receives have an opportunity to enhance that attention – and support the Sudanese people. This means backing the HRC54 initiative on Sudan.

Voting against the draft resolution would be shameful. Abstaining is a bare minimum. Voting in favour would go a long way toward formulating an objective, consistent response to the world's most serious human rights crises.

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<sup>3</sup> See OHCHR Media Centre, “Sudan: Türk says conflict must stop before it is too late to pull the country back from disaster,” 12 September 2023, <https://www.ohchr.org/en/statements-and->

[speeches/2023/09/sudan-turk-says-conflict-must-stop-it-too-late-pull-country-back](https://www.ohchr.org/en/statements-and-speeches/2023/09/sudan-turk-says-conflict-must-stop-it-too-late-pull-country-back)