

Call for Inputs on Protection of Human Rights Defenders (HRDs) in the Digital Age:

Online War Propaganda, Incitement, Hate Speech and Increased Harm to HRDs in Sudan's Armed Conflict

I. Introduction

This submission is presented by Just Access (“JA”), a German-based INGO, on behalf of Sudanese HRDs currently living as refugees in Uganda.

- This submission informs two questions under the overarching trend of how digital technologies affect the communications, privacy and safety of HRDs, based on interviews conducted by JA in Uganda. The Sudanese HRDs interviewed are survivors of gross human rights abuses attributed to the *de facto* Government of Sudan, who are currently underrepresented in human rights documentation efforts.
- All interviewed HRDs experienced discrimination, whereby interconnected ethnic, racial (as contemplated by the ICERD) and tribal identities are the basis of targeted violations, linked to an automatic perceived support of the RSF. This is manifested through online war propaganda, incitement and hate speech, which directly impacts the offline safety of HRDs.
- The submission highlights the need to recognise and address the significant and persistent intersectional ethnic, racial and tribal dynamics of online activities during armed conflict and resulting harms to HRDs on the ground.

Submission contents may be cited publicly, excluding the case summaries referenced in the main document and Annex I, which is provided for the OHCHR's confidential review. JA holds full testimonies and consent forms on file and can share them confidentially upon request.

II. Background on the Conflict in Sudan

Individual reports and broader patterns of offline harm to HRDs linked to online activities occur in the context of the ongoing non-international armed conflict between the Sudanese Armed Forces (SAF), the Rapid Support Forces (RSF) and their respective allies since mid-April 2023.

While the SAF presides over the post-coup Transitional Sovereignty Council and formal Government agencies, territorial control was and remains in flux. Nevertheless, the HRDs interviewed were located in areas where the SAF or SAF-aligned agencies — including the Al-Bara'ibn Malik Battalion, a designated terrorist organisation self-reported to be working under the SAF's command and resources — exercised effective control, such as through service provision, checkpoints, military patrols and detentions. For the purpose of assessing State responsibility for international human rights law violations in this context, ARSIWA Article 9 is consistent with the facts at hand, with the African Commission citing ARSIWA Article 9 to determine State responsibility for human rights violations attributed to the 2011 National Transitional Council in Libya (*ACHPR v Libya*, para. 50).

For the purposes of this submission, and to reflect the current situation in Sudan, the term “*de facto* Government” is used.

III. Online War Propaganda, Incitement, Hate Speech and Increased Harms to HRDs

This submission highlights the experiences of HRD victims of human rights abuses in Sudan, in contraventions of UNDHRD protections (Arts. 1, 2, 12(2)), and further informs two questions under the Call for Inputs regarding: (1) technology-facilitated attacks to HRDs on social media and their link to offline events, and (2) risks to HRDs via online platforms during armed conflict.

The HRDs are engaged in humanitarian aid, promotion of civil and political rights, along with human rights documentation and accountability efforts, consistent with the HRD status requirements and examples of HRD activities enumerated by the Special Rapporteur.

What forms of technology-facilitated attacks do HRDs face on social media platforms and digital communications services? How do these online attacks intersect with offline events?

HRDs and their intersecting ethnic, racial and tribal communities have experienced dire offline human rights abuses linked to social media posts that constitute propaganda for war; incitement to discrimination, hostility and violence; and hate speech, as defined by the UN Strategy and Plan of Action on Hate Speech as “any kind of communication in speech, writing or behaviour, that attacks or used pejorative or discriminatory language with reference to a person or a group... based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.” Specific HRD experiences include the following:

- As early as 2020, during the clashes between tribes in Kordofan and Darfur, an HRD knew individuals spreading online hate speech using social media. As a community leader in South Kordofan, the HRD observed that tribal communications broke down as a result of the hate speech (Annex I: DA01).
- Around April or May 2023, an HRD witnessed videos shared by the SAF’s official Facebook accounts celebrating the SAF’s progress, which were further amplified by airtime on Al Hadath TV, a Saudi Arabian owned Arabic-language news channel (Annex I: DA03).
- In the end of May 2023, an HRD from the El Tarjam tribe in Darfur was detained by SAF soldiers between Kosti and Rabak after the soldiers saw El Tarjam tribal leaders on social media support the RSF. He was detained until he could prove he would remain a non-combatant (Annex I: DA02).
- By October or November 2023, the SAF disseminated videos on social media, including Facebook and TikTok, of decapitations and mass executions of persons from Western Sudan. Soon after these videos were posted, the HRD’s neighbours reported him and his Western Sudanese Khuzam tribal affiliation to the authorities. As a result, Al-Bara’ibn Malik members came to the HRD’s house when he and his uncle were present, accused them of providing intelligence to the RSF, shot and killed the HRD’s uncle and burned the HRD using gasoline (Annex I: DA03).
- On 22 July 2023, an HRD (also a shop owner in Omdurman) was falsely accused by *de facto* Government supporters on the Facebook group “Hear Omdurman” of being a traitor and informant for the Janjaweed, a term used to connote supporters of the RSF, along with starting a gang and murder. This post also included the HRD’s name and shop’s address. Around July 2023, Al-Bara’ibn Malik members entered the HRD’s shop and decapitated his uncle’s son, along with one of the HRD’s neighbours, who were in the shop at the time. The HRD has received approximately 10 death threats in total on Facebook. These posts have included his photo, home address and accusations that he stored and transferred stolen money to militias (Annex I: DA04).

