

## Hemeti and Sudan's Truth and Reconciliation Process

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Truth itself is a negotiated settlement on which nobody has a monopoly. There are different perspectives, inherent biases, varying levels of access to information, and other sources of intentional and unintentional prejudice. Inevitably, these mean that any sequence of events is open to multiple interpretations. None of this means that any contribution should be less welcome; on the contrary, knowing that all points of view have strengths as well as weaknesses makes for a better discussion. Indeed, the act of discussing what the facts actually are can in itself provide a meaningful quantum of both truth and reconciliation.

Sudan is about to enter a long-awaited process of truth and reconciliation. For the first time in decades, it will seek to determine and then begin to implement a national conception of justice. Of the many challenges such a process will seek to resolve, this report hopes to assist with two, in the context of the role of Mohammed Hamdan Dagalo (Hemeti) in government during the process.

**The first challenge is security.** Short-term security is essential for the truth and reconciliation process to begin, whereas truth and reconciliation are essential for longer-term security. In this duality lies a challenge.

Hemeti, leader of the Rapid Support Forces (RSF), is one of the eleven people who make up Sudan's presidency. He may be both perpetrator of some of the acts that the truth and reconciliation process is now required to resolve, while also provider of the very security that the process requires to achieve such resolution. This conflict of interest, if unresolved, may cause some stakeholders to disengage before the process has a chance to succeed.

By providing interested parties with a consolidated summary of the principle considerations relating to the truth and reconciliation process, the report seeks to enable a better-informed discussion based on facts. The hope is that this will empower both those participating in and those observing the process to feel more confident that it is addressing a full range of issues, can have a positive outcome, and is worth investing in.

**The second challenge is fair publicity.** Truth and reconciliation processes are emphatically public ones yet seek to allow victims to have their genuine grievances addressed fully by the

law without distraction by sensationalism. These victims have suffered enough and deserve the dignity of privacy.

Meanwhile, those who are accused are also entitled to be afforded their rights. Exposing *prima facie* evidence of malfeasance is the proper and welcome role of the media and the international community. Making charging decisions, prioritising cases, conducting trials, and sentencing are not.

## Findings

**Local buy-in to the truth and reconciliation process requires consideration of a level of context that has been absent from some international commentary.** The present situation of peace and cooperation in Sudan is as fragile as it is novel. The Sudanese are doing a remarkable job of moving forwards and building consensus as they go. For there to be local buy-in and support of the process, it needs to address the many contextual nuances of Sudan's recent history and promising future.

**Context is not of itself a defense to criminality,** though it may affect the truth and reconciliation process' decisions on which cases to bring, evidential thresholds, or appropriate punishments. Hemeti will seek to explain many of his actions in Darfur since 2013 through context, and such explanations are important as they will also apply to the accusations against the rebel movements who now form part of the civilian government.

**A failed Sudanese state remains a realistic possibility.** Threats from extremism inside some of Bashir's old institutions, nearby civil wars in Libya, South Sudan and Yemen, ISIS (Islamic State in Iraq and Syria) and AQIM (al-Qaeda in the Islamic Maghreb) militants traversing the Sahel, and years of tensions between different groups of Sudanese mean that a failed state the size of western Europe is only ever a few miscalculations away. Imposing foreign ideals of justice on a society that has had no social contract for thirty years, and has very weak institutions, could be just such a miscalculation.

**Sudan has its first women in the presidency and a woman in charge of the judiciary, less than a year after the revolution.** This is also the first time a Christian has sat in the presidency, and relations with Israel and other neighbors are normalizing. Bashir has been tried and jailed, and a joint government of military and civilians oversees an agreed route to elections. Social change is happening at pace.

**The security Hemeti provides is relevant to the truth and reconciliation process but cannot be a definitive factor in precluding it from criminal liability, when proven.** The presence of the RSF

has contributed to the conditions of security that are enabling progress. Security impacts real lives and cannot be discarded from the choices the process makes, nor can it override them. The process will be expected to address this challenge explicitly.

**Agency has been appropriated from the Sudanese.** The international community has been relentless in providing demands, requests, and ultimata on what the Sudanese people and government should and shouldn't do. This includes whether Hemeti should or should not be allowed in the government. The evidence the international community has collectively provided and the exposing of key matters are invaluable contributions. But now the time has come to return agency over the narratives and events in Sudan to its own people and let them decide what to do.

