

## **Application instituting proceedings**

To the Registrar of the International Court of Justice, the undersigned, being the Minister of Justice of the Republic of Sudan and duly authorized by the Government, states as follows:

1. I have, in accordance with Articles 36(1) and 40 of the Statute of the Court and Article 38 of the Rules of Court, the honour to submit this Application instituting proceedings in the name of the Republic of the Sudan against the United Arab Emirates. The Application includes, pursuant to Article 41 of the Statute, a request that the Court indicate provisional measures to protect from imminent and irreparable loss the rights invoked herein.

### **I. Introduction**

2. This Application concerns the acts which have been perpetrated by an organization that goes by the name the Rapid Support Forces (“RSF”) and militias allied with it, including, but not limited to, genocide, murder, theft of property, rape, forcible displacement, trespassing, vandalism of public properties, and violation of human rights, all such acts having been perpetrated and enabled by the direct support given to the rebel RSF militia and related militia groups by the United Arab Emirates.
3. This Application concerns, as well, acts adopted, condoned, taken, and being taken by the Government of the United Arab Emirates in connection with the genocide against the Masalit group in the Republic of the Sudan since at least 2023. The acts and omissions by the United Arab Emirates complained of by Republic of the Sudan are genocidal in character because they are intended to bring about the destruction of a substantial part of the Masalit group.
4. It is proved – by all types of evidence – that the rebel RSF, with the United Arab Emirates’ unlimited support, perpetrated genocide, forcible displacement, and murder.
5. The Republic of the Sudan, mindful of the *jus cogens* character of the prohibition of genocide and the *erga omnes* and *erga omnes partes* character of the obligations owed

by States under the Genocide Convention,<sup>1</sup> is making the present Application to establish the United Arab Emirates' responsibility for violations of the Genocide Convention; and to request the indication of provisional measures to ensure the urgent and fullest possible protection for the Sudanese civilian people who remain at grave and immediate risk of continuing and further acts of genocide.

6. The United Arab Emirates has violated its obligations under Article I of the Genocide Convention, as well as having violated other fundamental obligations under the Genocide Convention, including by attempting to commit genocide; conspiring to commit genocide; inciting genocide; complicity in genocide; and failing to prevent and punish genocide.
7. Since at least 2023 a genocide has been unfolding in the Republic of the Sudan. The RSF and the militias allied with it have been committing genocide against the Masalit group most notably in West Darfur. The members of the Masalit group, a people mostly resident in the West Darfur region of the Republic of the Sudan, are Black African persons who speak dialects of the Masalit language. Thousands of Masalit persons from the Republic of the Sudan as a whole, and especially in West Darfur, have as part of this genocide been killed at the hands of the rebel RSF militia. The intent of the rebel RSF militia has been to destroy the Masalit group in whole or in part.
8. The area Dar Masalit is 2,000 kilometres from Khartoum. In 2023, when rebellion broke out in the Republic of the Sudan and reached Dar Masalit, a week after it had erupted in Khartoum, persons among the Masalit were systematically targeted, on the basis of their ethnic identity and the colour of their skin. All the entry points into the most important city of the area, El Geneina, were closed as the rebel RSF militia laid complete siege to the city for 58 days. People were burned alive. The rebel militia engaged in extrajudicial killing, ethnic cleansing, forced displacement of civilians, rape, and burning of villages. The rebel RSF and allied militias have systematically murdered men and boys — including infants — on an ethnic basis. They have deliberately targeted women and girls from certain ethnic groups for rape and other forms of brutal

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<sup>1</sup> Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, 78 *UNTS* 277.

sexual violence. They have targeted fleeing civilians, murdered innocent persons who were escaping conflict, and prevented remaining civilians from accessing lifesaving supplies. Upon breaking into the city of Al Hilaliya, a city in Gezira State in the Republic of the Sudan, rebel RSF militia opened fire and killed 357 civilians, including 212 women, girls and children. The rebel RSF militia has also poisoned drinking water and prevented access to medicines

9. The United Arab Emirates fuels the rebellion and supports the militia that has committed the crime of genocide in West Darfur. The government of the United Arab Emirates has sent its own agents to the Republic of the Sudan in order to lead the rebel RSF militia forces in carrying out the genocide. Much of the rebel RSF political communications and operations are managed in the United Arab Emirates. It has provided the rebel RSF militia forces with extensive financial support. It has recruited and instructed mercenaries in the thousands — from the Sahel, neighbouring countries, and as far away as from Colombia — whom it has sent to Republic of the Sudan in order to assist the rebel RSF militia in perpetrating the genocide. It has sent and continues to send large shipments of arms, munitions, and military equipment, including fighter drones, to the rebel RSF militia which are carrying out its genocide. Experts of the Government of the United Arab Emirates have been training militia members to operate fighter drones.
10. The United Arab Emirates is complicit in the genocide on the Masalit through its direction of and provision of extensive financial, political, and military support for the rebel RSF militia. The relationship of the rebel RSF militia to the United Arab Emirates Government is so much one of dependence and control that it would be right, for legal purposes, to equate the rebel RSF militia with an organ of the United Arab Emirates Government, or as acting on behalf of that Government. The rebel RSF militia is, for the purposes of international responsibility, to be equated with State organs of the Government of the United Arab Emirates. The fact that the United Arab Emirates has chosen to act through the instrumentality of the rebel RSF militia cannot allow the United Arab Emirates to escape its international responsibility under the Genocide Convention.

