

Considerations for a workable transitional justice process for Sudan

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Sustainable peace in Sudan requires complementary justice and accountability. This can be achieved through a well-developed, proactive, national transitional justice policy and implementation plan guided by the African Union and supported by the international community. Such a process does not need a cessation of hostilities to begin but should be integrated into a broader peace process. Once initiated, the process would need local buy-in and should ideally include truth-telling, peacebuilding, reparations, criminal accountability and a key role for independent institutions.

Key findings

- ▶ Sudan's history is defined by cycles of violence, including armed conflict and egregious human rights violations compounded by poor governance and weak implementation of peace agreements.
- ▶ Past peace agreements have sought to include transitional justice, but implementation has been largely non-existent.
- ▶ The Comprehensive Peace Agreement called for a reconciliation and healing process, but the mechanism was never established. The National Constitutional Review Commission did not emphasise the provision of redress and accountability to victims.
- ▶ The Abuja Agreement is similarly devoid of any concerted transitional justice initiatives despite piecemeal efforts focused on restitution.
- ▶ Civil society developed a draft transitional justice policy during the transitional period (2019–2023). However, the lack of a functioning state architecture, including the dissolved parliament, meant that implementation would be impossible.
- ▶ The plethora and magnitude of human rights abuses have indirectly contributed to the status quo and the repeated cycles of violence and conflict.
- ▶ A broader and comprehensive peace process would require codification of transitional justice mechanisms as a first step towards dealing with the past.
- ▶ Strategic planning for transitional justice, even while Sudan is still engulfed in war, is critical to ensure all stakeholders are prepared for the mammoth task of its implementation.
- ▶ A cessation of hostilities and a comprehensive peace process are desirable to implement the full range of transitional justice.

Recommendations

- ▶ To avoid resistance to effective transitional justice policy in Sudan, negotiated peace must clearly commit to accountability and redress to victims. Integrating transitional justice into the negotiations enhances the possibility of a comprehensive peace and a commitment to justice, creating conditions for effective design and implementation.
- ▶ A robust transitional justice process requires a meticulously crafted policy that is based on and ensures the active involvement of all stakeholders. Without clear policy directions, transitional justice risks adopting and implementing selective, conflicting measures that lack public buy-in.
- ▶ Traditional justice mechanisms engage communities and complement formal justice systems, fostering a more holistic approach to transitional justice. This approach respects cultural traditions, enhances the inclusivity and effectiveness of the transitional justice process, and fosters more comprehensive reconciliation within affected communities.
- ▶ Creating platforms for public consultations and participatory decision-making is indispensable for a legitimate and inclusive transitional justice process.
- ▶ To bolster legitimacy, the transitional justice process must involve the active participation of civil society as key stakeholders in its design and implementation.
- ▶ Ensuring that the transitional justice process remains grounded in national realities while adhering to international norms and standards is critical. The approach should be calibrated and incorporate international expertise while ensuring that decision-making remains firmly rooted in national contexts. Achieving this equilibrium is crucial for fostering long-term peace, reconciliation and stability, both within Sudan and in its standing with the broader international community.

Introduction

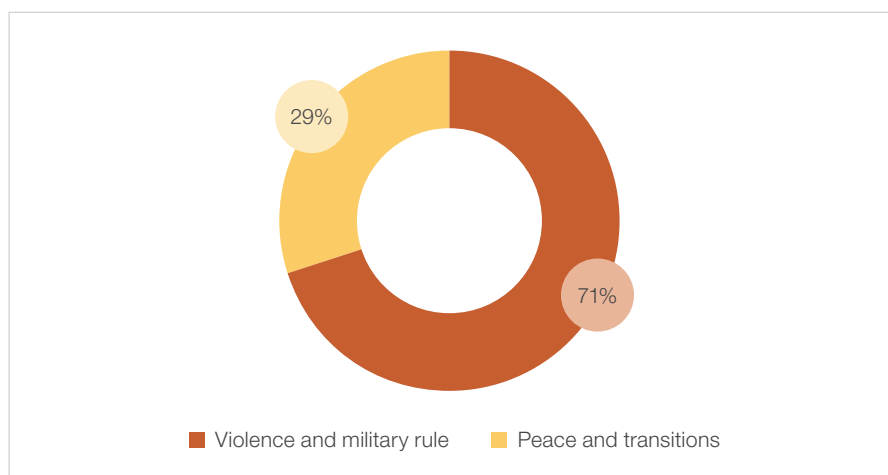
On 30 October 2025, after withstanding a 500-day siege, Al Fasher fell to the Rapid Support Forces (RSF). United Nations (UN) officials described the city as having ‘descended into an even darker hell’, following an assault marked by widespread atrocities, including mass executions, rape and starvation.¹ Reports suggest that hundreds were killed in medical facilities such as the Saudi Maternity Hospital, while tens of thousands of civilians – mainly women, children and the elderly – fled on foot amid extortion and brutal violence.²

The tragedy unfolding in Al Fasher is both a symbol and a consequence of Sudan's long-standing failure to confront its deep-rooted legacies of violence. Since gaining independence in 1956, the country has been trapped in a cycle of repression, militarisation and armed conflict, punctuated only briefly by periods of civilian rule.

