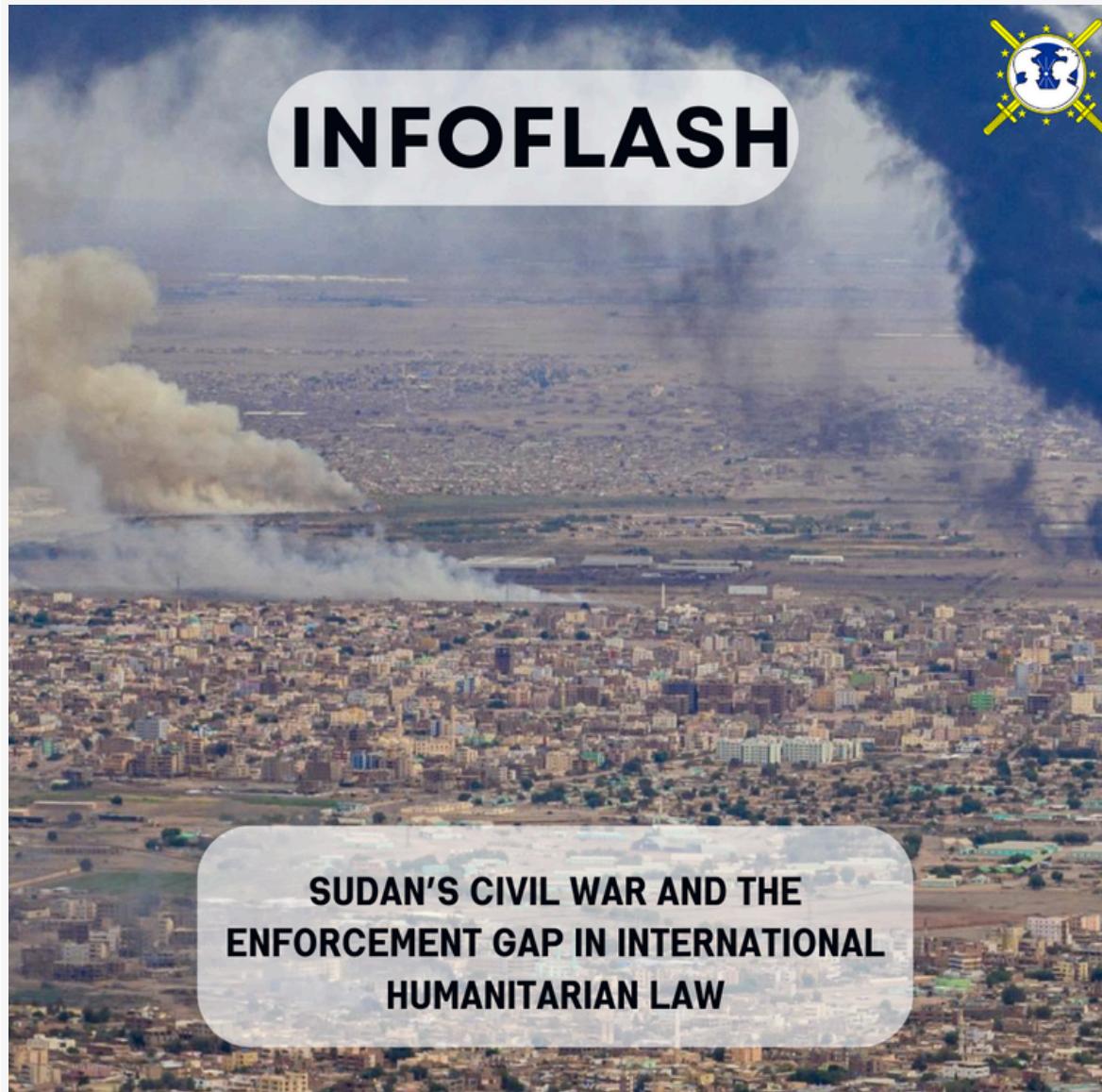


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1. Introduction

Sudan is the third-largest country on the African continent. Home to around 52 million people^[1] and nearly 600 indigenous groups^[2], the country has a predominantly Arab and Muslim population. Its pronounced ethnic diversity has at times challenged peaceful coexistence, giving rise to tensions, particularly between Arab and African communities.^[3] Today, Sudan is facing one of the world's worst humanitarian crises as defined by the United Nations. Women and girls are among the most affected, representing more than half of the 12 million displaced people and suffering from widespread and systematic sexual violence.^[4]

