

To Permanent Representatives of Member and Observer States of the United Nations (UN) Human Rights Council (Geneva, Switzerland)

17 May 2024

Sudan: Extend the Fact-Finding Mission's mandate

Your Excellencies,

One year on, the armed conflict that broke out in Sudan on 15 April 2023 continues. Since fighting erupted between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) and their affiliated forces, thousands of people have lost their lives and 8.6 million have been displaced. As of 15 April 2024, 18 million people faced acute food insecurity, including 14 million children, and 24.8 million people were in need. Over 70% of hospitals were no longer functional. The UN High Commissioner for Human Rights has warned of a further escalation, including in North Darfur.¹

Violations of international human rights law and international humanitarian law by all parties to the conflict, including targeting of civilians, sexual violence, and ethnically motivated attacks, have been reported. Some of these violations may amount to crimes under international law.² The situation continues to develop rapidly on the ground, with recent escalating violence in and around El-Fasher city, North Darfur, raising the risk of further atrocities.

During the Human Rights Council's 54th session (11 September-13 October 2023), following a call³ by civil society and a special session held on 11 May 2023, the Council established an international independent Fact-Finding Mission (FFM) for Sudan. The adoption of HRC resolution 54/2, with the broad mandate it granted the FFM,⁴ was welcomed as a milestone for accountability. As impunity is a key driver of cycles of violence in Sudan, facilitating accountability is a *sine qua non* to fight and deter violations.

Since the Council's decision to establish the FFM, however, the UN's liquidity crisis has also worsened. The UN system is facing its highest level of arrears ever, as a record number of states have failed to pay their membership dues in full in the last five years.⁵ The crisis has had an impact on the UN Secretariat as a whole, including the Office of the High Commissioner for Human Rights (OHCHR), as well as on treaty bodies, special procedures, and OHCHR servicing to independent mechanisms. The FFM for Sudan has been hit particularly hard given the timing of its establishment. It has faced delays in getting its secretariat staffed and, at the time of writing (seven months after the adoption of resolution 54/2), it remains significantly under-staffed.⁶

¹ UN News, "Sudan catastrophe must not be allowed to continue: UN rights chief Türk," 15 April 2024, <https://news.un.org/en/story/2024/04/1148556> (accessed on 16 April 2024).

² See for instance Human Rights Watch, "Sudan: Ethnic Cleansing in West Darfur," 9 May 2024, <https://www.hrw.org/news/2024/05/09/sudan-ethnic-cleansing-west-darfur>; "Sudan: One Year of Atrocities Requires New Global Approach," 12 April 2024, <https://www.hrw.org/news/2024/04/12/sudan-one-year-atrocities-requires-new-global-approach>; Amnesty International, "Sudan: One year since conflict began, response from international community remains woefully inadequate," 12 April 2024, <https://www.amnesty.org/en/latest/news/2024/04/sudan-one-year-since-conflict-began-response-from-international-community-remains-woefully-inadequate/> (all accessed on 13 May 2024).

³ DefendDefenders *et al.*, "Sudan: the Human Rights Council should establish an independent mechanism," 1 September 2023, <https://defenddefenders.org/sudan-hrc-should-establish-mechanism/> (accessed on 16 April 2024).

⁴ See <https://www.ohchr.org/en/hr-bodies/hrc/ffm-sudan/index>

⁵ Amnesty International / Sarah Jackson, "Sudan: Give UN Fact-Finding Mission a Chance," 4 March 2024, <https://www.amnesty.org/en/latest/news/2024/03/sudan-give-un-fact-finding-mission-a-chance/> (accessed on 15 April 2024).

⁶ OHCHR requested 17 General Temporary Assistance (GTA) positions to support the FFM, all to be based in Nairobi. However, due to hiring restrictions, the FFM was only able to start recruiting nine staff members since March 2024. From October 2023 to May 2024, OHCHR formed a small start-up team to kick-start substantive and operational tasks linked to the FFM. In view of the recruitment delays, this team has continued supporting the appointed independent experts and pushing forward the FFM's objectives to the extent possible. UN Women seconded staff will remain onboard by the end of May 2024.

While the FFM might be reasonably functional (but will still be under-staffed) by the end of May 2024, is gathering information (including first-hand information from relevant sources and open-source data), and will produce an oral update at the Council's 56th session (18 June-12 July 2024), the written report it will present to the Council at its 57th session (9 September-9 October 2024) will not, for reasons that are beyond the FFM's control, be truly *comprehensive*. As the conflict, associated violations and abuses, and impunity continue, further investigations will be needed, including through field visits, to collect first-hand testimonies and verify additional allegations of violations, some of which may amount to crimes under international law.

In light of these developments, we, the undersigned non-governmental organisations, write to urge your delegation to support a Human Rights Council resolution that would:

- **Extend the FFM's mandate for at least one year to allow it to pursue its work, with regular updates to, and interactive dialogues at, the Human Rights Council; and**
- **Make clear that the Council will remain actively seized of the matter, including by assessing the situation in Sudan and appropriate responses, which could include further extensions of the FFM's mandate.**

Furthermore, we urge the Council to follow up on resolutions S-32/1, 50/1, and S-36/1 by requesting additional reporting by the High Commissioner, with the assistance of his designated Expert, beyond the Council's 58th session (February-April 2025).⁷

Finally, we urge states to pay their contributions to the UN in full and on time to resolve the liquidity crisis and allow the FFM for Sudan, other independent investigations, and human rights bodies and mechanisms to fulfil their respective mandates, including by delivering outcomes and reports requested by intergovernmental bodies such as the Human Rights Council.

