

REPARATIONS: FROM RUPTURE TO HEALING

Zawayaj

ZAWAYA

A quarterly magazine dedicated to peace and security issues in Sudan and its regional surroundings.

Published by Sudan Democracy First Group (SDFG), with support from the Open Society Foundation (OSF)

ISSUE 3 | September 2026

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FROM RUPTURE TO HEALING

THE EDITORIAL TEAM

This issue of Zawaya addresses one of the most difficult questions facing Sudan today: what would it mean to heal the harms of the past and the pains of the present? This question is not only legal or political; it is also bound up with memory, grief, dignity, and the demands of those who have endured violence across generations.

Sudan's current war did not emerge from nowhere. It is connected to a much longer history of injustice: slavery, colonialism, dictatorships, exclusion, and recurring armed conflict. Each period has left its own wounds, while many of those wounds have remained unacknowledged and unresolved. Violence has shaped the lives of Sudanese men and women, generation after generation, with no clear break in sight. Yet the demand for justice has never faded. Neither has the hope for healing, equality, and freedom.

Against this background, this issue explores the question of reparations in Sudan, with particular attention to the concept of transformative reparations. Reparations cannot be limited to compensation, important though compensation may be. They must also involve recognition, accountability, restoration, and transformation. They must address not only what was taken from

people, but also the structures that made their dispossession and suffering possible.

We begin with the painful history of slavery and the silence that still surrounds it. The consequences of this history remain present in social relations, inherited inequalities, and forms of exclusion that have never been fully confronted. Breaking the silence requires more than recording the facts. It requires acknowledging the experiences of those who endured slavery and its legacies, documenting their struggles, and asking what it would take to free Sudanese society from the hierarchies and denials inherited from the past.

From this historical context, we turn to an examination of the place of reparations within Sudan's legal system, identifying its gaps and proposing areas for reform. This analysis recognises that reparations for Sudanese victims of human rights and humanitarian-law violations should be victim-centred, encompassing compensation, restitution, rehabilitation, acknowledgment, and guarantees of non-repetition. It emphasises that funding should come from the state, perpetrators, affiliated entities, recovered illicit assets, and responsible third parties. It also considers how Sudanese criminal, civil, tort, and Islamic law,

alongside regional and international mechanisms, can provide avenues for accountability and redress.

The issue then considers reparations through the lens of Sudanese indigenous knowledge, asking how local practices might help us rethink the relationship between justice, restoration, and forgiveness. These traditions offer valuable perspectives on responsibility and the repair of social relations. At the same time, they raise a difficult question: how can a society pursue reconciliation without weakening the claims of victims or allowing forgiveness to take the place of accountability?

This issue also revisits the memory of torture in the notorious “ghost houses” during the Islamists’ regime between 1989 and 2019. Survivors continue to wait for justice, while the full truth about these abuses remains contested and incomplete. Their experiences raise questions that cannot be postponed: How should victims be recognised? Who should be held accountable? What forms of reparation are needed to ensure that such practices do not return?

From these earlier experiences of state violence, we move to the systematic looting associated with the war that began in April 2023, widely referred to as shafshafa. Cities, towns, and villages have been stripped of private belongings and civic infrastructure. Homes, businesses, offices, schools, hospitals, and other institutions have been emptied, leaving people deprived not only of material resources but also of the objects and spaces through which they sustained their lives and preserved their memories. This large-scale dispossession must be addressed through thoughtful forms of justice and reparations. Any future process must examine who carried out the looting, who organised it, who benefited from it, and how those affected can recover what was lost and rebuild their lives.

The issue also places Sudan’s reparations debate within a broader continental context through a review of the African Union’s Year of Reparation in 2025. This discussion emphasises the need for a feminist lens to ensure that reparative processes are

just in both their design and their outcomes. Violence does not affect all people in the same way. Women and girls, survivors of sexual violence, displaced people, children, and communities facing long-standing marginalisation often experience distinct and compounded forms of harm. Reparations must recognise these differences rather than treating victims as a single, undifferentiated group.

Our engagement with writing on Sudan’s war continues in *Shattered Sovereignty: An Annotated Bibliography on Sudan’s 2023 War*. This section contributes to the wider effort to document, understand, and interpret the forces that have shaped Sudan’s current conflict.

Alongside these efforts to document violence and its legacies, we examine the question of memorialisation. We acknowledge that, rather than relying on a single monument, rebuilding markets, hospitals, roads, and other public spaces can preserve the memory of violence while restoring safety, dignity, livelihoods, and essential services. In this approach, post-conflict reconstruction itself becomes an act of remembrance and justice; one shaped by affected communities rather than military authorities.

This issue of *Zawaya* does not offer a final answer to the question of reparation. Instead, it opens a conversation that Sudan can no longer avoid. Healing requires recognition of what happened, accountability for those responsible, redress for those harmed, and reforms capable of preventing the continuation of violence.

It also requires us to think beyond survival. What would it take to build a Sudan in which dignity is restored, memory is respected, and no community is treated as expendable?

The work of reparation is difficult, but it is also necessary. It begins with listening to those who have suffered, naming the harms that have been denied, and creating the conditions for a different future. This is the conversation that *Zawaya* invites its readers to enter.

STORIES OF THE SUBALTERN:

Formerly enslaved people and their descendants in Sudanese society

Ahmad Alawad Sikainga¹

For several decades, the political discourse in Sudan has been dominated by the debate about marginalisation, regional, racial, class, and gender inequalities. The deeply entrenched social hierarchies as well as the political and economic dominance of the northern and central parts of the country have created an acute sense of marginalisation and deprivation among the inhabitants of the South, Darfur, Kordofan, the East, and the Upper Blue Nile. This discontent became a catalyst for the endemic conflicts and civil wars that have plagued the country since its independence. However, the one group that has been left out of the discourse on inequality, citizenship, and marginality in Sudan are the formerly enslaved people and their descendants who formed a significant segment of the country's population and played a pivotal role in its economic, political, and social life. Although slavery was officially abolished during the period of British colonial rule, former slaves and their descendants have continued to suffer from the badge of slavery and have been relegated to the lower rungs of the social hierarchy. As a social category, these people were rendered invisible and were left out of the discourse and the agenda of the various political forces in Sudan, including those who claim to speak on behalf of marginalised groups. The main goal of this brief account, therefore, is to shed some light on the plight of this group of people and their status in Sudanese society. The paper argues that the history and the experiences of former enslaved people and their descendants will allow us to unpack the “centre” itself and will also enhance our understanding of the nature of inequalities in the country and thereby contribute to the ongoing debate about identity and citizenship.

1- Ahmad Alawad Sikainga: Professor of African History at the Ohio State University

BACKGROUND

It is commonplace that the institution of slavery has deep roots in Sudanese history. However, the practice of enslavement reached a peak in the nineteenth century, particularly under the Ottoman-Egyptian rule of Sudan (1820-1884). During this period, the non-Arab and non-Muslim communities in Southern Sudan, the Nuba Mountains, and the Upper Blue Nile became prime targets of the growing Nilotic slave trade, which persisted until the end of the nineteenth century. Thousands of people from these regions were captured, initially by government-organised raids and later by private merchants from Europe, North Africa, the Middle East, and northern Sudan. Although the majority of enslaved Sudanese were exported to Mediterranean and Middle Eastern markets, many remained in the northern part of the Sudan where they had been used as domestic servants, soldiers, laborers, and concubines. The institution of slavery continued to thrive under the Mahdist state (1885-1898). Following the Anglo-Egyptian conquest of the Mahdist state, slavery and the slave trade persisted at least until the late 1930s. However, the combination of international pressure, the actions of the slave themselves, colonial anti-slavery policies, and the emerging colonial economy finally led to the official abolition of slavery.

Slavery and the slave trade had a huge demographic, social, and cultural impact on Sudanese society. During the early years of the twentieth century, the British colonial administration conducted a registration of slaves in several provinces as part of its efforts to combat the practice. Although the registration was not adequate, it did provide some clues about the size of the slave population in northern Sudan. In 1904-05, there were about 20,517 enslaved people in Dongola Province, over 15 percent of the population. In the neighboring Berber Province, about 10,000 slaves were registered, comprising between 10 and 14 percent of the province's population. In 1900, Kordofan Province had an estimated 40,000, the Blue Nile Province had about 30,000 in 1912, while the capital cities of Khartoum, Khartoum North, and Omdurman had 25,000 enslaved people in 1900 (Daly, 1983;

Sikainga, 2014). Indeed, these figures represent a significant decline from the nineteenth century, which witnessed the peak of the slave trade, but they do underscore the role of slavery and the slave trade in shaping the ethnic makeup of northern Sudanese society.

During the first three decades of British colonial rule, emancipated slaves became the prime targets of labor recruitment. They were required to register with government agencies and were deployed to work on various projects in the urban centers as well as the rural areas. Other male slaves became soldiers in the Anglo-Egyptian army. While the men found employment in the emerging colonial economy, emancipated enslaved women earned their living through the informal sector of the economy such as selling food or locally made alcoholic drinks and other activities. In short, former enslaved people formed the nucleus of the Sudanese working-class, a topic that has received little attention in the literature of the Sudanese labor movement.

On another level, enslaved Sudanese brought with them cultural traditions from their home regions in southern Sudan and the neighboring regions. Their influence can be seen in the areas of music, dance, fashion, rituals, and other forms of artistic expressions. One of the most important groups who played a leading role in the dissemination of these traditions was the slave soldiers who formed the backbone of the Turco-Egyptian, the Mahdist, and the Anglo-Egyptian armies.

Many soldiers who served in the Anglo-Egyptian army in the early twentieth century were members of military bands, who were trained in Western musical instruments. They developed new musical styles that reflected their ethnic and cultural backgrounds and performed military marches that were based on musical tunes from their home areas. This was a byproduct of colonial policies of military recruitment, which resulted in the concentration of people from the same ethnic group in certain army units. Hence each unit performed a march based on musical tunes or songs from its home area. This led to the emergence, for example, of a Shilluk March, a Banda March, a Binga March, a Baggara March,

and so forth.

After their discharge from the army, former soldiers were settled by the British colonial administration in specific quarters, known as the Radif, Abbasiyya, and Malakiyya, in various Sudanese towns such as Kosti, Wad Medani, Omdurman, and Al-Ubayyid. These quarters attracted many runaway and liberated slaves as well as people of West African ancestry and other marginal groups. The Radif and Malakiyya neighborhoods formed distinct cultural and social enclaves in northern Sudanese society. Their residents developed unique styles of artistic expressions, dance, fashion, and behavior.

It was in these quarters that new forms of musical and dancing styles, blending folk tradition and martial music, emerged and became popular throughout the urban centers in the northern Sudan. One of these new forms was called Tum Tum, which can be regarded as a blend of folk tradition and martial music. In other words, the contribution of former soldiers involved a process of modernisation and indigenisation. With its fast beat and its emphasis on dance, the Tum Tum was highly resented by mainstream northern Sudanese performers who viewed it as a form of social deviance. However, the Tum Tum appealed to a wide range of urban audiences, particularly in working class neighborhoods, and became the most dominant style in the urban centers.

FORMER SLAVES, THEIR DESCENDANTS, AND THE STRUGGLE FOR EQUALITY

Although formerly enslaved people and their descendants were scattered across the lower rung of the social hierarchy, they continued to be regarded as socially and culturally inferior. Their response to this predicament ranged from overt political activity to other forms of social and cultural expressions.

The best-known examples of the political activities of former enslaved people and their descendants was their involvement in the 1924 anti-colonial uprising, which was led by the White Flag League. The league was a nationalist organisation whose

leadership included several former enslaved people who served in the Egyptian army. However, one of the least known political organisations that began squarely to address the conditions of former slaves and their descendants was al-kutla al-Sawda (The Black Block) which was founded in 1938 by Muhammad Adam Adham, a thirty-year-old medical assistant from the Darfur region (Abbas, 1973; Sikainga, 2014).

The Black Block began as a social organisation. It was preceded by the Black Co-operative Society, which was founded in the late 1930s as a philanthropic organisation mainly concerned with the social conditions of discharged soldiers and ex-slaves in the Three Towns. In 1948, the Black Co-operative Society became the Black Block, which was officially launched by Adham in the Three Towns of Khartoum, Khartoum North, and Omdurman.