**The Sudanese people have chosen and begun a process that is already under way and providing results.** There is no need for the international community to change it, at least until evidence emerges that it is not working. The Sudanese people, who are no more homogenous in their views than any other people, have the right to make their own decisions. This applies to how and whether they want to include any given individual or institution in their future. Ultimately, what the international community feels about Hemeti is of decreasing importance. The Sudanese have achieved the removal of Bashir, and now the present progress, unaided by the rest of the world. They have the right to our respect for their decisions.

## Part 1: General Considerations for Sudan's Truth and Reconciliation Process

Truth and reconciliation is a nuanced process. It can benefit from international expertise and evidence just as much as it can be hampered by foreign biases or influences. The local lens of analysis has primacy because it is the local people who must reconcile with one another and buy into the process.

Sudan has jailed its former dictator of thirty years, within months of overthrowing him. It is one of the only countries in the world to have done that. Most national leaders are never put on trial, fewer still by their own countries, and those who incite their populace's wrath are often killed rather than tried.<sup>1</sup> The country and its people deserve commendation for balancing decency and justice as they have.

The fact of having jailed Bashir does not of itself mean that the Sudanese judicial and social institutions are certainly going to perform a flawless truth and reconciliation process. But if the international community feels Sudan cannot manage it properly, the onus is on the international community to prove why not, and to offer a better solution.

'Better', in this case, means a solution whose processes and, to a lesser extent, outcomes are more trusted and accepted than the current one's by the Sudanese people; a people no more homogenous than those of any other nation.

Success in Sudan's truth and reconciliation process is to be judged through the Sudanese lens, not according to the international community's tastes. The many voices of Sudan's forty-two million people have not been listened to for decades, from British colonial rule to Bashir's military rule. Their input will be essential if they are to accept the process.

Women have endured a generation of rape and displacement, and in overcoming it they played a central role in overthrowing Bashir.

The young will be asked by the process to demobilize and integrate back into a society that has provided them with no hope for thirty years and more. Their voices, armed and unarmed, in militias and in internally displaced person camps, will end up deciding Sudan's future in the long run anyway. Meanwhile, elders in Sudan retain great sway according to customary laws and traditions.

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<sup>1</sup> Gadaffi in Libya and Sadaam Hussein in Iraq are recent examples

Ethnic and tribal tensions, feuds between clans and races, tensions between pastoralists and nomads and farmers, and neighborly disputes will all need resolving at the level of the tension, not at the most convenient ethnographic boundary.

No single person can claim to know all of these fault lines and groupings, but Sudan as a whole has constructive knowledge of the issues in a way that the international community does not. There is always the temptation of the international community to pre-judge the processes and the outcomes, or at least to try to get involved by lobbying the Sudanese for certain outcomes. Both parties will need to be disciplined and rigorous to ensure that what ends up being shared is good advice, and not the ignorance of outside pressure.

## A Context of Violence

The quotidian existence in Sudan has, for a generation, been one of violence. Men, women, and children have been killed, raped, and displaced as government or sometimes local militia policy. The baseline of normality in Sudan is different to that in the western world at least, and a successful truth and reconciliation process in Sudan will have to incorporate this reality in a way that western judicial systems do not.

US President Theodore Roosevelt was explicit about the implications of violence in his Nobel Peace Prize lecture, delivered in 1910. 'In new and wild communities where there is violence, an honest man must protect himself.'<sup>2</sup>

The right to self-defence is recognised in legal systems around the world and collectively in the UN Charter, that annunciates the inherent right of individual or collective self-defence if an armed attack occurs.<sup>3</sup>

Eric Reeves has listed a number of the assassinations and terrorist acts carried out by the government of Bashir.<sup>4</sup> The UN has documented the hundreds of thousands of deaths in Darfur since 2003, let alone before then, or in other parts of Sudan.<sup>5</sup> It is a country with historical violence levels different to the normal context of self-defence laws.

In this light, armed groups within Sudan can be seen as groupings for self-defence. That does not mean that their every action is just or forgiven, but this consideration changes the evidence

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<sup>2</sup> (Roosevelt, 1910)

<sup>3</sup> (Charter of the United Nations, 1945), Article 51. This is in relation to member states but the reasoning is based on the same logic as for individuals

<sup>4</sup> (Reeves, 2017)

<sup>5</sup> (International Commission of Inquiry on Darfur, 2005), Sections I and II

and thresholds of behaviour that the truth and reconciliation process, as opposed to a European court, must weigh.

The logic applies to armed rebel groups like JEM or the SPLA-N, and also to groups who hid not in the mountains or neighbouring countries, but in the government itself. The international community exhorted the armed groups to make peace with the government in Sudan, and indeed to join it, through and after the Darfur Peace Agreement in Abuja, 2006, and the Doha Document for Peace in Darfur in Qatar, 2011. The government was not only a plausible hiding place, it was a globally encouraged one.

