



**Sudan During the war of April 15 2023 : Efforts to assert Sovereignty and Achieve Justice through International Mechanisms.**

# Policy Brief

**Sudan Rights Watch Network**

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### **About us:**

Sudan Rights Watch Network – Sudan is a Sudanese network specialized in monitoring and documenting human rights violations, monitoring security incidents and human rights violations in Sudan, with a special focus on the Darfur region, with the aim of protecting and promoting human rights, and raising public awareness of fundamental rights, public and private in the country. It works to provide accurate and reliable information on the human rights situation, including security violations and incidents, through reports issued by the network. All this is in an effort by the Network to strengthen advocacy efforts at all levels, and to support the rights of affected and affected individuals, communities and groups, in order to contribute effectively urgently and strategically to achieve justice and redress for victims through accountability processes, preservation of collective memory and others, in order to positively participate in building a more just and respectful society for human rights in Sudan and the region.

### **The International Court of Justice**

It is an international judicial body established under the Charter of the United Nations, and its role is to settle international disputes and interpret international law to protect international peace and security, uphold human rights, and promote the rule of law and justice, which are presented to it by states in the framework of contentious issues in accordance with international law, while also providing advisory opinions on legal matters. The Court was established on June 26, 1945, under the United Nations Charter, and its inaugural session took place in April 1946. It is located at the Peace Palace in The Hague, Netherlands, on the North Sea coast. It issues binding legal decisions for member states that must be complied with, in addition to providing legal guidance regarding the interpretation and application of international treaties. The proceedings of the court in any case involve a phase for presenting written arguments, evidence, and reports, followed by oral pleadings during sessions, after which decisions are made following deliberations by the court, which are predominantly confidential and may last between 4 and 6 months. Each decision is issued in the Court's two official languages; English and French, published in multiple official languages, and delivered to all concerned states.

The Court is composed of 15 judges nominated by their respective countries, who are elected by the United Nations General Assembly and Security Council for a term of 9 years for a term of office according to specific criteria and provisions. The composition of the Tribunal reflects a specific geographical balance. The Court enjoys administrative autonomy and is the only principal organ of the United Nations not assisted by the Secretariat of the Organization, as the judges are assisted by the Rapporteur of the Court,





who is elected by the Court for a renewable term of 7 years. As part of the United Nations, the International Court of Justice receives its funding from several sources, including: the United Nations, contributions of Member States, voluntary contributions and fees provided by States. Most of the Tribunal's budget is allocated to cover the costs of its various work and activities.

### **Background of the Conflict in Sudan:**

Since the outbreak of armed conflict in mid-April 2023 in the capital Khartoum between the Rapid Support Forces and the Sudanese Armed Forces, which quickly expanded to the rest of the states and regions of the country, the Sudanese people of all backgrounds and categories have been subjected to horrific forms of violence, and continue to suffer from severe and widespread violations of human rights as the conflict persists. Atrocious acts of brutal violence have shaken the human conscience, committed against civilians, taking on an ethnic character in the Darfur region due to the historical and contemporary persistence of conflicts and armed grievances. The commission of these crimes and their escalation against residents of specific areas, such as what occurred in Geneina, Al-Fasher, the Kanabii, and Wad Al-Nour in Al-Jazeera State, represent a continuation of a series of systematic crimes that have been perpetrated due to the prevalence of a culture of impunity.

It has resulted in widespread destruction and looting of infrastructure, leading to the collapse of essential services and exacerbating the humanitarian and human rights crisis. This includes the forced displacement of over 10 million people, as part of a systematic policy of impoverishment of Sudanese communities, and the flight of nearly 3 million individuals, along with the killing, injury, and disappearance of hundreds of thousands. More than 85% of health, educational, and industrial institutions have ceased operations, amidst a situation where half of the population urgently needs food, medicine, and water.

Meanwhile, local and international official reports have documented serious evidence, documents, and field testimonies regarding the involvement of certain regional and international states, particularly the United Arab Emirates, in supporting warring parties, especially the Rapid Support Forces, either through the provision of weapons, logistical funding, or indirect political support, among other unlawful and legally unjust actions, which contribute to prolonging the crisis. After the outbreak of the conflict, the latter transformed into a group outside the framework of the official state apparatus following its rebellion, as described by the Sudanese government, against the military establishment, the army. Field reports from the "Sudan Human Rights Monitoring Network" confirm the presence of a busy flight movement landing at Nyala International Airport at night, likely associated with the Rapid Support Forces due to their control over South Darfur and its capital, Nyala, since the withdrawal of the Sudanese army from it in late October 2023. Additionally, reports supported by investigations and open-source





data (OSINT) confirm Emirati support for the Rapid Support Forces through military and logistical supplies via the Um Jaras Airport in Chad.