Although the Block's main concern was improvement of social and economic conditions of people from the Southern Sudan and the Nuba Mountains, to elude the government, the organisation adopted broad and less militant slogans. For instance, some of its declared objectives include social betterment, improvement of the conditions of the poor, fighting crime, elimination of social distinctions between Sudanese citizens, and institution in the Sudan of a free democratic government to maintain social justice and equality and develop the country in all respects. However, the Block gradually became more vocal in its political objectives. At the time, the British administration in Sudan was setting up the Legislative Assembly which was boycotted by the pro-Egyptian unionist parties but supported by the Umma party which opposed unity with Egypt, a position that was favored by the British authorities. The Black Block supported establishment of the Legislative Assembly and participated in its elections, winning two seats in Khartoum and Omdurman.

A general meeting of the Black Block was held at Dr. Adham's house in Omdurman on October 18, 1948, and was attended by about a thousand people, most of whom had come from the Khartoum Daims. Speeches were made emphasizing that

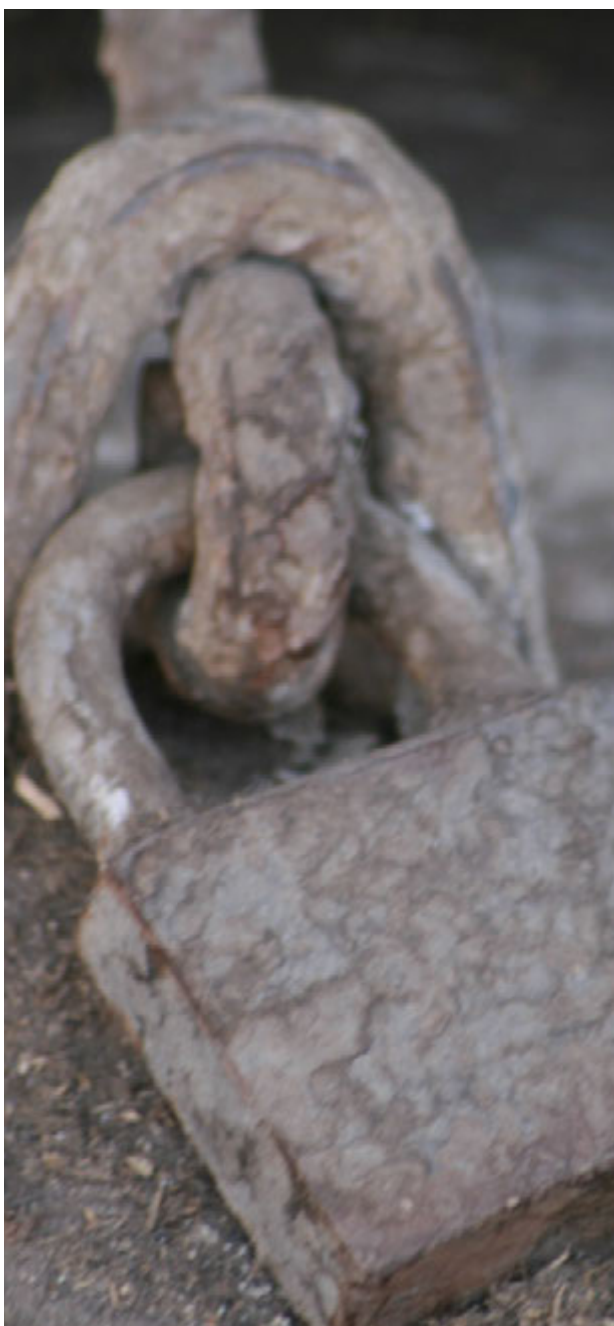
the objective of the organisation was to safeguard and promote the interests of blacks in Sudan. An administrative committee comprising 45 members and a 15-member executive committee were formed. Beside Adam Adham who was the treasurer of the organisation, leading members included: Osman Mutwali, originally a Daju from Dar Fur who was the vice president; Zayn al-`Abdein `Abd al-Tam, a retired army officer who had been a leading figure in the White Flag League; `Abd al-Nabi `Abd al-Qadir, an ex-army officer of Shilluk origin who

was the general secretary; and Hasan Murjan a civil service employee of Dinka origin, who was vice-secretary. Following the meeting in Omdurman, the organisation dispatched several delegates to the Sudanese towns such as Atbara, Kassala, Port Sudan, Kosti and Sinnar.

The Black Block expanded rapidly and attracted an increasing number of people from the Nuba Mountains and Dar Fur and from among people of West African descent and former slaves. Social clubs were established in the main Sudanese towns and Adham began to edit a fortnightly journal called "Africa", which addressed social and cultural subjects. In order to counter the profiteering of northern Sudanese merchants and to establish its own financial base, the block established its own shops in different parts of Khartoum.

Northern Sudanese political parties dismissed the Black Block as a racist organisation and the colonial government refused to license it as a political party. Many of its social clubs were closed down but later were allowed to re-open on condition that they confine their activities to social affairs. As a result the Black Block never became a full-fledged political party and suffered from poor organisation. No names of its members had hitherto been registered. Printed subscription forms were prepared but never distributed. Moreover, the organisation continued to experience financial difficulties. As a result of all of this the activities of the block diminished and by 1954 it had become an underground organisation. The Black Block represented the first attempt to form a broad front comprising former slaves and other marginalised groups in Sudan. Following its collapse these groups fragmented into a number of regional movements. In 1954 a Nuba Mountains General Union was formed by people who had been active in the block; a Beja Union was established again by former members of the Black Block; and similar organisations were also formed in Dar Fur.

The rise and fall of the Black Block was significant in many ways. Its rise underlined the contradictory elements of incorporation and marginality which slavery involved. Its failure on the other hand, was a manifestation of the complex class structure



that began to take shape. The conditions of former slaves and their descendants in the northern Sudan were different from those of other groups in the South and the West. For instance, Southern Sudanese leaders were decidedly apprehensive of former slaves and their descendants who were living in the Northern Sudan. In their view, these people had lost their identity and were assimilated into the northern Sudanese cultural norms. For example, the membership of the Southern Social and Political Club which was established in Khartoum was confined to "genuine southerners" whose homes were south of 14th parallel. Indeed, what is common between former slaves and South Sudanese is that they were both victims of northern Sudanese oppression. But for the former slaves and their descendants, the redefinition of identity was more complex.

The establishment of political organisations such as the Black Block was one of the many ways in which former enslaved people and their descendants tried to resist their subordination and assert their equality. However, in a society where slavery remained a taboo and the victims of enslavement were rendered invisible; these people expressed their feelings and articulated their grievances through various forms of cultural and artistic expressions. In this regard, the literature on slave resistance in the American South, the Caribbean, Africa, and elsewhere may provide important insights into the various ways in which enslaved people responded to their conditions. This literature has shown that enslaved people carved out social spaces and constructed a culture of opposition through which they articulated their feelings and aspirations away from the watchful eye of their masters. These social spaces constituted a partial refuge from the humiliation and indignities of slavery and racism. As Robin Kelly (1993) argues, the daily unorganised, evasive, and seemingly spontaneous actions form an important yet neglected part of the slave resistance. Similarly, proponents of subaltern studies such as James Scott (1990) maintain that despite the appearances of consent, oppressed people often challenge those in power by constructing a "hidden transcript," a dissident political culture that manifests itself in daily conversation folklore, jokes, songs, and other

cultural practices. In the Sudanese context, one of the most important forms that reveal a great deal about the experiences of enslavement is the healing ritual of zar-bori or spirit possession, particularly its tumbra style. In his study of this brand, Gerasimos Makris (2024) asserts that unlike the zar-bori, the tumbra was the dominant cult among former enslaved Sudanese and their descendants. Its lyrics and ritual practices are infused with the memories of enslavement, entailing a liberating possibility and a restoration of the dignity and the humanity of enslaved people.

CONCLUSION

Although the institution of slavery in Sudan was abolished almost a century ago, its legacy has endured and it continues to shape Sudanese views on such important matters as race, skin color, social status, and respectability. Yet despite its enduring impact the subject of slavery has remained a taboo and is seldom discussed. The silence about slavery in the Sudan and elsewhere has often been attributed to the fact that the memory of enslavement evokes a feeling of guilt among the former slave owners and creates a sense of shame among the enslaved people and their descendants, who want to shed their servile past and integrate into their societies as full citizens. As William Gervase Clarence-Smith (2006) put it: "slavery is a topic that all too often encouraged silence," because it is an "embarrassing institution."

In the Sudanese society, which places a high premium on genealogy, ancestry, and creed, slave descent has remained a debilitating social handicap. It is not surprising that former enslaved people and their descendants have continued to be stigmatised and marginalised. Their history and experiences were erased from the dominant narrative of Sudanese history. Redressing this wrong is an immense social, political, and most important, educational project that would entail at the very least a recognition of this chapter of Sudanese history and an appreciation of the pivotal roles former enslaved Sudanese and their descendants played in the economic, social, and cultural life of their society.



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REPARATIONS FOR SUDAN IN THE CONTEXT OF ARMED CONFLICTS AND AUTOCRATIC REGIMES:

Towards a victim-centred approach

Mohamed Abdelsalam Babikr¹

Reparation for victims of violations in Sudan, whether committed during the years of autocratic or dictatorial regimes or in the context of armed conflicts should be victim-centred and guided by the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law². Reparation is a key transitional justice pillar and should seek to cover a broad spectrum of violations in Sudan and provide recognition of victims' rights. In situations of armed conflicts, autocracy and repression such as in Sudan and the nature of chronic violations and sheer impunity require special considerations, a rigorous approach and, appropriate and tailored processes to ensure reparation for victims of certain violations. In this context reparations should cover violations related to the extrajudicial killings, enforced disappearance, sexual violence, displacement of communities, looting and pillage, destruction of health facilities, educational institutions, private businesses, and civil infrastructure essential for the survival of civilian populations as well as restitution or compensation for lost property.

1- Mohamed Abdelsalam Babikr: Associate Professor of International Law and UN Special Rapporteur, Human Rights Council.

2- See e.g., Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN CA Res 60/147 (15 December 2005); the Human Rights Implementation Centre, University of Bristol Law School, Providing reparation for human rights cases: A practical guide for African States (2021).

Following the end of the armed conflict in Sudan, it is key to mobilise huge amounts of national and international funds for the reconstruction of Sudan and the creation of a Trust fund and reparations schemes. Alleged perpetrators among the parties to the conflict, and their militias and other affiliates (whether military, civilian, or entities associated with the war economy) as well as third parties should be held accountable for providing reparations. Similarly, military and security institutions that contributed to the commission of crimes including international crimes must be held responsible in courts for criminal, civil or tort liability. Funding should be made available by recovering looted property and illicit gains, and by States freezing, confiscating, and repurposing assets of sanctioned individuals through a human rights-compliant procedure. Proactive states should engage directly with third States where assets are located to support the confiscation and repurposing process across jurisdictions. Third States, and foreign nationals, including companies, who are found to have been complicit in violations should be requested to provide appropriate levels of funding for the purpose of reparations. Recent jurisprudence in international law implicates such entities to provide reparations.

LIABILITY UNDER CRIMINAL, CIVIL AND ISLAMIC LAWS

The Sudanese legal framework could also be utilised as there is a normative legal system in place that can creatively be used to advance a victim-centred litigation for reparations. It is pertinent to note here that Sudanese tort law, including pecuniary and non-pecuniary damages, as well as Sudanese criminal, procedural, and civil laws and developed Sudanese jurisprudence can effectively be used by lawyers before national courts in seeking compensations for victims of human rights and humanitarian law violations. The Sudan legal system is hybrid and three aspects of interrelated legal regimes may be applicable: criminal laws, civil laws and Islamic sharia law.. Sudanese case law, including decisions by the High Court, have also established the principle that criminal and civil claims can be instituted simultaneously before a criminal court. In other words, under the law victims or plaintiffs are not required to submit a separate or fresh application before a criminal Attorney and also institute a separate civil suit in parallel with the criminal case. The rationale is to allow victims or plaintiffs the opportunity to benefit from the evidentiary standards already submitted before the criminal court. It also averts plaintiffs' efforts to spend money in a separate civil claim and provision of new evidence. Victims of violations would therefore, have the right to claim compensation, in addition to criminal litigation before criminal courts.

As Sudan sources of law are based on Sharia in various aspects, the application of the Islamic tort law, i.e. diya system (blood money) can also be uniquely utilized to compensate plaintiffs or victims in criminal cases. The criminal Act 1991, compensates victims and their families for offences affecting persons and human body, including intentional homicide, semi-intentional homicide and homicide by negligence. Other cases may also fall within this scope, in particular cases affecting victims' dignity such as torture, inhuman and degrading treatment, enforced disappearances and sexual and gender-based violence. Article 42 (1) of the Criminal Act, 1991 determines the value or amount of diya (blood-money) to be paid for criminal offences³. Courts have continued to apply this value since then. Plaintiffs would therefore be entitled to compensation or blood money under Article 42 (1) of the Criminal Act (equivalent to 100 camels in monetary value) to be paid at the time of implementation of the decision and after the court ruling, in accordance with article 45 (5) of the Criminal Act 1991 and the Civil Procedure Act 1983.