While few actual movements heeded these calls from the international community, many individuals and unofficial groups did. They did so by joining organisations such as the Border Guards, Public Defence Forces, and later, the Rapid Support Forces. Those who stayed with the rebels risked international condemnation for not making peace. Those who joined the government also risked international condemnation through participation in the government's acts. Many would feel they were entitled to a general right to self-defence, which meant one of those two options, rather than laying down their arms completely and adding themselves to the tally of victims.

Deciding on the limits of this right, and when it was transgressed, will be one of the most challenging and contextual decisions for the truth and reconciliation process to make. To accuse of criminality all who made a choice to try to stay alive in Sudan's violent history is to offer innocence only to victims. This removes agency from an entire population and holds it to a standard that the international community does not hold itself or other peoples to.

In some cases, the international community incited the taking up of arms, as when the Arab delegation was turned away from the Abuja talks in 2006. The talks ended with a peace deal between the government and some African rebel movements, including the incorporation of SLA-MM's leader, Minni Minawi, into the government. This caused groups, mostly Arabs, who had been fighting with SLA-MM to fear reprisals and so arm themselves – in turn causing further arming among the other African rebel groups that did not sign.

Context is difficult to apply to the truth and reconciliation process because everyone has their own, and multiple contexts can each lead to their own, different, outcomes for individual cases. The international community itself may feel some guilt at not having done more to protect the Sudanese, which could give its version of events in Sudan a context of trying to apportion blame to others. This can be countered by relying all the more on the provision of evidence, with details and specificity. General narratives of aggressors and victims, Arabs and Africans, or any sort of stereotyping, risks making some liable for the crimes of others.

## Mass-Criminalization

Sudan was put on the list of State Sponsors of Terror in 1993, had a sanctions regime imposed on it from 1997 until 2017, and had its President, Omar al Bashir, subject to warrants from the International Criminal Court from 2009 until his removal from power in 2019. Much of the government infrastructure has been criminalised for decades but that did nothing to stop the violence.

Criminalising the entire country once again will be prohibitive to Sudan's progress. After sixty-five years of intermittent civil war, many may be guilty of acts that would be criminal according to most legal systems. That includes civilian government workers, military personnel, militia members, and rebel movements.

There are inevitably shortcomings to a truth and reconciliation process that does not condemn those whom it knows, on evidence presented properly to it, to be guilty of crimes. Such shortcomings must be weighed against the risks associated with removing large numbers of people from society and the government.

There is the risk that some parties reject a process that will almost automatically condemn them to jail, or they will engage with it only superficially. Such rejection could lead to civil war if some groups feel they are being targeted – whether or not they in fact are.

Sudan is surrounded by instability, bordering protracted civil wars in Libya and South Sudan and sharing a long border with Chad, which has its own instabilities and armed groups. Yemen's civil war is also a short boat-ride away. In the words of the commander of the SAF, 'The armed forces need the RSF within their plans to guard the borders and deter everything that threatens national security'.<sup>6</sup>

A vacuum of senior military leadership in Sudan, jailed by the truth and reconciliation process, could lead to the ingress of parties to these civil wars, or worse, of ISIS and AQIM from Libya and the Sahel. Iran had long-standing interests with Bashir and Sudan's Red Sea port will be of interest to many nations. Sudan could be a failed state the size of western Europe.

Yet the international community appears to be pressing in that direction. The UN Panel of Experts on Sudan has condemned numerous parties for involvement in Darfur- 'The Panel identifies the certain involvement of the Sudanese Air Force, the Rapid Support Forces and

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<sup>6</sup> (Sudan Tribune, 2019), 'The armed forces and militia protect transition in Sudan: al-Burhan'

proxy forces of the Rapid Support Forces and JEM in international humanitarian law violations.<sup>7</sup>

The Libya Panel of Experts added to that the SLA-AW, SLA-MM, Sudanese Liberation Forces, JEM and the RSF once again for breaching Libya sanctions.<sup>8</sup> And the New York Times, among others, has named both General al-Burhan, head of the entire military and also Sudan's Head of State, and Hemeti, commander of the RSF, personally in connection with June 3<sup>rd</sup>.<sup>9</sup>

That is a long list of senior leaders in Sudan, both government and rebel, and includes almost every armed unit in Sudan. It is unlikely that they would all agree to a truth and reconciliation process knowing that they would each, institutionally and individually for their commanders, be condemned and potentially disbanded or jailed, respectively.