11. In light of the extraordinary and emergency situation, the Republic of the Sudan requests from the venerable Court to hold an urgent hearing, to indicate provisional measures to stop the violations perpetrated by the rebel RSF militia, and order any precautionary measures required to lead to the ceasing of these violations described above, and oblige the United Arab Emirates to cease its support of the rebel RSF militia.

## II. Jurisdiction of the Court

12. The Republic of the Sudan and the United Arab Emirates are parties to the Genocide Convention. The Republic of the Sudan acceded to the Genocide Convention on 13 October 2003. The United Arab Emirates acceded on 11 November 2003.<sup>2</sup>

13. The Republic of the Sudan and the United Arab Emirates are parties to the United Nations Charter; therefore, they are bound by the Statute of the Court of Justice, including Article 36 thereof, which states that the jurisdiction of the Court includes all issues which are mentioned in the conventions and agreements that are in force.

14. Article 9 of the Genocide Convention reads:

“Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.”

Therefore, the Court has exclusive jurisdiction on the merits of this proceeding.

15. As the International Court of Justice observed in *Reservations to the Genocide Convention*, it is:

“a generally recognized principle that a multilateral convention is the result of an agreement freely concluded upon its clauses and that consequently non of the contracting parties is entitled to frustrate or impair, by means of unilateral decisions ..., the purpose and *raison d'être* of the convention.”<sup>3</sup>

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<sup>2</sup> When acceding to the Genocide Convention, the U purported to formulate a reservation to the effect that it: “formally declares its accession to the Convention and makes a reservation with respect to article 9 thereof concerning the submission of disputes arising between the Contracting Parties relating to the interpretation, application or fulfilment of this Convention, to the International Court of Justice, at the request of any of the parties to the dispute.”

<sup>3</sup> *Reservations to the Convention on Genocide, Advisory Opinion, I.C.J. Reports 1951*, p. 21.

16. The Court continued to state that the Genocide Convention:

“was manifestly adopted for a purely humanitarian and civilizing purpose. It is indeed difficult to imagine a convention that might have this dual character to a greater degree, since its object on the one hand is to safeguard the very existence of certain human groups and on the other to confirm and endorse the most elementary principles of morality. In such a convention the contracting States do not have any interests of their own; they merely have, one and all, a common interest, namely, the accomplishment of those high purposes which are the *raison d’être* of the convention.”<sup>4</sup>

17. As was observed during the submissions to the Court in *Reservations to the Genocide Convention*, “the obligation to submit disputes concerning the interpretation or execution of the Convention to the International Court of Justice was regarded as one of the prime guarantees of the due *fulfilment* of the basic obligation to prevent and punish genocide.”<sup>5</sup> The possibility of submission by one of the parties of a dispute to the Court plays a pivotal role in the system of “interpretation”, “application”, and (unusually for a compromissory clause in a general convention) the “*fulfilment*” of the Genocide Convention to which Article IX makes reference.

### III. The Facts

18. The Republic of the Sudan has extended repeatedly and urgently, its concerns and denouncements of the United Arab Emirates for its continuous support for the rebel RSF militia, where this continuous support has been the primary reason behind all the violations and acts committed against the Sudanese civilian people due to the support provided by the United Arab Emirates, including military, diplomatic, media, and logistical support, which has led to the Sudanese civilian people’s forcible displacement from their homes, murder, theft of property, being subjected to conditions amounting to physical and psychological torture, and other horrific conditions.

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<sup>4</sup> *Ibid.*, p. 23.

<sup>5</sup> Sir Hartley Shawcross, counsel for the United Kingdom, *Reservations to the Convention on Prevention and Punishment of the Crime of Genocide*, Advisory Opinion of May 28th, 1951, *Pleadings, Oral Arguments, Documents*, Part II, Oral Statements, p. 380 (emphasis added).

19. The Republic of the Sudan has presented many statements to the General Assembly of the United Nations, condemned the interference and involvement of the United Arab Emirates in the internal sovereign affairs of the Republic of the Sudan, and has submitted evidence and substantiating material which prove the support of the United Arab Emirates given to the rebel RSF militia.
20. Since the outbreak of the war in the Republic of the Sudan on 15 April 2023, these violations and acts against the Sudanese civilian people have been continuous, including escalating killings as well as the occupation of properties both of the Sudanese civilian people and public property.
21. Attacks which have been perpetrated by the rebel RSF militia, with direct support from the United Arab Emirates, have been, and continue to be, perpetrated throughout twelve states of the Republic of the Sudan's territory. This has disrupted agricultural projects and factory production in these states, and which has directly caused a severe shortage of basic necessities, which has led to an extreme food shortage, damage to the national economy, and extreme levels of suffering.
22. The United Arab Emirates made available to the rebel RSF militia military, logistical, and all kinds of support, which in turn has enabled the rebel RSF militia to carry out its illegal acts amounting to genocide, and forced the Sudanese civilian people to abandon their houses to save their lives and their dignity. In addition, the support of the United Arab Emirates led to a remarkable number of civilian houses and public properties being totally destroyed, including the targeted and widespread destruction of infrastructure.
23. Due to the widespread terror and crimes being committed against the Sudanese public, doctors and other professionals abandoned their institutions. This has also extended to hospitals, schools, universities, and all public service institutions, including foreign consulates, embassies, and ministries located in the states affected by the war to totally cease their operations and the provision of services. This has led to, *inter alia*, patients no longer having access to medical care, students whose futures are now uncertain, and families losing their source of income.