Islamic law is unique as it adopts a victim-centred approach. In other words, victims or their families are not only allowed to participate in the legal proceedings (such as in the ICC model) but their participation is integral in the legal proceedings and ensuing compensation provided by courts. Under Sudan Islamic law, diya is also payable for harm caused in cases other than homicide, such as loss of or injuries to some parts of the human body, particularly those that cannot be replaced. In such cases, compensation for wrongful acts can be provided for under the diya Islamic system in accordance with the rules of the Civil Procedure Act, 1983 in particular Article 46 on restitution or compensation. Under this Article, criminal courts are obliged to apply the substantive and procedural aspects of the Civil Procedures Act 1983, including principles of tort law, when plaintiffs make civil claims for compensation.

3- 100 camels of different ages, or its equivalent value in money as the Chief Justice may determine from time to time. See Judicial Circular no 4/120. See also Miscellaneous Act 2020, M/12/2020, Official Gazette, Issue no. 1904, 12 July 2020 requiring compensation to be determined by Law. Accordingly, the Chief Justice is no longer authorized to issue judicial circulars to estimate the diya value in money from time to time.

TORT LIABILITY

Tort liability and compensation are governed by Sudan's Civil Transactions Act 1984 (Part III, on Tort Liability for Personal Acts and Compensation).⁴ Accordingly, Civil Courts have discretionary powers and methods in assessing tort liability and awarding compensation. The scope of compensation may include offences related to the loss of homes and means of survival, loss of income and opportunities, loss of property (livestock, equipment, housing and harvest), personal injuries, loss or death of relatives including parents and siblings, acts of abduction of civilians and child recruitment, displacement and mental or psychological suffering or harm for heirs (spouses and relatives up to the second degree) and loss of livelihood of family members⁵. However, victims or plaintiffs must establish under Sudan's applicable principles of tort law that they have suffered injury and that there is a link between the harm suffered and the loss (causation). Judges may, according to the circumstances and upon application by the injured person or victim, order restoration or restitution to the original state of affairs prior to the injury⁶. No doubt, this legal framework can be used by victims as part and parcel of a transformative transitional justice process, and is not necessarily connected to any peace agreement or political settlement. This is because the legal framework already exists and only needs to be revitalized through strategic litigation by victim groups, their families and advocacy organisations.

The Civil Transactions Act, 1984 regulates tort liability for non-peculiarly damages (moral harm)⁷. Any assaults on others' liberty, honour, dignity, reputation, social status, or corporate financial position entails a duty or liability to provide compensation. Accordingly, plaintiffs or victims of atrocities may claim compensation⁸, in particular for violations of their right to 'liberty' and security of persons, torture, interference with their rights to freedom of movement and displacement from their land. Likewise, widespread killings, displacement, financial loss, loss of social status and multiple forms of pains and psychological suffering entail compensation⁹. Furthermore, rape also amounts to an attacks on victims' dignity, reputation and honour, given the stigma associated with such criminal acts in the context of the Sudanese traditional society. Compensation or damages for 'pain and suffering' are recognised under both common law and Sharia law in Sudan.

INTERNATIONAL AND REGIONAL AVENUES FOR REPARATIONS

Sudanese constitutions, case law, international treaties, conventions and international jurisprudence, scholarly opinions, and other relevant instruments pertaining to the provision of remedies to victims can further provide a solid legal foundation for reparations for victims in post-war Sudan or any forthcoming victim-centred transitional or transformative justice processes. Reliance on international human rights instruments to which Sudan is a state party can also serve as an important venue for public interest litigations, particularly by bringing cases to the African human rights system's judicial bodies, which have already issued decisions requiring Sudan to pay compensation to victims of gross human rights violations and grave breaches of the four Geneva Conventions of 1949.

Sudanese criminal and military laws, cover particular aspects or elements of international crimes, including crimes against humanity, war crimes and genocide, and grave breaches of the Geneva Conventions. Sudan is a state party to international humanitarian and human rights treaties, including the four Geneva Conventions of 1949 and their Additional Protocols of 1977, and the International Covenant on Civil and Political rights, 1966 (ICCPR). These instruments make perpetrators, as well as those aiding and abetting them, liable under Sudan's criminal laws as well as in tort. War crimes, crimes against humanity, and genocide blatantly violate Sudan's own laws. Such crimes are punishable under the Criminal Act 1991 (as amended in 2009) as well as the Armed Forces Act. Victims have the right to institute both criminal and civil claims under Sudan's criminal laws and armed forces laws, and to apply for compensation for harm inflicted under the Civil

4- See Section 138

5- Articles 151-155 Civil Transactions Act, 1984.

6- Article 154 (2), Civil Transactions Act, 1984.

7- Article 153.

8- Article 153 (1), Civil Transactions Act, 1984.

9- On jurisprudence of human rights violations see sections on cases submitted to the African Commission on Human and Peoples Rights (ACHPR).

Transactions Act 1984. Other soft-laws instruments can also be used to provide guidelines for compensation, such as the landmark UN General Assembly Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (outlined above). Those who have suffered harm through acts or omissions aiding and abetting the crimes that constitute a violation, are entitled to effective forms of reparation. This right should include compensation and other measures such as restitution, rehabilitation, satisfaction, and other guarantees of non-repetition particularly for the Sudanese victims of violations, including crimes against humanity, war crimes, displacement, and loss of land and property.

In terms of jurisprudence on Sudan, many cases have been submitted since 1990 to the regional African human rights system. In particular, the African Commission on Human and People's Rights (ACHPR) has issued decisions based on Sudanese legislation and human rights treaties and ruled that Sudan is liable to pay compensation for the commission of serious violations of human rights. Hence, Sudan assumes responsibility for paying compensation in cases involving all types of human rights violations by state agents (such as police or armed forces), or affiliated agents who aid and abet the state (such as paramilitary groups, affiliated rebel groups, or private entities including companies) in situations such as murder, semi-intentional and negligent homicide and wounds, torture, violations of the right to life, inhumane and degrading treatment, displacement, loss of land, and property.

In some cases, victims have requested effective remedies to enable them to seek redress for torture, arbitrary arrest and detention, as well as public acknowledgment and apologies for the violations suffered. Complainants have further requested compensations or damages covering material harm (such as costs for medical treatment, psychological and social services, legal or other expert assistance, loss of earnings and loss of earning and earning potential, and lost opportunities, including employment and education) and special damages, including moral damages. The Commission requested that Sudan to "pay adequate compensation to the victims in accordance with the domestic law for the rights violated", initiate an effective and impartial investigation into the circumstances of arrest and detention, and amend the legislation incompatible with the African Charter.

In previous cases, the victims allege gross, massive and systematic violations of human rights by the Republic of Sudan against the "indigenous African people" in the Darfur region, in particular members of the Fur, Marsalit, and Zaghawa communities. Victims have also alleged that various armed attacks on the civilian populations by military helicopters and the Janjaweed militia, forced eviction of populations from their homes and villages, destruction of their properties, houses, water wells, food crops and livestock, and social infrastructure, rape of women and girls have been committed; all constitute violations of the various articles of the African Charter. The Commission decided that Sudan should take all necessary and urgent measures to ensure the protection of victims of human rights violations in the Darfur Region - in particular, by taking measures to ensure that the victims of human rights abuses are given effective remedies, including restitution and compensation. It also recommended other forms of reparations that Sudan shall undertake including rehabilitation of economic and social infrastructure (such as education, health, water, and agricultural services), in the Darfur provinces in order to provide conditions for a safe and dignified return of the IDPs and Refugees.

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RAKUBA INSTITUTION:

Searching for an Equilibrium between Restitution and Forgiveness

Omayma Gutabi¹

ABSTRACT

This paper examines how reparative processes based on indigenous knowledge can achieve an equilibrium between restitution and forgiveness without compromising justice. Drawing on African and comparative scholarship on Indigenous and customary justice, it identifies the conditions under which proportional forgiveness outcomes can coexist with the recognition of responsibility, restorative remedies, and social repair. It further argues that indigenous reparative processes can facilitate people-to-people reconciliations and contribute to societal healing. The paper also analyses the risks associated with using indigenous knowledge in reparative processes and proposes safeguards against elite capture, coercion, and the exclusion of vulnerable victims and survivors.

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INTRODUCTION

Reconciliation debates center on the role of indigenous and customary justice. Indigenous justice systems are often discussed as integral to access to justice and community resilience, particularly where mainstream justice systems are discriminatory or inaccessible, or where communities prevent their members from accessing formal justice mechanisms. Nonetheless, Indigenous and customary mechanisms may face persistent limitations, including lack of legal recognition, restrictions on their operations, and the failure of state systems to adapt to indigenous needs. These factors shape whether reconciliation becomes protective or harmful.

Accordingly, this paper attempts to address six research questions. First, how does African and comparative scholarship on indigenous justice describe the conditions under which forgiveness outcomes can occur without cancelling justice? Second, why might Sudan require a “grand bargain” grounded in reparations and understood as a reconciliation architecture rather than merely a political agreement? Third, how can Sudanese indigenous knowledge models be used in reparations, and what are their advantages and limitations in contexts involving mass violations? Fourth, what mechanisms should address those who masterminded gross violations and those whose responsibility for such violations has been established? Fifth, how should reparative processes be designed for victims and perpetrators who fall outside the social networks of traditional justice systems and those who committed gross violations, including members of the armed forces and non-state military actors? Sixth, how can reparative processes achieve an equilibrium between restitution and forgiveness without compromising justice?

The paper stems from the assumption that restoring rights and granting amnesty are not necessarily two conflicting functions, and that combining them is not achieved through mere amnesty or political settlements, but rather through a process that includes acknowledging the truth, determining responsibility, redressing harm, engaging victims, rebuilding relationships, and guarantees of non-repetition

RESTITUTION, FORGIVENESS, JUSTICE, AND “EQUILIBRIUM”

In reconciliation practices and restorative-justice processes, restitution and forgiveness perform different functions. Restitution is anchored in the idea of remedy: repairing harm, restoring relationships where possible, and addressing the material and symbolic consequences of wrongdoing. Restorative-justice principles emphasize voluntary participation, truthful communication, safe and respectful environments, a meaningful commitment to repair, and clear accountability for harm.

Proportional forgiveness outcomes are relational and may be shaped by considered assessments of the historical relationships between the groups involved, including their legal and political interactions, kinship or social affiliation, geographical proximity, and economic interdependence. These parameters are not necessarily reassessed in every individual case; rather, they may be grounded in the established legal and social relations among the relevant groups.

An equilibrium between restitution and forgiveness does not require the two ends to carry the same moral weight in every case. Instead, it requires reparative processes to preserve their central purpose: the possibility of sustaining social relationships while acknowledging responsibility and addressing the consequences of harm.

JUSTICE, RECONCILIATION, AND TRANSITIONAL JUSTICE DEBATES

The relationship between justice and reconciliation remains contested in post-conflict societies. Villa-Vicencio argues that addressing wartime atrocities requires a comprehensive process capable of combining truth-telling, reconciliation, and, where appropriate, amnesty with justice and retribution fully considered. Such a process must also enable victims and perpetrators to confront the past, rebuild social relations, and establish durable peace (Villa-Vicencio, 2009).

The same author further identifies a shift in transitional-justice scholarship from restorative approaches centered on amnesty and reconciliation towards prosecution, punishment, and retributive

justice. Peacebuilding practitioners, however, have often viewed retribution as a possible threat to political stability. The author therefore advocates a holistic approach that connects accountability, reparations, reconciliation, and peacebuilding rather than treating them as competing objectives (Villa-Vicencio, 2009).

INDIGENOUS KNOWLEDGE, RECONCILIATION, AND REPARATIVE JUSTICE

Growing literature critical of elite approaches to justice has increased interest in indigenous and customary systems of post-conflict justice. MacGinty observes that indigenous approaches are frequently relationship-centered and participatory, and may secure greater community adherence than externally designed peacebuilding interventions (MacGinty, 2008). The value of local knowledge lies in its ability to use language and concepts understood by the community, drawing on historical and social ties to engage families and communities in addressing the effects of violations.

