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To the attn. of:

Mr Josep Borell Fontelles

EU High Representative for Foreign Affairs and Security Policy / Vice-President European External Action Service (EEAS)

26 September 2023

Dear High Representative Borrell,

SUDAN: THE EU AND ITS MEMBER STATES MUST TAKE AMBITIOUS ACTION TO ADDRESS WAR CRIMES AND SERIOUS HUMAN RIGHTS VIOLATIONS

Recently, the leaders of over fifty international human rights and humanitarian organizations [jointly called](#) for the international community to address mounting atrocities in Sudan by mobilizing more aid, solidarity and attention to the crisis in the country. In this spirit, Amnesty International is writing to urge you to lead on an ambitious European Union (EU) response to human rights violations in the conflict in Sudan.

In August 2023, Amnesty International published a report, [‘Death Came To Our Home’: War Crimes and Civilian Suffering In Sudan](#), documenting mass civilian casualties in both deliberate and indiscriminate attacks as well as sexual violence against women and girls, targeted attacks on civilian objects such as hospitals and churches, and extensive looting.

The EU and its member states must raise concerns over these very serious human rights violations, some of which amount to war crimes, including in their relations with their Sudanese counterparts and with the African Union (AU), as well as at the ongoing United Nations (UN) Human Rights Council (HRC) and the UN General Assembly.

Your recent [statement](#) highlighted the importance of action to “halt the cycle of impunity” in Sudan and asserted that “those responsible for atrocities must be identified and held to account.” In this spirit, the EU and its member states must act for the **protection of civilians in Sudan** and act to establish **an independent investigative and accountability mechanism** on Sudan during the ongoing session of the UN Human Rights Council.

Since the beginning of the conflict in April 2023, **civilians have been bearing the brunt of the consequences of the fighting** between the Sudan’s Armed Forces (SAF), led by Sudan’s Sovereign Council Head General Abdel Fattah al-Burhan, and the Rapid Support Forces (RSF), led by General Mohamed Hamdan Dagalo, commonly known as Hemedti. Their forces and allied militias have killed and injured thousands of people. The **scale of the civilian harm**, over an extended period of time, indicates that the parties to the conflict are failing to take adequate precautions to protect civilians. In some instances, such as deliberate killings of civilians and sexual violence against women and girls, there have been clear serious violations of international humanitarian law (IHL), including **war crimes**.

In **West Darfur**, a greater number of militias and armed groups, some allied to the RSF, have targeted civilians in **ethnically motivated attacks**, bearing some of the hallmarks of the war crimes and crimes against humanity perpetrated in Darfur since 2003.

These ongoing violations are part of a long history of impunity in Sudan, with the lack of accountability for past crimes emerging as one of the root causes of this renewed violence.

Together with the wider international community, the EU and its member states must urgently take steps to protect civilians in Sudan, investigate relevant crimes, and ensure accountability:

- **Protect civilians in Sudan** by
 - Engaging with the warring parties up to highest level to end all attacks on civilians and civilian infrastructure and ensure unhindered and immediate humanitarian access.
 - Calling for all countries to respect the UN Security Council’s arms embargo regime on Darfur by refraining from transferring weapons and ammunition to the SAF, the RSF and other armed actors; and advocating in support of efforts at the UN Security Council to expand the arms embargo regime that currently applies to Darfur, to the rest of Sudan.
 - In line with the EU Guidelines on Human Rights Defenders (HRDs), protecting and promoting the work of human rights defenders, activists, journalists, and civil society actors still in Sudan and at risk of attacks and violence. In parallel, the EU should pro-actively foster contact and ensure longer-term support to Sudanese HRDs in exile to be able to continue their important work.
 - Championing civil society and the inclusion of its views and concerns in any peace process in Sudan, in particular ensuring that any EU-hosted [meeting](#) of Sudanese “civil society” representatives is an inclusive, genuine and broad-based consultation and free from all reprisals.
 - Increasing emergency funding for the humanitarian response in Sudan and ensuring specific support for the protection, care, treatment and support mechanisms for survivors of sexual violence.

- **Welcome and protect refugees** by
 - Opening safe and legal pathways to European countries to ensure that Sudanese nationals who wish to seek international protection can do so as quickly and safely as possible, and have unimpeded access to their territory and asylum procedures.
 - Refraining from returning Sudanese nationals to Sudan or to any third country where they may be at risk of being returned to Sudan.
 - Engaging with states neighbouring Sudan to ensure that they keep their borders open and that those fleeing the conflict are not rejected at the border, are protected against *refoulement* and have safe and timely access to asylum.
 - Increasing emergency funding for the humanitarian response in refugee camps in neighbouring countries.

- **Champion efforts toward justice and accountability** by
 - Ensuring that justice and accountability are a key pillar of EU and member state relations with Sudan and of any peace process supported by the EU and its member states.

- Acting at the current session of the UN Human Rights Council to establish an [independent investigative and accountability mechanism](#) to monitor, collect and preserve evidence, and report on serious violations and abuses of international human rights law and violations of international humanitarian law that have occurred and continue to occur during this conflict.
- Calling on the AU Peace and Security Council to mandate the African Commission on Human and Peoples' Rights to dispatch a fact-finding mission to Sudan to conduct investigations and report on serious abuses and violations of international human rights law and international humanitarian law that have occurred and continue to occur in Darfur and the rest of Sudan.
- Providing the International Criminal Court (ICC) with additional resources to investigate ongoing violations in the Darfur region, and in parallel giving full political backing for the ICC's work in this context.

Thank you in advance for your action for human rights in Sudan and of all those affected by the conflict in the country and the wider region.

Yours sincerely,



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