**Letter from the Executive Board**

Dear Delegates,

It is our pleasure to welcome you to the United Nations Security Council. We are Adithya Krishna, serving as your Head Chair, and Anirudh Ramesh, serving as your Vice Chair, and we look forward to presiding over a committee defined by diplomacy, strategic thinking, and meaningful debate.

The Sudanese Civil War represents one of the most pressing humanitarian and geopolitical crises of our time. The ongoing conflict has resulted in widespread displacement, civilian casualties, food insecurity, and the breakdown of essential public services. Beyond its devastating domestic consequences, the conflict has drawn regional and international actors into a complex web of competing interests, making a peaceful resolution increasingly challenging.

As members of the Security Council, your responsibility extends beyond identifying the causes of the conflict. You must examine the effectiveness of international intervention, address the humanitarian consequences, consider the role of regional powers, and formulate practical solutions that respect the sovereignty of Sudan while ensuring the protection of its civilian population.

We encourage every delegate to approach this agenda with thorough research, a clear understanding of their country's foreign policy, and a willingness to engage in constructive diplomacy. Strong arguments, strategic negotiation, and realistic resolutions will be essential throughout the conference. Remember that diplomacy is not merely about defending your country's position, but also about finding common ground without compromising your national interests.

We hope to create an engaging and intellectually stimulating committee where every delegate has the opportunity to contribute meaningfully. Come prepared to challenge perspectives, defend your policies, negotiate with purpose, and work towards solutions worthy of the United Nations Security Council.

We look forward to witnessing the discussions, negotiations, and diplomacy that unfold in committee.

Yours sincerely,

Adithya Krishna
Head Chairperson, United Nations Security Council

Anirudh R
Vice Chairperson, United Nations Security Council

Introduction to the United Nations Security Council

The United Nations Security Council (UNSC) is one of the six principal organs of the United Nations, established in 1945 under the Charter of the United Nations. It holds the primary responsibility for maintaining international peace and security, preventing conflicts, and addressing threats to global stability. The Council consists of fifteen member states, including five permanent members, China, France, the Russian Federation, the United Kingdom, and the United States, and ten non-permanent members elected for two-year terms.

The UNSC possesses the authority to adopt resolutions, impose sanctions, authorise peacekeeping operations, and, under the conditions established by the UN Charter, authorise the use of force. Unlike most other UN organs, its decisions can be legally binding on all UN member states under the Charter. Each member state holds one vote, while substantive decisions require at least nine affirmative votes and no veto from any of the five permanent members.

The Security Council operates within a complex framework of international law, national interests, and diplomatic negotiation. Its effectiveness depends on the ability of member states to balance their individual foreign policies with their collective responsibility to preserve international peace and security.

In the context of the Sudanese Civil War, the UNSC serves as a crucial platform for addressing the humanitarian crisis, facilitating ceasefire efforts, protecting civilians, supporting humanitarian access, and examining the regional and international dimensions of the conflict. Delegates are expected to understand the legal mandate of the Council, represent their respective countries' foreign policies, and negotiate practical, lawful, and sustainable solutions to the crisis.

Ultimately, the United Nations Security Council is not merely a forum for discussion, but an institution entrusted with the responsibility of responding to threats to international peace and security through diplomacy, collective action, and the implementation of international law.

## SECTION I: QUALIFICATION AND INTERNATIONALIZATION OF THE ARMED CONFLICT (*JUS IN BELLO*)

The legal characterization of the hostilities initiated on April 15, 2023, between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) requires an objective application of the threshold criteria codified in Common Articles 2 and 3 of the Geneva Conventions of 12 August 1949, as supplemented by the Protocol Additional to the Geneva Conventions of 12

August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II / AP II), to which the Republic of the Sudan is a High Contracting Party. Under customary international law, as authoritatively articulated by the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) in *Prosecutor v. Tadić* (IT-94-1-AR72, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, para. 70), an armed conflict exists whenever there is a resort to armed force between States, constituting an international armed conflict, or protracted armed violence between governmental authorities and organized armed groups, or between such groups within a State, constituting a non-international armed conflict.