The outbreak of war between the Sudanese Armed Forces (SAF) and the RSF on 15 April 2023 reflects the country's long-standing failure to confront and redress its violent past. Rather than addressing deep-seated grievances, successive regimes have relied on state repression to consolidate power, systematically marginalising the country's peripheral regions and igniting protracted struggles for recognition, inclusion and resources.

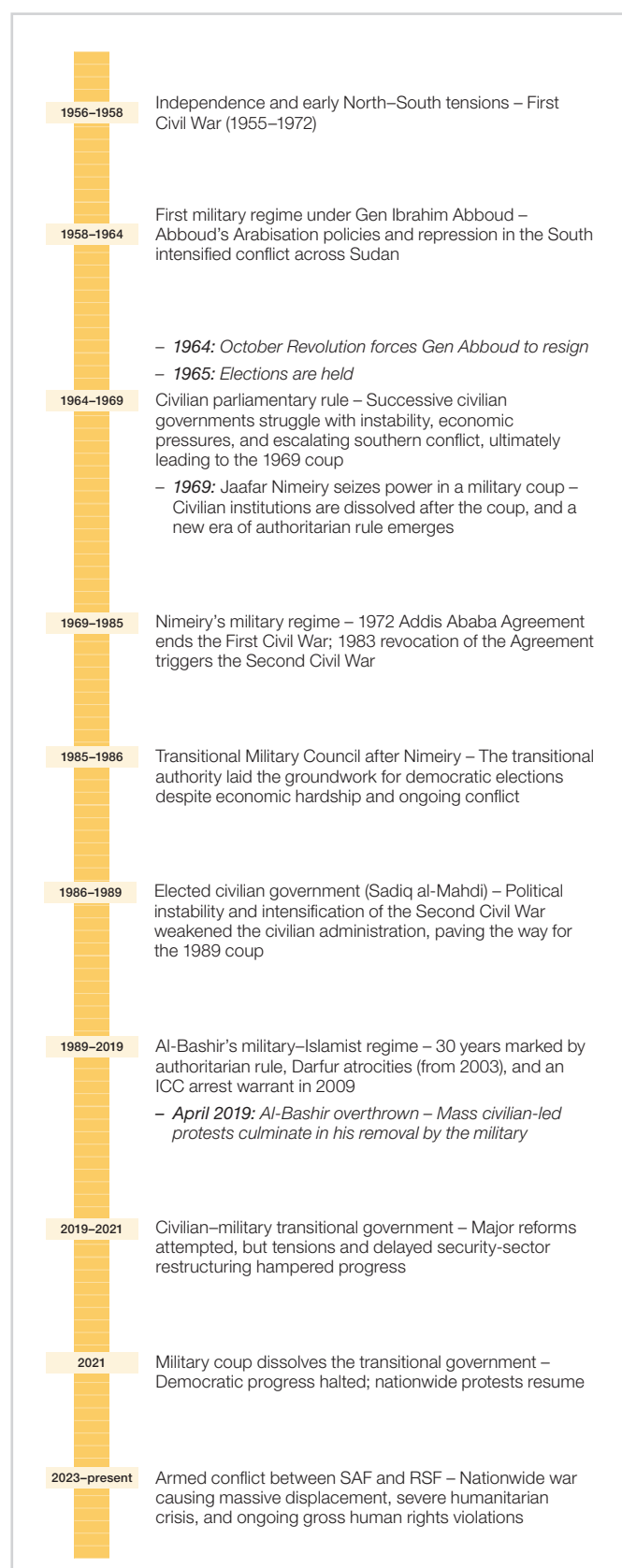
Over nearly seven decades, Sudan has experienced continuous instability, spending almost fifty of those years at war. Six successful coups – and numerous attempted ones – have defined its political trajectory, punctuated only by fleeting democratic transitions in 1958, 1964, 1985 and 2019. These cycles of authoritarianism, popular uprisings and short-lived reform efforts underscore the absence of durable political and institutional transformation.

Chart 1: Violence and transitions in Sudan since independence



Source: Authors

Chart 2: Sudan's periods of peace, coups and transitions



Source: Compiled by authors

The current conflict is not an isolated event but rather the culmination of decades of state-sponsored violence, institutional decay and impunity. It represents a more expansive and devastating manifestation of earlier conflicts, resulting in a profound humanitarian crisis characterised by widespread civilian suffering, mass displacement, and the further erosion of Sudan's already fragile state structures.

Its consequences are a humanitarian crisis with significant civilian casualties and displacement. To date, over 150 000 people have been killed, and more than 12.5 million displaced (of whom an estimated 8.8 million are internally displaced), making it one of the worst displacement crises globally.³ The famine is primarily driven by the combined effects of conflict-induced state collapse, the breakdown of market and humanitarian systems, the widespread destruction of the agricultural sector, and the displacement of farmers.⁴ The UN has called for more support as over 30 million people need humanitarian assistance, with food insecurity worsening.