This integrates acknowledgement, apology, compensation, and trust-building, while addressing the social dimensions of conflict rather than just its legal aspects. However, local knowledge should not be romanticised as inherently homogeneous or fair. Practices may reflect inequalities based on gender, social status, or tribal affiliation, and may be used by elites to restrict participation or protect perpetrators. Therefore, integrating local knowledge into reparative processes requires clear safeguards, including voluntariness, equality, transparency, non-discrimination, the right of victims to withdraw, and protection from retaliation, all without waiving criminal responsibility for international crimes.

AFRICAN INDIGENOUS SYSTEMS OF JUSTICE AND RECONCILIATION

Non-state justice systems exist in most countries, although their form and significance vary according to local demographic, economic, social, and cultural conditions (Scharf, 2003). African examples include Rwanda's Gacaca and Burundi's Ubushingantahe, a conciliatory mechanism based largely on customary practice rather than codified rules².

After the 1994 genocide, Rwanda adapted Gacaca to handle the vast number of lower-level cases and support the reintegration of perpetrators into their communities. The system processed hundreds of thousands of cases and was characterized as "mass justice for mass atrocity." Its experience demonstrates that traditional mechanisms can help address gross violations, provided they are incorporated into carefully designed hybrid models that combine local legitimacy with procedural safeguards and wider accountability.

South Africa's Truth and Reconciliation Commission (TRCs) provides another important African model. Although it promoted truth-telling, acknowledgment, and reconciliation, its capacity to deliver substantive justice was questioned. Truth alone could not produce reconciliation without socioeconomic reform and restitution. Villa-Vicencio (2009) similarly stressed that acknowledgment and apology must extend beyond formal expressions of regret and be connected to structural change and the repair of victims' material and social conditions. The South African experience therefore represents not a complete solution, but an initial and limited exploration of reconciliation.

REPARATIONS IN TRANSITIONAL-JUSTICE DEBATES

Reparation is a longstanding legal principle requiring those responsible for wrongdoing to redress the harm caused. Under international law, it seeks, as far as possible, to eliminate the consequences of an unlawful act and restore the situation that would probably have existed had the violation not occurred.

Reparations have become a central component of transitional justice and extend beyond contexts of armed conflicts. They also feature in broader struggles against historical injustice, including debates concerning reparations for African Americans in the United States. These debates reflect competing positions between those advocating structured compensation and reform and those favoring closure without material redress.

² Gacaca is a traditional justice systems in Rwanda which literally mean "Justice on Grass" adopted to deal with the cases related to the genocide of 1994. Ubushingantahe is a traditional social institution and code of moral values in Burundi, used a tool for grassroots reconciliation after the civil war (1993-2005).

RAKUBA³ AND INDIGENOUS RECONCILIATION IN DARFUR

Indigenous knowledge remains central to Sudan's history of coexistence, yet its contribution to contemporary peacebuilding and transitional justice has received limited scholarly and policy attention. Indigenous reparative models in Darfur, for instance, are more accurately understood as a broader socio-legal relationship among Darfur's diverse social groups. Although reparative institutions are known by different names among different groups, these terms generally refer to a shared mechanism for regulating intergroup relations, managing disputes, acknowledging harm, and restoring coexistence. Reparations and the associated proportional forgiveness remain central to the analysis because restitution is one of the Rakuba's principal functions and because forgiveness may operate as a culturally grounded means of restoring relationships. This focus also connects Rakuba to wider transitional-justice debates, in which reparations constitute a major pillar of post-conflict recovery.

CUSTOMARY INSTITUTIONS AND THE RAKUBA SYSTEM

Ajaweed⁴ refers to respected mediators selected for their wisdom, maturity, integrity, impartiality, patience, justice, and community standing. Judiya denotes the deliberative process through which such mediators hear disputes and reach a settlement. The process generally requires the parties' consent to mediation, agreement on the mediators and venue, and prior acceptance of the final decision. Its authority derives from community recognition and the parties' commitment to comply with the outcome.

These institutions are not merely informal substitutes for state courts. They constitute systems of social obligation grounded in historical relationships among communities. Their decisions draw on customary precedent, local knowledge, and established intergroup agreements. In this context, the Rakuba, in Darfur, functions as a mechanism through which community members negotiate res-

titution and renew relationships between conflicting parties. Its guiding principles may be summarized as an exchange of obligations, "this for that", through which harm is acknowledged and a proportionate remedy is agreed.

The strength of the Rakuba lies in its flexibility, accessibility, and connection to local social relations. It can incorporate compensation, apology, acknowledgment, forgiveness, and guarantees of peaceful coexistence within a single process. Its limitations are equally significant. Its authority may depend on the existence of prior legal relationships, making it less suitable for violations committed by external actors or armed groups/institutions operating beyond local networks. It may also reproduce gender and status inequalities, exclude vulnerable victims, or rely on collective responsibility in ways that obscure individual accountability.

RAKUBA'S FUNCTIONS AND AUTHORITY

The term Rakuba originally referred to a communal shelter where people exchanged market and weather information and discussed community affairs. It later became a metaphor for a protected space of dialogue, truth-telling, and reconciliation. Through the Ajaweed, or traditional mediators, the Rakuba addresses disputes between individuals and communities.

Its customary rules function as a form of legislation, its committees adjudicate disputes, and its decisions are enforced collectively. The Dimlij, usually a hereditary legal record-keeper, preserves agreements and precedents between his tribe or lineage with others within the Rakuba network, and advises on reparations based on legal precedences.

Rakuba generally handles two types of disputes: individual offences between members of different communities and broader intercommunal conflicts. In individual cases, the perpetrator is identified and the relevant customary agreement determines percentage of reparation and that of forgiveness. In collective conflicts, committees assess losses and establish reparations, often using prevailing market prices.

Although responsibility begins with the individual

3- Literally meaning "shelter", Rakuba is a Darfurian socio-legal term used to describe a pact of compensation and forgiveness among various Darfurian groups.

4- A reconciliatory session across various cultures in Sudan

perpetrator, the wider community usually assumes responsibility for payment of agreed amount of compensation. Compensation may cover funeral ceremony and mourning expenses (Karama), property damage, disability, or blood money (Dia).

COMPENSATION AND FORGIVENESS

The Rakuba relies on historical precedents recorded by the Dimlij and preserved as a reference for previous agreements between communities. The amount of compensation and the scope of forgiveness are determined according to the nature of the relationship between the communities; stronger relations generally produce lower compensation and greater forgiveness, whereas weaker or more strained social ties may lead to higher compensation and stricter conditions. However, forgiveness, regardless of its extent, remains a fundamental element of the settlement. Compensation and forgiveness are divided into two, three, or more parts, depending on the nature of the harm and the relationship between the parties. Accordingly, the system adapts the ways of addressing and repairing harm so that they are proportional, on the one hand, to the gravity of the harm, and on the other, to the nature of the previous and existing social relationship between the parties.

This adaptation does not imply that the value of the harm is determined solely by the social relationship; rather, it means that addressing harm takes place within a social structure that views the restoration of relationships as part of justice. Nevertheless, this logic should not minimise the gravity of violations, nor should it lead to granting forgiveness before the perpetrator acknowledges their responsibility and takes actual steps to repair the harm.

CONTEMPORARY LIMITATIONS

The Rakuba was primarily designed for localized disputes involving identifiable individuals and communities. Its application to the current war is therefore difficult, particularly in cases of mass killing, conflict-related sexual violence, forced displacement, systematic attacks, and alleged genocide. Many victims and perpetrators are also outside the traditional social networks required for customary enforcement in order to enable people to people

reconciliations. Consequently, the Rakuba should not replace formal criminal accountability for those who planned, ordered, or systematically committed crimes against humanity and war crimes. Its strongest contribution lies in complementing formal justice within a particular community or a region where the concerned communities have established historical relations. This can be achieved through local truth-telling, victim-centered reparations, community dialogue, and social repair, provided that participation is voluntary and safeguards are in place to protect victims from coercion and exclusion.

The reinvented Gacaca system addressed this dilemma by categorizing crimes committed during the genocide. Claims were divided into four categories, and charges were determined according to the severity of the alleged offence. Molenaar describes the categories as follows: Category one comprised the planners and organizers of the genocide, individuals who committed sexual violence, and the “big killers” responsible for a high number of deaths. Suspects in this category were not tried by Gacaca courts; instead, they appeared before the ordinary criminal courts. Category two comprised individuals who participated in killings but were not the masterminds of the attacks. These suspects could be tried by Gacaca courts, although they retained the right to appeal to a formal court. Category three included individuals who caused bodily injuries without killing, while category four comprised those responsible for property damage and looting associated with the genocide. Cases in the final two categories were handled exclusively by Gacaca courts (Molenaar, 2005). This categorization sought to allocate cases according to the gravity of the alleged crimes while reserving the most serious cases for the formal justice system.

CONCLUSION

The paper concludes that the Rakuba offers a valuable, locally grounded framework for addressing conflict-related harm among communities through truth-telling, compensation, forgiveness, reconciliation, and social repair. Its emphasis on restoring relationships distinguishes it from justice models focused primarily on compensations. By adapting restitution and forgiveness to the severity of harm and the relationships between communities, the Rakuba can contribute to rebuilding coexistence

while preserving recognition of responsibility.

Rakuba should not, however, be treated as a substitute for formal or international justice. Genocide, war crimes, crimes against humanity, systematic sexual violence, and violations planned or directed by political and military leaders require formal mechanisms capable of establishing individual criminal responsibility. Rakuba would be most effective as part of a complementary reparative system.

The legitimacy of this approach will depend on its incorporation in a conflict resolution model, the consent and participation of survivors, communities, the state, and armed groups. Effective safeguards are needed to prevent elite capture, political manipulation, coercion, and the exclusion of women, displaced persons, and other vulnerable groups. Rakuba model must also include rights-based and gender-sensitive procedures.

The paper further concludes that justice and reconciliation should not be treated as mutually exclusive or placed in a fixed order. Reconciliation without accountability may reinforce impunity, while justice without reconciliation may leave social relations and structural causes of conflict unresolved. A durable process must therefore combine accountability with reparations, public acknowledgment, restitution, memorialization, institutional reform, and guarantees of non-recurrence.

Ultimately, reparative justice must go beyond settling individual disputes. It must address the political, economic, and social structures underlying violence, including marginalization, unequal access to land and resources, land tenure systems and related forms of injustices, militarization, weak governance, and the politicization of communal identities. Rakuba can contribute to this broader process, but only within a comprehensive model that links peace, justice, reparations, and structural transformation.



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A REPARATIONS AGENDA WITHOUT WOMEN AT ITS CENTRE IS AN INCOMPLETE JUSTICE

Helen Kezie-Nwoha¹

When African Heads of State declared 2025 the "Year of Reparations," they framed it as a reckoning with slavery, colonialism, apartheid and genocide, and as a foundation for a decade of continental action (AU, 2025a). This elevated reparations from a historical and activist demand to a continental policy priority, acknowledging that historical injustices continue to shape Africa's political economy, governance system and global inequalities (AU, 2025a). A year on, it is time to reflect on the extent to which the reparations agenda has transformed the lives of those who continue to bear the consequences of historical and contemporary injustice. This paper responds to the following questions: reparations for whom, defined by whom, and delivered through what means? A gender lens on this agenda is not a peripheral add-on. It is the test of whether reparatory justice will repair the specific and compounded harms carried by African women, or simply reproduce the exclusions of the past.

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WHAT THE YEAR OF REPARATIONS ACHIEVED

Prior to the state of year of reparations, the AU strengthened collaboration with Caribbean governments through engagement with the Caribbean Community (CARICOM), whose Ten-Point Reparatory Justice Programme has become one of the world's most comprehensive regional reparations frameworks (CARICOM, 2014). Measured against its own ambitions, 2025 produced institutional shifts. The AU Assembly adopted a decision classifying slavery, colonialism, deportation and genocide as crimes against humanity and African peoples, and the Executive Council declared an AU Decade on Reparations running from 2026 to 2036, timed to align with the United Nations' Second International Decade for People of African Descent (ACHPR, 2025). The African Commission on Human and Peoples' Rights (ACHPR) adopted its own resolution committing to translate the theme into standards, institutional architecture, and follow-up mechanisms (ACHPR, 2025), while the AU's Economic, Social and Cultural Council (ECOSOCC) convened symposia to build a roadmap linking member states, regional communities, and diaspora organisations to the agenda (ECOSOCC, 2025). The year also revived a legal and diplomatic push, including consideration of an International Court of Justice advisory opinion, that could give reparations claims firmer ground in international law than they have ever had (Metekia, 2025). The 2026 follow up conference in Accra adopted a 19-point framework focused on financial compensation, formal apology and global financial reform. To strengthen institutional and legal frameworks the AU established the AU Committee of Experts on Reparations (AUCER) and a Reference Group of Legal Experts (AULEG) to provide unified legal strategies (AU, 2026).