A further issue is raised here. The FFC, the civilian part of Sudan's transitional government today, itself includes the Sudan Revolutionary Front (SRF) as a member. The SRF is a coalition of all of Sudan's armed rebel groups, most of which were enumerated above by the UN as in breach of various laws. Taken to a logical extreme, therefore, the FFC itself could face institutional liability for some of the very crimes it sought to stop by overthrowing Bashir.

Choosing not to follow logic to its extremes means the truth and reconciliation process making a decision not to investigate certain cases despite prima facie evidence. If that is being done anyway, then the risks of mass-criminalisation become reasonable considerations in making that decision.

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<sup>7</sup> (Panel of Experts on Sudan, 2016 p. 4)

<sup>8</sup> (Panel of Experts on Libya, 2019 pp. 9-10)

<sup>9</sup> (el-Baghdadi, 2019)



## Part 2: Specific Practicalities Applying to Sudan's Truth and Reconciliation Process

At the end of 2019, The Economist named Sudan on its list of the world's most improved countries.<sup>10</sup> In the eight months since Bashir's overthrow, great steps forward have been taken and change is continuing apace. No formal truth and reconciliation process has been set up yet, but the process has begun in the form of numerous decentralized events happening each day. Substantively, and albeit with many questions still unanswered, the truth and reconciliation process in Sudan has begun.

It may not be perfect in its current state, nor may it ever be perfect. But given that it is already extant and in motion, any suggestions or pressures from the international community to change the process must be viewed in the context of possibly interfering for the worse with something that is doing more for peace than has been done in Sudan's history.

Furthermore, the people and groups currently involved in Sudan's political landscape, and specifically Hemeti and the RSF, provide part of the conditions and of the drive that have brought Sudan and the truth and reconciliation process to where it is now. Removing them and possibly slowing the process down has serious moral implications given the degree of violence Sudan has experienced when not at peace.

The most useful question the international community can ask now is not how to bring any given Sudanese to justice, but rather how it can most help the Sudanese achieve their own conception of justice.

### A Substantive Truth and Reconciliation Process has already Begun

The current system of government in Sudan was agreed in its first form on July 5<sup>th</sup>, 2019 and implemented on August 20<sup>th</sup>. It is in itself a collaborative step bringing together more parties than any other agreement since Bashir took power in 1989. Military and civilians, former government and opposition, all share in today's power.

The speed of the agreement is a reconciliatory gesture in itself. Bashir was only removed on April 11<sup>th</sup>, there were the events of June 3<sup>rd</sup>, and yet only a month later all parties had agreed on a future that is now being adhered to. Bashir's party, the NCP, has been disbanded and its funds confiscated.

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<sup>10</sup> (The Economist, 2019)

In September the rebel movements and the Sovereignty Council signed an agreement to start peace talks, and those are now proceeding.<sup>11</sup> Indeed, the first peace agreement between the government and an armed rebel group, the SPLA-N of Malik Agar from the border with South Sudan, was signed on January 24<sup>th</sup>, 2020.

## International Reconciliation

Externally, the government has been engaging with numerous international institutions. A route to ICC claims is being looked at for claims from Darfur.<sup>12</sup> Relations with Israel have begun the process of normalization, with a meeting in February 2020 between Israeli Prime Minister Netanyahu and Sudanese Head of State General al-Burhan.

US Secretary of State Pompeo stated after a meeting with Sudanese Prime Minister Hamdok that Hamdok had ‘demonstrated a commitment to peace negotiations with armed opposition groups, established a commission of inquiry to investigate violence against protestors, and committed to holding democratic elections’.<sup>13</sup> He also announced in December 2019 that Sudan and the US would exchange ambassadors again, for the first time in twenty-three years.

## Social Reform

Internal reforms have also begun. Religion has long been strictly controlled by the extremist Islamist policies of Bashir’s government, which forbade many religions from open practice. Sudan’s Sovereignty Council, the collective head of state, includes a Christian member.

