Please cite as: EUAA, '7.1. Exclusion based on the commission of international crimes' in *Country Guidance: Sudan*, June 2025.

7.1. Exclusion based on the commission of international crimes

COMMON ANALYSIS
Last update: June 2025

Article 12(2)(a) QD and Article 17(1)(a) QD

Article 12(2)(a) QR and Article 17(1)(a) QR

It can be noted that the ground ‘crime against peace’ is not likely to be of relevance in the cases of applicants from Sudan.

Violations of international humanitarian law by different parties in the current and in past conflicts in Sudan could amount to ‘war crimes’, such as deliberate and systematic attacks and airstrikes on non-strategic civil areas and civilian infrastructures such as schools and health facilities, the use of prohibited means and methods of warfare, the use of sexual violence as a weapon of war, deliberate and indiscriminate attacks on civilians, illegal executions, murder or ill treatment of war prisoners, forced displacements of the population, etc.

Reported crimes such as murder, enforced disappearance, illegal detention, torture, sexual violence, persecution against any identifiable group on ethnic ground by the different actors could amount to crimes against humanity when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. Crimes in the context of past conflicts, such as during the conflict in Darfur or in South Kordofan, could also trigger the consideration of exclusion in relation to ‘crimes against humanity’.

Some acts in the ongoing conflict, such as extrajudicial killings, torture, child recruitment, forced disappearance, could amount to both war crimes and crimes against humanity.

According to COI, especially (former) members of the SAF, the RSF and affiliated para-military groups and militias, as well as members of former insurgent armed groups in Darfur and the Kordofans have been implicated in acts that would qualify as war crimes and/or crimes against humanity.

Acts reported to be committed in the context of the following past and current confrontations in Sudan could be also relevant for Article 12(2)(a) QD/QR and Article 17(1)(a) QD/QR, as they may, depending on the circumstances, amount to ‘war crimes’ and/or ‘crimes against humanity’, if the legal requirements in this regard are fulfilled:

- first Sudanese Civil War between August 1955 and March 1972;
- second Sudanese Civil War between May 1983 and January 2005;
- conflict in Darfur since April 2003;
- conflict in South Kordofan and Blue Nile since June 2011; and,
- the ongoing armed conflict in Sudan, since April 2023.

For more information on human rights violations committed by different actors, please see 2. Actors of persecution or serious harm.

[Country Focus 2024, 1.1.3.; Country Focus 2025, 1.1., 1.4.; Security 2025, 1.2.1.]

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