We thank you for your attention to these pressing issues and stand ready to provide your delegation with further information as required.

Sincerely,

1. African Centre for Justice and Peace Studies (ACJPS)
2. AfricanDefenders (Pan-African Human Rights Defenders Network)
3. African Initiative of Women Human Rights Defenders (WHRD Initiative)
4. African Organization for Rights and Development (AFORD)
5. Alliance for Peacebuilding
6. Amnesty International
7. Atrocities Watch Africa
8. AWAFFY Sudanese Organization
9. Burkinabè Human Rights Defenders Coalition (CBDDH)
10. Burundian Human Rights Defenders Coalition (CBDDH)
11. Cabo Verdean Network of Human Rights Defenders (RECADDH)
12. Cairo Institute for Human Rights Studies (CIHRS)
13. Central African Network of Human Rights Defenders (REDHAC)
14. Centre for Democracy and Human Rights (CDD) – Mozambique
15. Civic Lab Home
16. CIVICUS
17. Coalition of Human Rights Defenders-Benin (CDDH-Bénin)

Consequently, the FFM will have approximately 12 staff members by the end of May 2024. In addition to the significant delays in staffing the FFM, this remains below the 17 staff members authorised by the UN General Assembly following the adoption of resolution 54/2.

⁷ Current reporting by the High Commissioner ends at the Council's 58th session. Pursuant to paragraph 21 of resolution S-36/1, the High Commissioner, with the assistance of his designated Expert, is requested to submit a "comprehensive report on the situation of human rights in the Sudan and on violations and abuses committed by all parties in the Sudan" to the Council at its 55th and 58th sessions "[...] unless the mandate of the designated Expert concludes during that time" (as per paragraph 17 of resolution S-32/1, "the term of office for the designated Expert on Human Rights in the Sudan should conclude upon the restoration of its civilian-led Government").

18. Consortium of Ethiopian Human Rights Organizations (CEHRO)
19. CSW (Christian Solidarity Worldwide)
20. Darfur Bar Association
21. Darfur Network for Human Rights (DNHR)
22. Darfur Women Action Group
23. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
24. FIDH (International Federation for Human Rights)
25. Fikra for Studies and Development
26. Geneva for Human Rights – Global Training (GHR)
27. Global Centre for the Responsibility to Protect (GCR2P)
28. HUDO Centre
29. Humanitarian Aid Relief Trust (HART)
30. Human Rights and Advocacy Network for Democracy
31. Human Rights Watch
32. Institut des Médias pour la Démocratie et les Droits de l’Homme (IM2DH) – Togo
33. International Bar Association’s Human Rights Institute (IBAHRI)
34. International Service for Human Rights (ISHR)
35. Ivorian Human Rights Defenders Coalition (CIDDH)
36. Journalists for Human Rights (JHR) – Sudan
37. Justice Africa Sudan
38. Kamma Organization for Development Initiatives (KODI)
39. Lawyers for Justice Sudan
40. Mozambique Human Rights Defenders Network (RMDDH)
41. National Union of Somali Journalists (NUSOJ)
42. Network of the Independent Commission for Human Rights in North Africa (CIDH Africa)
43. Nigerien Human Rights Defenders Network (RNDDH)
44. PAEMA
45. Peace Catalysts
46. People to People (PTP) – Sudan
47. Project Expedite Justice
48. Protection Approaches
49. Protection International Africa
50. REDRESS
51. Refugees International
52. Regional Centre for Training and Development of Civil Society (RCDCS) – Sudan
53. The Regional Coalition for Women Human Rights Defenders in Southwest Asia and North Africa (WHRDMENA)
54. Rights for Peace
55. Rights Realization Centre
56. Rural Extension Education and Development Organization (REEDO)
57. Self Help Group Association – Sudan
58. The Sentry
59. Strategic Initiative for Women in the Horn of Africa (SIHA)
60. Sudanese American Public Affairs Association, Inc. (SAPAA)
61. Sudanese Defenders Center for Legal Aid
62. Sudanese Human Rights Monitor (SHRM)
63. Sudan Human Rights Hub
64. Sudan Human Rights Network (SHRN)
65. Sudanese Women Rights Action
66. Sudan Human Rights Defenders Coalition (SudanDefenders)
67. Sudan Social Development Organization (SUDO)
68. Sudan and South Sudan Forum e. V.
69. Sudan Transparency and Policy Tracker
70. Sudan Unlimited
71. SUDO (UK)
72. Togolese Human Rights Defenders Coalition (CTDDH)

73. Tomorrow's Smile Inc. (TSI)
74. US-Educated Sudanese Association (USES)
75. Women's International League for Peace and Freedom (WILPF)
76. Women's International Peace Centre
77. World Council of Churches
78. World Organisation Against Torture (OMCT)
79. Youth Citizens Observers Network (YCON)