24. The United Arab Emirates support to the rebel RSF militia included supply of illegal military logistical support, such as supply of weapons, cannons, munitions, powders, hand grenades, drones and more, which were used to, *inter alia*, throw bombs at civilians at random in different towns and villages, which has caused thousands of Sudanese civilian people to be killed, millions of families losing their patriarchs, in addition to the countless other civilians affected by the after-shock of such bombs including the psychological torture and the fear of being subjected to random bombing.
25. The Sudanese Military Forces have found and seized weapons and military equipment inside active war zones belonging to the United Arab Emirates, in addition to finding many passports belonging to Emirati nationals in said active war zones, within different locations and different states in the Territory of the Republic of the Sudan.
26. The United Arab Emirates supplies the rebel Rapid Support Militia in Sudan with armored personnel carriers and 4x4 combat vehicles, while also recruiting mercenaries from various countries and providing them with essential resources to fight alongside the militia. Additionally, the UAE supplies the militia with drones used for military operations and targeting civilian objects. The militia's commander-in-chief benefits from the UAE's support through the provision of a private jet for his travels across African countries. Furthermore, the UAE serves as a hub for the militia's business activities, hosting all commercial companies owned by the rebel Rapid Support Militia, either directly or indirectly, many of which have recently been sanctioned by the U.S. Department of Treasury.
27. The United Arab Emirates has ignored all agreements and conventions which it is a party to, and all United Nation Resolutions, which prohibit such acts and omissions.

#### IV. The Remedies Sought

28. While reserving its right to revise, supplement, or amend this present Application, and subject to the presentation to the Court of the relevant evidence and legal arguments, the Republic of the Sudan respectfully requests the Court to declare:

- a. that the Republic of the Sudan and the United Arab Emirates are both bound and obliged by all international agreements and conventions which they are a party to, including and especially the Genocide Convention;
- b. That the United Arab Emirates has breached and continues to breach its obligations under the Genocide Convention;
- c. That the United Arab Emirates has violated and continues to violate Article 1 of the Charter of the United Nations, under which all states are obliged to maintain international peace and security, develop friendly relations among nations, and to take other appropriate measures to strengthen universal peace, achieving international cooperation and encouraging respect for human rights;
- d. That the United Arab Emirates shall be obliged to cease immediately the acts and omissions which constitute breaches of the United Nations Charter, the Genocide Convention, and other international agreements and conventions which it is a party to;
- e. That the United Arab Emirates must ensure that persons committing genocide, conspiring to commit genocide, directly and publicly inciting genocide, attempting to commit genocide and complicit in genocide are immediately instructed to permanently cease such acts and omissions;
- f. that the United Arab Emirates must make full reparation for the injury caused its internationally wrongful acts, including paying reimbursement to the victims of the war, and reimburse the Republic of the Sudan and its citizens for all substantial and incorporeal damages attributed to or caused by the United Arab Emirates' support to the rebel RSF militia; and



g. must give assurances and undertaking of non-repetition of the breaches of its obligations indicated above, and commit to act in line with Article 1 of the United Nations Charter and its purpose.

29. In accordance with Article 41 of the Statute of the Court, and Articles 73, 74, and 75 of the Rules of Court, the Republic of the Sudan appends a request that the Court indicate provisional measures.

#### V. Miscellaneous

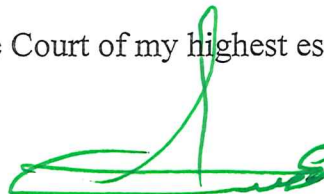
30. The Republic of the Sudan reserves its rights to revise, supplement, or amend the terms of its Application, as well as the grounds invoked.

31. The Republic of the Sudan has designated as its Agents His Excellency the Minister of Justice, Dr. Muawia Osman Mohammed Khair, to file the lawsuit.

32. Pursuant to Article 40, paragraph 1, of the Rules of the Court, all communications relating to this case should be sent to:

Embassy of the Republic of Sudan in the Netherlands.  
Badhuisweg 77, 2587 CD Den Haag, Netherlands.

33. I have the honour to assure the Court of my highest esteem and consideration.



(Signed) Dr. Muawia Osman Mohammed Khair  
Minister of Justice and Agent of the Republic of Sudan

The Hague, 05 March 2025