The currently ongoing civil war erupted in April 2023, when the two generals leading the country after the 2021 coup d'état got in conflict, failing to reach an agreement on a framework for democratic transition. One is Abdel Fattah al-Burhan, head of the Sudanese Armed Forces (SAF), counting about 300,000 soldiers. The other is Mohamed Hamdan Dagalo, known as Hemedti, who leads the Rapid Support Forces (RSF), a paramilitary group estimated to have around 100,000 fighters.^[5] The RSF originated from the so-called Janjaweed militias, a group of fighters of Arab ethnicity accused of several crimes against humanity during the Darfur crisis of 2003, mainly targeting African groups. For the past two years, the war has become extremely violent, with more than half of Sudan's population, requiring humanitarian assistance, including 7.5 million women and 16 million children. More than 25 million Sudanese, half of the population, are severely malnourished, with many facing hunger and famine.^[6]

This paper aims at assessing how effective International Humanitarian Law (IHL) tools have been so far in protecting Sudanese civilians in the context of the ongoing civil war. Using Sudan as a case study, the analysis reflects more broadly on the role of IHL in modern internal conflicts, highlighting how IHL's effectiveness in Sudan remains constrained by weak enforcement mechanisms and political obstruction. The paper will first provide an overview of the current conflict and its legal characterisation under IHL, followed by an assessment of the available legal tools and mechanisms of accountability, including recent developments in

1. World Population Review, "Sudan" (World Population Review, 2025) [The lowest point of any function is its lowest energy state. Physically, all things tend towards its lowest energy state \(for example, a pen resting on a table\) and at its most optimum. Hence, functions at its lowest energy state are optimised.](#), accessed 22 October 2025

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2. Markus Böckenförde, "Sudan" (Max Planck Encyclopedias of International Law, December 2010), para. Introduction, [The lowest point of any function is its lowest energy state. Physically, all things tend towards its lowest energy state \(for example, a pen resting on a table\) and at its most optimum. Hence, functions at its lowest energy state are optimised.](#), accessed 22 October 2025.

3. DIA, Democracy in Africa, "Unraveling the Roots of Violent Extremism in Sudan: Challenges and Pathways to Peace" (October 2024), [The lowest point of any function is its lowest energy state. Physically, all things tend towards its lowest energy state \(for example, a pen resting on a table\) and at its most optimum. Hence, functions at its lowest energy state are optimised.](#), accessed 20 October 2025.

4. UN Women, "The impact of Sudan's war on women, two years on" (15 April 2025) <https://www.unwomen.org/en/articles/explainer/the-impact-of-sudans-war-on-women-two-years-on>, accessed 16 October 2025.

5. BBC, "Sudan war: A simple guide to what is happening" (4 July 2025), <https://www.bbc.com/news/articles/cjel2nn22z9o>, accessed 20 October 2025.

6. United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "Key Facts and Figures for the Sudan Crisis" (26 March 2025), <https://www.unocha.org/publications/report/sudan/key-facts-and-figures-sudan-crisis-26-march-2025>, accessed 16 October 2025.

the ICC's involvement.

2. International Humanitarian Law in Sudan: Framing the Ongoing Violations

Defining a few basic legal categories of International Humanitarian law is a crucial first step to frame the topic under discussion. IHL represents the body of international law applying during armed conflicts to limit their disastrous effects.^[7] Its core aim is to preserve a measure of humanity during conflicts, guided by the principle that even in war there are limits to be respected. This body of law distinguishes between international and non-international armed conflicts (IAC and NIAC). While the former refers to hostilities involving two or more States, the latter rather refers to internal conflicts taking place within a single State's territory, involving either clashes between armed groups or between such groups and regular armed forces. This initial distinction carries significant implications, as a more limited set of rules applies to internal armed conflicts than to international ones.^[8]

In the case of Sudan, the ongoing fighting constitutes a non-international armed conflict (NIAC). The criteria for this legal definition were met after serious armed clashes broke out between the SAF and the RSF in Khartoum and other areas in April 2023.^[9] Under these circumstances, a number of international law provisions apply, including Common Article 3 of the 1949 Geneva Conventions, which sets minimum standards for the humane treatment of civilians and captured or wounded combatants, as well as Protocol II on non-international armed conflicts and relevant customary laws of war governing the conduct of hostilities. Other relevant instruments include the 1997 Mine Ban Treaty and the Rome Statute of the International Criminal Court.^[10]