The determination of the intensity threshold under *ratione materiae* distinguishes a non-international armed conflict from internal disturbances, isolated riots, or sporadic acts of banditry governed by Article 1(2) of Additional Protocol II. This assessment is derived through the holistic evaluation of non-exhaustive operational indicators set forth in *Prosecutor v. Haradinaj et al.* (IT-04-84-T, Judgment, 3 April 2008, paras. 49–60). These indicators include the operational employment of sustained heavy artillery, armored combat vehicles, air-delivered munitions, precision loitering systems, and tactical uncrewed aerial vehicles; the geographical spread and temporal continuum of combat operations across major metropolitan centers such as Khartoum, Omdurman, Bahri, and El-Obeid, alongside expansive regional theatres in North, South, West, and Central Darfur; and the widespread destruction of essential civil infrastructure accompanied by mass civilian displacement. These factual elements conclusively satisfy the intensity requirement under both Common Article 3 and Article 1(1) of Additional Protocol II.

Regarding the organizational threshold under *ratione personae*, an entity must possess a sufficient degree of internal structure and command hierarchy to qualify as an organized armed group capable of being a party to a non-international armed conflict, as established in *Prosecutor v. Boškoski & Tarčulovski* (IT-04-82-T, Judgment, 10 July 2008, paras. 199–206). The Rapid Support Forces exhibit a formalized vertical command and control hierarchy under central leadership, a military sector command structure divided by functional and territorial logistics, the sustained capacity to recruit, train, equip, and deploy armed combatants, and the demonstrated operational capability to plan, coordinate, and execute complex military operations. Furthermore,

the Rapid Support Forces exercise effective territorial control over significant portions of sovereign Sudanese territory, thereby fulfilling the criteria of Article 1(1) of Additional Protocol II. Consequently, the hostilities constitute a non-international armed conflict *prima facie*, regulated by Common Article 3, Additional Protocol II, and parallel customary rules of international humanitarian law.

The conflict further displays attributes of potential internationalization resulting from multi-vectored third-state intervention. Under public international law, two competing judicial standards govern whether foreign state involvement transforms a non-international armed conflict into an internationalized non-international armed conflict, thereby triggering the full application of the four Geneva Conventions of 1949 and Additional Protocol I. Under the Effective Control Test formulated in *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)* (Merits, Judgment, ICJ Reports 1986, p. 14, para. 115) and reaffirmed in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* (Judgment, ICJ Reports 2007, p. 43, paras. 396–407), transformation into an internationalized conflict requires that a foreign State exercise effective control over the non-state armed force. This standard necessitates proving that the foreign State issued direct tactical instructions or operational orders for the commission of specific military acts or violations.

Conversely, under the Overall Control Test formulated by the ICTY Appeals Chamber in *Prosecutor v. Tadić* (IT-94-1-A, Judgment, 15 July 1999, paras. 116–145), the requirement of effective control was rejected for the purpose of conflict classification. The Appeals Chamber held that overall control is achieved where a foreign State has a role in organizing, coordinating, or planning the military actions of an armed group, in addition to financing, training, equipping, or providing operational support to that group. Where foreign sovereign entities or their proxy organs supply advanced weaponry, strategic intelligence, loitering munitions, and secure transshipment corridors across third-country frontiers to the Rapid Support Forces, such conduct satisfies the overall control threshold regarding specific operational theatres. This creates a dual-classification paradigm consisting of an internationalized conflict layer governing the relationship between the State of Sudan and intervening foreign sovereign entities under the law

of state responsibility, and a concurrent non-international conflict layer governing the direct combat between the Sudanese Armed Forces and the Rapid Support Forces under Common Article 3 and Additional Protocol II.