These achievements convert a decades-old moral claim, first formalised in the 1993 Abuja Proclamation, and the 2001 Durban Declaration and Programme of Action (UN & OHCHR, 2002), and revitalised at the 2023 Accra Reparations Conference. Yet a closer look at how the year unfolded shows that gender equity was, at best, a secondary theme rather than a foundational principle of the agenda.

THE GAP: WHERE WOMEN WERE MISSING

The 2025 theme, as designed, did not centre African women and girls despite decades of their own labour building the reparations movement (Nabaneh et al., 2025). The African Feminist Collective on Feminist Informed Policies (AfIP Collective, 2025) argues that colonialism did not simply impose foreign rule on existing African societies; it actively reinvented African gender relations, imposing rigid hierarchical definitions of women and men through law, religion and education, and violently excluding women from authority they had previously held (Tamale, 2020).

Across the continent, women spend three to six hours a day on unpaid domestic and care work compared with less than two hours for men, and 89 percent of employed women in Sub-Saharan Africa work in the informal sector with little or no access to maternity leave, health insurance or pensions (UN Women, 2015). Women produce 60 to 80 percent of the continent's agricultural output yet own less than 15 percent of the land and access less than 10 percent of available credit or agricultural extension services (FAO, 2019, as cited in AfIP Collective, 2025). A reparations process that does not name and quantify this gap cannot claim to be transformative, a critique also raised around the 2025 World Economic Forum, where analysts warned that reparations built only on state-to-state transfers risk leaving intact the gendered economic structures that keep African women poorest even where national wealth grows (Yugusuk & Birungi, 2025).

The AU's own gender architecture has long acknowledged that Africa's progressive instruments on women's rights, most notably the Maputo Protocol, suffer from weak implementation and chronically underfunded gender machinery (AU, 2018). If the reparations agenda is built on these same fragile institutions without reinforcing them, resources and restitutions secured through the Decade on Reparations risk being negotiated and distributed through structures that have historically sidelined women, exactly as occurred in earlier reparations and transitional justice processes elsewhere on the

continent (Nabaneh et al., 2025).

UNREALISED OPPORTUNITIES

Several opportunities remain open, precisely because the Decade on Reparations is only beginning. There is no dedicated gender-responsive financing or accountability mechanism comparable to the "All for Maputo Protocol" initiative² proposed elsewhere in AU gender policy; without one, gender risks being treated as a slogan rather than a budgeted, measurable commitment (AU, 2018). The push toward an International Court of Justice advisory opinion and toward classifying historical violations as crimes against humanity has so far been framed around state-to-state harm, not gender-based and sexual violence as its own category requiring redress (Metekia, 2025). And the diaspora engagement strategy has not built structured channels for African and diaspora women's movements to shape what reparations should look like, even though platforms such as the Commission on the Status of Women have shown appetite for this cross-regional feminist dialogue (AU, 2025b).

A useful benchmark for what is missing is the five-pillar framework Pan-African feminists have already put forward: economic justice and redistribution, redress for gendered and sexuality-specific harms, restoration of indigenous education and knowledge systems, ecological reparations, and women's public representation and leadership (AfIP Collective, 2025). None of these pillars is currently a standing workstream in the AU's roadmap. And the ecological damage inflicted by colonial and neocolonial extraction, which falls disproportionately on women as primary food producers and water carriers, has no corresponding claim on redirecting extractive-industry profits toward community-led restoration (Lewton, 2019).

SUSTAINING THE AGENDA BEYOND THE SYMBOLIC YEAR

For the AU to avoid the fate of many "years of" and "decades of" declarations, three things matter most. The AU needs a standing institutional home for reparations work, since the roadmap's own coordi-

nating unit will only succeed if it has budget lines and enforcement authority beyond 2026 (Metekia, 2025). It needs to root reparations in the AU's existing Transitional Justice Policy, which already treats reparation as forward-looking and restorative rather than purely retrospective, giving the continent a homegrown foundation rather than one borrowed from Western reparations debates (Metekia, 2025). And it needs sustained pressure from below: the same civic mobilisation that helped end apartheid, and that has more recently forced the return of looted African artefacts, shows that reparatory gains follow organised pressure more reliably than declarations of intent (Metekia, 2025). Institutionally, this pressure should take the concrete form Pan-African feminists have proposed: an independent reparations monitoring body including feminist organisations, grassroots movements and academics, mandated to track whether resources reach the women and communities the agenda claims to serve (AfIP Collective, 2025).

MAKING REPARATIONS ANSWER TO WOMEN'S DISTINCT NEEDS

A gender-responsive reparations agenda must move beyond treating women as merely another vulnerable category. Instead, it must classify gendered harm as a distinct evidence and policy category. The criminalisation of indigenous women's economic roles, the imposition of patriarchal land and inheritance laws, and the sexual violence that accompanied conquest and enslavement must all be explicitly named, rather than subsumed within a generic narrative of suffering (Nabaneh et al., 2025).

Translating this recognition into accessible instruments requires concrete structural action. First, unpaid care work must be quantified and compensated through time-use surveys integrated into national accounts and gender-responsive budgeting. States must also provide land, credit and business support tailored for the informal and agricultural economies where most African women work. Be-

2- A collaborative advocacy program led by Equality Now and the Solidarity for African Women's Rights (SOAWR) coalition that aims to achieve universal ratification, domestication, and full implementation of the African Union's landmark women's rights treaty across the continent.

yond economic redress, core reparative obligations demand repealing colonial-origin laws that police women's and sexual minorities' bodies, as well as formally acknowledging onquest-era sexual violence rather than treating it as separate human rights business. Finally, reparative resources recovered from multinational corporations should fund women-led governance over land, water and climate interventions, while guaranteeing seats for women's rights organisations in key decision-making bodies (AfIP Collective, 2025; Nabaneh et al., 2025; Yugusuk & Birungi, 2025).

Reparatory justice, on the AU's own transitional justice logic, is meant to repair relationships and prevent recurrence, not simply transfer resources (Metekia, 2025). Relationships shaped by patriarchal as well as racial and colonial violence cannot be repaired by a gender-blind process. As the AU enters its Decade on Reparations, success should be measured not only by whether African states secure acknowledgement and restitution from former colonial powers, but by whether African women, whose labour has long sustained both the movement and the continent, finally get to define what justice requires.



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VOICES FROM THE GHOST HOUSES:

Torture survivors, reparations, and the search for justice in post-war Sudan¹

Mohammed El Gadi¹

"Freedom, Peace, and Justice."

These three words became the defining slogan of Sudan's December Revolution. Their order was not accidental. Freedom came first because dictatorship had to end. Peace came second because no society can rebuild while war continues. Justice came last—not because it was less important, but because it is often the most difficult promise to fulfill.

Today, Sudan once again finds itself confronting this painful sequence. Ending the devastating war between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) remains an urgent national priority. Yet, for thousands of survivors of torture, arbitrary detention, and enforced disappearance and their families under the Islamist regime that ruled Sudan from 1989, the search for peace raises another difficult question: **What kind of justice remains possible when peace itself may require political compromise?**

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AI Assistance Disclosure: Artificial intelligence was used solely for editorial assistance in language, organization, and style. The article draws upon the author's experience and years of dialogue with fellow torture survivors. All ideas, arguments, interpretations, and conclusions are solely the responsibility of the author.

This question is especially painful because forces associated with both sides of the present conflict have roots in systems of violence and repression that have shaped Sudan's recent history. For torture survivors and human-rights advocates, therefore, stopping the war cannot mean simply closing one historical chapter and opening another. The country must eventually confront not only the violence of the present war, but also the accumulated legacy of torture, political detention, disappearances, extrajudicial killings, and institutionalized repression that preceded it.

This article argues that torture survivors should not be treated merely as one category among the many victims who will eventually require redress and assistance in post-war Sudan as torture constitutes a **distinct form of deliberately targeted harm**.

A credible Sudanese transitional justice framework must recognize this distinct harm. It must also confront an uncomfortable political reality: peace negotiations may require compromise, but torture survivors should not, once again be asked to pay the price by surrendering truth, recognition, dignity, and meaningful reparations.

TORTURE IS A DISTINCT HARM

Not all victims of violence experience the same form of harm. Civilians killed, injured, or displaced by war suffer devastating losses that demand recognition, justice, and support. Torture survivors, however, occupy a distinct legal, ethical, and psychological position because they were deliberately selected and systematically targeted by state authorities or those acting with state power.

Torture is not random violence.

It has a target, a method, and an intended outcome. The purpose of torture is to break resistance, destroy personal autonomy, create lasting fear, silence peaceful opposition, and discourage future civic participation. But before analyzing these wider objectives, one reality must not be softened by academic language:

TORTURE IS PAIN.

It is severe, deliberate, and sometimes unimaginable pain.

Among survivors of Sudan's Ghost Houses, memories of physical pain remain among the most frequently recalled experiences when survivors meet and speak about their detention, even decades later. Survivors have documented at least twenty-two methods of physical torture, according to one survivor-based accounting, including repeated beatings and blows directed at particularly vulnerable parts of the body.

Some methods leave consequences that continue throughout the survivor's life. I experienced one such method known as teléfono (ear-cuffing), in which the torturer delivers hard blows or slaps to one or both ears, producing a rapid increase in pressure within the ear. Documented consequences can include rupture of the eardrum, hearing impairment, tinnitus, pain, and other lasting ear-related complications (DIGNITY, 2018.). In my own case, recurrent episodes of vertigo became one of the physical consequences I have continued to live with long after detention ended.

The physical injuries are therefore not secondary to the story of torture. They are central to it. Torture is pain—and for many survivors, the pain does not end when the torture stops. Yet the objective extends beyond the immediate infliction of pain. Torture seeks to use pain to break resistance and reshape the survivor's life after release. The deeper targets are identity, dignity, autonomy, and the person's willingness or ability to continue participating in political and civic life.

The term "Ghost Houses" refers to a network of secret and unofficial detention and torture centers used by Sudan's security apparatus following the Islamist seizure of power on June 30, 1989. Human Rights Watch documented the use of secret detention centers known as "Ghost Houses," where detainees were held without judicial oversight and where torture and ill-treatment were commonplace (Human Rights Watch, 1996). They were places

designed to operate beyond public scrutiny: detainees could disappear from normal judicial procedures, while families often did not know where their relatives had been taken. Sudanese survivors and human-rights advocates have continued to document these sites and the abuses associated with them (Group Against Torture in Sudan [GATS], 2005). So far, 226 detention and torture centers across Sudan have been documented, and the count continues as additional sites are identified and verified (GATS, 2026).

One sentence spoken to me at the end of my detention has remained with me for decades. As I was released from one of Sudan's notorious Ghost Houses, the head of the torture team told me: "We know we have completely broken you. From now on, you will obey our orders."

Those words revealed the real objective of torture. The prison was never the final destination. The intended outcome was the person who walked out of it. Every person who entered the Ghost Houses came out carrying a scar. Some scars could be seen. Many could not.

The absence of visible injury should never be confused with the absence of torture. One of the least visible consequences is injury caused by repeated blows to the head. During my later professional work as a human-rights officer in a program serving people with mental illness and brain injuries, I became increasingly aware of how such injuries can affect behavior and everyday life long after the original trauma.

In an unpublished survivor-based study of former detainees of the Citibank Ghost House in early 1990s, approximately 65 percent of participants reported being subjected to blows targeting the head and lower back. Among the group of twenty-five survivors, severe headaches and persistent lower-back pain were universally reported.

These observations require further systematic study, and they should not be generalized statistically beyond the group examined. Yet they point toward an important issue for reparations policy: torture survi-

vors may live for decades with physical, neurological, and psychological consequences that were never medically documented at the time because the torture itself occurred in secret. How, then, should a survivor prove an injury inflicted thirty years ago in an unofficial detention center that officially did not exist? A reparations system designed for torture survivors cannot require the same evidentiary standards as an ordinary civil claim.

The Ghost House system was clandestine by design. Detainees were often held outside formal judicial procedures. Medical examinations were absent or controlled. Records may never have existed, may have been concealed, or may have been destroyed. Decades later, witnesses may have died, disappeared, or become afraid to testify.