As in previous intrastate conflicts, human rights violations in the current war are equally extensive and egregious. An estimated 12.1 million people are at risk of gender-based violence and sexual abuse.⁵ The UN's Independent International Fact-Finding Mission recently reported myriad crimes against humanity, including murder, torture, enslavement, sexual violence, forced displacement and persecution based on ethnic and political grounds.⁶

As both warring parties employ scorched-earth policies, the civilian population is bearing the impacts despite efforts at deterrence through criminal accountability by the International Criminal Court (ICC).⁷ The effectiveness of these efforts remains uncertain. In October 2025, the ICC achieved its first conviction in the case against Janjaweed leader Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb') for crimes committed in Darfur more than two decades ago.⁸ However, the delay in securing the conviction underscores the limited deterrent value of justice delivered long after the commission of atrocities, particularly in a country trapped in recurring cycles of conflict. Moreover, the ICC continues to face serious challenges in securing cooperation from Sudan as arrest warrants for Omar al-Bashir, Ahmad Harun and Abdel Raheem Hussein remain unexecuted, reflecting persistent impunity.⁹

Neither supranational mechanisms nor domestic judicial processes have succeeded in breaking this cycle. The recent Human Rights Council Fact-Finding Mission, which found reasonable grounds to believe that both the SAF and the RSF committed international crimes – including murder, torture, sexual slavery and persecution on political and ethnic grounds – has called for immediate accountability to end Sudan's entrenched impunity.¹⁰ Yet, the complexity of Sudan's realities and its deep historical legacies of violence make it unrealistic to expect an immediate transition toward genuine accountability.

Sudan has not effectively dealt with the magnitude and scope of previous human rights abuses and war crimes, forming the basis and underlying reasons driving the current conflict. Despite the multiple peace agreements that were signed to conclude the secessionist wars in the South and the Darfur conflict, the accords were largely devoid of transitional justice initiatives and, even when included, rarely implemented. The lack of accountability and reconciliation efforts has continued to fester, degrading the social fabric and forming the basis for current and future wars.

For Sudan to end its cycle of violence, it requires a comprehensive transitional justice framework to address past atrocities, promote reconciliation, and ensure sustainable peace and democracy. This report assesses past efforts and forthcoming options to deal with Sudan's past and pave the way for a sustainable peace.

Failed attempts to deal with Sudan's violent past

A critical examination and outline of Sudan's record of (un)successful attempts to deal with its past through transitional justice is paramount to understanding and applying transitional justice tools in current and future cases. It is essential to trace previous efforts at redress, accountability and justice for human rights abuses, the reasons behind their success or lack thereof, and the possibilities that the non-implementation of transitional justice initiatives and tools may have contributed to the status quo.

Tracing back to the Sudanese civil wars, an honest reckoning with the past through implementing various pillars of transitional justice has never been applied in Sudan. The first Sudanese war (1955–1972) resulted in an estimated one million deaths. Despite the Addis

Ababa Agreement on the cessation of hostilities, there were no measures of accountability and redress for victims after it ended. At the time, it proved challenging for the nascent state, having gained independence from the British–Egyptian establishment and creating its own state institutions, to provide recourse to victims.

The second Sudanese civil war between 1983 and 2005 lasted 22 years and resulted in over two million deaths. It ended with the signing of the Comprehensive Peace Agreement (CPA) in Kenya in 2005.¹¹

Neither the Addis Ababa Agreement nor the CPA included any specific clauses on transitional justice. However, the latter included some reference to elements of transitional justice, such as Article 1.7, in which the parties to the CPA agreed to initiate a comprehensive reconciliation and healing process.¹² The particular mechanisms were to be designed by a Government of National Unity, but were never established. The National Constitutional Review Commission was to review and provide recommendations to existing institutions, including the Human Rights Commission. However, this did not particularly emphasise the provision of redress and accountability to victims.

The second Sudanese civil war lasted 22 years, from 1983 to 2005, and resulted in over two million deaths

The peace accords focused on power and wealth sharing, in addition to the creation of state institutions within the framework of the CPA. This included mechanisms such as the Southern Sudan Reconstruction and Development Fund¹³ and the National Reconstruction and Development Fund,¹⁴ which were created to solicit, raise and collect funds from domestic and international stakeholders for the reconstruction and rehabilitation of the infrastructure of the South. These attempts at redress focused broadly on the capacitation and resourcing of state institutions. Despite the non-implementation of the CPA, the agreement was visionary in introducing transnational elements focused on redress through development.

In addition, the demobilisation, disarmament, reintegration and reconciliation (DDRR) in the CPA

aimed at ensuring social cohesion, and focused on establishing various commissions and councils centred on demobilisation and disarmament. With no specific modalities and matrix to develop and implement these structures, these auxiliary measures focused on reconciliation and reintegration. Measures to reintegrate former combatants and ensure social cohesion were never established. With the secession of South Sudan in 2011 under the auspices of the CPA, concerns of human rights violations and redress for victims of civil wars largely shifted to the new government in Juba to address.

