

مؤسسة الحق لحرية الرأي والتعبير وحقوق الإنسان

El Hak Foundation for Freedom of Expression and Human Rights (EFHR)

Sudan before the Sixty-Third Session of the Human Rights Council

From Documenting Violations to Holding Arms and External Support Networks Accountable

Analytical Human Rights Paper — Monitoring HRC63 Proceedings
through the Morning of 9 September 2026

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African Human Rights Index

Publication and Methodological Note

This paper examines the place of Sudan on the agenda at the opening of the sixty-third session of the Human Rights Council, focusing on the proceedings of 7 and 8 September 2026, the new report of the Independent International Fact-Finding Mission for the Sudan, the oral update by the Office of the United Nations High Commissioner for Human Rights, the positions of States and non-governmental organizations, and the accountability pathways under consideration. It is a chronological monitoring paper rather than a final assessment of the session as a whole, as HRC63 continues until 7 October 2026. [1]

The paper gives priority to official United Nations sources, in particular document A/HRC/63/23, the Human Rights Council portal, and Security Council statements. Where real-time transcripts of Council meetings are used, they are treated as a supplementary monitoring tool rather than an official verbatim record, as the United Nations cautions that they are generated using automated speech-recognition technology. Accordingly, disputed positions are attributed to those who expressed them, and a clear distinction is maintained between findings of United Nations investigations, positions of States, and allegations made by non-governmental organizations. [2]

Governing Editorial Principle

This paper does not attribute to the United Nations any allegation that is not contained in a United Nations report or statement, nor does it treat competing accusations between States or organizations as established judicial facts. The standard of “reasonable grounds to believe” is used in the investigative sense employed by fact-finding missions, not as a final judicial determination of guilt.

Executive Summary

- Since the opening of HRC63, Sudan has become a central issue under Item 2, through an interactive dialogue with the Independent International Fact-Finding Mission, followed by a dedicated United Nations update on El Obeid and its surrounding areas, and successive diplomatic and civil society discussions on civilian protection, accountability, and external intervention.
- Report A/HRC/63/23 marks a shift in the investigative lens: from focusing solely on the direct perpetrators of violations to tracing arms networks, drones, foreign fighters, financing, and transport and supply routes that expand the capabilities of the parties to the conflict and prolong the war.
- The most significant field development highlighted in the discussion is the expanding use of long-range drones. According to the Office of the High Commissioner's update of 8 September, at least 1,120 civilian deaths resulting from drone attacks were documented during the first six months of 2026, representing 80% of all civilian deaths documented by the Office during that period.
- The Mission found reasonable grounds to believe that a cross-border network benefited the Rapid Support Forces (RSF), involving individuals, entities, and routes linked to the United Arab Emirates, Chad, southeastern Libya, and Bosaso in Somalia, alongside Colombian fighters and military contractors. By contrast, the Mission described its investigation into external support to the Sudanese Armed Forces (SAF) as still being at an early stage, while finding grounds to believe that foreign-supplied drones had been used in attacks that harmed civilians.
- The dialogue revealed a clear political divide: one camp supports extending the mandate of the Fact-Finding Mission, broadening accountability tools, and ending external support; another places

greater emphasis on Sudanese sovereignty, the priority of national and African mechanisms, and the distinction between State institutions and a non-State armed force. As a matter of law, subjecting all parties to the conflict to international humanitarian law does not place them on an equal political or constitutional footing; nor does official status confer immunity from compliance with the rules governing armed conflict or from accountability for violations.

- **The most important practical issue before the Council is the continuity of the mechanism for collecting and preserving evidence, and the transition from documentation to accountability: supporting the International Criminal Court in the exercise of its jurisdiction over Darfur, considering a broader Security Council referral, and activating universal jurisdiction in accordance with national laws.**

First: Sudan at the Forefront of the Opening of the Sixty-Third Session

The sixty-third session of the Human Rights Council opened at the Palais des Nations in Geneva on 7 September 2026 and is scheduled to continue until 7 October. During the first two days, Sudan featured through three interconnected tracks: the Fact-Finding Mission's report, the oral update by the Office of the High Commissioner concerning El Obeid and its surrounding areas, and the political discussion on responsibility, external intervention, and the future of the investigative mechanism. [1]

In his opening global update, High Commissioner Volker Türk identified the continuation and expansion of the war, attacks on civilian infrastructure, and the growing risks in Kordofan, Blue Nile, and Darfur among the urgent issues requiring a ceasefire, an end to external intervention, and a transition to inclusive civilian governance with meaningful participation by women in peace processes.

