General Allegation

136th session (28 April to 2May 2025)

Sudan

The Working Group on Enforced or Involuntary Disappearances (hereafter, 'the Working Group') received information from sources concerning obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter, 'the Declaration') in Sudan.

1. This general allegation focuses on allegations of ongoing enforced disappearances and acts tantamount to committed since the outbreak of conflict on 15 April 2023 between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) across the country until date.

2. The Working Group would also like to recall the concerns raised in its previous general allegation sent to your Excellency's Government in September 2022 and for which it is yet to receive a reply.[1]

3. The Working Group is alarmed by the allegations received from credible sources related to the increasing number of instances of enforced disappearances and acts tantamount to, in the context of the ongoing conflict, especially in the Darfur region. Many individuals have reportedly been subject to enforced disappearance or acts tantamount to with their families left in the dark about their fate or whereabouts. The disappeared have had no contact with family, lawyers, or representatives, and no party to the conflict has taken responsibility for their deprivation of liberty. While the Working Group notes the difficulty in establishing precise figures, according to the information received, it is estimated that the number of disappeared can be expressed in the hundreds in Khartoum, and likely in the thousands across the country.

4. According to the sources, most disappearances are attributed to the RSF, a non-State actor with de facto control over areas like Al Geneina, Zalingi, Nyala, and Al Duayin. These acts tantamount to enforced disappearance reportedly takes place in two key phases: first, immediately following RSF armed attacks, and second, after RSF establishes territorial control, its forces are reported to continue forcibly disappearing civilians during their daily movements, and subjecting captive women and girls to forced servitude. Victims are allegedly often held for ransom, subjected to sexual violence, or enslaved.

5. Credible information received indicates that the RSF has been implicated in abductions, forced conscriptions, and ransom-related detentions in Darfur, further exacerbating the situation. It has been reported that, in certain instances, individuals remain disappeared even after the payment of ransom by their families. Additional reports allege that persons deprived of their liberty, including journalists and media personnel, have been subjected to acts of torture with some reportedly used as human shields.

[1] See https://www.ohchr.org/sites/default/files/documents/issues/disappearances/allegations/general-allegation-sudan-128.pdf.

6. It is further reported that, while the SAF regained control over key facilities such as the National Radio and Television Corporation buildings in Darfur in March 2024, the fate and whereabouts of those previously detained therein remain unknown, causing continued distress and uncertainty for their families.

7. The Working Group raises its concerns at the situation in the El Fasher region, where a coordinated RSF attack in April 2024 led to renewed hostilities with the SAF and a worsening humanitarian crisis. Reportedly, enforced disappearance was used as a tactic against civilians fleeing for safety.9. The sources further identify a worrying number of vulnerable groups that are particularly targeted by enforced disappearances and acts tantamount to, including the Masalit community and those from El Geneina, Morni and Zalingei. In this regard, the violence in El Geneina, triggered by RSF-SAF clashes, reportedly escalated into systematic attacks on an ethnic group, the Masalit communities, including those on the move to Eastern Chad. In September 2024, instances of disappearances targeting prominent activists, community leaders and journalists have been documented, which indicates the potential of enforced disappearance and acts tantamount to being used both as a tool of war and repression against dissenting voices.

8. The information that the Working Group reviewed illustrates how, since the beginning of the conflict, women and girls have been systematically targeted. Reportedly, women and girls have been subject to enforced disappearance and acts tantamount to. The targeting of women and girls through enforced disappearances and acts tantamount to is allegedly often accompanied by sexual exploitation, including forced prostitution, forced marriages, and domestic servitude. Children are also reportedly abducted for forced recruitment into armed groups or forced labour. A vast majority of the documented cases by civil society remain unaccounted for, with many more likely undocumented.

9. The Working Group noted the specific incidents in areas like Khartoum, Darfur, Sennar, and Gezira States, with a reported high number of disappearances and deaths following RSF armed attacks. In some regions, the disappearance of entire families has been reported. Some of the victims were detained in places like prisons, including in seized building like universities, previous State-owned buildings. Only after those places are reclaimed are dead bodies discovered, in some cases in decaying state. The Working Group is not aware of any efforts to preserve and identify the bodies in accordance with the Minnesota Protocol and urges the authorities concerned to comply fully with international standards.