## SECTION II: BELLIGERENT STATUS, CONSTITUTIONAL DOCTRINE, AND OBLIGATORY BOUNDS

The legal classification of the contending belligerents dictates their legal capacity, obligations, and accountability metrics under international law. The Sudanese Armed Forces are established pursuant to the Sudanese Armed Forces Act of 2007 and represent the recognized national military institution of the sovereign State. Conduct executed by the Sudanese Armed Forces is directly attributable to the Republic of the Sudan under Article 4 of the International Law Commission's Draft Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA) as acts of a State organ. The Sudanese Armed Forces retain formal diplomatic representation before the United Nations, international judicial bodies, and regional organizations.

The Rapid Support Forces were originally created as an auxiliary force under the Rapid Support Forces Act of 2017, but this statutory foundation was subsequently repealed by sovereign decree following the outbreak of hostilities. Under international law, the Rapid Support Forces constitute a *de facto* non-state armed group and an illegal insurgent force lacking *jus ad bellum* authority. Actions committed by the Rapid Support Forces are attributable to the State under Article 8 of ARSIWA only if it is proven that the group acted under the instruction, direction, or control of the State, or under Article 10 of ARSIWA if the insurrectional movement succeeds in establishing a new government or a new State in a portion of the territory.

Applying the constitutional doctrine articulated in the *Tinoco Claims Arbitration (Great Britain v. Costa Rica)* (1923, 1 RIAA 369), the recognition of a government depends on its effective control over state machinery and population. However, under the doctrine of State Continuity, internal constitutional ruptures, military coups, or competing executive claims do not alter or extinguish the underlying legal personality of the State of Sudan under the principle of *pacta sunt servanda*. The Transitional Sovereignty Council led by the Sudanese Armed Forces

maintains sovereign representation internationally. The Rapid Support Forces' localized territorial control over portions of Darfur and Khartoum does not confer *de jure* statehood pursuant to the principle *ex injuria jus non oritur*, but rather establishes its legal status as an insurrectional movement possessing limited objective legal personality strictly for the purposes of international humanitarian law compliance and humanitarian access under Common Article 3(3).

The theoretical foundation under which the Rapid Support Forces—a non-state actor that is not a formal party to international treaties—is bound by international treaty regimes and customary law rests on established legal doctrines. First, under the single-state model, when a sovereign State ratifies international treaties, those legal obligations become incorporated into the domestic legal order, binding all individuals, non-state groups, and dissident factions operating within the national territory. Second, peremptory norms of customary international law (*jus cogens*), including the absolute prohibitions against torture, genocide, targeting of civilians, and summary executions, bind all subjects of international law unconditionally, independent of formal treaty consent, as affirmed in *Prosecutor v. Kallon and Kamara* (SCSL-2004-15-AR72(E), Decision on Challenge to Jurisdiction, 13 March 2004, paras. 67–71). Third, non-state armed groups that achieve sufficient territorial organization acquire functional objective international legal personality exclusively for the scope of international humanitarian law application, as recognized in the ICJ Advisory Opinion on *Reparation for Injuries Suffered in the Service of the United Nations* (1949).

**SECTION III: CONDUCT OF HOSTILITIES AND SUBSTANTIVE IHL VIOLATIONS**

The operational conduct of both the Sudanese Armed Forces and the Rapid Support Forces must be evaluated against the customary international humanitarian law triad of targeting rules, codified in Articles 48, 51, and 57 of Additional Protocol I and binding in non-international armed conflicts under Customary IHL Rules 1 through 24. The Principle of Distinction, enshrined in Customary Rules 1 and 7, mandates that belligerents must at all times distinguish between civilians and combatants, and between civilian objects and military objectives. Indiscriminate attacks—defined as attacks of a nature to strike military objectives and civilians or civilian objects without distinction—are strictly prohibited. The systematic employment of

unguided aerial bombardment, explosive ordnance with wide-area effects, and heavy artillery barrages by the Sudanese Armed Forces into densely populated urban residential zones, alongside the direct targeting of unarmed ethnolinguistic communities by the Rapid Support Forces, represent severe breaches of this principle.

