

Final Phase of the Political Process National Conference: Towards Building a Sudanese Model for Transitional Justice

16-20 March 2023 – Friendship Hall

Friendship Hall

Declaration of Principles

1. Strict adherence to the objectives of transitional justice, which are manifested in ending the culture of impunity; rule of law; putting an end to human rights violations; building confidence between communities and the State; restoring the dignity of victims and their families and reparations; and reforming state institutions, judicial bodies and security and military bodies. Commit to transitional justice standards that derive from international human rights law and the relevant laws and treaties; as well as from broad consultations to seek the views and needs of stakeholders; complete knowledge of the cultures and customs of the Sudanese society; the reality of the transitional justice process; and from developing and issuing the transitional justice law in accordance with broad consultations with stakeholders.

2. The best way for democratization, political stability, and the rule of law lays in political will, communal acceptance, legislative and judicial measures, and an active role by civil society towards turning the pages of the past; this shall be achieved through holding human rights perpetrators accountable; developing measures to achieve justice, accountability, and redress; uncovering the truth; reparations; and preparing the conducive environment so crimes do not repeat in the future and for a comprehensive reconciliation to be achieved based on non-impunity, equity and justice.

3. Form a democratic civilian government that is committed to the objectives of the Glorious December Revolution; which has a clear political and strategic will to implement justice and transitional justice; commits to care for the families of martyrs and all victims of human rights violations across the country, as well as treat the wounded and injured persons; and ends injustice and provide reparations for victims of war crimes and crimes against humanity.

4. Commitment of political parties to the outcomes of stakeholder consultations on transitional justice; promotion of its concepts; expediting the formation of its mechanisms; taking serious political steps through consensus on a national roadmap and strategy as a political commitment to apply transitional justice on all gross violations that were committed across Sudan; stakeholders and families of victims must also be engaged in the development of transitional justice approach, policy and plan according to a clear vision to implement transitional justice in Sudan, and prevent criminals from becoming part of any democratic political process in the future.

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5. Immediate cessation of all forms of violations committed against Sudanese women, including abuse, torture, rape, humiliation, forced marriage, and structural discrimination so as to remove such violations committed against women; and expedite the establishment of the Women's Commission, provided that its relation to the Transitional Justice Commission is identified, and that it participates in investigation committees and the uncovering of violations while taking into consideration the specificity of women related issues, and the referral of rape and violence against women to justice instead of bargaining.

6. Establish the Independent Transitional Justice Commission with broad powers; it shall work in complete independence and separate to the executive and sovereign body; the selection criteria of membership of the Commission shall be applied pursuant to the transitional justice law, and a Sudanese model shall be adopted based on a common vision vis-à-vis victims, civil society, and political actors; the law shall also identify forms and levels of transitional justice including special courts, customary justice and other means of justice, including international criminal justice, while taking into account the principles of complementarity of mechanisms and justice and reconciliation commissions to uncover truths, documents, graves, recognition of, and apology for crimes, amnesty, purifying public life, and building a new social contract between the Sudanese people.

7. Issue the transitional justice law with participation of all stakeholders through public consultations, especially that gross violations committed in Sudan require seeking the views of the victims of such violations in the first place.

8. Transitional justice processes are integrated and ongoing processes that include prosecuting criminals; compensation; restitution for victims; restructuring of judicial institutions; legal reform and security and military reform; as well as commemorations to preserve the national memory and prevent repetition of crimes and impunity according to prosecution initiatives; greater transparency in all transitional justice processes; and rejection and criminalization of racism and hate speech.

9. State recognition of past gross violations against human rights throughout historic periods; and an official apology for these violations in order to establish a political will for national reconciliation.

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10. It shall not be permissible to grant any amnesty in violation of international law principles and standards, this includes war crimes and crimes against humanity, genocide, and gross human rights violations. Also, it shall not be permissible to grant amnesty that affects the right of victims in seeking justice the way they choose or infringes their right to seek reparations.

11. The State must give sufficient attention to land ownership disputes that contributed to human rights violations, as well as violations against the background of racial, ethnic, and regional discrimination; and it shall do what is necessary to end violations and stop the recurrence of such violences .

12. Statute of limitations shall not apply to crimes of human rights violations; and statute of limitations shall not apply to the rights of victims in terms of seeking reparations.

13. Criminal accountability shall be carried out through national, international, and hybrid judicial mechanisms while underscoring the importance of full cooperation with the International Criminal Court and complying with its demands in the handover of wanted persons.

14. The need to adopt a national transitional justice programme that focuses on victims and their aspirations for redress and justice.

15. Underscore non-impunity and hold accountable all those who committed human rights crimes or violations, regardless of their position; procedural and substantive immunities shall not apply, nor shall the pretext of carrying out orders be considered.

16. The legal context must include human rights violations – violations resulting from state violence, armed and civil conflicts, violations that take place in the areas of oil exploitation, mining, and construction of dams, as well as all violations against economic, social, and cultural rights.