Political Significance

Since the opening of the session, “external intervention” has ceased to be a marginal issue in the Council’s discourse on Sudan; it has become one of the central themes for understanding the continuation of the war, while fundamental disagreement remains over the identity of supporting actors, the nature of the support, and the legal consequences arising from it.

Second: Report A/HRC/63/23 — From the Perpetrator to the Enabling Architecture

The report submitted to the session bears the symbol A/HRC/63/23 and is entitled “Fuelling Sudan’s Conflict: Weapons, Fighters and External Support Networks.” Its significance lies in the fact that it does not merely document patterns of violations inside Sudan; it also traces the cross-border military, logistical, and financial architecture that increases the capacity of the parties to the conflict to sustain their operations. [3]

1. Drones and the Reshaping of Civilian Risk

The Mission concluded that the growing use of long-range drones has changed the nature of the battlefield, making it possible to carry out strikes in areas far from traditional front lines. The effects of these attacks have extended to homes, schools, hospitals, markets, displacement sites, and water, energy, and fuel infrastructure.

The Mission found reasonable grounds to believe that both the Sudanese Armed Forces and the Rapid Support Forces committed serious violations of international human rights law and international humanitarian law, and that some acts involving the use of drones may — depending on the facts and evidence available — amount to war crimes. This is an investigative formulation and does not amount to a final judicial determination.

2. Illustrative Incidents Highlighted in the Mission's Report

- **Kalogi — South Kordofan:** The Mission documented successive strikes attributed to the Rapid Support Forces that targeted a kindergarten and a hospital and, according to the investigation, killed 114 people, including approximately 60 children.
- **El Daein — East Darfur:** The Mission documented airstrikes attributed to the Sudanese Armed Forces that caused extensive damage to the teaching hospital, killed dozens of people, and disrupted health services serving a large population.
- **El Obeid — North Kordofan:** Repeated drone attacks were documented targeting or damaging electricity and fuel facilities and other essential infrastructure in a city facing increasing pressure on supplies and services.
- **Blue Nile:** Materials reviewed by the Mission referred to strikes affecting a market and water-related facilities, against the backdrop of the expanding use of drones beyond traditional centres of combat.

3. External Support Networks: Routes and Actors

The Mission found reasonable grounds to believe that a cross-border network benefited the Rapid Support Forces. According to the report, elements of this network were linked to individuals, entities, and routes located or operating in the United Arab Emirates, Chad, southeastern Libya, and Bosaso in Puntland, Somalia. Air, land, and maritime routes were used to transport military equipment, drone components, logistical services, and personnel to areas under RSF control.

The Mission also examined the role of Colombian military contractors, including former military personnel, some of whom — according to the materials reviewed — participated in operating advanced systems and drones and in providing training and technical expertise. This is reinforced by the action taken by the Security Council Sanctions Committee in April 2026, when it listed individuals linked to the recruitment, financing, and

deployment of former Colombian military personnel for the benefit of the Rapid Support Forces. [4]

As for the line of inquiry concerning external support to the Sudanese Armed Forces, the Mission described it as still being at an early stage. Nevertheless, it cited grounds to believe that the army had used foreign-supplied drones in operations that harmed civilians and civilian objects. This difference in the level of detail between the two investigative tracks should be reflected in human rights reporting: the degree of evidentiary support and the completeness of the investigation should not be treated as equivalent in the two cases.

