



INDEPENDENT INTERNATIONAL FACT-FINDING MISSION FOR THE SUDAN

CHECK AGAINST DELIVERY

Human Rights Council

Oral update by the Independent International Fact-Finding Mission for the Sudan

18-19 June 2024

Statement delivered by Mr. Mohamed Chande Othman, Chair of the Fact-Finding Mission

Mr. President,

Excellencies,

Distinguished delegates,

I am honoured to present an update on the progress made by the Independent International Fact-Finding Mission for the Sudan in accordance with Human Rights Council Resolution 54/2. I present this briefing as the Chairperson of the Mission, and I am joined by the two other experts, Ms. Mona Rishmawi and Ms. Joy Ngozi Ezeilo.

The FFM-Sudan was established in October 2023. Its mandate includes “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 that began on 15 April 2023, between the Sudanese Armed Forces and the Rapid Support Forces as well as other warring parties.” In addition, the Fact-Finding Mission has been directed “to collect, consolidate and analyse evidence of such violations and abuses”; “to identify, where possible, those individuals and entities responsible”; and “to make recommendations, in particular on accountability measures.”

Excellencies,

Sudan has been engulfed in a devastating conflict for over a year now characterised largely by its urban and widespread nature, with its civilian population placed at the centre

of extreme violence. Blatant disregard for fundamental human rights and international humanitarian law has led to killings, looting, mass displacement, rape and other forms of sexual violence, and resulted in a grave humanitarian crisis, with around 18 million people acutely food insecure and five million facing starvation, according to the World Food Programme.

My colleagues and I are deeply aware of the urgency of the situation. Since our appointment in December 2023, we have been doing our utmost to fulfill the mandate this Council has bestowed on us. The liquidity crisis faced by the United Nations Secretariat and the hiring freeze, unfortunately, led to several months of delay in establishing an effective Secretariat for our work. We are pleased that thanks to the special efforts of the High Commissioner for Human Rights and the Deputy High Commissioner, last month the Secretariat has finally begun its work in Nairobi, Kenya. We thank the Government of Kenya for hosting this mandate. At this point, on board are about two-thirds of the number of staff that were considered necessary by the General Assembly to fully implement our mandate. It is imperative to have adequate resources in order to effectively deliver on our important mandate.

This does not mean that we are starting our work only now. First, with thanks to the flexibility and commitment of the Office of the High Commissioner for Human Rights, a small number of experienced staff in Geneva was allocated to us from the beginning, which enabled us to start our operations. Therefore, from the outset of our mandate, we published a call inviting individuals, groups and organizations to submit information and documentation relevant to our mandate.

Second, we have initiated contacts with the Government of Sudan and with the Governments of its neighbouring countries: Chad, Egypt, Eritrea, Ethiopia, South Sudan, the Central African Republic, as well as Kenya and Uganda, requesting their cooperation

and access to their territories in order to gather first-hand information from victims of the conflict, including those who have fled Sudan since the outbreak of the violence. Kenya has responded positively, and we have been able to carry out visits to Nairobi, where we met with a number of victims, witnesses, and experts. We are pleased to have received confirmation from the Government of Chad that they are also willing to receive us soon for a visit. We are particularly keen to visit Sudan and interact with the Government there to hear their perspectives. We also note that the Rapid Support Forces (RSF) have expressed to the President of the Human Rights Council their willingness to cooperate with our mandate.

Third, we have engaged with organizations and entities involved in the situation in Sudan, including the High Commissioner, his Office, his Designated Expert on the situation of human rights in Sudan, the Personal Envoy of the UN Secretary-General on Sudan, and other senior UN officials. We also had a constructive dialogue with the Sudan Country Rapporteur of the African Commission on Human and Peoples' Rights and reached out to the African Union, the League of Arab States and the Intergovernmental Authority on Development with requests for dialogue and cooperation. The purpose is to coordinate our efforts and ensure complementarity.