The former Jewish inhabitants of Sudan have been invited and asked by the government to return,<sup>14</sup> and links with Hezbollah and Hamas are being given up.<sup>15</sup> On December 20<sup>th</sup>, 2019, the US took Sudan off the list of Countries of Particular Concern regarding religious freedoms ‘due to significant steps taken by the civilian-led transitional government to address the previous regime’s “systematic, ongoing, and egregious violations of religious freedom.”’<sup>16</sup>

Women’s rights have been improving. Two women sit on the Sovereignty Council, thus becoming Sudan’s first ever female heads of state, and the judiciary had its first female head appointed in October 2019. The Public Order Act, which restricted the clothing women are

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<sup>11</sup> (Dumo, 2019)

<sup>12</sup> (Sudan Tribune, 2019)

<sup>13</sup> (France 24, 2019)

<sup>14</sup> (The Times of Israel, 2019)

<sup>15</sup> (Weinthal, 2019)

<sup>16</sup> (Pompeo, 2019)

allowed to wear, has been repealed. On this subject, the Washington Post wrote that ‘the transitional government took a significant step in addressing Sudan’s troubled past’.<sup>17</sup>

The Enough Project best summarises the totality of the above steps. ‘The new civilian-led government is... responding to the demands of justice by the victims of conflicts in Sudan’.<sup>18</sup>

The Enough Project has been one of the fiercest critics of the Sudanese government and indeed of the RSF for decades. In an act that demonstrates the extent to which reconciliation is already taking place in Sudan, a senior member of the Enough Project, Omer Ismail, was appointed Sudanese Minister of State for Foreign Affairs in January 2020.

### The Existing Truth and Reconciliation Process has been Chosen by the Sudanese Themselves

The speed of the development of the truth and reconciliation process means that the process has been created, and chosen, almost entirely by the Sudanese themselves. If success for the process means Sudanese acceptance, then Sudanese origination is a large step in that direction and one that the international community would need compelling reasons to interfere with.

The Sudanese people are not homogenous in their interests and there will be many who feel under- or unrepresented by the truth and reconciliation process in its current embryonic form. The solution here is not to demand absolute changes, as this gives those dissatisfied parties within Sudan no agency in voicing what exactly they do want.

For example, a BBC video from shortly after the agreement for the current power structure, in July 2019, shows large crowds in Khartoum cheering and celebrating the agreement.<sup>19</sup> It is impossible to say which components of the deal were being cheered by how many people. The help the international community can provide is in suggesting mechanisms that discover opinions. Unilaterally demanding the trial or condemnation of certain individuals does not do that.

### Ethnic and Tribal Considerations

As pointed out by the Small Arms Survey, efforts to reconcile the different interests in Sudan will require the involvement of the communities and tribes from which they originate.<sup>20</sup>

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<sup>17</sup> (Berger, 2019)

<sup>18</sup> (The Enough Project, 2019)

<sup>19</sup> (BBC News, 2019), ‘Sudanese civilians celebrate power-sharing deal’

<sup>20</sup> (Tubiana, 2017 p. 12)

Hemeti is not only the leader of the RSF and the deputy of the Sovereignty Council; he is also a Mahariya tribal leader. Condemning Hemeti will have implications for how the Mahariya perceive and engage with the process.

No one group, of course, can be allowed to blackmail the truth and reconciliation process into complete absolution, or everyone would do it and there would be no process at all. But after decades of discrimination and violence, there exists the risk that even the sword of justice will appear as just another in a long line of weapons pointed at the Sudanese.

This reasoning extends to the armed rebel groups in equal measure. The Zaghawa, Fur, Masalit, Mahamid and others each have their heroes and their potential war criminals, often probably the very same people. 'The divisions between and within these communities will require engagement with militia leaders'.<sup>21</sup>

### Hemeti's Relations with other Senior Government Figures

If the streets and the tribes both have a range of opinions on Hemeti, the senior political figures who long fought him and now work with him are more closely aligned in their opinion, and value him as a part of the government.

The Head of State and commander of the SAF, al-Burhan, has stated that 'the Rapid Support Forces are securing and protecting the change in Sudan'.<sup>22</sup>

The Prime Minister, Hamdok, explicitly stated in response to questions regarding Hemeti's role in government that 'what we are doing in Sudan today is what I would call a Sudan model of transition. It has the potential of addressing all these challenges, working together.'<sup>23</sup> He is positive about the role of the military in the government. 'The Sudanese model is based on a partnership between civilians and the military to build a democratic state and the rule of law'.<sup>24</sup>

The leader of the largest opposition party, al-Mahdi, asked the people of Sudan to stop making hostile statements about Hemeti. In his view, 'he sided with the demands of the people, he should be treated positively according to his actions, and he and those who are with him should be accepted in the task of the country-building process'.<sup>25</sup>

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<sup>21</sup> (Tubiana, 2017 p. 12)

<sup>22</sup> (Sudan Tribune, 2019), 'The armed forces and militia protect transition in Sudan: al-Burhan'

<sup>23</sup> (Chang, 2019)

<sup>24</sup> (Sudan Tribune, 2019), 'Sudan's revolution is the result of civilian-military alliance: Hamdok says'

<sup>25</sup> (Sudan Tribune, 2019), 'Hemetti sided with Sudanese revolution and should be accepted accordingly: Mahdi'

Each of these three leaders stated in the articles cited above that crimes can and will be punished, in due course, through proper Sudanese mechanisms. Their point was that further accusations, especially in the public forum rather than in a legal or truth and reconciliation one, are not helpful for the task of rebuilding the country. Together they represent the Presidency, the military, the civilian government, and the opposition; and they have all explicitly stated their support for Hemeti as a part of Sudan's government. That is an important consideration for the international community.