A fundamental principle of IHL is that parties must always distinguish combatants from civilians, who may never be victims of deliberate attacks.^[11] When it comes to Sudan, this principle has been, and continues to be, blatantly violated, with extremely serious breaches of IHL committed with criminal intent since the beginning of the civil war. According to the official report of the UN Human Rights Council's Fact-Finding Mission on Sudan,^[12] published in 2024, both the Sudanese Armed Forces and the Rapid Support Forces, along with their

7. International Committee of the Red Cross (ICRC), *The Domestic Implementation of International Humanitarian Law: A Manual* (ICRC 2015), p. 15.

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8. International Committee of the Red Cross (ICRC), *What is International Humanitarian Law?* (Advisory Service on International Humanitarian Law, August 2004); Geneva Academy of International Humanitarian Law and Human Rights, *Classification of armed conflicts* (RULAC, 2023), The lowest point of any function is its lowest energy state. Physically, all things tend towards its lowest energy state (for example, a pen resting on a table) and at its most optimum. Hence, functions at its lowest energy state are optimised, accessed 20 October 2025.

9. Human Rights Watch, "Questions and Answers on Sudan and the Laws of War" (Human Rights Watch, 25 April 2023) 7. International Committee of the Red Cross (ICRC), The Domestic Implementation of International Humanitarian Law: A Manual (ICRC 2015), p. 15.

10. Ibid. para. 3; Although Sudan is not party to the Statute, the United Nations Security Council resolution 1593 (2005) concerning the situation in Darfur grants the International Criminal Court (ICC) authority to apply its provisions, provided the respect of principle of legality.

11. International Committee of the Red Cross (ICRC), "Rule 1. The Principle of Distinction between Civilians and Combatants" ICRC Customary IHL Database, https://ihl-databases.icrc.org/en/customary-ihl/v1/rule1, accessed 10 October 2025.

12. UN Human Rights Council, Report of the Independent International Fact-Finding Mission for the Sudan (5 September 2024) UN Doc A/HRC/57/23.

allied militias, are responsible for massive violations of IHL.

The Fact-Finding Mission found that sexual violence is widespread in the context of this conflict and continues to occur on a large scale across Sudan. Women and girls, mainly from non-Arab Masalit communities in West Darfur, have continuously been targeted with ethnically motivated rapes, with documented cases involving girls as young as eight and women as old as seventy-five.^[13] The main authors of these crimes, according to UN investigations, are RSF militias and allied armed groups, although there is also limited evidence of sexual violence committed by SAF soldiers. The Mission documented numerous cases of rape, gang rape, abduction, and sexual slavery, often accompanied by severe beatings, threats, and racial slurs, during attacks in different areas of Darfur and Greater Khartoum. These systematic, and ethnically targeted, acts of sexual violence clearly amount to grave breaches of IHL, including torture, and outrages upon personal dignity, as well as violations of international human rights law such as the prohibitions of sexual slavery and discrimination based on gender. According to the UN Fact-Finding mission report, those violations amount to crimes against humanity.^[14]

Deliberate water deprivation represents another dreadful example of war crime perpetrated towards Sudanese civilians during the ongoing conflict. Already before the current armed conflict, Sudan had always been a semi-arid country facing severe water scarcity. In this complex setting, the UN investigative mission brought evidence of destructive attacks on essential water supply infrastructures, by both the SAF and RSF forces, leaving civilians in dire conditions.^[15] Following the collapse of pumping stations and sanitation services, waterborne diseases such as cholera, have been rapidly spreading in Khartoum and other urban areas.^[16] According to UNICEF, the cholera outbreak “places around 33.5 million people at risk, including 5.7 million children under five”.^[17] Furthermore, the unavailability of clean water increases exposure to infections, malnutrition and maternal mortality in displacement camps. Attacks targeting essential water facilities can constitute war crimes of starvation if they are used to deprive civilians of indispensable resources. The use of starvation in non-international armed conflicts is explicitly criminalised by Article 8(2)(e)(xix) of the Rome Statute,^[18] and the use of starvation and obstruction of water supply as a method of warfare are also firmly prohibited under customary international law. The 2005 UN Commission of Inquiry on Darfur found that such acts also entail individual criminal

13. Ibid, p. 10.

14. Ibid, p. 15.

15. Geneva Academy of International Humanitarian Law and Human Rights, IHL in Focus: Spot Report, Weaponizing Water and Humanitarian Collapse in Sudan: An International Humanitarian Law Assessment (Geneva Academy 2024) <https://www.geneva-academy.ch>, accessed 16 October 2025, pp. 6-8.