As the CPA was being negotiated, the conflict in Darfur ignited, resulting in the deaths of approximately 400 000 Sudanese and the displacement of nearly two million.¹⁵ In January 2005, the Commission of Inquiry released its report,¹⁶ which recommended immediately ensuring criminal accountability for crimes committed in Darfur. Acting on these recommendations, on 31 March 2005 the UN Security Council resolved to refer the situation in Darfur to the ICC.¹⁷

The referral to the ICC resulted in six cases. The ICC's investigation into the Darfur war remains the most prominent and prolific, as it led to arrest warrants for allegations of genocide, war crimes and crimes against humanity committed in Darfur since 1 July 2002.¹⁸ Hence, accountability was largely pursued through international mechanisms while national courts ignored the plethora of human rights violations. Between 1971 and 2019, only 21 domestic prosecutions took place.¹⁹

The 2006 Darfur Peace Agreement (Abuja Agreement), which ended the war, was similarly devoid of any justice initiatives in its six chapters.²⁰ Although Article 21 in Chapter One makes urgent provisions for internally displaced persons (IDPs), refugees and other war-affected persons, the provisions are forward-looking and aim to fund resources for victims to return and integrate within their communities (e.g. the Darfur Rehabilitation and Resettlement Commission, or DRRC) and do not reflect a clear attempt to deal with the past.

However, whereas the Addis Ababa Agreement and CPA were devoid of any restitution attempts, the Abuja Agreement placed responsibility on the DRRC and the Property Claims Committee to carry out restitution procedures that are timely, accessible, free of charge, and age- and gender-sensitive.

The Abuja Agreement also called for the creation by presidential decree of a Compensation Commission, to be capacitated through mobilising resources, with the Government of Sudan contributing US\$30 million immediately. The Commission would continue to operate until all claims were processed and finalised. However, it would not entertain any claim for compensation made after ten years following the Abuja Agreement's entry into force.

Overall, past peace agreements and transitional justice efforts in Sudan have been fragmented and largely ineffective

The Abuja Agreement also included provisions for criminal prosecution. It codified the investigation and prosecution of perpetrators in areas controlled by the Government of Sudan, and outlined areas of collaboration and responsibilities between the government and the African Mission in Sudan (AMIS). However, as noted, few domestic prosecutions were conducted, and the victims continued to experience impunity. Overall, past peace agreements and transitional justice efforts in Sudan have been fragmented and largely ineffective.²¹

Efforts during the recent transitional period (2019–2023)

Beyond the greater conflict landscape and the need for accountability, the last two decades have also seen heavy-handed security responses to protests and calls for accountability. This has included crackdowns on protests during the Arab Spring in 2011²² and again in the protests that erupted in 2013²³ and 2015.²⁴

The steady mushrooming of anti-government protests against a repressive regime culminated in the December 2018 revolution, the ousting of Omar al-Bashir as head of state in April by the military, and the resultant massacre of 3 June 2019.

According to the legacy of violence index, Sudan ranked second in the potential demand for transitional justice as of 2020.²⁵ Various think tanks and development partners pushed for efforts to ensure transitional justice in

Sudan.²⁶ These initiatives were all in partnership with the transitional government between 2019 and 2022.

These attempts included scoping assessments to examine the need for transitional justice initiatives. In the case of the 3 June massacre, the transitional government set up an independent committee to investigate the incident.²⁷ Once the investigations were completed and the report released, no specific measures were outlined, and perpetrators were not identified to avoid plunging the country into chaos. The report was thus essentially a summation of the human rights violations.

The Juba Peace Agreement, signed with armed groups in October 2020, grew out of the protest movement,²⁸ and included a clause to establish a special court.²⁹ Officials from the ICC's Office of the Prosecutor engaged Sudanese authorities to provide support for establishing this hybrid court, although it would not replace the ICC's existing cases. However, the Juba Peace Agreement underscored the broader challenges of a transitional government without the requisite legal and executive powers, and the limited likelihood that a transitional justice process would follow.

Transitional justice efforts were largely missing or unimplemented in Sudan's previous peace agreements

Sudan's culture of violence and impunity has hindered meaningful prosecutions or truth and reconciliation processes. Instead, the country recorded 27 amnesties between 1971 and 2015, some of which were part of peace agreements that forgave human rights violations.³⁰ Recommendations to establish transitional justice mechanisms were not implemented, including those from the UN Security Council in 2005. It called for the creation of institutions involving all sectors of Sudanese society, such as truth and reconciliation commissions, to complement judicial processes and thereby reinforce efforts to restore lasting peace.³¹

Transitional justice efforts were largely missing or unimplemented in Sudan's previous peace agreements. The transitional period (2019–2023) proved too challenging for credible and legitimate transitional justice

mechanisms to be put into place. Tasking the transitional government, mired in factional politics and an uneven power balance, with the objective of overseeing and correcting Sudan's violent history was a herculean task. However, in the context of the ongoing war, transitional justice initiatives cannot be ignored in efforts to address and mitigate the impacts of the current conflict between the SAF and the RSF.

Transitional justice considerations for Sudan

Having considered Sudan's past and how it has (or has not) dealt with transitional justice policy and processes, it is essential to look at what options exist today.³² This analysis proceeds on two premises. First, given that, at the time of writing, the war shows no clear prospect of ending, aspects of transitional justice – most notably mental health and psychosocial support (MHPSS) – should not be contingent on a nationwide ceasefire. They can and should begin in parallel.

Second, any credible pathway toward cessation of hostilities and a comprehensive peace process ought to be accompanied by a similarly comprehensive transitional justice proposal, akin to Ethiopia's approach that culminated in the Pretoria Agreement.