### Hemeti's Role: the UK-US Diplomatic View

The better-informed parts of the international community also take the view that the current system is what the Sudanese parties want. Dame Rosalind Marsden, former UK Ambassador to Sudan, then EU Special Representative there and now a Chatham House Fellow, wrote for Chatham House that 'the FFC concluded that a compromise was needed in order to establish a transitional government, however imperfect, so that civilians could push their reform agenda from inside government and avoid a political vacuum.'<sup>26</sup> Note that the FFC are the civilian component of Sudanese government and they have made their choice.

In the US, also, the specialist with the most recent on-the-ground experience takes the same view. Steven Koutsis, America's senior diplomat in Khartoum, was reported in the Daily Beast to have 'expressed sympathy for the military's predicament'. He said, 'the US should align with the interests of Saudi Arabia, Egypt and the United Arab Emirates'.<sup>27</sup> Those countries, most affected by events in Sudan, support the current Sudanese system and Hemeti within it.

Sudan presently has a consensus government that was chosen and agreed by the civilian powers in society, and to which the military is happy to subordinate itself, while rebel groups are signing or completing peace talks with it. Regional countries support it, as do the UK's former ambassador and the senior US diplomat on the ground.

### Truth and Reconciliation is not Happening in a Vacuum: Internal Violence

Dame Marsden's reference to a political vacuum, above, is a reminder of the risks of getting truth and reconciliation wrong. As Dr. Tahir el-Faki, the civilian leader of the JEM rebel movement, pointed out, disbanding any armed unit comes with problems. The RSF, army, militias, and rebels each have their own varying ethnic composition, and will inevitably have one ethnic or tribal grouping more highly represented. Disbanding that unit may be taken by

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<sup>26</sup> (Marsden, 2019)

<sup>27</sup> (Lynch, 2019)

the majority ethnic grouping inside it as a sign that they are about to come under attack- a reasonable fear given that Bashir dealt with them in that way.<sup>28</sup>

The violence in al-Geneina in December 2019 shows just how sensitive these tribal tensions can be. An argument over who was to be served first by a waitress led to three days of tribal clashes that killed over 50 and displaced tens of thousands.

## Foreign Interests and Extremism

Discontent is all the more violent in Sudan because of the number of weapons that are in the country, or available to it from interested regional parties. Libya began arming it in the 1980s, and since 1989 there has been near-constant civil war. There is Iranian influence,<sup>29</sup> as Port Sudan under Bashir was used as a staging point for arms shipments to Hezbollah and Hamas.<sup>30</sup> Opposing the Iran-Qatar-Turkey axis of influence in Sudan, a gulf alliance of UAE-Saudi support for the current government has developed. This pledged to provide \$3bn to support the country in 2019.<sup>31</sup>

Meanwhile, within the country there remain elements of the extremist Islam that Bashir inserted into Sudanese political and security-sector life. His NCP party was described by the Enough Project as 'essentially a front for the Muslim Brotherhood movement',<sup>32</sup> and Foreign Policy wrote that the 'deep state of Bashir loyalists...have been subdued but not fully removed'.<sup>33</sup> The danger such groups can pose was highlighted on January 14<sup>th</sup>, 2020, when a group of NISS agents who were being disbanded staged an armed mutiny and rampaged on the streets of Khartoum and other cities for a few hours, before the RSF subdued them.<sup>34</sup>

Given the ease with which parties in Sudan can take up arms, and the presence of so many foreign and domestic interests, the risk of civil war or armed coup is serious. It is not as simple as removing the military or RSF from politics and revealing a functioning and now-unhindered civilian government. That is not just because of the threats from outside the civilian government; the FFC itself has some serious problems.

