



CIVILLIANS UNDER ATTACK IN SUDAN: A ROBUST AU RESPONSE REQUIRED

19 April 2023

“I believe the drafters of the Constitutive Act anticipated scenarios similar to the one obtaining in Sudan, when they coined article 4(h). Africans can not stand by and continue to watch atrocities being committed in Sudan without taking all necessary measures to stop them.”

Shuwai Nyoni, Executive Director, the African Leadership Centre (ALC)

On the 5th day since the outbreak of fighting in Sudan between two military protagonists, the Sudan Armed Forces (SAF) and the Rapid Support Forces (RSF), we as **Africans for the Horn of Africa (#Af4HA)** Initiative are deeply concerned that both the SAF and the RSF are employing **unlawful means and methods of warfare, targeting Sudanese people** and resulting in immense suffering. Over 200 civilian deaths and thousands of injuries have been reported so far, with most actors and reports from Sudanese indicating that this could be a significant underrepresentation of the true death toll and injuries.

There have been numerous reports on the deliberate targeting of civilians and destruction of civilian properties in the conduct of the hostilities, seriously undermining human rights and humanitarian law. RSF tactics have involved using civilians and their properties as shields, including evicting civilians at gunpoint and moving into their homes, to shield themselves from the attacks of SAF. Similarly, the SAF airstrikes are targeting civilians, their shelters and their properties, in densely populated areas, including civilian hospitals, which is resulting in death, severe injury and damage to civilian property and infrastructure. The humanitarian situation continues to deteriorate with the magnitude of human suffering rising by the day, as Sudanese lack access to basic essentials like food, water, electricity, and medical services. Reports also indicate that humanitarian agencies providing medical care have been attacked and medical supplies and equipment looted.

Both SAF and RSF have not abided by the two ceasefires they have committed to since the outbreak of the violence, making it difficult for humanitarian access, and for the enforcement of the response actions adopted by the African Union Peace and Security Council (AUPSC), as well as those of the Intergovernmental Authority on Development (IGAD) and the United Nations (UN).

We reiterate that this fighting, this war, is NOT a civil war! It is not a war initiated by the civilian population. It is NOT a war over objectives and desires of the Sudanese people, who through their various organically evolved methods and mechanisms such as the Resistance Committees, have repeatedly articulated their aspirations and desires, central of which has been the call for a democratic transition to civilian rule. These desires and aspirations have been repeatedly ignored by several interlocutors, leading to this unfortunate and terrible situation.

Af4HA reiterates that **all possible action must be taken to convince the two armed groups to cease hostilities immediately. The two Generals, their foot soldiers and their militias must adhere to the principles of international humanitarian law in their conduct of**

hostilities. Their attacks should not be directed towards civilians, and they must take all precautions to protect Sudanese people against the effects of their attacks.

“For the last 10 years African Member States have committed to building ‘a stable and peaceful Africa’ and to making peace a reality for all our peoples and rid[ding] the continent of wars’. AU Member States must demonstrate a real commitment to this ideal by utilising their vast resources to bring the fighting in Sudan to an end.”

Don Deya, CEO Pan African Lawyers Union

We call for an **intensification of the response by the African Union and other actors to the conflict, to a level that is commensurate with the violations and violence against the Sudanese people**, so as to prevent and mitigate further harm to civilians. We believe the African Union has a robust set of tools that can still be deployed to respond to the elevated crisis in Sudan. **We therefore urge the African Union and its Member States to:**

- ◇ **Immediately convene an emergency meeting of the PSC at the level of the Heads of States and Government to consider amongst other options, the use of the African Standby Force (ASF), so as to prevent further atrocities, and breathe life into the purpose of Article 4(h) of the AU Constitutive Act;**
- ◇ **Immediately utilise the good offices of the African Union Chair, H.E. Azali Assoumani of the Republic of Comoros, to take an active role in ameliorating the situation in Sudan, and mobilising all the necessary mechanisms and resources for a robust response;**
- ◇ **To consider serious sanctions and other deterrent measures against the individuals responsible for the deliberate and unnecessary destruction of civilian properties, using civilians as shields and deliberately causing the death and injury of Sudanese people;**
- ◇ **Publicly name and shame external actors known to be supporting parties to the conflict through the supply of arms, ammunition and other implements of war, and enabling the continuation of the armed actors’ intransigence and conflict;**
- ◇ **To seriously consider and include the demands of the Sudanese people, on the resolution to the ongoing conflict.**

For further information please contact Achieng Akena at achieng.akena@refugee-rights.org or Dismas Nkunda dismas.nkunda@gmail.com

About the Africans for the Horn Initiative (@Af4HA)

Africans for the Horn of Africa (Af4HA) Initiative is a solidarity platform established to amplify, citizen action and voice in the response and resolution of the crises that increasingly plague the Horn of Africa. Given the regional dimension of most conflicts in the Horn of Africa, it is important that Africans in the Horn of Africa unite and engage collaboratively, in engaging and articulating the necessary policy recommendations and action with governments, national, regional and international organisations striving for peace, security and good governance in Africa. The Initiative was born out of recognition of the need to facilitate and strengthen engagement by Africans in ongoing processes seeking to address conflicts and governance challenges in the Horn of Africa region. The Initiative is led by

four non-governmental African organisations; Atrocities Watch Africa (AWA), Pan African Lawyers Union (PALU), the African Leadership Centre (ALC) and the International Refugee Rights Initiative (IRRI).

ABOUT PALU

The Pan African Lawyers Union (PALU) is the premier continental membership forum of and for individual African lawyers and lawyers' associations in Africa.

PALU was formally founded on Monday 9th September 2002, at a convention held at the United Nations Economic Commission for Africa (UNECA) in Addis Ababa, Ethiopia. On this date, about 85 lawyers, including African bar leaders, from across the continent, signed the Constitutive Act which brought PALU to life. Since its launch, PALU's membership has grown exponentially and now comprises of over five regional lawyers' associations (RLAs), over 54 national lawyers' associations (NLAs) and over 1,000 individual lawyers spread across Africa and in the Diaspora, working together to advance the law and the legal profession, rule of law, good governance, human and peoples' rights and socio-economic development of the African continent.