10. The Working Group notes with concern the impact of the reported disappearances, which comprises devastating economic, social, and psychological effects. In this regard, the Working Group notes that, because of enforced disappearances and acts tantamount to, families likely lose breadwinners. Moreover, women, often left as sole providers, might struggle to secure food, shelter, and healthcare for their children. The described circumstances and the trauma and anguish of not knowing the fate and whereabouts of their loved ones, combined with social stigma, might lead to further isolation and marginalization.

11. The Working Group further observes that the documentation of cases of enforced disappearances and acts tantamount to, are likely hindered due to fear of reprisals, stigma, and limited access to reporting mechanisms. Families may stay silent due to fear of retaliation. Moreover, social media posts about disappeared persons have reportedly been deleted, and especially rural cases go largely unreported, leaving the true scale of disappearances in the country unknown.

12. According to the information received, fight against enforced disappearances in Sudan might be hindered by legal protections afforded to security forces, which might complicate efforts to investigate and determine the involvement of State actors in conflict settings. The Working Group is also concerned that protections accorded by the Sudanese Constitution and Criminal Code may be used for political repression and impunity amidst the ongoing conflict. In particular, the Working Group notes with concern that article 45(1) of the Police Law (2008) prevents the prosecution of police officers for actions taken during duty, unless their superior waives immunity. Likewise, the Armed Forces Act (2007) grants similar protections to military personnel, requiring high-level approval for any investigations into military personnel.

13. The Working Group would like to bring to your Excellency's Government attention the following provisions of the Declaration, which are directly related to the present allegation:

Article 2

1. *No State shall practice, permit or tolerate enforced disappearances.*

2. *States shall act at the national and regional levels and in cooperation with the United Nations to contribute by all means to the prevention and eradication of enforced disappearance.*

Article 3

Each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.

Article 7

No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances.

Article 9

1. *The right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances, including those referred to in article 7 above.*

2. *In such proceedings, competent national authorities shall have access to all places where persons deprived of their liberty are being held and to each part of those places, as well as to any place in which there are grounds to believe that such persons may be found.*

3. Any other competent authority entitled under the law of the State or by any international legal instrument to which the State is a party may also have access to such places.

Article 10

1. *Any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention.*

2. *Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.*

3. *An official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention. Additionally, each State shall take steps to maintain similar centralized registers. The information contained in these registers shall be made available to the persons mentioned in the preceding paragraph, to any judicial or other competent and independent national authority and to any other competent authority entitled under the law of the State concerned or any international legal instrument to which a State concerned is a party, seeking to trace the whereabouts of a detained person.*

Article 11

All persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured.

Article 12

1. *Each State shall establish rules under its national law indicating those officials authorized to order deprivation of liberty, establishing the conditions under which such orders may be given, and stipulating penalties for officials who, without legal justification, refuse to provide information on any detention.*

2. *Each State shall likewise ensure strict supervision, including a clear chain of command, of all law enforcement officials responsible for apprehensions, arrests, detentions, custody, transfers and imprisonment, and of other officials authorized by law to use force and firearms.*

Article 13

1. *Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.*

2. *Each State shall ensure that the competent authority shall have the necessary powers and resources to conduct the investigation effectively, including powers to compel attendance of witnesses and production of relevant documents and to make immediate on-site visits.*

3. *Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.*

4. *The findings of such an investigation shall be made available upon request to all persons concerned, unless doing so would jeopardize an ongoing criminal investigation.*

5. *Steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.*

6. *An investigation, in accordance with the procedures described above, should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified.*

Article 16

1. *Persons alleged to have committed any of the acts referred to in article 4, paragraph 1, above, shall be suspended from any official duties during the investigation referred to in article 13 above.*

2. *They shall be tried only by the competent ordinary courts in each State, and not by any other special tribunal, in particular military courts.*