Third: The El Obeid Update of 8 September — Kordofan as the Current Centre of Gravity

Sudan returned to the Council's agenda on 8 September through an oral update delivered by the Office of the High Commissioner concerning El Obeid and its surrounding areas, pursuant to resolution 62/1. The update contained more recent field information than the annual report and showed the centre of risk shifting increasingly towards Kordofan.

The Office reported that it had documented at least 1,120 civilian deaths resulting from drone attacks across Sudan during the first six months of 2026, representing approximately 80% of all civilian deaths it documented during the same period. It also described Kordofan as the current centre of gravity of the war, with intensified fighting around supply routes north of El Obeid, renewed operations south and west of the city, and resulting effects on access to water, food, and medical care. [5]

- **Continuing risks to water, electricity, and fuel facilities, with cumulative consequences for the rights to life, health, food, and water.**

- **Attacks on humanitarian personnel and facilities, including the detention of workers, looting of warehouses, and a strike that destroyed World Food Programme aid trucks near Dilling.**
- **Escalating fighting in Blue Nile and military movements near the Ethiopian border, increasing the risk of a wider regional expansion of the conflict.**
- **Continuing risks of summary executions, sexual violence, arbitrary detention, abduction, and looting in North Darfur, alongside hate speech and community tensions.**

Fourth: From Weapons to the Economy — Natural Resources as Part of the War Economy

The Office of the High Commissioner's update added an economic dimension to the discussion by linking the continuation of the conflict to interests and networks inside and outside Sudan and to the exploitation of natural resources, including gold and gum arabic. The significance of this connection is that it moves the analysis of "war financing" beyond weapons shipments alone to a broader economy that may include trade, smuggling, intermediaries, and revenues that feed military capabilities.

From a human rights perspective, this line of analysis requires enhanced due diligence in supply chains and financial networks, while avoiding any automatic assumption of legal responsibility merely because a commercial relationship exists. The decisive criteria are the facts: the nature of the contribution, knowledge of the risks, the degree of connection to the unlawful act, and the legal rule applicable to the State, company, or individual concerned.

Fifth: Mapping Positions within the Council — Two Main Points of Disagreement

The interventions reveal two political lines that are not opposed on every issue, but differ in their ordering of priorities and their framing of responsibility.

First Line: Continuity of the International Investigation and Expansion of Accountability

This line included States and groups that called for renewal of the Fact-Finding Mission's mandate, an end to arms supplies, financing, and external support, stronger enforcement of the arms embargo, and accountability for actors that enable the continuation of violations. It was reflected in the positions of the Nordic and Baltic countries, the European Union, the United Kingdom, Ireland, the Netherlands, Switzerland, Germany, Australia, Slovenia, and Malta, notwithstanding differences in detail and priority. [6]

Second Line: Sovereignty and the Priority of National and Regional Institutions

The African Group and a number of States, to varying degrees, emphasized Sudan's unity and sovereignty, the role of the African Union and IGAD, and the priority of national responsibility. Egypt, Türkiye, and Eritrea were prominent in objecting to formulations understood as equating State institutions with a rebel armed force, while Saudi Arabia focused on a Sudanese-led solution and the Jeddah Process, and other African States stressed an end to external intervention and the pursuit of dialogue.

Sixth: The Sudan-UAE Dispute before the Council

The Sudanese delegation welcomed the fact that the international investigation had begun to address sources of external support, but held the United Arab Emirates directly responsible for supporting the Rapid

Support Forces with weapons, financing, and logistical means, and described the war, in part, as a proxy war. At the same time, Sudan maintained the priority of the national judiciary and the National Investigation Committee, and called for international mechanisms to complement national institutions rather than bypass them.

The United Arab Emirates, by contrast, rejected the Sudanese accusations as unfounded and called for the arms embargo to be expanded to cover the whole of Sudan, for a ceasefire, and for a transition to a civilian political process in which neither party to the war would have a role. These positions are presented here as opposing official positions before the Council; the paper does not determine the validity of the competing allegations beyond what is established by United Nations sources or independent judicial findings.

Seventh: Civil Society — From Documenting Violations to Protecting the Justice System

Non-governmental organizations participating in the dialogue advanced demands that were, comparatively, broader than many governmental interventions. Their demands centred on renewing the Mission's mandate, strengthening its resources, stopping the flow of weapons and financing, preserving evidence, and supporting international and national judicial accountability pathways.