Fourth, even without physical access to the Sudan, the Fact-Finding Mission has been able to conduct about eighty (80) interviews so far including with victims and eyewitnesses. We also held meetings and consultations with a considerable number of stakeholders, including civil society representatives, human rights defenders, journalists, academics, and specialized experts on child rights and sexual and gender-based violence. We thank all these individuals and organizations for their constructive cooperation and submission of relevant information. We are particularly grateful to the many Sudanese victims, witnesses and human rights defenders who have courageously shared their

experiences and insights, sometimes at significant risk for their safety and security. We would like to remind the warring parties that any act of intimidation or reprisal for cooperation with the United Nations is prohibited and will be duly recorded in accordance with our mandate.

Excellencies,

The information that we have gathered so far indicates that the deadly conflict that broke out in Sudan on 15 April 2023 mainly between the Sudan Armed Forces (SAF) and RSF, is continuing unabated on a massive scale. It now involves multiple actors within and outside Sudan and has spread from Khartoum and Darfur to most of the country.

We are deeply concerned that the fighting persists with tragic consequences and enormous suffering of the civilian population. We have received credible accounts of indiscriminate attacks against civilians and civilian objects, including through airstrikes and shelling in heavily populated residential areas, as well as ground attacks against civilians in their homes and villages. In the capital Khartoum and in its close vicinity Omdurman and Bahri, at the outbreak of the conflict, intense clashes, airstrikes and heavy artillery shelling, including in residential areas and attacks on schools, hospitals and medical facilities, resulted in killings and injuries of civilians, including women and children, and forced many to leave their homes and property to seek refuge in other locations. Reports of looting and sexual violence have added to this exodus.

We are particularly concerned about the situation in Darfur, especially the siege of El Fasher, North Darfur, by RSF. El Fasher is the capital of Darfur with 1.5 million inhabitants. It hosts approximately 800,000 internally displaced persons. Already, heavy fighting between the warring parties in different parts of the city has led to significant civilian casualties, damaged homes and caused mass displacement. The attack on one of the main and last functioning hospitals in the city on 8 June led to its closure, leaving the

civilian population without access to life-saving medical care. We call on all parties to abide by the Security Council's Resolution 2736 (2024), which demands that the RSF halt the siege of El Fasher, and calls for an immediate halt to the fighting. The resolution also calls for the protection of all civilians, and for the warring parties to allow and facilitate rapid, safe, unhindered and sustained passage of humanitarian relief for civilians in need, including by removing bureaucratic and other impediments. We call on all parties to head the Security Council's call on the parties to reopen the Adre border crossing for the delivery of humanitarian assistance. We further call upon all states to abide by the Security Council arms embargo imposed on Darfur, pursuant to its resolution 1556 (2004), and we note the call of the Prosecutor of the International Criminal Court for information regarding this unfolding situation and we urge all parties to fully cooperate with his Office.

Previous attacks on other areas compound our concerns. We are currently investigating earlier large-scale attacks against civilians based on their ethnicity in other areas of Darfur, that have included killings, rape and other forms of sexual violence, torture, forced displacement and looting, including in Geneina and later in Ardamata between April and November of last year.

Ethnic-based attacks are also under investigation including in Zalingei, Nyala, and other areas of Darfur as well as in Kordofan, Al Jazirah and parts of greater Khartoum.

With regard to the situation in Al Jazirah, we are investigating attacks, including on its capital, Wad Madani in December 2023, and related killings, injuries, arbitrary arrests and torture of civilians and mass displacement. Recently, on 5 June, Wad al-Noura village in Al Jazirah was reported to have been attacked with heavy artillery, leading to hundreds of civilian deaths, including numerous children. In all these areas, massive looting and extensive destruction of civilian homes and property continue.

Additionally, health facilities have been attacked, pillaged and destroyed, making it impossible for the many injured civilians to get any medical attention. Medical supplies have also been blocked from reaching critical areas. There are reports that many civilians have died from injuries sustained in the conflict due to the unavailability and/or inaccessibility of medical facilities. The conflict has also led to significant damage of essential infrastructure, including electricity and water supply lines as well as communication networks. Attacks on medical personnel, including those providing support to victims of sexual violence, are highly disturbing.

The conflict continues to cause mass displacement of the civilian population at unprecedented levels. Since the outbreak of the conflict, almost nine million individuals have been forcibly displaced from their homes, with more than 1.8 million fleeing to neighboring countries. We heard from victims how they had to take a long and perilous journey from Khartoum all the way to Egypt, Kenya or Uganda, sometimes crossing multiple countries in an attempt to escape the brutal conflict. Others were forcefully evicted from their homes by the warring parties. Most left with nothing and travelled for several weeks to seek safety.

