
SUDAN: THE WAR AND THE JUSTICE SYSTEM



The war in Sudan that started on April 15 has had a detrimental effect on the justice system. The conflict that started between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) continues in multiple locations, leading to widespread destruction of infrastructure, including courts and legal institutions, making it difficult for people to access justice. On 15 April 2023, explosions and gunfire broke out as violence erupted in Khartoum and other Sudanese cities between the Sudanese Armed Forces (SAF) led by Sudan's current head of state as Chairperson of the Sovereign Council (SC), General Abdel-Fattah al-Burhan, and a paramilitary group, the Rapid Support Forces (RSF), led by General Mohamed Hamdan Dagalo.

The consequences of this war have undermined the integrity of the justice system, resulting in a culture of impunity, where perpetrators are not held accountable for their actions, and victims are denied justice.¹ The war has created a climate of fear and insecurity, making it challenging for individuals to come forward and report crimes or seek legal redress. The armed groups involved in the conflict have been accused of committing widespread human rights abuses, including sexual violence, looting, and the bombing of government infrastructure, Courts, police stations, the office of the registrar, and the Criminal Evidence Laboratory center in Khartoum.

The war has also highlighted inequalities within the justice system. Certain communities in Sudan believe that justice-seeking requires holding the leadership accountable for failing to address the social and economic inequalities in society. These injustices highlight the need for the justice system to not only address the immediate crimes committed during the war but also address the structural inequalities that perpetuate systemic injustice in the country. The African Centre for Justice and Peace Studies (ACJPS) sources in Sudan informed the center of the condition of police stations, prisons, the office of the registrar, lawyers' offices, and the courts in some states in Sudan.

Bombed Government facilities

- √ The Judicial authority in Khartoum
- √ The office of the land registrar Khartoum.
- √ Khartoum North Criminal Court
- √ Khartoum District Court
- √ The Anti-corruption court in Khartoum.

Government facilities looted

- √ Al-azhari Police station
- √ Dar- al- Salam Court compound looted and burnt down
- √ Umbada Criminal Court in Omdrman.
- √ The head of the Judiciary Western Darfur
- √ Law firms
- √ Omdurman West Court in Khartoum state

Police stations

- √ All the police stations in Khartoum have been closed since the time the war broke out, some police stations were attacked by the RSF resulting in injuring of police officials and soldiers.
- √ The police stations at Wad Madani in Central State, River Nile State, Red Sea, and Sinair are functional.
- √ Since the war started, the persons arrested at Kalaklah Police Station, were released.
- √ The police stations at Northern State are operational

¹ *Sudan: Clashes between SAF and RSF - Flash Update No. 14 (28 May 2023) [EN/AR]*
<https://reliefweb.int/report/sudan/sudan-clashes-between-saf-and-rsf-flash-update-no-14-28-may-2023-enar>

Courts of Judicature

- √ Courts have been gravely affected in Khartoum, Bahri, Omdurman, towns in Darfur, and North Kordofan.
- √ Specific courts in Khartoum, Nyala, Omdurman, Dar es-salam, and Darfur have been targeted by both parties at war and destroyed by looting and bombing, including the Khartoum Judicial Authority, the court archive, and the Khartoum district court, Anti-corruption court, the Umbada Criminal Court, the Omdurman West Court in Khartoum were bombed and rendered non-operational. There was no backup of files which further impacted the functioning of the justice system.
- √ The office of the head of the Judiciary in Omdurman was destroyed on June 24, 2023.
- √ The Chief Justice left Khartoum and he is working from Atbara in Nile state. Sudan Government Prosecutor is operating from Madani.
- √ The Chief Justice instructed all Judges to return to their home regions and work from there. All Prosecutors that left Khartoum have been attached to these regions.
- √ On July 3, 2023, the Nyala North Court experienced a devastating incident in which it was looted, resulting in the destruction of all furniture and files. This unfortunate event severely impacted the operations and functionality of the court.
- √ Furthermore, the Omdurman Morgue was subjected to a bombing incident. The details regarding the nature and extent of the attack are currently under investigation.
- √ The courts in Khartoum, including the Khartoum Judicial Authority and the Khartoum district court, were bombed.
- √ The Head of Darfur Judiciary and various court compounds, were looted and burnt down.
- √ The Anti-Corruption Court in Khartoum was bombed as well. These attacks have severely impacted the functioning of the courts, rendering them non-operational.