### **Reasons and Objectives of the Lawsuit**

Based on the background data of the conflict, the Government of Sudan filed an official lawsuit on March 6, 2025, with the International Court of Justice to hold the United Arab Emirates accountable for its violation of the Convention on the Prevention and Punishment of the Crime of Genocide in West Darfur during the war on April 15, and the parties contributing to the exacerbation of the violent crisis through their support for an armed group (the Rapid Support Forces in particular) that has departed from the state apparatus and committed serious crimes and violations against civilians, including crimes against humanity, which constitutes a blatant violation of the United Nations Charter and the four Geneva Conventions. This deepens the country's crisis and threatens the stability of the entire region, if not the international peace and security. Sudan, as declared by the government through this lawsuit, seeks to affirm its commitment to the rights of victims and their families during the crisis, and in defense of the principle of state sovereignty and non-interference in its internal affairs, as mandated by international and regional treaties and agreements. Silence regarding accountability during violent crises may contribute to entrenching a culture of impunity, which poses a threat to the entire global justice system.

The complaint also represents a public call to the regional and international community, as well as human rights and humanitarian organizations, to support efforts to halt the conflict and achieve a just and lasting peace, while enhancing efforts to document violations and pressuring the countries involved to cease their direct or indirect support for armed groups in rebellion against official state authorities.

### **Legal Basis of the Lawsuit**

On April 10, 2025, the International Court of Justice (ICJ) in The Hague held its first session to consider the lawsuit filed by the Government of Sudan against the United Arab Emirates, accusing it of violating the Convention on the Prevention and Punishment of the Crime of Genocide in Sudan during the conflict that erupted in mid-April 2023. Sudan asserted during the session that the United Arab Emirates is the "main driver of the crime of genocide" in West Darfur, through its extensive and ongoing support for the Rapid Support Forces in the ongoing war. The Sudanese government referred the case to the international judicial platform based on:

1. Grave violations of international humanitarian law and the four Geneva Conventions (1949) and their additional protocols, particularly concerning the protection of civilians and civilian objects in armed conflicts.
2. Violations of the principle of non-intervention in the internal affairs of states, as stipulated in Article 2 of the United Nations Charter.
3. The responsibility of third countries to provide support to armed groups committing war crimes, crimes against humanity, and genocide, in accordance







with relevant Security Council resolutions such as resolution 1593 concerning Darfur.

### **Some experiences of countries on international justice**

1. On December 29, 2023, South Africa filed a complaint before the International Court of Justice, accusing Israel of committing crimes of "genocide" against the Palestinian people, and the court issued a preliminary judgment and emergency measures against Israel in the lawsuit filed by South Africa, accusing Israel of violating the United Nations Genocide Convention.

2. On 12 June 2023, the International Court of Justice announced that the Netherlands and Canada had filed a joint action against the Syrian Arab Republic, alleging violations by the authorities in Damascus of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. On 16 November 2023, the International Court of Justice issued a decision demanding that Syria take all effective measures to "prevent destruction and ensure the preservation of any evidence relating to allegations relating to acts within the scope of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment."

3. In June 2016, the Islamic Republic of Iran filed a case against the United States before the court, demanding that Washington release approximately two billion dollars of frozen assets. In March 2023, the International Court of Justice ruled that it lacked jurisdiction over the case concerning Iran's frozen assets in the United States.

4. In late August 2018, Iran initiated a lawsuit before the court alleging that the United States had violated the Treaty of Amity, Economic Relations, and Consular Rights of 1955 between the two countries due to the sanctions imposed by Washington on Iran. On October 3 of the same year, the court issued a ruling stating that "American sanctions should not affect the humanitarian situation in Iran or civil aviation," a judgment that Washington expressed its refusal to comply with.

5. On October 8, 2010, the General Assembly requested the Court to provide its non-binding opinion on the legality of Kosovo's declaration of independence, following the withdrawal of Serbian forces in 1999. On July 22, 2010, the International Court of Justice issued an advisory opinion stating that Kosovo's declaration of independence from Serbia in February 2008 does not constitute a violation of international law, with 10 judges voting in favor of the decision and four dissenting.