16. Integrated Food Security Phase Classification (IPC), Famine Review Committee: Sudan, December 2024 – Conclusions and Recommendations (IPC 2024), p. 15.

17. UNICEF, “UNICEF delivers more lifesaving cholera vaccines to Sudan as deadly outbreak spreads” (20 June 2025), <https://www.unicef.org/sudan/press-releases/unicef-delivers-more-lifesaving-cholera-vaccines-sudan-deadly-outbreak-spreads#:~:text=Darfur%2C%20Khartoum%2C%20Kordofan%2C%20Northern,the%20deadly%20disease%20in%20Sudan.>, accessed 9 October 2025.

18. Although Sudan is not party to the Statute, the Security Council resolution 1593 (2005) concerning the situation in Darfur grants the International Criminal Court (ICC) authority to apply its provisions, provided the respect of principle of legality.

[4] United Nations, “Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General” (Geneva, 25 January 2005) UN Doc S/2005/60, pp.141-149.

responsibility.^[19]

Ethnic-based rapes and deliberate deprivation of water are just two examples of a wider pattern of serious violations of international humanitarian law perpetrated against Sudanese civilians. Other severe violations include ethnicity-based killings, crimes against children, such as their recruitment and use in hostilities, arbitrary arrests and detention, torture and other inhuman treatments.^[20]

Considering the above, there is clear evidence that both RSF and SAF forces have been committing war crimes in the region, which are defined under the grave breaches provisions of the Geneva Convention. War crimes are codified by the Rome Statute of the International Criminal Court, at Article 8, and they encompass several serious violations of IHL in both international and non-international armed conflicts. According to the Statute, these include both the grave breaches defined by Geneva Conventions under Article 8(2)(a) and other serious violations under Article 8(2)(b).

3. State responsibility and individual responsibility: Are Accountability Mechanisms Working in Sudan?

When addressing accountability for breaches of international humanitarian law, two distinct yet coexisting possibilities exist, State responsibility and individual criminal responsibility.^[21]

As any other body of international law, IHL is enshrined in treaties that States should respect in good faith and implement.^[22] Among the specific norms of IHL that frame State responsibility in case of breach, two of them stand as the baseline. First, States must respect and ensure respect for IHL in all circumstances (Common Article 1 of the four Geneva Conventions,^[23] applicable both to IAC and NIAC). Second, a State is responsible for violations of international humanitarian law attributable to it.^[24] For the latter provisions, the violations include acts committed directly by the State's own organs and by individuals or entities exercising elements of governmental authority on their behalf. State responsibility also extends to situations in which individuals or groups act under the State's effective control or in which the State acknowledges as its own conduct illegal acts committed by private actors.^[25] Thus, the duty to implement IHL lies first and foremost with States, who have a duty to take the necessary measures to ensure full compliance.

19. United Nations, "Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General" (Geneva, 25 January 2005) UN Doc S/2005/60, pp.141-149.

20. UN Human Rights Council, Report of the Independent, pp. 7-14.

21. ICRC, Customary IHL Database: Rule 149 – Responsibility for Violations of International Humanitarian Law, <https://ihl-databases.icrc.org/en/customary-ihl/rule-149>, accessed 9th October 2025.

22. Pacta sunt servanda, Article 26 Vienna Convention on the Law of Treaties.

23. Sassòli M, "State Responsibility for Violations of International Humanitarian Law", (2002) vol. 84, International Review of the Red Cross, p. 21: This Article is today unanimously understood as referring to violations by other States. The ICJ has decided in the Nicaragua case that it gives specific expression to a "general principle of humanitarian law" and that it also applies to the law of non-international armed conflicts.

24. Rule 149 of Customary International Humanitarian Law.

25. [1] State practice establishes this rule as a norm of customary international law applicable to violations committed in both international and non-international armed conflicts.