## Issues within the Civilian Government

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<sup>28</sup> (el-Faki, 2020)

<sup>29</sup> (Baldo, November 2018 p. 7)

<sup>30</sup> (Weinthal, 2019)

<sup>31</sup> (The Enough Project, 2019)

<sup>32</sup> (The Enough Project, 2019)

<sup>33</sup> (Lynch, et al., 2020)

<sup>34</sup> (al Jazeera, 2020), 'Sudan government forces quell armed protest by security agents'

The armed rebel movements from all across Sudan are a part of the FFC, which has brought about the unusual situation in which the government peace negotiations with the rebels are actually two levels of the same group, the FFC, negotiating with each other. Not only that, but it should be noted that the FFC is not entirely a civilian organisation by virtue of these armed rebel groups being members.

It has also been the most recalcitrant of the senior political groups regarding the normalisation of ties with Israel. It, like any group, has its own interests and that of itself warrants no criticism. But it has not been tested as a coherent political grouping in the absence of the stabilisation the RSF brings, and the question is again one of the risks associated with testing it out too soon.

The FFC blocked the civilian Prime Minister's budget in December 2019 and insisted that crippling subsidies be kept.<sup>35</sup> Hemeti, meanwhile, donated \$1.02bn to the central bank and handed over the gold mines he was given to the state. It is never inevitable that any given civilian political party, the FFC included, has the country's best interests at heart merely by virtue of being civilian. This is the context of the choice to remove or disband the RSF.

Abdel Rahim Hamdan Dagalo, Hemeti's brother and deputy commander of the RSF, has raised a question that may merit further investigation. At present, over two million people live in Internally Displaced Person camps in Sudan, and there are thirty years' worth of conflicting property claims to resolve. Until people are resettled and decisions are made on who lives where,<sup>36</sup> it is hard to see how constituencies can be formed or people registered to vote. The FFC draws its support base from urban areas like Khartoum that are not so affected by this issue, and so its push for elections in three years could mean it sweeps the vote before Darfurian and other parties have had a chance to form or indeed register voters. It is temporal gerrymandering.<sup>37</sup>

## Economic Problems

Economic issues are perhaps the most pressing for Sudan today. The International Crisis Group reported in December 2019 that 'While Sudan has embarked on a path toward democratic and accountable government, economic fragility threatens to derail its transition.'<sup>38</sup> A list of priorities for the international community is then given, in order of priority:

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<sup>35</sup> (Lynch, et al., 2020)

<sup>36</sup> Many people were evicted from their land and new settlers moved in. Some of these settlers have been there for decades, including children who know no other home. A decision in favor of one party will mean another party homeless, and there are two million of these decisions to be made.

<sup>37</sup> (Hamdan Dagalo, 2019)

<sup>38</sup> (Malley, 2019)

- Economic support;
- Establish a multi-donor trust fund;
- Press the US to rescind the State Sponsor of Terrorism status;
- Provide technical assistance to stop corruption;
- Appoint an AU envoy for Sudan.

Similarly, the US State Department page on Sudan details its focus areas:

- ensuring that Sudan does not provide support to or a safe haven for international terrorists;
- achieving a definitive end to gross human rights abuses;
- concluding a comprehensive peace process that includes both Darfur and the Two Areas; and
- encouraging an open and inclusive political dialogue, to address the constraints on personal, political, and public expression.<sup>39</sup>

Note that not one of either the ICG or US focuses suggests that Sudan should be penalised, or aid withheld, on the grounds that as-yet unproven accusations of historical crimes by Hemeti are not the first item on the truth and reconciliation process' agenda.

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<sup>39</sup> (U.S. Department of State, 2020)



### Part 3: Final Comments on Hemeti and the Truth and Reconciliation Process

John Rawls' seminal work on political philosophy and ethics, *A Theory of Justice*, has impacted western ideas of justice since its release in 1971. In looking for justice as fairness, it aligns with the goals of a truth and reconciliation process. Its logic is based on a social contract and on strong institutions of state.<sup>40</sup>

The Nobel laureate Amartya Sen replied to Rawls with his 2009 book *The Idea of Justice*.<sup>41</sup> In it he argued that humans can more easily agree on removing instances of 'manifest injustice' than we can on ideals of justice, or indeed ideal institutions to deliver justice. He encouraged a non-binary approach that looks at what each act does to the continuum of justice, bringing the most justice to the most people – even without them having to agree on what exactly justice is in an idealized form.

Sudan has had no social contract for thirty years and has weak institutions that are only now starting to recover. Parts of society have been pitted against one another for decades. Sen's approach, given Sudan's circumstances, might be the more constructive and efficacious.

No definitive evidence has been provided in the public forum proving that Hemeti has committed crimes of such a nature that the international community should not engage with Sudan while he remains part of its government. He certainly has many questions to answer. So do many people and institutions in Sudan after a long civil war and armed rebellion.