At the same time, this report acknowledges a core constraint: transitional justice processes typically fare better in post-conflict settings. Efforts undertaken amid active conflict – such as those attempted in Colombia³³ and, more recently, in Ethiopia³⁴ – illustrate the structural difficulties of delivering meaningful transitional justice while violence persists.

Irrespective of how the ongoing armed conflict ends, a comprehensive transitional justice process is essential for the future of the country. Whether the conflict ends through fragmentation,³⁵ elite pact,³⁶ military victory³⁷ or an inclusive settlement,³⁸ Sudan must confront past abuses, provide recognition and reparations to victims, and reform institutions to prevent recurrence.

Only by addressing root causes and legacies of violence can it move beyond temporary ceasefires or elite power-sharing bargains to build a sustainable peace, although an inclusive settlement has the best chance to integrate a genuine transitional justice process.³⁹

Transitional justice for Sudan should encompass a variety of judicial and non-judicial measures (Chart 3) designed to confront the nation's troubled past and its legacies of widespread and severe human rights violations.⁴⁰ By implementing these measures, Sudan can foster accountability, promote reconciliation, and pave the way for a more just and peaceful society. The field of transitional justice continues to evolve, with scholars and practitioners offering an expanding body of insights on effective approaches and potential pitfalls.

At the continental level, the African Union Transitional Justice Policy (AUTJP) serves as a guiding framework, outlining essential pillars, cross-cutting considerations and benchmarks for the successful design and implementation of transitional justice processes.⁴² A key issue is choosing the most appropriate, specific and comprehensive options to suit the context, while navigating the challenges that arise.

The next section presents potential options and practical recommendations for structuring a context-sensitive transitional justice framework that can guide meaningful and sustainable implementation in Sudan.

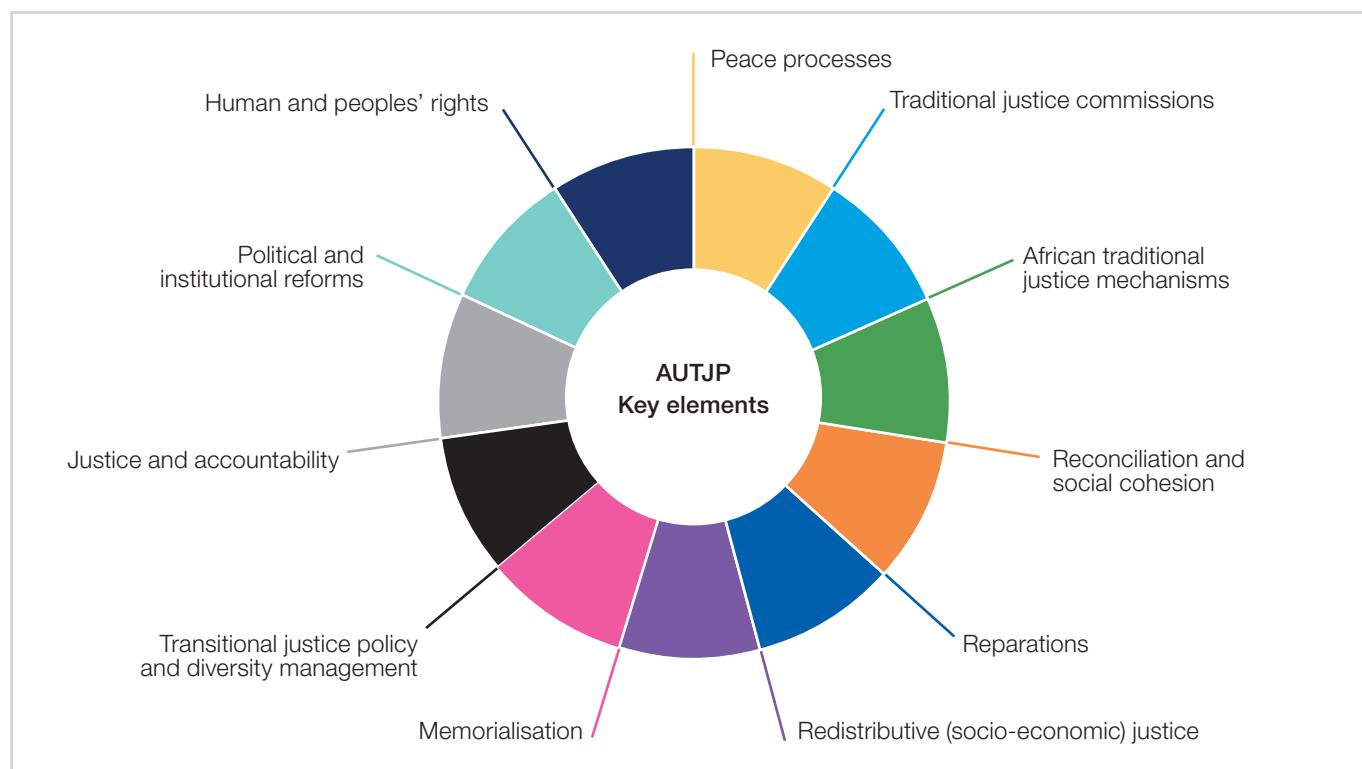
Possible transitional justice pillars for Sudan⁴³

Transitional justice is typically articulated through a set of core pillars. While some contexts design and implement the full constellation and others prioritise only a subset, Sudan's complex and unresolved past warrants an approach that spans the entire spectrum. At the same time, the list of pillars is not exhaustive. Particular contexts may require additional components that, though not traditionally treated as stand-alone pillars, are indispensable to meaningful redress. In Sudan, MHPSS is one such component. The pillars outlined below (see Chart 4) should therefore be adapted to local realities in order to forge a distinctly Sudanese model of transitional justice.