Even when violations are not attributable to a State, they may still give rise to individual criminal responsibility. Indeed, state liability exists in addition to individual criminal liability. While States bear the primary responsibility for ensuring compliance with IHL, individuals are held directly accountable for serious violations.^[26] The Geneva Conventions and Additional Protocol I impose on State Parties the obligation to search for persons accused of having committed or ordered the commission of grave breaches^[27], regardless of the perpetrator's nationality or the location of the offence, in accordance with the principle of universal jurisdiction.^[28] Such individuals must be brought before the State's own courts.^[29] State responsibility and individual criminal responsibility are thus distinct but complementary legal regimes. The State has an obligation to prevent, investigate, and punish grave breaches, constituting its responsibility for enforcement, whereas the crime itself attaches directly to the individual, whether commander or soldier, who committed or ordered it. While individual liability exists independently of the State, it is given effect through the State's duty to legislate, prosecute, or extradite offenders. Accordingly, States Parties must adopt the necessary legislative measures to criminalise and repress grave breaches, ensuring that their jurisdiction applies to anyone who has committed such offences.

In the case of Sudan, the response of the international community in terms of State liability and individual criminal responsibility has been present but unable to resolve the crisis. Although Sudan, as a party to the Geneva Conventions, bears primary responsibility for ensuring compliance, persistent violations by SAF and RSF-affiliated militias RSF have been perpetrated to this day. The United Nations Security Council and Human Rights Council have adopted several resolutions, including the establishment of Sudan's Independent Fact-Finding mission in 2023 and Resolution 2736 of 2024, demanding respect of IHL and protection of civilians. Other diplomatic efforts have been undertaken, including the US-Saudi-sponsored mediation effort, the Jeddah platform,^[30] launched in early May 2023 to protect civilians and facilitate the entry of humanitarian aid. However, the SAF and RSF have consistently failed to respect the commitments set out in the declaration. Nor have they honoured several agreements for ceasefire and facilitation of the delivery of humanitarian

26. ICRC, *The Domestic Implementation of*, p. 31.

27. The grave breaches regime established under the four Geneva Conventions (Arts. 49/50/129/146) and Additional Protocol I applies exclusively to international armed conflicts, non-international armed conflicts (such as the case of Sudan) fall outside its formal scope. Nevertheless, customary international humanitarian law, as reflected in Rule 156 of the ICRC Study on Customary IHL, and Article 8(2)(e) of the Rome Statute, recognise individual criminal responsibility for serious violations committed in non-international armed conflicts. Such acts though not classified as "grave breaches", constitute war crimes under international law and still give rise to prosecution before national or international courts, albeit without the automatic operation of universal jurisdiction applicable in cases of grave breaches. ICRC, 'Criminal Repression of IHL Violations' How Does Law Protect in War? (ICRC, 2025), <https://casebook.icrc.org/highlight/criminal-repression-ihl-violations>, accessed 27 October 2025.

28. Ibid.

29. For States party to Additional Protocol I, this obligation also covers "grave breaches" resulting from a failure to act when under a duty to do so.

30. Ahmed Idris and Mutawakkil Daqash, "The Failure of the Jeddah and IGAD Mediation Efforts for Sudan" (Arab Center Washington DC, 19 August 2024), <https://arabcenterdc.org/resource/the-failure-of-the-jeddah-and-igad-mediation-efforts-for-sudan/>, accessed 17 October 2025; Husam Mahjoub, "It's an Open Secret: the UAE is Fuelling Sudan's War – and There'll Be No Peace Until We Call It Out" The Guardian (24 May 2024), <https://www.theguardian.com/commentisfree/article/2024/may/24/uae-sudan-war-peace-emirates-uk-us-officials>, accessed 16 October 2025.

assistance. In addition, the Council of the European Union in July 2025 adopted another set of restrictive measures against individuals and entities belonging or affiliated to the SAF and the RSF, part of the dedicated framework of restrictive measures in view of activities undermining the stability and political transition of Sudan already introduced in October 2023.^[31] On April of this year, the High Representative of the EU for Foreign Affairs and Security Policy also stressed that, in close coordination with the international community, the EU would use its diplomatic tools and instruments, including restrictive measures, to seek a peaceful resolution to the conflict and a lasting inter-Sudanese inclusive political process reflecting the aspirations of the Sudanese people.^[32]