Hemeti has contributed to the truth and reconciliation process himself. He has reduced the RSF deployment in Yemen and put down a NISS armed mutiny with very few deaths on either side. He was part of the arrest of Bashir and the ending of the tyranny, and he defended protesters from NISS abuse before that. For all the talk of his complete power over the country, it was under his watch that an agreement was signed with the civilian political forces and a hard date set for the advent of democracy.

Bashir paid the RSF in gold; the mines have been returned to the state, and the profits to the central bank. Global Witness, one of his long-time critics, conceded that 'This move to hand a large chunk of the gold market back to Sudan's government is a positive step in the right direction'.<sup>42</sup> Such steps, all taken together, are how truth and reconciliation processes proceed in reality.

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<sup>40</sup> (Rawls, 1971), Chapter 3 and Part Two, respectively

<sup>41</sup> (Sen, 2009)

<sup>42</sup> (Kent, 2019)

Much has happened in Sudan during the dark decades of Bashir's rule and the list of things to investigate will stretch well beyond the truth and reconciliation process' resources to do so. Prioritization will be an important and potentially sensitive task early on. The hundred deaths of June 3<sup>rd</sup>, 2019, are rightly decried by many; giving them an importance above the few hundred thousand deaths in Darfur and other parts of Sudan has no moral basis and serves no reconciliatory end.

It is unfortunate to have to note that June 3<sup>rd</sup> was not exceptional by Sudanese standards. The media has done an excellent job of exposing events across the country, but the remit does not extend to prioritization; rural lives matter as much as urban ones, even if they engage less followers online.

Opportunistically attacking those in power, rather than methodically going through a rationalized sequence of priorities, continues the past regime's methods and ushers in no new era. It may be that the Sudanese people decide to do it that way, but to date there is no evidence that this is how they plan to run their truth and reconciliation process. Therefore, the international community has no right to demand Hemeti's exclusion from government while allowing the FFC's, when the FFC contains armed rebel groups who also have allegations against them.

This report has shown that there are biases in the way Hemeti is discussed, and indeed these prejudices extend against other actors in Sudan, including the victims. It has also shown that there is little substantive evidence to support the allegations. Enough evidence perhaps to begin proceedings in the truth and reconciliation process as it grows, but certainly not enough to pass a judgement right now.

It has highlighted the need for the Sudanese – not the international community – to run the truth and reconciliation process and for them to be allowed to take into account, when deciding what and how to investigate, factors extraneous to the facts of each case but relevant to the situation they find themselves in today. That may not happen in other judicial systems, but other judicial systems aren't providing justice to a society that has experienced what Sudan has experienced.

The average Sudanese person alive today has an age of eighteen, meaning they were one year old when the events of Darfur took place in 2003. It would be an unusual conception of justice for those dark events to be allowed to shackle yet another generation of Sudanese.

Sudanese GDP per Capita was \$4,300 in 2017 (PPP), growth was 1.4%, and inflation was 32.4%, ranking 174<sup>th</sup>, 177<sup>th</sup>, and 223<sup>rd</sup> globally.<sup>43</sup> The country has a death rate of 6.7 per thousand people, ranking 139<sup>th</sup>, and life expectancy of 65.8 years, ranking 177<sup>th</sup>.

Improve the desperation of the economic and living conditions the Sudanese endure, or seek justice for the atrocities of Darfur and elsewhere in Sudan? It is an horrific decision to be imposed on this young population. It is, to some extent, a choice in the alternative between their past and their future. It is their past, their future, and it is emphatically their choice and theirs alone.

The international community failed in many ways to protect the Sudanese, but it has done a comprehensive job in raising issues and questions, and in exposing evidence. Big court cases, newspaper headline victories, and jail terms are how justice is done and seen to be done in the west. It may not be how a battle-scarred nation chooses to move forwards.

Perhaps keeping certain figures at home in Sudan and in the public eye gives a sense of control and even closure to the Sudanese. The nation, civilians and military together, takes all the credit for Sudan's optimistic situation today. They do not need us to rescue their victory.

Whatever the Sudanese choose, it is time for the international community to pass the baton. Sudan is a new country and it needs space to breathe, without endless demands from a foreign media and diplomatic corps that between them have provided no conclusive evidence of anything against Hemeti. The partial evidence and questions raised can be given over, and the Sudanese have every right and competence to take it from there. Along with the rest, let us give the Sudanese our faith.

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<sup>43</sup> (Central Intelligence Agency, 2020)