Insisting on documentary proof in every case would therefore reproduce the injustice that made documentation impossible in the first place.

This does not mean abandoning evidentiary standards. It means developing standards appropriate to systematic clandestine abuse.

Survivor testimony should be treated as evidence, not merely as personal narrative. Where individual documentation is incomplete, claims could be assessed through corroborating testimony, documented patterns of detention, medical and psychological evaluation, contemporaneous human-rights reports, evidence concerning known detention facilities and perpetrators, and other forms of triangulation. In fact, the Istanbul Protocol provides a relevant framework for assessing physical and psychological evidence of torture, including retrospective medical and psychological assessments where immediate documentation is unavailable. The objective should be credible determination—not an impossible standard of documentation created by the very regime responsible for concealing the crime.

At the same time, survivors must retain agency over their testimony. No person should be forced repeatedly to recount torture merely to satisfy bureaucratic procedures. Interviews should be conducted

by appropriately trained personnel, unnecessary repetition should be avoided, confidentiality must be upheld, and survivors should have meaningful choices about whether and how their stories become public. A system intended to repair torture must not reproduce the survivor's loss of control.

REPARATION MEANS MORE THAN COMPENSATION

Financial compensation matters. Many torture survivors lost employment, education, professional opportunities, property, health, or the ability to support their families. Some families carried these burdens for decades. Economic compensation is therefore not charity. It is one form of acknowledgment that measurable losses resulted from deliberate state action.

But reparation cannot end with money. If torture was designed to destroy dignity, agency, health, identity, and participation, then restoration must address those harms as well.

A comprehensive reparations framework should therefore include medical and psychological rehabilitation, support for survivors living with long-term disabilities, educational and employment opportunities where appropriate, official acknowledgment of wrongdoing, public apologies, and institutional reforms designed to prevent recurrence.

It must also include memory. Memorialization is itself a form of reparation. Former torture centers should, where possible and with meaningful survivor participation, be documented and preserved. Museums can tell future generations what happened. Monuments can recognize those who suffered and those who died. Archives can preserve testimony and evidence. Schools can teach this history. Public commemorations and awards can honor survivors, human-rights defenders, and others who resisted torture and authoritarianism.

Cambodia offers an important lesson in this respect. Its experience cannot simply be transplanted to Sudan, but the preservation of sites associated

with Khmer Rouge atrocities, including the Tuol Sleng Genocide Museum, demonstrates the importance of preserving places of atrocity as spaces of memory, education, and public recognition.

Sudan should consider what this means for the Ghost Houses. Buildings once used for torture should not simply disappear into private redevelopment or bureaucratic forgetfulness. At least some representative sites should be preserved as historical sites and potentially transformed into museums or memorial spaces—not to imprison Sudan permanently in its past, but to ensure that future generations understand what happened when state power operated without accountability.

The continuing effort to document more than 226 Ghost House locations could therefore serve purposes beyond establishing the historical record. It may eventually help Sudan identify representative sites for preservation, historical markers, museums, archives, and educational programs. Documentation would thus become part of reparation: connecting evidence of past abuse with the country's responsibility to preserve memory and prevent denial.

Keeping memory alive is not the opposite of reconciliation. It is one of the conditions that makes genuine reconciliation possible. Freedom, Peace, and the Difficult Question of Justice

Sudan now faces a painful dilemma. The immediate priority is to stop the war. Torture survivors understand this. Human-rights advocates understand it. No meaningful transitional justice system can be built while people continue to be killed, displaced, and terrorized. But what compromises will be required to achieve peace? History suggests that transitions from authoritarianism and mass violence rarely produce complete justice. South Africa, Chile, Argentina, Morocco, Rwanda, Cambodia, and other countries developed different approaches shaped by their own political realities, balances of power, histories, and institutional capacities. Sudan should study all of them. It should copy none of them.

South Africa offers important lessons concerning truth and public testimony. Chile and Argentina demonstrate the complex relationship between

democratic transition, political compromise, and accountability over time. Morocco provides another experience of truth-seeking and reparation. Rwanda raises different questions about mass accountability after extraordinary violence. Cambodia demonstrates both the possibilities and limitations of delayed justice and, importantly, the enduring role of memory, museums, preserved sites, and public education. Each experience can teach Sudan something. None can tell Sudan exactly what to do. Sudan must develop its own approach to transitional justice.

TOWARD A SUDANESE REPARATIONS FRAMEWORK

Such a framework should be built around the established pillars of transitional justice—truth, justice and accountability, reparations, and guarantees of non-repetition—but adapted to Sudan's political, social, and economic realities.

One of the most difficult questions is practical:

WHO WILL PAY FOR REPARATIONS?

Sudan is a poor country devastated by decades of authoritarian rule and now by catastrophic war. A reparations system that exists only as an unfunded promise will eventually become another betrayal of survivors.

I therefore propose that the primary source of a national reparations fund should be assets legally recovered from perpetrators who are found, through due process, to have unlawfully enriched themselves through corruption, abuse of public office, or activities connected to torture and other serious human-rights violations.

Where assets have been transferred to relatives or third parties to conceal ownership or evade lawful recovery, appropriate judicial mechanisms should permit investigation and, where evidence establishes that the transfers were intended to conceal illicitly acquired wealth, recovery of those assets.

These recovered resources should form the founda-

tion of the reparations fund. They could then be supplemented by recovered public funds, state budget allocations, judicial awards, and international assistance.

This approach does not seek revenge.

It seeks moral coherence.

Those who accumulated wealth through systematic abuse should not continue to benefit from it while those who endured that abuse continue carrying its costs. Nor should ordinary Sudanese citizens—many themselves impoverished by dictatorship and war—be asked to carry the entire financial burden of repairing harms inflicted by individuals who accumulated wealth and privilege under the oppressive system.

This is what I mean by a doable reparation system: not perfect justice and not unlimited compensation, but a mechanism that connects accountability to restoration and identifies realistic resources with which to begin repairing the damage.

Conclusion: Survivors as Partners in Building Justice
Torture survivors should not be regarded as obstacles to peace, nor should they alone bear the cost of political compromises considered necessary to end Sudan's war.

They should instead be recognized as partners in designing Sudan's future transitional justice system. Their experience is not merely testimony about the past. It is knowledge about how systems of repression operate—and therefore knowledge about what institutions must change if democratic life is to survive.

This demand is not new.

Sudanese torture survivors and human-rights advocates have called for truth, acknowledgment, reconciliation, and reparation for decades. In January 2007, responding to President Omer al-Bashir's call for "national reconciliation," the Sudanese Group Against Torture argued that genuine reconciliation required concrete measures: a public apology to victims, their families, and the Sudanese people; truth-seeking commissions empowered to hear survivors publicly and confront those accused of responsibility; reparations for victims and families; and measures to prevent recurrence.

The principle underlying that appeal remains relevant today:

Reconciliation cannot be declared by political leaders. It must be built through truth and with the participation of those who suffered.

Nearly two decades later, Sudan faces a far more devastating national crisis. The urgency of ending the present war may require compromises that many survivors will find painful. We understand that reality.

But compromise over political arrangements necessary to stop a war cannot mean erasing the history of torture.

It cannot mean allowing those responsible for torture to dictate the terms by which their victims are recognized.

It cannot mean that survivors surrender their right to truth.

And it cannot mean that perpetrators retain wealth

unlawfully accumulated through systems of repression while their victims are told that Sudan is too poor to compensate them.

The difficult question facing torture survivors is therefore not whether we choose peace or justice.

The harder question is:

How much justice can be delayed or compromised in pursuit of peace before compromise becomes impunity?

Survivors may accept that perfect justice is unattainable.

They should never be asked to accept that their suffering did not matter.

"Freedom, Peace, and Justice" were never competing ideals. They were the promise of Sudan's December Revolution.

The challenge now is to ensure that, in the difficult search for peace, the promise of justice is not abandoned.



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"SHAFSHAF":

When looting becomes a war strategy

Khalid Mohamed Taha¹

Since war erupted across Sudan in mid-April 2023, patterns of violence on its various fronts have grown steadily more complex, with crime increasingly intertwined with military activities. At the heart of these developments stands a phenomenon that has emerged as one of the conflict's most dangerous features: "shafshafa." Through repeated raids, plunder has hardened into policy, and the war itself has become a hunting ground for spoils. Looting is ordinarily associated with chaos and isolated crime, but in Sudan's ongoing war, it forms part of a broader strategy to reshape the economic order through force and domination.

Documented testimonies, human rights reports, and field accounts indicate that looting has not always been an individual or random act. In El Geneina, Human Rights Watch documented the testimony of a trader named Ibrahim, who said that on April 27, 2023, he watched roughly twenty armed men, some wearing Rapid Support Forces (RSF) uniforms, loot at least eight shops in the central market, loading goods onto pickup trucks, horses, and rickshaws ("tuk-tuks"), before setting fire to a number of shops, including his own. The organisation also documented looting continuing the following day. This case illustrates how the act shifted from individual seizure to collective operations involving break-ins, goods collection, transport, and arson.

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“Shafshafa” is a word from Sudanese colloquial speech used to denote looting: taking something by force. Its use intensified during the April war to refer specifically to unlawful, systematic seizure on a wide scale linked to conflict. It encompasses individual looting in moments of chaos, organised looting by armed groups, and the coercive seizure of homes, real estate, public assets, and assets like gold, crops, and equipment, alongside their circulation through smuggling networks.

Distinguishing the scope of “shafshafa” carries analytical and legal weight, because these patterns of crime are not uniform in nature, beneficiaries, or evidentiary requirements. Individual looting differs from organised looting; and seizing a home differs from looting a public facility. Moreover, the circulation and monetisation of looted goods connects to wider networks of brokers, transporters, and financiers. Treating “shafshafa” as a single, simple phenomenon obscures its reach, whereas a disciplined classification allows for clearer accountability, evidence-gathering, property restitution, and reparation.

From Khartoum to Darfur, gunfire was accompanied by scenes of mass looting: trucks loaded with stolen goods, homes emptied, and public and private institutions stripped in an organised way. Military control has meant advancing in a way that enables systematic looting. “Shafshafa” is not a chaotic, random act; it is an organised pattern aimed squarely at controlling territory after stripping it of everything that makes it viable. This practice has been evident in cities such as Khartoum, Nyala, Wad Madani, Sinja, Hasahisa, El Fasher, Babanusa, Al-Fula, and Lagawa, as well as numerous rural villages in Gezira.

UNDERMINING PRODUCTION

The phenomenon of “shafshafa” is better understood within the context of a war economy. In the absence of regular supply lines, looting has become a direct means of financing combat operations and rewarding fighters. This parallel economy redistributes wealth by force to sustain networks of violence, striking at the core of the economy's capacity to produce.

The impact of “shafshafa” has extended to undermining the productive process across vital sectors, including commercial warehouses, banking, health facilities, telecommunications, electricity, water as well as supply chains. In South Darfur, UNICEF documented an attack in April 2023 on the office of the Expanded Programme on Immunisation, during which cold-chain equipment, vehicles, records, and roughly half of the state's vaccine stock were lost or destroyed, directly disrupting a vital civilian service. In the agricultural sector, the looting of farming equipment, grain stores, and agricultural stocks, combined with the displacement of farmers, has produced a sharp decline in production. Reports point to repeated thefts targeting tractors alongside severe shortages of fuel, fertiliser, and seed. Gezira state stands as a clear example: a Reuters investigation revealed how RSF fighters confiscated stocks of wheat and sorghum, prevented farmers from reaching their fields, and looted cash and food. Mohamed Bellah, a leader of agricultural co-operatives in Hasahisa, noted that his fields were left to be grazed by livestock because farmers were too afraid to tend them.

These testimonies demonstrate how looting halts the agricultural cycle and turns productive assets into commodities traded outside the formal economy. Looting thus becomes a factor in reproducing poverty and food insecurity. In this way, “shafshafa” replaces development with a fragile economy built on attrition, empowering new classes that convert looted wealth into political influence and turning post-war reconstruction into a new arena of conflict over resource ownership.

FROM LOOTING TO LIQUIDATION: HOW STOLEN GOODS BECOME CASH?

Analyzing “shafshafa” as part of the war economy remains incomplete if it stops at the moment of seizure. Once property has been wrested from its owners, stolen goods are converted into monetary value. Vehicles are dismantled for spare parts; commercial goods and crops are funneled into new trade routes; and gold or livestock enter complex

networks of brokers and traders.