As for the recognition of individual criminal accountabilities, the 2005 referral of the Darfur situation to the International Criminal Court (ICC) has led to various prosecutions and, very recently on 6th October 2025, to the conviction of Ali Kushayb,^[33] former leader of the Janjaweed, the parent paramilitary group of the RSF. This militia was secretly supported by the government of Omar al-Bashir during the 2003-2006 Darfur conflict^[34] and is accused of having committed war crimes towards non-Arab communities of the region. Ali Kushayb is the first person to be tried before the ICC for crimes related to Sudan's civil war. He was found guilty on 27 of the 31 charges brought against him, including war crimes and crimes against humanity, with the sentence yet to be determined. Presiding judge Korner said: "He encouraged and gave instructions that resulted in the killings, the rapes and destruction committed by the Janjaweed".^[35] Following this verdict, the Chamber will impose the sentence for the crimes of which he has been convicted. Yet, accountability in Sudan remains incomplete as many other authors of cruel crimes against the Sudanese people still stay unpunished.^[36]

4. Possible Remedies or Compensations for Sudanese Victims

Although international criminal tribunals are designed to promote justice for the victims,

31. Council of the European Union, "Sudan: Council sanctions individuals and entities over serious human rights violations and threats to the peace, stability and security of the country" (Press release, 18 July 2025), <https://www.consilium.europa.eu/en/press/press-releases/2025/07/18/sudan-council-sanctions-individuals-and-entities-over-serious-human-rights-violations-and-threats-to-the-peace-stability-and-security-of-the-country/>, accessed 16 October 2025.

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32. Council of the European Union, "Sudan: Statement by the High Representative on behalf of the European Union marking two years of war" (Press release, 11 April 2025), <https://www.consilium.europa.eu/en/press/press-releases/2025/04/11/sudan-statement-by-the-high-representative-on-behalf-of-the-european-union-marking-two-years-of-war/>, accessed 16 October 2025.

33. International Criminal Court (ICC), "Statement of the ICC Office of the Prosecutor on the Conviction of Mr Abd-Al-Rahman" (Press Release, 6 October 2025), <https://www.icc-cpi.int/news/statement-icc-office-prosecutor-conviction-mr-abd-al-rahman>, accessed 16 October 2025.

34. In 2003, local armed groups, mostly composed of non-Arab ethnic communities, rose up against Bashir's regime, accusing it of systematic discrimination. To suppress the rebels, Bashir hired the Janjaweed forces, who killed and tortured tens of thousands of people, looted and burned numerous villages, and committed widespread atrocities against civilians.

35. "ICC Convicts Former Militia Leader and al-Bashir Ally of Past War Crimes in Sudan's Darfur Region" (Euronews, 7 October 2025), <https://www.euronews.com/2025/10/07/icc-convicts-former-militia-leader-and-al-bashir-ally-for-past-war-crimes-in-sudans-darfur>, accessed 11th October 2025; Anna Holligan and Wedaeli Chibelushi, "Sudan Militia Leader Convicted of War Crimes during Darfur War" (BBC News, 6 October 2025), <https://www.bbc.com/news/articles/cly1egd5d0vo>, accessed 11th October 2025.

36. Darfur24, "ICC Calls for Arrest of Bashir, Haroun, and Abdel Rahim" (7 October 2025), <https://www.darfur24.com/en/2025/10/07/icc-calls-for-arrest-of-bashir-haroun-and-abdel-rahim-after-kushayb-conviction/>, accessed 20 October 2025.

their proceedings largely centre on punishing the perpetrators rather than granting remedies or reparations for victims. However, the right to compensation for breaches of IHL is recognised in several treaty provisions and rules of customary international law. As an example, Art. 91 of Additional Protocol I provides that a party to an armed conflict which violates the provisions of the Geneva Conventions or the Protocol shall, if the circumstances require, be liable to pay compensation and is responsible for all acts committed by members of its armed forces, as for the case of SAF in Sudan.^[37] States are also responsible for international crimes committed by militia groups if it can be shown that the state retained overall control over such groups in organising, coordinating or planning the military actions, as for the case of RSFs. As a result, the primary responsibility for granting reparation to the victims of violations of IHL and human rights abuses is to be attributed to the state authorities.^[38] When a State violates IHL or commits an internationally wrongful act, the Articles on State Responsibility (ARSIWA) require that the State concerned takes specific remedial measures. In particular, the State must cease the wrongful act, offer assurances and guarantees of non-repetition (Article 30), and make full reparation for the injury caused (Article 31). According to Article 34 ARSIWA, reparation may take three main forms, 1) restitution, which seeks to restore the situation to what it was before the violation; 2) financial compensation; 3) satisfaction, involving acknowledgments of the breaches and taking symbolic measures such as public apologies.^[39]