The Principle of Proportionality, codified in Customary Rule 14, prohibits attacks that may be expected to cause incidental loss of civilian life, injury to civilians, or damage to civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated. Launching high-yield explosive weapons against military targets situated within high-density internal displacement camps, such as Zamzam and Abu Shouk, where expected civilian casualties demonstrably exceed any immediate military gain, constitutes a grave violation and a war crime under customary international law and Article 8(2)(e)(i) of the Rome Statute. Furthermore, under Customary Rules 15 through 21 governing Precautions in Attack, belligerents are obligated to take constant care to spare the civilian population, civilians, and civilian objects, selecting means and methods of attack that avoid or minimize incidental civilian harm, and issuing effective advance warnings when circumstances permit.

Regarding prohibited methods and means of warfare, the starvation of the civilian population as a method of warfare is explicitly prohibited under Article 14 of Additional Protocol II and Customary Rule 53, and is codified as a distinct war crime in non-international armed conflicts under Article 8(2)(e)(xix) of the Rome Statute. The material elements (*actus reus*) of this offense comprise destroying, removing, or rendering useless objects indispensable to the survival of the civilian population, such as drinking water installations, agricultural lands, crops, livestock, and food storage facilities; the systematic, arbitrary denial of cross-line and cross-border humanitarian relief operations; and the enforcement of siege tactics designed to isolate civilian populations within urban enclaves, as observed in El-Fasher. The mental element (*mens rea*) requires the intentional use of starvation as a weapon of warfare or the purposeful creation of life-threatening conditions calculated to cause civilian suffering. UN Security Council Resolution 2417 (2018) explicitly affirms that the unlawful denial of humanitarian access and the starvation of civilians constitute threats to international peace and security.

Belligerents are also strictly prohibited from using human shields under Customary Rule 97 and Article 51(7) of Additional Protocol I, which forbids utilizing the presence or movement of civilians or protected persons to render military objectives immune from combat operations. The tactical practice of the Rapid Support Forces in establishing operating bases, firing positions, and ammunition depots inside residential homes, medical centers, and educational institutions directly violates this prohibition. Additionally, perfidy—defined under Customary Rule 65 and Article 37 of Additional Protocol I as committing acts that invite the confidence of an adversary to lead them to believe that they are entitled to protection under international humanitarian law with the intent to betray that confidence—is strictly prohibited. Combatants disguising themselves in civilian attire or misusing protected medical and humanitarian emblems to execute offensive operations constitute grave violations of customary law. Finally, under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and Article 16 of Additional Protocol II, the systematic looting, seizure, and destruction of historical monuments, works of art, national archives, and places of worship constitute direct breaches of international humanitarian law.

## SECTION IV: ATROCITY CRIMES UNDER INTERNATIONAL CRIMINAL LAW (ICL)

The crime of genocide, as codified under Article 6 of the Rome Statute, requires proof of both material acts (*actus reus*) and a specialized mental element (*mens rea*). In West Darfur, particularly across the El-Geneina, Ardamata, and El-Fasher corridors, documented acts committed by the Rapid Support Forces and allied militias against non-Arab ethnolinguistic communities—specifically the Masalit, Fur, and Zaghawa populations—satisfy the statutory criteria of Article 6. These acts include killing members of the protected group under Article 6(a); causing serious bodily or mental harm under Article 6(b), including through non-consensual mutilation and conflict-related sexual violence; and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part under Article 6(c), accomplished by blocking civilian escape routes, contaminating community water wells, and burning internal displacement camps.

The defining legal component of genocide is the mental element of *dolus specialis*—the specific intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such. International criminal jurisprudence, including *Prosecutor v. Akayesu* (ICTR-96-4-T), *Prosecutor v. Krstić* (IT-98-33-A), and the ICJ judgment in *Bosnia and Herzegovina v. Serbia and Montenegro* (2007), establishes that in the absence of explicit written state or organizational policy, genocidal intent may be inferred from a systematic pattern of conduct, provided that such an inference is the only reasonable inference that can be drawn from the evidence. The relevant evidentiary indicators in Darfur include the selective execution of adult male members of specific ethnolinguistic groups while sparing others; the concurrent use of explicit racial slurs during extrajudicial killings; the targeted destruction of cultural, tribal, and judicial leadership; and the systematic scale and geographical repetition of massacres across distinct locations.