This phase reveals that the “shafshafa economy” rests on a broad chain of actors—transporters, warehouses, traders, and digital marketplaces. Dismantling this system requires treating looting as an economic value chain, pursuing direct perpetrators while tracking stolen property through its monetisation. Tracking the movement of money, assets, and transport routes is therefore essential to dismantling the war economy and restoring victims' rights.

EMPTYING THE LAND: LOOTING AS A FORCE OF DISPLACEMENT

In its psychological and social dimensions, “shafshafa” serves as a tool of collective punishment, signaling to populations that remaining in their homeland is unsafe. In El Geneina, for example, Human Rights Watch documented the looting and burning of homes, shops, and central markets alongside the destruction of water facilities. By depriving families of survival, systematic looting forces flight and redraws demographic maps by force, eroding trust, fueling desires for revenge, and undermining post-war recovery.

BEYOND CONDEMNATION: WHAT CAN ACTUALLY BE DONE?

Moral condemnation alone is not an effective way of dealing with a phenomenon as complex as “shafshafa”. What is needed is to dismantle its economic structures and hold those responsible accountable through effective justice mechanisms. Key operational steps include closing markets where looted goods are traded, criminalizing the possession of stolen property, tightening oversight on parallel trade networks, and strengthening local community reporting. Accountability, however, must be paired with a comprehensive reparations programme that restores rights and rebuilds societal trust.

REPARATIONS: WHERE DO THEY BEGIN, WHERE DO THEY END?

Addressing the effects of “shafshafa” requires a comprehensive reparations programme built around four interlinked pillars:

1. Documentation and evidence gathering by creating safe, accessible mechanisms to register looted property and gather evidence (invoices, photos, neighbor testimonies, commercial records) while protecting victim data.
2. Restitution and recovery through establishing simplified procedures to freeze, recover, and return identifiable property, alongside fair legal rules to address illegal home occupations.
3. Compensation and restoration of livelihoods through urgent compensation for lost subsistence, in-kind grants (tools, seed, livestock), and targeted support for female heads of household, artisans, and small business owners, linked directly to local economic recovery.
4. Collective reparation through rehabilitating looted public services (health, education, water, electricity, markets) with direct community input, prioritizing areas targeted by forced displacement or collective punishment.

DISPOSSESSION, DOCUMENTATION, AND THE RIGHT TO RETURN

The harm caused by war is not distributed equally. It has struck families stripped of savings, refugees unable to return to occupied homes, female heads of household, small traders, farmers, and marginalised communities. Justice must account for these varying capacities to recover.

Critically, the harm extends to the destruction of identity cards, land registries, title deeds, and commercial files, which deprives citizens of the institutional trace proving their rights exist. Therefore, reparations must include restoring civil registries, digitizing surviving archives, and adopting flexible alternative proof—such as bank records, digital copies, or neighborhood committee testimonies, so that missing documentation does not bar property recovery.

Similarly, a dedicated mechanism for housing, land, and property claims is needed to settle disputes over occupied homes, coerced sales, and destroyed deeds. This mechanism must enforce the clear principle that war creates no right of ownership, protecting the right of return and preventing coerced displacement from altering legal ownership over time.

ECONOMIC JUSTICE: REBUILDING LIVELIHOODS

Reparations should not be reduced to individual cash transfers. Individual compensation should be combined with collective economic recovery to restore the capacity to produce. This includes returning tools, equipment, seeds, livestock, and capital; supporting workshops and small businesses; and rehabilitating markets. When local facilities are looted, the community loses the entire network of production and income. Rebuilding the local economy is therefore a form of collective reparation that prevents perpetuation of war-induced poverty.

A MULTI-LAYERED RESPONSIBILITY

The Sudanese state bears responsibility for leading the process of redress and reconstruction. Likewise, those parties that committed, ordered, facilitated,

or profited from looting bear responsibility under International Humanitarian and Human Rights Law. Accountability must extend to intermediaries, market traders, transport networks, and those who channeled looted assets into the formal economy. Precautionary measures should freeze suspected assets, and illicit proceeds should be confiscated under judicial oversight. Funds proven to be linked to the war economy should be allocated to an independent, transparent fund for reparations and regional rehabilitation, ensuring those who profited from plunder bear the cost of repair.

INDEPENDENT MECHANISMS

Implementing these steps requires independent reparations mechanisms including judges, financial experts, victims' representatives, and civil society groups in order to catalogue damages, verify claims, and manage compensation programmes. The international community must support these efforts by tracking assets smuggled abroad, exposing perpetrators, and cutting off illicit financing.

Without structured reparations, the cessation of fighting will fail to address one of the war's most glaring consequences, leaving peace vulnerable to reproducing the very injustices the war created.



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SHATTERED SOVEREIGNTY:

An annotated bibliography to
understanding the April 2023 war in
Sudan

Magdi El Na'im¹

INTRODUCTION

This is the third part of this annotated bibliography, which is structured around two central arguments. First, the 2023 war represents the culmination of long-standing structural failures within the Sudanese state rather than an isolated event. Second, the conflict has evolved into a proxy war involving regional powers and has become increasingly fragmented, giving rise to multiple interconnected sub-conflicts involving numerous armed actors and marked by widespread atrocities and international crimes.

The bibliography aims to synthesize scholarship from different disciplines, identify key trends in knowledge on the ongoing war, and provide researchers with accessible and authoritative references.

For further information on the bibliography's design and methodology, readers are invited to consult the introductory essay published in the first issue of *Zawaya*.

1- Magdi El Na'im: Translator, Editor and Researcher in Politics and Policies of Human Rights

SECTION 1: THE DIRECT ROOTS OF RUPTURE AND POLITICAL ECONOMY OF THE CONFLICT

Elamin, N. (2025). Sudan's counterrevolutionary war. *Critical Times*, 8(3), 495–516. <https://doi.org/10.1215/26410478-11958855>

The paper argues that the war should not be viewed primarily as a power struggle between the SAF and RSF, but as an internationalised counterrevolutionary war aimed at dismantling the popular revolution and protecting the political and economic interests of Sudanese elites and their international partners. It examines the political economy of the war, situating it within a longer history of state violence, extraction and repression to explain how local and foreign elites linked by capital have sought to counter the popular mass movement that emerged in 2018. The paper briefly recounts the revolution and its deep popular support, and the leading role of the Resistance Committees, whose diverse tactics reflected their grassroots and decentralised character.

To understand the current war as part of a protracted process of counterrevolution, the paper goes back to the formation of the postcolonial state in the 1950s. It traces the roots of violence to an extractive political economy and a political system serving northern and central elites while marginalising other regions, as well as to the state's responses to resistance in urban areas, the South and later Darfur. It argues that international peace mediation often treated these conflicts as separate crises, failing to recognise their underlying connections and structural roots. The 2019 transitional period, meanwhile, failed to fundamentally alter military dominance and was accompanied by neoliberal processes that further weakened rural livelihoods.

The paper also examines regional interests in land, gold, agriculture, ports and trade, and competition for influence in Sudan and the Red Sea. Finally, it explores continuing forms of popular resistance, particularly Emergency Response Rooms, mutual-aid networks and the “We Must Plant” campaign in Gezira, showing how grassroots actors continue to provide relief and sustain elements of the revolutionary project despite the war.

SECTION 2: DOCUMENTED HUMAN TOLL

Awad, M. S. A., et al. (2024). Assessment of displaced Sudanese school-age children's mental health at Ad-Damar, River Nile, Sudan, 2024: A descriptive cross-sectional study. *BMC Public Health*, 24, 3473. <https://doi.org/10.1186/s12889-024-21043-1>

This study assesses the mental health status of Sudanese school-age children in Ad-Damar, River Nile State, in northern Sudan. The authors used a simple random sampling technique, collecting data from 246 participants using the Strengths and Difficulties Questionnaire, supplemented by demographic information. The sample included children aged 6–18 years, with 54% males and 46% females. Statistical analysis was performed using SPSS V.25 to ensure the accuracy and reliability of the findings.

Mental health assessments revealed that 68% of the participants frequently felt sad, 73% felt anxious, and 29% had diagnosed conditions, including PTSD and depression. The study found that children who reported greater school and family support tended to have better mood, while mental-health diagnoses varied significantly by gender, and perceived support varied according to family structure.

It concludes by underscoring the critical need for mental health support for IDP children, noting the prevalence of mental health issues and the lack of adequate support from schools and families. It recommends that access to mental health services, supportive educational environments, and family support systems be improved.

SECTION 3: WAR ECONOMIES

Milton, S., Antaby, M., Dellai, H., & Idrees, A. (2025). Counting the costs of war: A holistic, multi-level assessment of the impact of conflict on Sudan. *African Security Review*. <https://doi.org/10.1080/10246029.2025.2560325>

This paper aims to fill the gap in knowledge related to the costs and impacts of the war in Sudan. Through a thorough assessment of the impacts of conflict on various sectors, it moves beyond casualties, economic losses, and infrastructure destruction to scrutinize social, psychological, cultural, ecological, political, and governance-related effects. Therefore, it examines displacement, social fragmentation, weakened community resilience, state fragility, and the longer-term implications for reconstruction and recovery. The authors use a multi-method approach combining secondary data from reports, grey literature, government sources, media, and academic publications with informal interviews with members of the diaspora.

The paper analyses the humanitarian and social impacts, including the loss of human lives and mass displacement, with millions of IDPs and refugees reshaping Sudan's demographic, geographic, and social fabric while exacerbating humanitarian needs, as well as the impact on education. It further examines the war's impact on infrastructure and the economy, indicating that the war has severely damaged Sudan's physical, telecommunications, transport, agricultural, and cultural infrastructure, disrupting essential services, livelihoods, humanitarian access, and food production, while leaving millions homeless and complicating future reconstruction.

It concludes with three policy implications for recovery, underscoring: 1. the need for multi-dimensional strategies for sustainable reconstruction and peacebuilding; 2. the need for long-term reconciliation, economic recovery, rebuilding trust among communities, and restoring trust in the state; and 3. the need to prevent further damage or the total collapse of critical infrastructure, healthcare, and education. A workable political settlement is key to achieving these objectives.

SECTION 4: INTERNATIONALISATION AND GEOPOLITICS

Abdalla, A. (2024). The roles of external parties in the April 15 war and their interests in Sudan. *The Journal of Social Encounters*, 8(2), 108-133. <https://doi.org/10.69755/2995-2212.1282>

The paper argues that the war in Sudan cannot be understood simply as a power struggle between two generals, as this overlooks both internal factors and the external dynamics and agendas of foreign actors.

Methodologically, the paper analyses the roles of Egypt, Ethiopia, Chad, Kenya, Libya, Eritrea, Saudi Arabia, the UAE, Russia, and the United States, examining their interests, objectives, and actions considering their historical relations with Sudan. It relies on open-source data, supplemented by four interviews with Sudanese and Eritrean researchers and one Chadian political dissident. The analysis is grounded in Structural Realism Theory, which views states as the principal actors in an international system lacking a supreme authority capable of resolving disputes and enforcing laws.

Examining the interests and influence of each country, the paper indicates Egypt supports the SAF politically and diplomatically, alongside limited military assistance, while Ethiopia has increasingly appeared to favour the RSF, partly because of its tensions with the SAF and alliance with Egypt over the Nile. Chad's role is shaped by border security, Darfur spillover, tribal ties, and support for the RSF, while Kenya's mediation through IGAD was widely perceived by the SAF as favouring the RSF. Libya, through Haftar, maintains close ties with the RSF, including alleged arms transfers and cross-border networks, while Eritrea has increasingly aligned with the SAF over border security, refugee flows, and concerns about Ethiopia.

Saudi Arabia has sought to prevent Sudan's collapse and safeguard Red Sea security, while the UAE has reportedly supported the RSF and pursued wider strategic and commercial interests. Russia maintains relations with both sides, prioritising gold and a strategic foothold on the Red Sea. The United States focuses on civilian transition, mediation, regional stability, and containing threats to Red Sea security.

SECTION 5: THE APRIL 15 WAR IN CULTURE, ART, LITERATURE AND PERSONAL EXPERIENCES

البوني، ع. (2025). مقالات على مقال: نكبة شمال الجزيرة في حرب السودان (2023-?). دار المصورات.
Al-Boni, A. (2025). Articles on an article: The catastrophe of northern Gezira in the Sudan war (2023-?).
Dar Al-Musawarat.

