

Resolution on the Human Rights Situation in the Republic of Sudan - ACHPR.Res.588(LXXIX) 2024

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 79th Ordinary Session held in hybrid format from 14 May to 3 June 2024;

Recalling its mandate to promote and protect human and peoples' rights in Africa in accordance with Article 45 of the African Charter on Human and Peoples' Rights (African Charter);

Recalling also the obligations of the Republic of Sudan under the African Charter on Human and Peoples' Rights and other regional human rights instruments ratified by the Sudanese State;

Underscoring the relevant provisions of the African Charter guaranteeing the right to life (Article 4), the prohibition of torture, cruel, inhuman or degrading punishment and treatment (Article 5), the right to personal liberty and protection from arbitrary arrest (Article 6), the right to freedom of expression (Article 9) and the right to freedom of assembly (Article 11), as well as non-discrimination and protection of the rights of women (Article 18(3));

Recalling Resolutions ACHPR/Res.555 (LXXV) 2023, adopted on 23 May 2023, ACHPR /Res.563 (LXXVI) 2023, adopted on 4 August 2023, and ACHPR /Res.578 (LXXVII) 2023, adopted on 9 November 2023.

Recalling also ACHPR Resolution/Res.492 (LXIX) on violence perpetrated against women in armed conflict situations in Africa, adopted at its 69th Ordinary Session, the Guidelines of the ACHPR on the fight against sexual violence and their consequences in Africa, adopted at its 60th Ordinary Session in Niamey, Niger in May 2017;

Bearing also in mind the Human Rights Council Resolution S-36/L.1 of 11 May 2023 on the impact of the ongoing conflict in Sudan on human rights;

Concerned by the deliberate and continuing attacks against the population as the clashes between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) have continued since they broke out on 15 April 2023. More than 15,000 people have been killed and injured, and more than 8.8 million people have fled their homes since mid-April 2023;

Noting with concern the slow progress in the fight against impunity and in the establishment of transitional justice mechanisms, including the accountability of perpetrators of serious human rights violations, including international crimes committed during the ongoing conflict;

Deeply concerned by the deliberate targeting of civilians in violation of international humanitarian law, the inability of the population to have access to food, water, electricity and basic services, the spread of hunger and

malnutrition which is expected to lead to increased mortality levels in the coming months, and the deliberate attacks on hospitals and medical facilities, while both sides refuse to respect negotiated ceasefires;

Extremely concerned by the intensification of violence in the regions of Darfur, Gezira and South Kordofan in recent months, the upsurge of attacks on civilians resulting in violations of several rights guaranteed by the African Charter, including the right to life, to respect for dignity, to liberty and security of persons, to freedom of movement and to freedom of expression, among others.

The

Commission:

1. Strongly condemns:
 - a. the disproportionate use of force by the Sudanese Armed Forces and Rapid Support Forces, as well as the deliberate attacks on civilians and the targeting of civilian property and infrastructure, including hospitals and humanitarian organisations;
 - b. the flagrant violations based on gender, sexual exploitation, slavery, trafficking in persons, rape and other behaviours similar to enforced disappearances.
2. Reiterates its calls for an immediate and unconditional cessation of hostilities and an urgent end to the deliberate targeting of civilians, and also reiterates its calls to the neighbouring States to welcome the Sudanese refugees and provide them as much as possible with humanitarian assistance;
3. Urges both factions to open humanitarian corridors, to facilitate and secure passage to and from healthcare centres and food replenishment centres, and recalls that it is their duty and responsibility to respect all international laws governing the conduct of hostilities, to protect human rights and to ensure the protection of civilians from hostilities;
4. Expresses its willingness to join the efforts of the international community, and in particular those of the United Nations and its Human Rights Council, to find a positive outcome to the ongoing conflict in Sudan;
5. Envisages, the dispatch of a fact-finding mission to the Republic of Sudan to investigate human rights violations and breaches of humanitarian law from April 15, 2023 to date. This investigation should also include an analysis of their possible gender dimensions, their scope, and whether they constitute international crimes, with the aim of preventing further deterioration of the human rights situation.
6. Considers the possibility of creating a network for the protection of civilians with a focus on conflict-related sexual violence, which shall include the Rapporteur for the Republic of Sudan, the Focal Point on Human Rights in Conflict Situations in Africa, the Special Rapporteur on Women's Rights in Africa, the OHCHR Commission of Inquiry and Sudanese civil society organisations. The network shall monitor and document gross violations committed against civilians in Sudan and produce regular reports to the African Commission.

Adopted in Banjul, The Gambia, on 3 June 2024