Crimes against humanity under Article 7 of the Rome Statute do not require a nexus to an armed conflict or specific genocidal intent, but must be committed as part of a widespread or systematic attack directed against any civilian population, pursuant to or in furtherance of a State or organizational policy under Article 7(1). The element of widespread is evaluated quantitatively, reflecting the large-scale nature of the attack and the overall number of targeted victims, as held in *Prosecutor v. Bemba* (ICC-01/05-01/08, Judgment, para. 163). The element of systematic is evaluated qualitatively, reflecting the organized, non-accidental pattern of acts and the improbability of their random occurrence, as established in *Prosecutor v. Katanga* (ICC-01/04-01/07, Judgment, para. 1123). Substantive offenses committed in Sudan under this framework include murder and extermination under Articles 7(1)(a) and 7(1)(b); rape, sexual slavery, and enforced prostitution under Article 7(1)(g) deployed as tactical instruments of subjugation; forcible transfer of population under Article 7(1)(d); and persecution under Article 7(1)(h) through the severe deprivation of fundamental human rights on racial, ethnic, and political grounds.

Individual criminal responsibility for these atrocity crimes extends beyond direct physical perpetration to military commanders and civilian superiors under the doctrine of Command Responsibility codified in Article 28 of the Rome Statute. Military commanders and individuals acting as military commanders incur individual criminal liability for crimes committed by forces

under their effective command and control, or effective authority and control, where the commander either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes, and failed to take all necessary and reasonable measures within their power to prevent or repress their commission or to submit the matter to competent authorities for investigation and prosecution. Under Article 28(b), civilian superiors face parallel liability for activities within their effective responsibility and control where they knew or consciously disregarded information clearly indicating that subordinates were committing atrocity crimes.

## SECTION V: INTERFACE BETWEEN IHL AND INTERNATIONAL HUMAN RIGHTS LAW (IHRL)

The legal relationship between International Humanitarian Law and International Human Rights Law during non-international armed conflicts is governed by the co-application model articulated by the International Court of Justice in *Legality of the Threat or Use of Nuclear Weapons* (Advisory Opinion, ICJ Reports 1996, p. 226, para. 25), *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion, ICJ Reports 2004, p. 136, para. 106), and *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* (Judgment, ICJ Reports 2005, p. 168, para. 216). International Human Rights Law continues to apply during armed conflict, subject to formal derogation provisions under Article 4 of the International Covenant on Civil and Political Rights (ICCPR). However, non-derogable human rights remain fully operational and enforceable alongside international humanitarian law, which functions as the *lex specialis* for specific rules governing targeting and conduct of hostilities.

Under Article 6 of the ICCPR, the right to life is non-derogable. Arbitrary deprivations of life occurring in the context of combat are evaluated using international humanitarian law standards as *lex specialis*, whereas extrajudicial executions, summary killings of captured persons, and deliberate targeted strikes on non-combatants outside active engagement constitute direct violations of Article 6. Furthermore, the absolute prohibition against torture and cruel, inhuman, or degrading treatment or punishment under Article 7 of the ICCPR and Article 2 of the UN Convention Against Torture is non-derogable and applies universally to state actors and non-state

belligerents alike. The right to liberty and security of person under Article 9 of the ICCPR remains applicable, rendering prolonged arbitrary detention, enforced disappearances, and secret incommunicado detentions severe human rights violations. Regionally, the African Charter on Human and Peoples' Rights, to which Sudan is a party, guarantees non-derogable protections under Articles 4, 5, and 7 regarding life, human dignity, and fundamental judicial guarantees.

