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4.2.2. Arbitrary arrests, illegal detention and prison conditions

COMMON ANALYSIS
Last update: June 2025

Special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions. When assessing the conditions of detention, the following elements may, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world.

The analysis below is based on the following EUAA COI reports and query: Country Focus 2024, 2.3.1.; Country Focus 2025, 1.4., 2.6., 2.7.; COI Update 2025 4.. Country Guidance should not be referred to as a source of COI.

Despite Sudan's ratification of international conventions against torture and enforced disappearance and the inclusion of the right to due process and the prohibition of ill-treatment in the interim constitution, such human rights violations continue to be reported in the country.

Both the RSF and the SAF have engaged in arbitrary arrests and detentions of civilians. Although coverage of such acts has been reduced with the degradation of security conditions on the ground, reports indicate that kidnapping and enforced disappearances have increased since the beginning of the current conflict. It was also reported that RSF regularly abduct women and girls, hold them in detention houses and subject them to violence and abuse, including sexual violence, forced domestic beatings, torture and denied access to food.

Prisoners, including children, in both RSF and SAF formal or informal detention centres face severe conditions, including overcrowding, food shortages, lack of medical care, ventilation or heating and denied access to legal assistance or judicial oversight. Reportedly, boys under the age of 18 were imprisoned with adult male detainees in Khartoum and Darfur by both the SAF and the RSF. Individuals are also subjected to ill-treatments, humiliating and degrading behaviours and cruelty which have led to deaths in custody. Examples reported starvation, physical abuse (e.g. beatings, electric shocks and burns), sexual violence against men and boys (including rape and gang-rape, sexual assaults, forced nudity, beatings on genitals and rape threats). Finally, acts of torture have been used by both warring parties to obtain information or

intimidate individuals, including physical violence as well as psychological and sexual violence (e.g. prior and during interrogations) have been reported.



In cases where the prosecution or punishment is grossly unfair or disproportionate, or where a person is subjected to prison conditions which are not compatible with respect for human dignity, a situation amounting to serious harm under Article 15(b) QD/QR may occur.

It should be highlighted that **in some cases, there would be a nexus to a reason for persecution falling under the definition of a refugee**, and those individuals would qualify for refugee status. If nexus to a reason for persecution is not substantiated, Article 15(b) QD/QR would apply.



In some cases, the arrest, detention and imprisonment would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion grounds (Article 17 QD/QR). Therefore, although the criteria of Article 15(b) QD/QR would be met, exclusion considerations should be examined (see 7. Exclusion).

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