

Frequently Asked Questions

RSF War Crimes and Crimes Against Humanity Landmark Submission in Kenya

9 June 2026

Background

On 9 June 2026, twelve Sudanese victims and witnesses will submit a landmark confidential criminal complaint to Kenya's Director of Public Prosecutions concerning crimes against humanity and war crimes allegedly committed by 10 identified members of the Rapid Support Forces (RSF) in Sudan.

The complaint concerns crimes committed in and around Khartoum between 15 April 2023 and March 2025. These include murder, unlawful detention, torture and cruel treatment, rape, sexual slavery and other forms of sexual violence, persecution, and attacks against civilians.

The complaint asks Kenyan authorities to use Kenya's International Crimes Act of 2008 to examine alleged crimes committed outside Kenya where there are alleged links to Kenya. These alleged links include reported citizenship, travel, residence, presence in Kenya, logistical connections, weapons transfers, and RSF-linked activity on Kenyan territory, including the February 2025 charter-signing process in Nairobi.

The complaint is confidential because it contains sensitive victim, witness, legal, and security information. Public information about the filing is therefore limited to what can be shared without compromising the safety of victims and witnesses or the integrity of any future investigative process.

PUBLIC QUESTIONS & ANSWERS

1. What is this case about?

This case concerns a confidential criminal complaint submitted to Kenya's Director of Public Prosecutions (DPP) on behalf of 12 Sudanese victims and witnesses of alleged international crimes committed by 10 identified members of the Rapid Support Forces (RSF) in Sudan. The complaint alleges that between April 2023 and March 2025, RSF members committed crimes against humanity and war crimes in and around Khartoum. Specific alleged acts include unlawful detention, torture and cruel treatment, murder, rape, sexual slavery, other forms of sexual violence, persecution, and intentionally directing attacks against civilians. The complaint asks Kenyan authorities to examine the evidence, assess the alleged links to Kenya, and determine whether to open an investigation under Kenya's International Crimes Act of 2008.

It does not ask Kenya to resolve Sudan's war or take a political position on the conflict. It asks Kenya's prosecutorial authorities to consider whether Kenyan law provides a legal basis to investigate and, where appropriate, prosecute alleged international crimes linked to Kenya.

2. What is unique about this case?

This is the first known submission made to Kenya to use its own domestic international crimes legislation to investigate alleged international crimes including war crimes and crimes against humanity committed outside Kenya.

If Kenya's Director of Public Prosecutions opens an investigation, it would be the first ever known universal jurisdiction investigation on such crimes in Kenya, under the International Crimes Act of 2008. It would also be a significant regional development, alongside earlier African universal



jurisdiction-related efforts such as South Africa's Zimbabwe Torture Docket case and the Hissène Habré trial before the Extraordinary African Chambers.

The Kenya filing is distinct because it asks an ordinary national prosecutorial authority to use existing domestic law to investigate alleged crimes committed in another African country, based on alleged links to Kenya.

This makes the complaint significant in three respects. First, it tests whether Kenya's International Crimes Act can be used in practice to address alleged international crimes committed beyond Kenya's borders. Second, it demonstrates that accountability pathways can be pursued without a specialised international court or tribunal. Third, it may help develop regional practice on how African states can use universal jurisdiction in domestic legal frameworks to respond to international crimes where legal links to their territory exist.

3. Why is this complaint important?

The complaint is important because accountability options for crimes committed in Sudan remain limited, and because Sudanese victims and witnesses are seeking to have their evidence examined through a legal process.

Sudan's justice system has been severely weakened by war, political fragmentation, and institutional collapse, making independent and effective domestic prosecution in Sudan highly unlikely at present. The International Criminal Court has jurisdiction over the Darfur situation, following the 2005 UN Security Council referral. However, that mandate does not include jurisdiction over alleged crimes committed outside Darfur, including in and around Khartoum. Regional and other international mechanisms have documented violations, but do not have jurisdiction or a mandate to prosecute international crimes in Sudan, and documentation alone does not constitute criminal accountability.

The complaint, therefore, seeks to activate another legal pathway. It asks Kenya to examine crimes where alleged links to Kenyan territory provide a basis for investigation under its International Crimes Act.

For victims and witnesses, the filing is also a way to move their evidence from documentation into a process before an authority with legal powers to act. It challenges assumptions that impunity for crimes committed in Sudan is inevitable, and that universal jurisdiction should remain a largely European enterprise.

4. Are there other similar ongoing cases?

No, if Kenya decides to act on this complaint, it would be the country's first ever universal jurisdiction case prosecuting international crimes that occurred outside of its borders. There is no known investigation or prosecution of international crimes committed in and around Khartoum since April 2023.

Existing accountability efforts relating to Sudan differ in nature and scope, and do not include the prosecution of crimes committed in and around Khartoum. As explained above, the ICC does not have jurisdiction over crimes committed in Khartoum, because they fall outside of Darfur. Other justice actors in this space, such as the UN Independent International Fact-Finding Mission for Sudan, established in 2023, has a mandate to collect evidence, but not to prosecute or adjudicate cases.