However, practically enforcing State compensations in Sudan's conflict has proven very challenging due to the absence of functioning legal mechanisms and national procedures allowing victims to bring claims.^[40] Indeed, because obligations to provide reparations under IHL do not create rights that individuals can invoke directly before a court, only other States can generally bring claims before the ICJ or the ICC, while individual victims cannot, making compensational justice difficult to access.

Nevertheless, beyond the responsibility of States, individual accountability before international criminal tribunals can also give rise to reparations for victims. As an example, following the judgment of the ICC towards Kushayb, a phase dedicated to the reparations to victims is expected to be opened soon.^[41] When the responsible people are tried and convicted, the ICC may make orders of reparation on behalf of their victims to be paid by the convicted person or through the Trust Fund for Victims.

37. International Committee of the Red Cross (ICRC), 'Article 91 – Responsibility' in Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (8 June 1977) ICRC IHL Database, <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-91>.

38. This is the case even when some of these abuses were committed by armed groups opposed to the state.

39. International Law Commission, Responsibility of States for Internationally Wrongful Acts (2001) UNGA Res 56/83, annex, UN Doc A/56/10. ARISWA doesn't constitute a treaty but a codification of customary international law adopted by the ILC and noted by the UN General Assembly.

40. ICRC, The Domestic Implementation of, p. 33.

41. Mariana Goetz, "The Ali-Kushey[b] Trial at the ICC Has Ended: What Does It Mean for Victims?" Rights for Peace (13 December 2024, updated 16 December 2024), <https://www.rightsforpeace.org/post/the-ali-kusheyb-trial-at-the-icc-has-ended-what-does-it-mean-for-victims>, accessed 16 October 2025.

Conclusions

Although IHL constitutes an important instrument for the protection of civilians during armed conflicts, its application in Sudan has revealed its severe limits when confronted with international community's inertia and national obstructions.

In Sudan, systematic violations of IHL, including ethnically targeted sexual violence, starvation, and attacks on critical facilities, have occurred in blatant disregard of binding international obligations. The occurring of these crimes demonstrates how, despite the existence of well-established rules and mechanisms for accountability, the enforcement of IHL remains heavily dependent on States' political will and their capacity to act collectively and exercise diplomatic pressure.

The partial success of international justice, as seen in the conviction of Ali Kushayb, represents an important yet limited step. Many more authors of crimes against humanity remain unpunished such as former president Al- Bashir, who the Sudanese authorities have so far refused to surrender. Several other individuals indicted by the ICC for crimes committed in Darfur also remain at large. Among them are Ahmed Haroun, a former Minister of State for the Interior, accused of crimes against humanity and war crimes, and Abdel Raheem Muhammad Hussein, a former defense minister charged with similar offenses. Although the Sudanese government has repeatedly declared its intention to cooperate with the Court and to hand them over, no transfers have yet occurred.^[42]

It appears clear that, while such judicial and cooperative measures demonstrate an effort towards justice and accountability, they still have failed to bring about an effective end to the violations. The international community's actions, largely limited to condemnations, sanctions, and institutional investigations, illustrate the gap between the legal obligations of IHL and the political ability and will to enforce them.

Unfortunately, the Sudanese case exposes the cleavage between International Humanitarian Law and practice, a failure of the international community's collective capacity to ensure its respect and to protect those whom IHL was designed to defend.

42. Khartoum Highlight, "ICC Urges Sudan to Hand Over Al-Bashir and Haroun" (6 October 2025), <https://khightlights.net/en/2980>, accessed 20 October 2025; Amnesty International, "Sudan: After Ali Kushayb surrenders, government must hand over Omar al Bashir and others to ICC" (10 June 2020), <https://www.amnesty.org/en/latest/news/2020/06/sudan-after-ali-kushayb-surrender-government-must-hand-over-omar-al-bashir-and-others-to-icc/>, accessed 20 October 2025;

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