- **East and Horn of Africa Human Rights Defenders Project:** called for extending the Mission's mandate, providing it with adequate resources, expanding and enforcing the arms embargo, and pressing external actors that are fuelling the war.
- **Committee for Justice, RADDHO, and other African organizations:** focused on drone strikes, impunity, and complementarity between United Nations and African mechanisms.

- **Legal Action Worldwide:** focused on arms-transfer networks and on how related evidence could be converted into accountability measures.
- **Lawyers for Lawyers, in cooperation with IBAHRI and Lawyers Rights Watch Canada:** drew attention to the killing, disappearance, detention, trial or prosecution of lawyers, raids on law offices, and risks to professional confidentiality and the independence of the legal profession.
- **International Bar Association:** focused on the gap between the geographic scope of crimes across Sudan and the scope of the International Criminal Court's jurisdiction arising from the Darfur referral, and called for consideration of broader accountability pathways, including universal jurisdiction.

Additional allegations also appeared in interventions by non-governmental organizations, including claims concerning the use of chemical substances. These allegations were not findings contained in report A/HRC/63/23 before the Council and therefore should not be presented as United Nations conclusions; they remain allegations requiring independent investigation in accordance with evidence-preservation standards and witness-protection requirements.

Eighth: Legal and Human Rights Analysis

1. Protection of Civilians Does Not Depend on How the Parties to the Conflict Are Characterized

Armed conflict does not suspend the application of international human rights law; it also activates the relevant rules of international humanitarian law. The prohibition of torture remains absolute, and the right to life and protection from arbitrary detention continue to apply, with international humanitarian law serving as the more specific framework in matters concerning the conduct of hostilities. Sudan has been a party to the

International Covenant on Civil and Political Rights since 1986 and ratified the Convention against Torture in 2021. [7] [8]

In the conduct of hostilities, the principles of distinction, proportionality, and precautions; the protection of the wounded, medical personnel, and humanitarian workers; and the prohibition of intentional attacks against civilians and civilian objects remain central to the assessment of any strike, whether carried out by drone or by any other means.

2. External Support: From Political Relationship to Legal Responsibility

The transfer of weapons, financing, technology, or logistical services does not, by itself, produce a single uniform legal consequence. Depending on the facts, State responsibility may arise for aid or assistance in the commission of an internationally wrongful act where the conditions of international responsibility are met; individual criminal responsibility may likewise arise for forms of contribution to international crimes where the requisite material and mental elements are established. The concept of a “chain of responsibility” is therefore analytically useful, but each link must be examined against a specific evidentiary standard and a specific legal rule.

3. Arms Embargo: The Difference between the Existing Legal Framework and the Political Demand

The existing United Nations arms embargo is linked to the Darfur sanctions regime. Expanding the embargo to cover the whole of Sudan is a political and human rights demand or recommendation raised during HRC63 and in the Mission’s report; it is not a description of the legal position currently applicable throughout the territory. Any recommendation addressed to the Security Council should therefore be clearly framed as a call to expand or strengthen the embargo, rather than as a statement that a comprehensive embargo is already in force.

4. The International Criminal Court and Universal Jurisdiction

The International Criminal Court's jurisdiction in the situation in Sudan remains linked to the Security Council referral concerning Darfur under resolution 1593 (2005). As violations have spread to Khartoum, Al Jazira, Kordofan, Blue Nile, and other areas, the HRC63 discussions have again highlighted a jurisdictional gap: how can evidence relating to potential crimes outside Darfur be converted into criminal cases?

- **Support the International Criminal Court within the scope of its current jurisdiction over Darfur;**
- **Consider a broader Security Council referral if the necessary political will exists;**
- **Use universal jurisdiction before national courts where domestic law permits and the requirements of jurisdiction and evidence are met;**
- **Make use of the Fact-Finding Mission's role in collecting and preserving evidence and identifying possible patterns of responsibility, so that such evidence may be used in appropriate judicial proceedings in the future.**

Ninth: What Is Now at Stake at HRC63?