The book is based on an article written by the editor about his experience living under the control of the Rapid Support Forces in his village from the beginning of the war until early 2025. The article sparked some discussion, prompting others to write comments and articles on it, which the editor later compiled and sought further contributions. The book is part of a small wave of testimonies and personal experiences published in various forms, some in books. The value of such testimonies, despite the limitations of individual experience and their lack of generalizability, lies in the human dimension they offer for understanding the lives of Sudanese people under war. These testimonies complement research that can benefit from them, particularly in revealing the effects of war on daily life, social relations, livelihoods, and the sense of security. Researchers can also compare them with other testimonies, data, reports, and independent sources, which helps to test conclusions, discover questions and patterns that require further investigation, and provide a human context to quantitative findings and broader analyses.

The main article addresses the experience of Al La'uta village, south of Khartoum, through the author's observations and lived experience. The author believes that the war was against the unarmed citizens. A writer from Al La'uta completes the picture by providing a detailed account of his village's losses in trucks, cars, tractors, and livestock looted by the Rapid Support Forces. If we exclude the reflective literary pieces and those written to praise or commend the author, the remaining articles continue along the same lines and recount similar situations in other villages in northern Gezira, such as Al Maseed, Wad Issa, Al Nuba, Al Masoudiya, and Al Sireiha, whose inhabitants were killed due to the disparity in power, despite their valiant resistance. Various articles document the rapid mobilization efforts organized by expatriates from these villages in the Gulf countries, who, through their financial contributions, provided relief supplies, medical treatment, and the rehabilitation of health services, electricity networks, and other infrastructure.

Reading this book helps the reader understand daily life in north Gezira villages during the first years of war, which had enjoyed stability and security for decades and suddenly found itself facing armed aggression from undisciplined forces untrained in dealing with civilians. It also explains the forms of resistance, solidarity, mutual support, and mobilization of local resources amid the crisis.

INDEBTED TO THE VOID:

A case for memorialisation built into post-conflict reconstruction

Shadin Al-Fadil¹

In the last weeks of the sit-in, the walls around the Sudanese Armed Forces General Command carried the most complete civic monument this country has produced. Nobody commissioned it: it was painted at night, whitewashed, and painted again, until the layers were a record of their own erasure. No one was charged with protecting it, because no such duty exists in our law.

Across Sudan, ask where the sheikhs are buried and anyone can point. Ask where the generals stood, and people will tell you which plinths were emptied at independence. Ask where this country has put the people it has lost since 1956, and there is nowhere to point. Not because we forgot them, but because remembering them has never been anybody's job.

The vocabulary runs to two registers: a dome for the holy, a plinth for the victorious. For everyone else there is paint that belongs to whoever holds the brush last. Yet commemoration is not a courtesy offered once the money runs out. It sits within satisfaction, alongside truth-telling and the search for the disappeared. (United Nations General Assembly, 2005; Special Rapporteur in the Field of Cultural Rights, 2020). The empty ground is a debt.

¹ Shadin Al-Fadil: Sudanese architect who turned to public policy after a decade in practice, working on governance, conflict analysis and peacebuilding.

MEMORY HAS AN OWNER

Memory here has not merely been styled by armies; it has been held by them. Graves reachable only by permission of those implicated in filling them, commemoration is performed as a parade, with both belligerents burying martyrs and claiming the same dead. So, the first reparative act is not to design anything but to take memory out of military custody. We did that once, briefly, with nothing but paint.

WHAT A MONUMENT CANNOT REACH

Sudan has not had a war. It has had wars: different decades, different drivers, different perpetrators, and different dead. The harms have names in law: torture, death in detention, enforced disappearance, sexual violence, unlawful killing, and forced displacement. Much of it has a lineage rather than a single culprit, the same habit under new initials. What we have never had is acknowledgement: some official act stating that this happened, here, to people who lived here. There are names where families consent to give them but most of our wars' dead will not be named. Graves are unopened, registries have been burned, and some survivors will never accept a list because the naming is itself the injury. Recognition has to live in a place when it cannot live in a name.

Monuments are an answer. Sudan should build them, more than one and not all in Khartoum. But they will not be enough. A monument is a place you must travel to, and a third of this population has been driven from home; some injuries cannot be marked publicly without repeating themselves; and we do not know most of the names, which is why Argentina left thousands of plaques on its memorial wall blank (Parque de la Memoria, n.d.).

One sentence must be exact. A memorial may hold many griefs without claiming that all griefs were equally caused. A plural form is not symmetrical guilt, and breadth of recognition is not amnesty. Here is where Sudan has something to add rather than borrow. A memorial is fixed to one place, which suits a country whose harm had a centre. Ours never did. So, unfix it: let the monument occur in many places at once, bound not by a committee or a sin-

gle design but by a shared grammar, the same interval between trees, the same salvaged material, and the same refusal to patch a hole. A form repeatable in Kadugli without permission from Khartoum is the one that fits a country shaped like this.

THE MEMORIAL IS ALREADY BEING BUILT

The largest commemorative decisions Sudan takes this decade concern rubble: whether the burnt shell of the National Museum is held as testimony or restored to look as though nothing happened; what becomes of looted and occupied houses; and whether clearance contracts erase the record of what happened where. They are taken by engineers and municipal committees who do not think of themselves as reparations actors. In Beirut, only a third of the downtown's ruin was war's doing, the remainingder was by reconstruction (May, 2024). Look instead at the places where we gathered and were killed, and where we were kept alive. Markets, struck repeatedly by more than one party (Office of the United Nations High Commissioner for Human Rights, 2024). Hospitals. Bus stations. The kitchens that fed strangers. The schools that took families in. The roads people fled along. All will be rebuilt anyway, because return depends on them and markets sit under localities' administration, so that decision need not await a political settlement.

Whatever we build into one rebuilt hospital must apply to every hospital struck, whoever struck it. Al Nao in Omdurman, the Saudi hospital in El Fasher, the teaching hospital in Ed Daein: three cities, more than one perpetrator, and one kind of building. A rule that protects only the hospitals struck by one side is not a rule. It is a monument to the other.

TAKE ONE CORRIDOR

I spent ten years drawing buildings before I spent ten more on policy, and the two halves have never agreed until now. So, take one corridor, this one or any other. In February 2025, the shelling of Sabreen market in Karari killed fifty-four people, and a doctor at Al Nao appealed for blood. The market, the streets between, and the hospital are one event, not three sites.

Rebuild the market on the same ground, the plot

must not move, because the ground is what people mean when they say where it happened. Everything else should be better: drainage, layout, services, and light. Build the new roof from the sheets recovered from the stalls that burned, and do not patch the holes. By day the sun prints them onto the ground, and people stand in that light arguing over the price of tomatoes without breaking off to be solemn. Anyone beneath it can see, without being told, that light kept coming through. By night, lit from within, the same holes make it visible three streets away - safer for the women who trade there, and the most monumental object in the neighborhood.

Leaving the market, the trees begin: one species, evenly spaced, running to the hospital doors. The spacing is the vocabulary. Planted at the same interval in El Geneina, in Kadugli, in Wad Madani, the rhythm becomes a sentence people learn to read, and no general can be photographed in front of it. Leave the pits empty at first: an empty pit in a finished street says the water has not come back. Plant when it does.

At the hospital, keep the broken threshold where the shell landed and build a new emergency department around it, so everyone entering steps over it as the casualties did. Size it for the worst day, not an ordinary Tuesday: capacity is the only commemoration that can save somebody. Where families waited under the sun for news, make shade and water and a room where news is given quietly. Give the community kitchen a building of its own, still cooking. Solidarity here was served on plastic plates by people with no budget and deserves architecture rather than a plaque. None of this means anything until the vendors of Sabreen hold secure claim to their stalls, or the memorial blesses clearance.

THE ROADS OUT

The same grammar belongs on the roads out and may matter more than anything in Karari. For the displaced, inside Sudan and beyond its borders, the memorial cannot stand in a city they may never re-enter. It must be the route itself - already a line, marked by the wells, the villages that opened their schools, and the stretches where some did not continue.

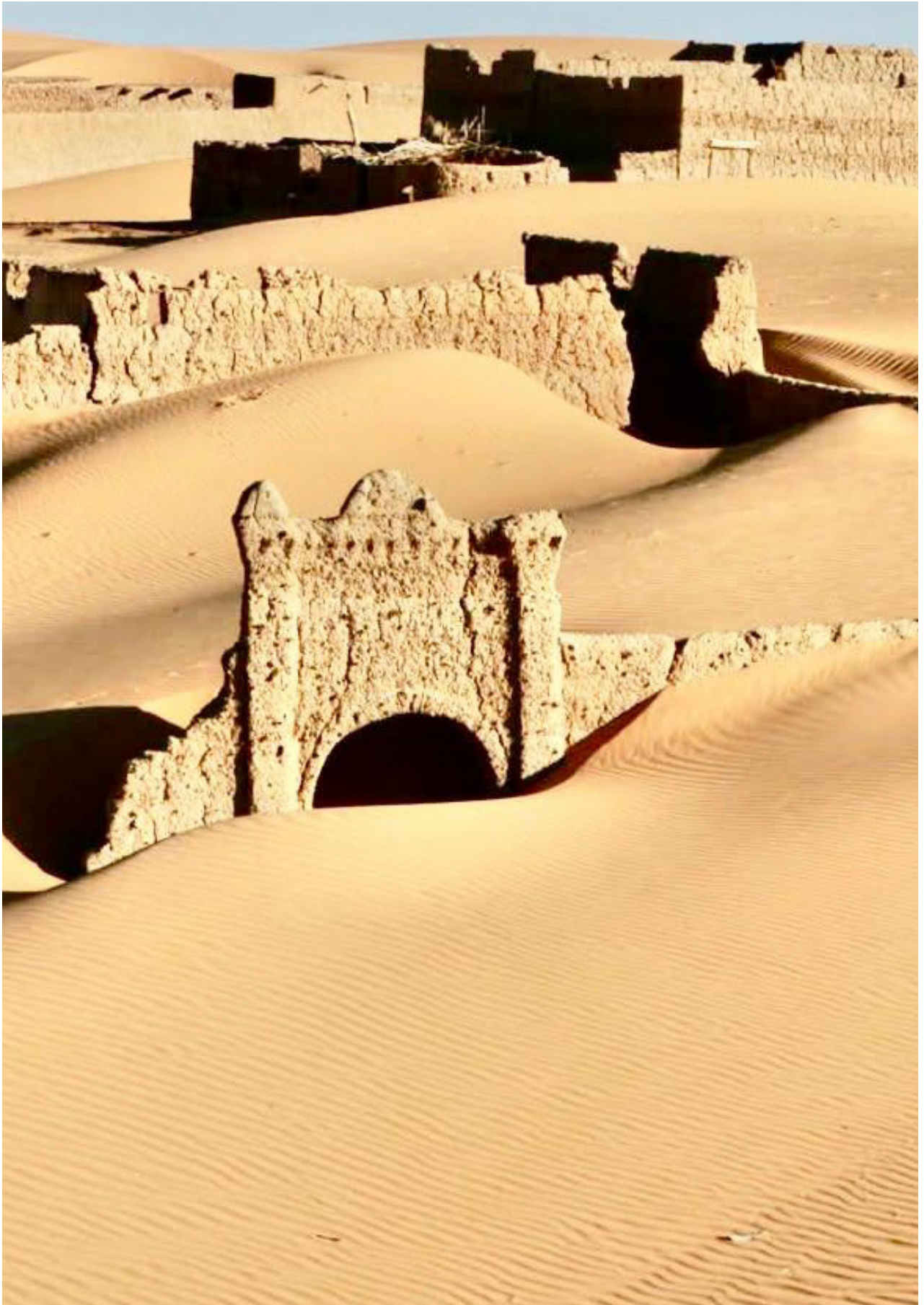
Around El-Fasher there is a line of another kind. From May 2025 the Rapid Support Forces raised more than thirty kilometres of earthen wall to seal the city, and people were killed trying to cross it (Raymond & Howarth, 2025). One day, when the ground beneath it has been read and the families have said what they want, that wall could be planted along its length: the line that starved a city becoming the line that shades the road into it. Until then it stays as it is: El-Fasher is a crime scene before it is a site of memory, and there the reparative act is restraint. A woman in Tawila, or in Adré, who may never see El-Fasher again has walked her memorial already.

I was asked to write about monuments as non-material repair and have ended somewhere else. In a country whose carriers of memory are being destroyed while we debate symbolism, symbolic reparation and physical reconstruction are one decision, taken by the same people in the same room or not at all. Somebody is ranking streets for resurfacing this year: that person is a reparations officer, whether or not the words appear in the contract.

We have been pointing at domes and plinths for seventy years. It would be a small thing, and an enormous one, to have somewhere else to point.

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