3. *No privileges, immunities or special exemptions shall be admitted in such trials, without prejudice to the provisions contained in the Vienna Convention on Diplomatic Relations.*

4. *The persons presumed responsible for such acts shall be guaranteed fair treatment in accordance with the relevant provisions of the Universal Declaration of Human Rights and other relevant international agreements in force at all stages of the investigation and eventual prosecution and trial.*

Article 18

1. *Persons who have or are alleged to have committed offences referred to in article 4, paragraph 1, above, shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction.*
2. *In the exercise of the right of pardon, the extreme seriousness of acts of enforced disappearance shall be taken into account.*

Article 19

The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependents shall also be entitled to compensation.

14. Moreover, the Working Group recalls that enforced disappearance is prohibited also pursuant to customary international humanitarian law (Rule 98). Each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate (Rule 117). Furthermore, parties of a conflict also have obligations regarding the dead, including taking all possible measures to search for, collect and evacuate them, returning remains, respecting and maintaining graves, as well as record all available information before disposal and marking the location of graves (Rules 112-116).

15. The Working Group would also recall that the prohibition of enforced disappearances and the corresponding obligation to investigate them have attained the status of jus cogens.
16. The Working Group also recalls the Guiding principles for the search for the disappeared persons, the thematic study on reparations and enforced disappearances and study on enforced or involuntary disappearances and economic, social and cultural rights.

17. Rules 134 and 135 of customary international humanitarian law afford special protection respectively to women and children. In this regard, the Working Group recalls its general comments on women affected by enforced disappearances and children and enforced disappearances.

18. The Working Group also recalls that Sudan acceded to the International Convention for the Protection of All Persons from Enforced Disappearance on 10 August 2021, and it notes that Articles 1, 2, 3, 12, 16, 17, 18, 24 and 25 of the International Convention are directly related to the allegations here illustrated.

19. The Working Group would like to respectfully request your Excellency's Government cooperation and observations on the following questions:

    a. Please provide any additional information and any comment on the allegations mentioned above.

    b. Please provide detailed information on the legal and institutional frameworks in place in Sudan to prevent and address enforced disappearances and acts tantamount to.

    c. Please provide information on the measures taken by the competent authorities to investigate allegations of enforced disappearance and acts tantamount to, including those reportedly perpetrated by members of the SAF and the RSF.

    d. Please provide information on the measures taken by the competent authorities to search for the disappeared persons and, in the event of their death, to locate, respect, exhume, identify and return to the family the mortal remains, respecting international standards on the subject, such as the 2016 Minnesota Protocol.

e. Kindly indicate the steps taken to ensure that families, legal representatives, or other persons with a legitimate interest are informed of the fate and whereabouts of disappeared individuals.

f. Please provide information on the specific measures adopted to protect women, girls and children from enforced disappearance and acts tantamount to, especially in light of allegations of abductions, sexual violence, exploitation and forced conscription. Kindly indicate the efforts made to investigate these cases and provide remedies to victims and their families.

g. Please provide detailed information on the legal guarantees in place to prevent enforced disappearances and acts tantamount to in the context of armed conflicts.

h. Please provide information on the measures taken to ensure that vulnerable groups, including internally displaced persons, children, and members of ethnic minorities, are protected against enforced disappearance and acts tantamount to, particularly in conflict-affected areas.

i. Please provide information on the steps taken to ensure that victims of enforced disappearance and acts tantamount to and their families have access to truth, justice, and reparation, including psychosocial and economic support. Kindly indicate whether any programmes or mechanisms have been established to respond to the social and psychological impact of enforced disappearance and acts tantamount to on affected communities.

j. Please provide information on the applicable legal provisions concerning immunity for members of the security forces, police, and military in the context of criminal investigations, including alleged acts of enforced disappearance. Kindly explain how these provisions align with the State's obligations to ensure accountability for serious human rights violations.

20. The Working Group requests a response within 60 days. The text of the general allegation will be published along with the Working Group's post-sessional report and on its website, where also any response received by your Excellency's Government will be made public.