The discussion on Sudan is no longer simply about the existence of a new annual report. The institutional value of the Mission lies in continuity: accumulating and preserving evidence, analysing links between incidents, and tracing actors who may not be present at the crime scene but who contribute to the resources and capabilities that allow violations to continue. The debate over renewal of the mandate is therefore, at its core, a debate over the future of the international accountability architecture.

The shift in attention from Darfur alone to Kordofan, Blue Nile, and other areas also confirms that civilian protection requires mechanisms capable of addressing the conflict as a moving national and regional network, rather than as a set of separate geographic files. The proliferation of drones

compounds this challenge, because distance from the front line no longer affords the same degree of protection associated with traditional patterns of warfare.

Tenth: Recommendations of El Hak Foundation

To the Parties to the Conflict

- 1. Immediately cease deliberate or indiscriminate attacks against civilians and civilian objects, and comply with the rules of distinction, proportionality, and precautions in all operations, including drone strikes.**
- 2. End sexual and gender-based violence, torture, disappearances, and arbitrary detention, and ensure effective investigations into allegations and accountability for those responsible.**
- 3. Ensure rapid, safe, and unhindered humanitarian access, and protect humanitarian workers, medical facilities, means of transporting aid, and essential water and energy infrastructure.**

To States and External Actors

- 1. Halt any transfer of weapons, technology, financing, services, or personnel where there is a serious risk that they may be used to commit grave violations, while applying due diligence and oversight to intermediaries, companies, and financial and logistical routes.**
- 2. Conduct independent investigations into the use of territory, ports, airports, companies, or financial institutions in unlawful transfer networks connected to the conflict, and ensure cooperation with the relevant United Nations mechanisms.**
- 3. Refrain from using humanitarian assistance, economic resources, or negotiation channels as tools that increase any party's capacity to commit violations or evade accountability.**

To the Human Rights Council and the United Nations

- 1. Renew the mandate of the Independent International Fact-Finding Mission for the Sudan and ensure its funding, resources, capacity to preserve evidence, and cooperation with competent judicial authorities, while calling on all concerned States to cooperate fully with it.**
- 2. Continue public updates on high-risk areas, particularly Kordofan, Blue Nile, and Darfur, giving priority to data on civilian casualties, attacks on essential infrastructure, and attacks against humanitarian workers.**
- 3. Call on the Security Council to assess the effectiveness of the Darfur-related arms embargo and consider expanding it or developing more effective implementation mechanisms, while ensuring clear humanitarian exemptions.**
- 4. Strengthen coordination among the Fact-Finding Mission, the Office of the High Commissioner, the International Criminal Court, and African mechanisms in order to avoid duplication of effort and increase the usability of evidence in accountability processes.**

To Sudanese Authorities and Institutions

- 1. Ensure the independence and effectiveness of national investigations and their ability to reach all potentially responsible persons without discrimination, and publish verifiable information on procedures and outcomes while protecting victims and witnesses.**
- 2. Protect the independence of the legal profession, the right to defence, and professional confidentiality, and investigate the killing, detention, disappearance, and prosecution of lawyers and justice-sector personnel.**
- 3. Facilitate access by international and regional investigation and monitoring mechanisms to relevant information, areas, and persons,**

thereby achieving practical complementarity between national and international accountability.

Conclusion

The first days of HRC63 show that the international discussion on Sudan is undergoing a transition: from the question “Who committed the violation?” to the broader question “Who provided the weapons, financing, technology, routes, and expertise that enabled the violations to continue?” This shift does not diminish the direct responsibility of the parties to the conflict; rather, it broadens the scope of investigation to include the enabling architecture surrounding them.

At the same time, this approach demands a higher degree of legal precision. Responsibility cannot be built on political impression; competing accusations do not become judicial facts merely through repetition; and equality of the parties in their humanitarian obligations does not imply equality in constitutional or political status. The core value of any independent human rights mechanism lies in its ability to distinguish among these levels: documenting what can be established, identifying what remains an allegation, and preserving evidence so that it may one day be converted into effective accountability.