Mental health and psychosocial support

In Sudan, years of violence have generated widespread psychosocial distress and led to an increase in conditions such as post-traumatic stress disorder and depression. This has been driven by exposure to atrocities, pervasive sexual and gender-based violence, mass displacement and the breakdown of social support networks.⁴⁴ The

Chart 3: Indicative elements of transitional justice processes



Source: African Union Transitional Justice Policy⁴⁰

mental health and psychological consequences of Sudan's violent conflicts and successive repressions cannot be overstated.

These burdens constrain meaningful participation in transition-related processes by limiting survivors' ability to engage in dialogue, truth-telling, institutional reform debates or claims processes. Given Sudan's scale of harm and the centrality of psychosocial recovery to any durable transition, MHPSS warrants explicit, pillar-level recognition.

MHPSS functions as a remedy, supporting recovery from the psychological aftermath of violence and displacement, and as an enabler – preparing and empowering survivors to participate constructively in transitional processes. Psychosocial recovery is thus simultaneously an outcome of transition and a prerequisite for it, helping to restore agency and voice across affected Sudanese communities.

Accordingly, in Sudan, failing to include a robust MHPSS component in the transitional justice process will effectively postpone trauma management. Moreover, proceeding with other pillars in the absence of MHPSS risks undermining meaningful victim participation across the process.

However, the necessary infrastructure needed to advance holistic MHPSS is lacking and would first need to be established. This process can be initiated with technical, financial and other support from partners invested in justice and sustainable peace for Sudan.

Truth-finding

It is essential to establish a Truth and Reconciliation Commission (TRC) with a clear mandate to investigate past human rights violations in Sudan, including under al-Bashir's repressive regime and in more recent conflicts. Such a commission should focus on comprehensive truth-telling and fostering national reconciliation. Public participation is crucial, as extensive consultations and public hearings can help ensure transparency and legitimacy.

However, while a TRC can offer comprehensive investigation, inclusive representation and opportunities for healing and reconciliation, it can also be resource-intensive, potentially biased and time-consuming.

Criminal accountability

International law imposes an obligation to prosecute international crimes such as genocide, war crimes, crimes against humanity, torture and enforced disappearances. This obligation requires that special attention be paid to sexual and gender-based violence in the context of armed conflict,⁴⁵ such as the recently completed ICC case against Ali Kushayb.

Combining high-level prosecutions with conditional amnesty for lower-level offenders can promote broader accountability and reconciliation. While this approach ensures high-level accountability and adherence to international standards, it can also be selective, complex and costly, presenting an administrative burden. Effective criminal accountability requires a comprehensive process that removes potential legal and institutional impediments to prosecution.

Reparations programmes

Developing comprehensive reparations programmes is essential for supporting victims. These programmes often include financial compensation, healthcare, education and housing. Implementing mechanisms for the restitution of property and land to displaced persons can restore dignity and livelihoods. Scholars and civil society alike have long emphasised the need to recognise and uphold victims' rights to reparations in Sudan as an integral part of a substantive peace process.⁴⁶ However, to date, this has not materialised.

Integrating traditional justice mechanisms with state-led reparations programmes can ease the burdens associated with the resource-intensive nature of reparations by introducing culturally resonant modalities, particularly symbolic and collective forms of redress.⁴⁷

Memorialisation

Transitional justice aims to promote initiatives to memorialise the victims of human rights violations through museums, monuments and educational programmes to ensure that future generations remember and learn from the past. However, if memorialisation efforts are selective and partial, they may become counterproductive. Save for piecemeal efforts at memorialisation in the form of murals, and the renaming of streets and public spaces, very few large-scale

memorial projects have been initiated in Sudan. With the current conflict showing no signs of abating, the task of memorialisation for a transitional government is likely to be even more challenging.

Institutional reforms

Reforming the judicial and security sectors is crucial to enhancing the independence, efficiency and accessibility of the judiciary and to preventing future abuses by restructuring security forces. It is necessary to build institutional capacity and implement vetting processes to remove individuals implicated in serious violations. These should be designed cautiously: much as these reforms can enhance independence and competence, they may face resistance, demand significant resources and cause potential disruptions. Given the scale of violations

in Sudan, a well-crafted, long-term institutional reform agenda is indispensable, both to rebuild institutions and to sustain gains achieved under other pillars of transitional justice.

A critical consideration in this context is ensuring that institutional reforms do not become a pretext for circumventing accountability. The February 2025 constitutional amendment, which consolidated military dominance by expanding the powers of the Sovereignty Council and abolishing the investigative committee on the 3 June 2019 massacre, exemplifies this risk. The Human Rights Council Fact-Finding Mission identified this development as part of a broader pattern in which investigative bodies are dismantled to shield perpetrators and obstruct justice.⁴⁸

Chart 4: Major transitional justice pillars



Source: Compiled by authors

Beyond current conflicts: national and transnational

Dealing with the past in Sudan is a fundamentally complex process. The current conflicts appear to be the result of mismanaged transitions and missed opportunities in the past. A comprehensive transitional justice process should thus look beyond the current abuses, and also be both national and transnational in scope.