Regarding the extraterritorial reach of human rights treaties, international jurisprudence—including UN Human Rights Committee General Comment No. 36 (para. 63) and the European Court of Human Rights decisions in *Al-Skeini and Others v. United Kingdom* (2011) and *Jaloud v. The Netherlands* (2014)—establishes that a State's human rights obligations extend extraterritorially to all individuals within its effective control or subject to its state agent authority and control. Consequently, third States that exercise physical or operational control over drone operations, intelligence architecture, or proxy armed groups within Sudanese territory incur extraterritorial state responsibility for human rights breaches resulting directly from those interventions.

## SECTION VI: STATE RESPONSIBILITY, COMPLICITY, AND OBLIGATIONS *ERGA OMNES PARTES*

Under Article 16 of the International Law Commission's Draft Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), a State that aids or assists another State in the commission of an internationally wrongful act is internationally responsible for doing so if that State does so with knowledge of the circumstances of the internationally wrongful act, and the act would be internationally wrongful if committed by that State. The material element (*actus reus*) requires that the assistance—such as supplying advanced conventional arms, loitering munitions, aviation fuel, specialized military hardware, or secure transit corridors—directly facilitates or contributes to the commission of the wrongful act. The mental element (*mens rea*) does not require the assisting State to desire the illegal result, but is satisfied where the assisting State acts with actual or constructive knowledge of the circumstances surrounding the unlawful conduct. Given extensive public reporting by the UN Security Council Panel of Experts, the Office of the High Commissioner for Human Rights, and international bodies, third States providing material support act with actual knowledge of ongoing violations. While Article 16

formally addresses State-to-State assistance, customary international law and the ICJ jurisprudence in the *Bosnian Genocide Case* (paras. 418–420) extend these principles analogously to States aiding non-state armed actors engaged in breaches of peremptory norms.

Common Article 1 of the Geneva Conventions establishes an independent obligation binding all High Contracting Parties to respect and to ensure respect for the Conventions in all circumstances. As affirmed by the ICJ in *Nicaragua v. USA* (para. 220) and the *Wall Advisory Opinion* (para. 158), this norm imposes two distinct duties. The negative obligation requires third States to refrain from encouraging, aiding, assisting, or facilitating violations of international humanitarian law by any party to a conflict. The positive obligation requires third States to exercise due diligence and deploy all available diplomatic, economic, and political leverage to prevent, halt, and bring to an end violations committed by belligerents. The transfer of military equipment, dual-use technology, or logistical infrastructure to entities actively committing grave breaches represents a direct violation of Common Article 1.

Violations of peremptory norms (*jus cogens*), including the prohibitions against genocide, torture, and severe breaches of international humanitarian law, generate obligations *erga omnes* owed to the international community as a whole, and obligations *erga omnes partes* owed to all States Parties to relevant treaties. Building upon the procedural precedents set by the ICJ in *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)* (2012), *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)* (Provisional Measures, 2020), and *South Africa v. Israel* (Provisional Measures, 2024), any State Party to the 1948 Genocide Convention or the 1984 Convention Against Torture possesses legal standing (*locus standi*) to institute contentious proceedings before the International Court of Justice against Sudan or complicit third States. This standing exists without the applicant State needing to establish a direct national connection to the victims, and enables the Court to order binding provisional measures, declarations of unlawful conduct, immediate cessation of illegal transfers, and full reparations.

## SECTION VII: ARMS TRANSFER REGIMES, FINANCIAL CRIME, AND CORPORATE COMPLICITY

For States party to the Arms Trade Treaty of 2013, arms transfers are subject to strict statutory prohibitions under Articles 6 and 7. Article 6(3) establishes an absolute prohibition, barring a State Party from authorizing any transfer of conventional arms, ammunition, or components if it has knowledge at the time of authorization that the items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, or targeted attacks against civilians or civilian objects. Furthermore, under Article 7, even if an export is not barred under Article 6, the exporting State Party must conduct a mandatory risk assessment. If the assessment reveals an overriding risk that the arms would be used to commit or facilitate serious violations of international humanitarian or human rights law, authorization must be denied.