We appreciate the efforts of the countries who despite their limited resources, continue to support the refugees who have fled the conflict in Sudan.

Nearly 18 million individuals are facing acute hunger, amidst looming famine. At least 5 million civilians, including children and pregnant women, are at risk of starvation, with a minimal response as warring parties continue to obstruct humanitarian access, attack humanitarian workers and loot humanitarian supplies, thereby curtailing delivery of life-saving support to vulnerable populations. In the face of this immense suffering, the Humanitarian Response Plan, which remains severely underfunded with only 16% of the required funds having been received, requires urgent international attention.

We have also received credible reports of many cases of sexual violence being committed by the warring parties across various parts of the country, since the start of the conflict. Women and girls have been, and continue to be subjected to rape and gang rape, abduction and forced marriage. Victims and first line responders told us of how women and girls not only endured violent rape, including gangrape, and denial of medical support, but also how they were stigmatized and subsequently abandoned by their families.

There are reports of sexual slavery and sexualized torture in detention facilities, including against men and boys, which we are investigating. The majority of survivors have not had access to adequate support, due to lack of access to, or unavailability of health services and the destruction of health infrastructure. Medical personnel and members of civil society are prevented from, or targeted for, providing support to victims of sexual violence.

Widespread recruitment and use of children at checkpoints, to gather intelligence, as well as to participate in direct combat and commit violent crimes are also frequently reported, placing the lives and future of many children at risk. In his Report of 3 June 2024 on Children and Armed Conflict, the UN Secretary-General ranks Sudan amongst the countries where the highest number of grave violations against children were reported, committed by several warring parties including the SAF and RSF.

There are also credible reports of mass arbitrary arrests of civilians based on suspicions of supporting the other parties to the conflict, expressing dissent or supporting human rights and a return to democratic governance. From the outset of the conflict, the warring parties appear to have been targeting resistance committee members, medical emergency room volunteers, lawyers, journalists, civil society actors and human rights activists, and subjecting them to threats, attacks, arbitrary arrests, torture, detention, enforced disappearance, and killings.

Excellencies,

Our mandate requires us to examine the root causes of all alleged violations and abuses of human rights and international humanitarian law, and related crimes. We have so far identified a number of structural and systemic issues as well as those related to policies and conduct. These include the continued arming of civilians without meaningful control, the mobilization of militias and armed groups on an ethnic basis, and shielding from accountability those persons and entities responsible for atrocious crimes. Some of these practices are being revived by the warring parties from past conflicts and are laying the ground for current and future cycles of serious violations. The national legal system appears unable to conduct prompt, independent and credible investigations or to prosecute persons in a manner consistent with international human rights norms and standards.

It is therefore critical to combat impunity.

Mr. President,

Excellencies,

Distinguished delegates,

It is hard to see the human rights and humanitarian situation in Sudan improving without an immediate ceasefire. We note the Security Council's call on 8 March (2724 (2024)) for the immediate cessation of hostilities in Sudan during the month of Ramadan, without avail. Regrettably, the fighting never stopped and continues with full intensity until now, three months later. While appealing for the fighting to stop immediately, we need the commanders of warring parties to issue instructions to the forces or militias under their control to strictly abide by international humanitarian law, as per their international obligations, as also iterated in the Jeddah Declaration. Civilians must be protected, and attacks against them, including killings, looting, sexual violations and forced displacement must be punished in conformity with human rights law. The warring parties need to refrain

from attacking humanitarian workers, stop obstructing the delivery of aid and allow unfettered humanitarian access to the millions of civilians in need in every part of Sudan. We also appeal to the States with influence over any of the warring parties to urgently step up efforts to halt the fighting and bring the parties back to the negotiation table in order to prevent further violations and abuses.

As this update demonstrates, the people of the Sudan are crying for help to restore their dignity and rights. They need the support of this Council and your attention.

Thank you, Mr. President

Mohamed Chande Othman, Chair of the Fact-Finding Mission

Joy Ngozi Ezeilo, Expert Member of the Fact-Finding Mission

Mona Rishmawi, Expert Member of the Fact-Finding Mission