The national dimension should be inward-looking – documenting, acknowledging and addressing atrocities committed within Sudan's territory during the current war and in earlier cycles of repression.

The transnational dimension should look at relations between Sudanese and South Sudanese peoples and forces across an evolving border, including abuses committed when the South was still part of modern-day Sudan.⁴⁹ In addition to abuses committed during multiple cycles of civil wars, events such as the May 2008 destruction and mass displacement in Abyei illustrate how responsibility and victimisation continue to shape grievances on both sides. Given the likelihood of further fragmentation and secession in Sudan, the need for transnational transitional justice will remain imperative.

A dual national–transnational scope is also justified by the distribution of victims and evidence, including in relation to the current war. Approximately 15 million people are internally and externally displaced. Large numbers of survivors, witnesses and records now lie outside Sudan – in refugee communities, diasporas and neighbouring states – making a purely inward-looking process inadequate.

The AUTJP explicitly anticipates engaging refugees and displaced populations and delineates roles for regional cooperation. This provides a normative anchor for cross-border design to address victims of linked incidents.

Finally, landmark proceedings abroad demonstrate that accountability pathways, remedies and evidence are already transnational, moving across jurisdictions – such as the ongoing Swedish trial of former Lundin executives for alleged complicity in wartime abuses in what is now South Sudan.⁵⁰

A credible architecture should therefore interface with foreign courts and regulators while establishing two coordinated tracks: a national track addressing crimes

inside Sudan today, and a bilateral Sudan–South Sudan track mandated to clarify and address legacy and cross-border harms. This should be supported by mutual legal assistance and shared archives consistent with AU policy.

The involvement of external actors, for example in providing supplies and logistics to the warring parties, should be carefully examined. For example, recent accounts of Colombian mercenaries actively fighting alongside the RSF require a review of Sudan's penal code and regional and international frameworks.⁵¹

Key considerations in designing transitional justice for Sudan

A rigorous approach to transitional justice is required in Sudan, given its long history of violence and conflict, culminating in the break-up of the country. Several critical factors must be considered to develop a practical framework.

Temporal scope

The question of temporal scope is essential in determining how far back the transitional justice process should go to establish accountability, truth-finding, reparations, memorialisation and institutional reform. The temporal scope may vary based on the specific pillar of transitional justice. For instance, the period required for criminal accountability might differ from that needed for truth-finding, reparations or memorialisation. Establishing clear criteria for these timelines is crucial for a comprehensive approach. The history and complexity created by separating the country into South Sudan and Sudan may create additional dynamics in assessing the temporal scope.

Subject matter jurisdiction

The scope of transitional justice should address both large-scale violations of human rights law and international humanitarian laws, as well as socioeconomic rights violations, such as corruption, land grabs and misuse of state resources.⁵² The interplay between these categories of violations is significant and must be acknowledged. The subject matter jurisdiction will depend on the specific transitional justice pillar being addressed, ensuring a holistic approach that covers all relevant aspects of past abuses.

Recognising the significant interplay between human rights violations and socioeconomic rights abuses is crucial. Addressing one category without considering the other may lead to incomplete justice and perpetuate cycles of impunity. A comprehensive transitional justice framework should integrate responses to both types of violations, ensuring a more holistic and sustainable approach to justice and reconciliation.

Institutional mechanisms

Determining the appropriate institutional mechanisms responsible for implementing each pillar of transitional justice is critical. Options include utilising existing judicial and non-judicial institutions, creating hybrid mechanisms or involving international institutions. Each option has its advantages and challenges.

Ensuring the transitional justice process is rooted in national and local ownership is vital for its success

While domestic institutions might lack the capacity or impartiality to address past abuses effectively, over-reliance on international institutions could undermine Sudan's sense of national and local ownership. A balanced transitional justice approach incorporating domestic and international elements might be necessary to ensure credibility and effectiveness.

Ensuring the transitional justice process is rooted in national and local ownership is vital for its success. While international support and involvement can provide expertise and legitimacy, the process must resonate with Sudanese society and be perceived as an effort to address their specific needs and context. Engaging local communities and stakeholders in designing and implementing transitional justice measures is essential for building trust and fostering reconciliation.

Coordination and sequencing

It is important to coordinate and sequence the various pillars of transitional justice to ensure their effectiveness.⁵³ Determining which pillar should be prioritised and which should follow is essential to create a cohesive and integrated approach.

For instance, establishing truth commissions early on can lay the groundwork for subsequent criminal prosecutions by uncovering evidence and testimonies. Reparations programmes might be implemented alongside truth-telling initiatives to provide immediate relief to victims. Institutional reforms should be ongoing to provide a functioning and fair legal and administrative framework that supports the newly established mechanisms.