### **How and Why the Court Rejected the Lawsuit**

On 5 May 2025, the International Court of Justice (ICJ) issued an order rejecting Sudan's request for the indication of provisional measures in the case concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide against the United Arab Emirates. Public hearings on the matter were held on 10 April 2025.

In its order, the Court stated that it may only indicate provisional measures if the provisions invoked by the applicant, *prima facie*, provide a plausible basis for the Court's jurisdiction. The Court further noted that the United Arab Emirates, upon acceding to the Genocide Convention, submitted a reservation to Article IX, expressly excluding the Court's jurisdiction.

Accordingly, the Court found that Article IX of the Convention does not, on its face, provide a sufficient jurisdictional basis in this case. As a result, the Court determined it could not indicate the provisional measures requested by Sudan. It concluded that, in light of the UAE's reservation and the absence of any other jurisdictional basis, it clearly lacks jurisdiction to entertain Sudan's request.

Consequently, the case will be removed from the Court's docket. Nevertheless, the Court underscored the fundamental distinction between a State's acceptance of its jurisdiction and the compatibility of that State's actions with international law. Whether or not a State accepts the Court's jurisdiction under Article IX, it remains bound by its obligations under the Convention and is accountable for any actions that contravene its international responsibilities.

### **Statement Of Condemnation and Fair Demands**

Based on the testimonies and evidence contained in the lawsuit submitted to the international judiciary, the "Human Rights Monitoring Network - Sudan" expresses its grave concern regarding the credible reports clearly indicating the involvement of specific countries and governments in directly or indirectly supporting warring parties in Sudan materially, logistically, militarily, and politically. We express our profound condemnation of these irresponsible and unethical behaviors, which violate internationally recognized legal and diplomatic norms. Such ongoing support contributes to worsening the humanitarian crisis, violating the principles of international humanitarian law, as well as the provisions of the United Nations Charter and regional and international agreements pertaining to the protection of state sovereignty, prohibiting interference in domestic affairs, banning support for terrorism, and threatening international peace and security, thus exacerbating the suffering of the Sudanese people.

Considering these grave developments regarding the crisis afflicting the country, the "Sudan Human Rights Monitoring Network" puts forth the following recommendations:





1. The necessity of terminating external interference in Sudan: We strongly urge the international and regional community to support the just cause of Sudan and to assist its efforts in ending all forms of external support to armed groups that cause suffering to the Sudanese people, and to put an absolute and final end to any direct or indirect intervention in Sudan's affairs in any official or unofficial capacity.
2. Imposition of effective international sanctions: We call upon the UN Security Council and regional and international organizations, including the European Union, the African Union, the League of Arab States, and IGAD, to impose immediate and effective sanctions on the countries and entities proven to be complicity in supporting agendas and policies that exacerbate the Sudanese crisis.
2. Facilitating access to humanitarian aid: Ensuring the safe and unhindered delivery of humanitarian assistance by holding accountable the parties that attack and obstruct humanitarian convoys and relief workers.
3. Empowering fact-finding mechanisms: Strengthening and supporting the fact-finding mechanism established by the Human Rights Council and the African Commission on Human and Peoples' Rights to conduct field investigations.
4. Accountability for perpetrators: Enhancing accountability mechanisms and pursuing perpetrators and those involved, including expanding the jurisdiction of the International Criminal Court to cover all of Sudan, supporting independent investigations, and establishing mechanisms to track arms and financing flows and war economies.
5. Strengthening the efforts of human rights organizations and defenders: The international community should be urged to take stringent security measures to protect human rights defenders, women's rights activists, and civilians displaced by violence and harassment, in addition to enhancing and providing material and technical support to local monitors to document violations in support of accountability efforts.

### **Together to Strengthen Justice Efforts**

The "Human Rights Monitoring Network - Sudan" values all international and regional efforts to stop the conflict in the country, achieve justice for the victims and their families, and promote peace and sustainable development. The network emphasizes that the international and regional silence regarding foreign interventions in Sudan represents a stark setback to the provisions of the United Nations charters and a violation of the principles of international justice. It warns that the continued impunity will open wide the doors to the escalation of externally supported armed conflicts in the





region, particularly in Africa, thereby threatening regional and international stability. In conclusion, the network affirms that achieving justice is not a political option, but rather a moral and legal obligation that must be fully fulfilled possible. It calls on the entire world to actively stand with the victims of war in the country and to pressure their governments to halt direct or indirect support for armed groups that fall outside the official responsibility of the state.

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