- In 2025, around the time the SAF reportedly bombed civilians fleeing conflict zones, an HRD saw prominent individuals featured in online hate speech calling for the elimination of entire communities (Annex I: DA01).

The HRDs experienced the following human rights violations:

- Protections for equality and non-discrimination (ICCPR Arts. 2(1), 26; HRC General Comment No. 18; ICERD Art. 5), along with minority and Indigenous protections¹ (UNDRIP Arts. 2, 3, 7, 8, 9, 10 and 30; ICCPR Art. 27; and CCPR/C/21/Rev.1/Add.5)
- Lack of effective legislation against war propaganda and advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (ICCPR Art. 20, CCPR/C/GC/34, para. 51; ICERD Art. 4)
- Right to life and security (ICCPR Art. 6; Common Article III; AP II Arts. 4(2)(a) and 13(2), including the protection from threats to life from private persons and entities (CCPR/C/GC/26, paras. 7, 21, 22)
- Protection against cruel, inhuman and degrading treatment (ICCPR Art. 7; CAT Art. 16; Common Article III; AP II Art. 4(2))
- Protection from arbitrary or unlawful interference with privacy, family, home or correspondence, along with unlawful attacks on honour and reputation (ICCPR, Art. 17)
- Contravention of the call on States in A/HRC/RES/58/23 to encourage the private sector to apply the Guiding Principles on Business and Human Rights, particularly as they apply to social media companies regarding identifying, preventing and mitigating harm associated with war propaganda, incitement and hate speech on their platforms (Principles 11-24; A/HRC/50/40 paras. 31-34)

What specific risks to HRDs emerge via online platforms and communications services in situations of armed conflict, instability and/or elections?

HRDs in Sudan face harrowing risks of detention and death linked to the content of posts made via online platforms including Facebook, TikTok and YouTube:

- Around mid-June 2023 at a checkpoint in Omdurman, SAF soldiers arbitrarily detained the HRD after taking his phone to find information on which party to the conflict he supports. In addition, approximately 70-80 co-detainees were arrested when SAF soldiers saw a social media clip or file on their phones that allegedly showed support for the RSF (Annex I: DA05).
- Around May 2024 in Kosti, SAF soldiers arbitrarily detained the HRD and her sister, accusing them of being from the Messiria tribe, sent by the RSF to spy on the SAF. The SAF searched their phones and asked about videos from Facebook and TikTok. After the detention, if the sisters post anything on social media, they receive direct threats from presumed SAF intelligence members in comments forbidding them from returning to their home area of El Rahad (Annex I: DA06).
- On 25 November 2024, a television report shared on YouTube named the HRD as number 20 on Sudan's national wanted list. The report included false accusations against the HRD related to terrorism, rape, unlawful killing, working against the constitutional regime and supporting the RSF,

¹ IHRL recognises that tribal and culturally distinct communities such as those of the missing persons and their families qualify for the same protections afforded to Indigenous Peoples when they possess the same defining characteristics. The UNDRIP, adopted with Sudan's vote in favour, emphasises self-identification, cultural integrity and the right to self-determination for Indigenous populations. The tribal groups of the HRDs meet the criteria of indigenous peoples under international law.

many of which entail the death penalty in Sudan. Three other individuals on the national wanted list are from the HRD's Messiria tribe, automatically presumed to be supporting the RSF, and two others on the list are also members of the HRD's opposition Umma Party (Annex I: DA07).

The HRDs experienced the following human rights violations, in addition to contravening equality and non-discrimination protections:

- Right to life, liberty, and security of person (ICCPR Art. 6, as the right to life extends to reasonably foreseeable threats that can result in a loss of life (CCPR/C/GC/36, para. 7), along with the duty to respond appropriately to intimidation of human rights defenders (CCPR/C/GC/35, para. 9)
- Protection against arbitrary interference with privacy, family, home or correspondence, along with unlawful attacks upon honour or reputation (ICCPR Art. 17)
- Right to freedom of opinion and expression (ICCPR Art. 19)

IV. Recommendations and Conclusion

In light of the information on HRDs in Sudan set out above, the undersigned respectfully request that the UN High Commissioner in his report:

1. Recognise the situation of the armed conflict in Sudan and its demonstration of the ways in which the safety of HRDs are affected by digital technologies, including through war propaganda, incitement and hate speech, leading to increased harms including detention and risk of death;
2. Remind States of their non-discrimination obligations and specific protections afforded to minority groups under international customary, humanitarian and human rights law throughout the framework of General Assembly resolution 58/23;
3. Further recognise the intersectional harms from digital technologies beyond the Indigenous (General Assembly resolution 58/23 para. 3) to explicitly include race, as defined by ICERD, along with ethnic and tribal groups;
4. Recognise and call upon Parties to armed conflicts to address the interconnected nature and impact of digital technologies; war propaganda, incitement and hate speech; the resulting increased harm to HRDs; and subsequent negative impact on community relations and peace building;
5. Further call upon States to ensure accountability for targeted online attacks, war propaganda, incitement, and connected offline human rights abuses; and
6. Further encourage and underscore the responsibility of businesses to act in accordance with the Guiding Principles on Business and Human Rights, particularly regarding the role social media plays in fuelling armed conflict and harms to HRDs through war propaganda, incitement and hate speech.

The UN High Commissioner's report is a critical opportunity to recognise the grave online and offline risks HRDs face and call attention to the intersecting racial, ethnic and tribal dimensions of war propaganda, online hate speech and harm to HRDs in times of armed conflict.