This strategic sequencing will ensure that the different pillars, though distinct, complement each other and collectively work towards the same goal of justice and reconciliation. However, this process should be determined through ongoing appraisal of the sociopolitical landscape and public opinion. Regular assessments and adjustments based on current realities and feedback from the affected communities will help to maintain the relevance and effectiveness of the transitional justice framework. By continuously evaluating the context and adapting the approach accordingly, Sudan can ensure that its transitional justice efforts are responsive and sustainable.

The need for coordination is not limited to the multiple pillars within a transitional justice process. Where peacebuilding initiatives such as DDR, national dialogue and constitutional reform are under way, they should be strategically aligned with the transitional justice process through shared planning, information flows and clear referral pathways. Emphasis on any one track should not delay, dilute or displace the transitional justice process.

Methodological approach to designing transitional justice

A successful transitional justice framework for Sudan should be built on several fundamental principles. The design of a transitional justice document must be victim-centred. This approach would prioritise the needs and rights of victims, ensuring their participation and empowerment throughout for a legitimate and effective transitional justice process. Victims should have a voice in shaping the mechanisms that will address their grievances and provide them justice.

A holistic approach should view reconciliation as both a process and a goal of transitional justice that can be achieved through implementing various measures. It should ensure that no single aspect, such as truth-

seeking, is emphasised over others, like criminal accountability. Each measure should contribute to the overall aim of fostering reconciliation and healing within society.

Ensuring inclusivity and broad participation is central to this process. All stakeholders, including marginalised and vulnerable groups, must be meaningfully engaged in the design and implementation of transitional justice mechanisms. Their participation is essential for developing a comprehensive and representative framework that reflects the diverse needs and experiences of Sudan's population, thereby enhancing legitimacy and public trust in the process.

Victims should have a voice in shaping the mechanisms that will address their grievances and provide them justice

Transitional justice initiatives should remain victim-centred, gender-sensitive and inclusive, fostering open dialogue across Sudanese society. International and regional actors play a crucial role in strengthening national capacities and, when necessary, activating concurrent jurisdictional mechanisms to ensure credible justice outcomes.⁵⁴

Ultimately, context-specific solutions tailored to Sudan's unique sociopolitical and cultural context should be identified and proposed through a process informed by an in-depth understanding of local dynamics and the historical background of the conflicts. Context-specific solutions ensure that the measures are relevant, effective and sustainable.⁵⁵

Seven key considerations need to be kept in mind in the design of a transitional justice process:

- Transitional justice must be embedded in the peace process.⁵⁶
- A clear policy framework needs to be developed through public consultation.
- MHPSS must be prioritised to treat trauma and enable participation in the design and implementation of the broader transitional justice process.

- Traditional justice must be incorporated into transitional justice mechanisms.⁵⁷
- There should be platforms for public consultations and participatory decision-making to ensure a legitimate and inclusive process.⁵⁸
- Civil society should be an integral and embedded part of the process.⁵⁹
- The process should be Sudanese-led, with international involvement and support provided where necessary.⁶⁰

These seven considerations are critical to ensure legitimacy and trust in the transitional justice process. In particular, centring the community in the process is key. Communities are more likely to participate when actively involved, and when they view the mechanisms as legitimate and fair. Importantly, a victim-centred approach ensures that the voices of victims and affected communities are heard and prioritised in the design and implementation of transitional justice mechanisms, which is fundamental to addressing their needs and promoting healing.

Establishing transparent and inclusive consultation processes is essential to ensure an inclusive transitional justice process. This includes utilising diverse and accessible platforms for engagement, ensuring that consultations are conducted in local languages, and providing participants with sufficient information to make informed contributions.

Additionally, it is vital to seek out and actively include marginalised voices, such as those of youth, women and minority groups. Providing adequate resources and support for these groups to participate meaningfully is also crucial – this includes the necessary security and safety assurances.

Diaspora voices can be included through various platforms, including online engagements and partnerships with organisations and embassies in host countries.

By integrating these elements, Sudan can work towards a more inclusive, effective and sustainable approach to transitional justice that respects and incorporates the voices and needs of all segments of society.

Notes

- 1 UN News, 30 October 2025, <https://news.un.org/en/story/2025/10/1166224>
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- 36 This scenario envisions a fragile settlement reached when both SAF and RSF recognise a mutually destructive stalemate. Neither side is able to achieve decisive victory, resources are dwindling and international sanctions deepen war fatigue.
- 37 This scenario assumes that one party, either SAF or RSF, achieves outright military victory and consolidates control over Sudanese territory. The losing side is either militarily crushed, expelled or fragmented into marginalised factions.
- 38 This scenario imagines an inclusive settlement in which armed conflict is suspended for a sustained period, enabling broad-based negotiations that extend beyond the SAF and RSF. Sudanese civil society, professional associations, opposition parties, women's and youth groups, and displaced communities play central roles in shaping a political transition.
- 39 In the first scenario, a unified peace process is unlikely; rival administrations would control their own territories, creating fragmented and uneven approaches to justice shaped by local power dynamics. In the second, transitional justice may be constrained by fears of destabilising a fragile power-sharing pact, producing symbolic or superficial measures that entrench impunity. In the third, there is a chance for the country to exercise victor's and selective justice that is focused on punishing the defeated side while neglecting truth-seeking, reparations and institutional reform.
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