Annex: Concise Map of the Positions of States and Groups in the Interactive Dialogue

State / Group	Key Position
Nordic and Baltic Countries	Supported renewal of the Fact-Finding Mission’s mandate; called for an end to external financing and arms supplies; emphasized civilian protection and accountability.
European Union	Condemned violations by both parties; expressed concern about drones and sexual

State / Group	Key Position
	violence; called for an end to external support; supported continuation of the international investigation.
African Group	Emphasized Sudan's sovereignty and unity; highlighted the role of the African Union and IGAD; condemned external intervention; prioritized national responsibility.
Egypt	Rejected equating State institutions with the Rapid Support Forces; condemned external intervention; emphasized preservation of Sudan's unity and institutions.
Türkiye	Distinguished between an official military institution's procurement of defensive equipment and the unlawful arming of a non-State armed force.
United Kingdom	Called for an end to unlawful arms supplies; supported renewal of the Mission; emphasized accountability for enabling atrocities.
Netherlands	Called for expanding the concept of accountability to include actors that enable the continuation of the war, not only direct perpetrators.
Switzerland	Called for an end to arms transfers, including drones; supported renewal of the Mission; backed discussion of expanding the embargo.
Germany	Supported extension of the Mission's mandate; focused on ending external financial and logistical support.
Japan	Focused on drone attacks and their impact on schools, medical facilities, water, fuel, and humanitarian access to El Obeid.
Saudi Arabia	Emphasized sovereignty, a Sudanese-led solution, and the Jeddah Process; highlighted humanitarian assistance.

State / Group	Key Position
Eritrea	Rejected non-consensual country-specific mechanisms; objected to equating the State with armed groups; focused on external intervention.
Somalia	Condemned RSF violations and external intervention; supported the African Union and IGAD.
South Sudan	Called for an end to fighting, humanitarian access, and dialogue; urged external actors not to prolong the war.
Algeria	Identified external intervention and flows of arms, fighters, and mercenaries as central factors sustaining the conflict.
Mali	Focused on conflict-related sexual violence, particularly allegations attributed to the Rapid Support Forces.
Tanzania	Supported African mediation, inclusive Sudanese dialogue, and Sudan's sovereignty.
Australia	Focused on advanced drones, violations, sexual violence, and responsibility for external support.
Slovenia	Highlighted ethnically motivated killings, drones, and displacement; supported continuation of the Mission.
Malta	Focused on Kordofan, children, sexual violence, humanitarian access, and continuation of the Mission.
Dominican Republic	Highlighted mass killings, abductions, identity-based violence, accountability, and women's participation.

Key References

[1] Human Rights Council Portal — Sixty-Third Session (7 September – 7 October 2026) — [Source link](#)

[2] UN Transcripts — Real-time transcripts of HRC63 meetings (used with the caveat that they are unofficial) — [Source link](#)

[3] Independent International Fact-Finding Mission for the Sudan, A/HRC/63/23, “Fuelling Sudan’s Conflict: Weapons, Fighters and External Support Networks” — [Source link](#)

[4] United Nations Security Council — Sanctions Committee established pursuant to resolution 1591 (2005): narrative summaries of reasons for listing — [Source link](#)

[5] UN Transcripts — HRC63, update on El Obeid and surrounding areas, 8 September 2026 — [Source link](#)

[6] Sweden on behalf of the Nordic-Baltic Countries — HRC63 Item 2, 7 September 2026 — [Source link](#)

[7] United Nations — Status of the International Covenant on Civil and Political Rights; Sudan’s accession on 18 March 1986 — [Source link](#)

[8] United Nations — Convention against Torture; Sudan’s ratification on 10 August 2021 — [Source link](#)

[9] Permanent Mission of Japan in Geneva — HRC63 Item 2 Statement on Sudan, 7 September 2026 — [Source link](#)

[10] International Service for Human Rights — HRC63 Key Issues (renewal of the Sudan mandate among priorities) — [Source link](#)

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