The financing of the Rapid Support Forces is structurally tied to the extraction, refining, and international trade of gold mined from deposits in Darfur and northern regions. The non-consensual exploitation of natural resources in occupied or conflict-affected territory by an armed group constitutes the war crime of pillage under Article 8(2)(e)(v) of the Rome Statute, as affirmed in *Prosecutor v. Katanga* (ICC-01/04-01/07). Commercial refining companies, bullion traders, and financial intermediaries that purchase or process conflict-mined gold with knowledge that the proceeds fund military operations incur corporate penal liability for aiding and abetting war crimes, as well as liability under international anti-money laundering standards and the UN Convention against Transnational Organized Crime.

**SECTION VIII: JURISDICTIONAL MECHANISMS AND PROCEDURAL FORA**

The International Criminal Court exercises jurisdiction over the situation in Sudan pursuant to UN Security Council Resolution 1593 (2005), adopted under Chapter VII of the UN Charter, which referred the Situation in Darfur since 1 July 2002 to the Prosecutor of the Court. To address atrocity crimes committed outside the territorial boundaries of Darfur—such as in Khartoum, Gezira, or Kordofan—the Office of the Prosecutor applies the Organizational and Operational Continuum Doctrine. Under this jurisdictional theory, where crimes committed outside Darfur are perpetrated by the same organizational leadership, using unified command structures and supply lines, and forming part of a single continuous military campaign connected to the Darfur conflict, those acts fall within the material and temporal scope of Resolution 1593.

Alternatively, the sovereign government of Sudan retains the legal capacity to lodge a formal declaration under Article 12(3) of the Rome Statute, explicitly accepting the exercise of ICC jurisdiction over the entirety of its national territory from April 15, 2023, onward.

In parallel, domestic judicial authorities can exercise extraterritorial jurisdiction under the principle of universal jurisdiction (*judex loci deprehensionis*). Under pure universal jurisdiction frameworks, such as the German Code of Crimes Against International Law (*Völkerstrafgesetzbuch*), domestic prosecutors can investigate and charge foreign perpetrators of genocide, war crimes, and crimes against humanity regardless of where the acts occurred or the nationality of the parties. Under conditional universal jurisdiction frameworks, such as those in France and Switzerland, jurisdiction is exercisable when the suspect is physically present within the forum State's territory. Furthermore, Common Articles 49, 50, 129, and 146 of the Geneva Conventions and Article 7 of the UN Convention Against Torture impose a mandatory legal duty on States Parties to prosecute or extradite (*aut dedere aut judicare*) any individual suspected of grave breaches found within their jurisdiction.

**SECTION IX: COMPREHENSIVE JURISPRUDENTIAL FINDINGS**

The legal analysis yields definitive determinations across all applicable international legal frameworks. First, regarding conflict qualification, the hostilities constitute a non-international armed conflict governed by Common Article 3, Additional Protocol II, and customary international humanitarian law, with parallel internationalized elements where third States exercise overall control over specific operational theatres. Second, regarding conduct of hostilities, both belligerent parties have engaged in widespread breaches of the principles of distinction, proportionality, and precautions, with the deliberate starvation of civilian populations and siege warfare constituting established war crimes. Third, regarding atrocity crimes, acts committed in West Darfur by the Rapid Support Forces against non-Arab populations satisfy the statutory criteria for genocide under Article 6 of the Rome Statute based on inferential *dolus specialis*, alongside widespread crimes against humanity under Article 7 and war crimes under Article 8. Fourth, third States supplying weapons, loitering systems, or logistical corridors incur derived state responsibility for complicity under Article 16 of ARSIWA and violate their positive duty to ensure respect under Common Article 1 of the Geneva Conventions. Finally,

accountability may be pursued through the International Criminal Court under Resolution 1593, domestic courts applying universal jurisdiction, or contentious proceedings before the International Court of Justice instituted by any State Party under *erga omnes partes* standing.