Prisons

- √ All the prisons in Khartoum, are empty because the prisoners were released due to the war's impact.²
- √ In East Darfur, the prison authority released 172 inmates from ad-De'ain prison in order to preserve the safety of the prisoners from the security disturbances and the lack of food inside the prison. The prison administration in the state classified the prisoners into two types: public and private rights crimes, 172:242 respectively. Inmates were released with guarantees from the native administrations. The continued release of prisoners was a result of several protests led by detainees due to the lack of gas and water shortages.

² Sudan: Some political prisoners freed after lifting of state of emergency
<https://www.africanews.com/2022/05/31/sudan-some-political-prisoners-freed-after-lifting-of-state-of-emergency//>

- √ The release of the former regime members after being detained for four years and other prisoners from Kober prison³. This forceful release followed an attack by the Rapid Support Forces on Al-Huda prison to release some of their tribesmen.
- √ The status of prisons in Madani, Red Sea, and Sinair is not specified. However, the information provided indicates that they are in operation and have not been subjected to looting, burning, or bombings.

Office of the Prosecutor/ Attorney General

- √ The Office of the Prosecutor and the courts in the Northern state are functional, although faced with a challenge of lack of evidence.
- √ The Attorney General handles all appeal cases, there are so many cases that are pending, resulting in case backlog and delay in the administration of Justice.

The criminal evidence laboratories

- √ The criminal Evidence Laboratory in Khartoum was bombed and destroyed, affecting the general administration of forensic and criminal evidence in the whole of Sudan.
- √ The courts that are operational in other states are hindered from investigating and criminalizing some cases, having a ripple effect on the administration of justice, contributing to case backlog and overcrowding in prisons. This setback is a consequence of the extensive destruction of facilities in Khartoum, which has turned into a battleground.
- √ The destruction of the sole centre in Khartoum that performed these functions is particularly impacting criminal work in Northern states and other states where the courts and the justice system are functional.

Law Firms

- √ Court closures, communication challenges, and restricted movement have hindered lawyers' ability to conduct their work effectively. Law firms in Khartoum have suffered looting and burning down, leading to the destruction of files and property.
- √ Economic activities have slowed down, leading to a decreased demand for legal services.
- √ Legal projects have been suspended, individuals may prefer settling outside court due to uncertainty and financial constraints.
- √ Lawyers continue to face safety and security risks due to the volatile situation in conflict zones. This has affected their willingness to take on certain cases or work in specific regions.
- √ Many lawyers have left the country to relocate to safer areas, resulting in a loss of legal talent and expertise in the country at large.
- √ Economic instability in Sudan has impacted law firms' revenue and financial stability. Clients struggle to pay for legal services, and the ability to maintain operations and pay staff has been compromised.

³ Former regime leaders say they are free from prison, call to support Sudanese army
<https://sudantribune.com/article273363/>

The Office of the Land Registrar

- √ The office of the land registrar, including the Dar es Salaam Office of lands registrar, experienced looting and burning down.
- √ The Omdurman office of the registrar was destroyed on June 2023. As a result, the office of the registrar and its related services have been disrupted.

The way forward/ Recommendations

- √ Citizens should report violations as of paramount importance in promoting accountability, ensuring justice, and protecting human rights. The collection of credible and verifiable information from the civilian population can significantly contribute to addressing the challenges posed by the conflict and laying the groundwork for lasting peace and stability.
- √ Establish safe and confidential reporting channels, conduct awareness campaigns, train human rights monitors, collaborate with NGOs and International bodies, safeguard data and witnesses, integrate into justice mechanisms, promote community engagements, and monitor and evaluate the reporting system.
- √ The Government should corroborate with the ICC in ensuring that their mandate is met. ICC has expressed its dedication to ensuring fair and independent trials for those who are found to be responsible for grave offenses of war crimes in Sudan.
- √ Sudan should make use of Universal jurisdiction as a legal principle that allows a state to prosecute individuals for certain grave international crimes, such as war crimes, crimes against humanity, genocide, and torture, regardless of where those crimes were committed or the nationality of the perpetrator or the victim to the global fight against impunity, even in the midst of conflict challenges.
- √ The Office of the Prosecutor (OTP) should keep detailed records of violations during the war. Such records play a vital role in promoting accountability, seeking justice, and upholding human rights.