5. Who is submitting the complaint?

The complaint is being submitted on behalf of 12 Sudanese civilian victims and witnesses, by Legal Action Worldwide (LAW), the Pan African Lawyers Union (PALU), and the African Centre for Justice and Peace Studies (ACJPS) – represented by Otieno Ogola and Company Advocates.

The identities and locations of victims and witnesses are not being disclosed publicly because of continuing protection risks associated with their participation.

6. What is Legal Action Worldwide's role?

Legal Action Worldwide (LAW) – together with partners - is representing and supporting 12 Sudanese victims and witnesses in bringing the complaint before Kenyan authorities by providing them with legal advice and representation.

LAW's role includes survivor engagement, documentation support, legal analysis, coordination with Kenyan counsel and partners, and protection-sensitive handling of all information. LAW ensures that the process remains legally grounded, survivor-centred, and does not expose victims or witnesses to unnecessary risk. Decisions on whether to investigate, charge, seek arrest, prosecute, or seek court orders rest entirely with the Kenyan authorities.

7. What is the role of the Kenyan Counsel?

Kenyan counsel represents the complainants (LAW, PALU, and ACJPS) in Kenya and advises on Kenyan law, procedure, and the appropriate route for submitting and following up on the complaint.

8. Why is this complaint being submitted in Kenya?

The complaint is being submitted in Kenya because Kenya has a domestic legal framework that allows for the investigation and prosecution of international crimes committed outside Kenya where the legal requirements are met.

Kenya's International Crimes Act of 2008 criminalises genocide, crimes against humanity, and war crimes. It provides for jurisdiction in defined circumstances, including where an alleged perpetrator is a Kenyan citizen, is present in Kenya after the commission of the offence, or where other nexus requirements under the Act are met.

The complaint identifies alleged links to Kenya, including reported citizenship (through the issuance of Kenyan passports), travel, residence, and presence of relevant persons in Kenya, logistical connections, and RSF-linked activity on Kenyan territory. The complaints ask the DPP to examine those alleged links and investigate crimes where those links provide a legal basis for jurisdiction.

Kenya is also relevant because accountability pathways in Sudan and before international bodies remain limited. The filing is intended to complement, not replace, other accountability efforts.

9. What are the next steps following the submission?

After the complaint is submitted, the immediate next step is for Kenya's Office of the Director of Public Prosecutions (ODPP) to receive and assess it. The ODPP may acknowledge receipt, assign a file, or reference number, review the materials, request further information, or direct appropriate investigative steps. The ODPP may also consult relevant investigative authorities.

Universal jurisdiction cases are legally complex and may take considerable time to progress. The filing is therefore the beginning of a legal process, not its conclusion. Progress will depend on the ODPP's assessment, the evidence, the strength of the Kenya nexus, and the decisions of Kenyan authorities at each stage.

The ODPP is expected to make a decision within 21 days following the filing.

10. What could this complaint lead to?

The complaint could lead to several possible outcomes.

- At an initial stage, it could result in formal receipt and review by the ODPP, assignment of a file number, requests for further information, or directions to the Directorate of Criminal Investigations (DCI) for investigation.
- If the DPP is satisfied that the legal and evidentiary requirements are met, the matter could lead to applications for arrest warrants, charges, prosecution, and trial. These steps would depend on the evidence, the strength of the Kenya nexus, whether persons of interest are present in, extraditable to, or otherwise reachable by Kenya, prosecutorial discretion, and the decisions of



Kenyan authorities at each stage. Even if prosecution takes time, the complaint may help preserve evidence, clarify the applicable legal issues, and contribute to broader accountability efforts for Sudan.

- Ultimately, it could lead to the arrest of the perpetrators and compensation for the victims.

11. Will RSF members be arrested in Kenya?

The first step is for the ODPP to assess the complaint and determine whether to direct investigations. Arrest would only arise if Kenyan authorities concluded that the legal requirements for jurisdiction are met, that there is sufficient evidence, and that warrants or other measures are justified.

Jurisdiction under the International Crimes Act depends on factors such as whether an alleged perpetrator is a Kenyan citizen or was present in Kenya after the commission of the offence. An arrest would require either the presence of the relevant person in Kenya or the issuance of warrants through appropriate cooperation procedures.

The immediate goal of the complaint is procedural—securing receipt, assessment, and the possible opening of an investigation. Arrests and prosecutions would be longer-term possibilities dependent on the above conditions being met.

12. What could a Kenyan court order? Would it be binding?

At this stage, the matter is before the ODPP, not a court. Court involvement would only arise if the ODPP directs investigations and the matter progresses to a stage where judicial orders are sought or required.

If the matter reaches court, orders will depend on the stage of proceedings and the applications before the court. These may include: summonses requiring a person to appear; arrest warrants where there are grounds to believe a suspect will not appear voluntarily; search, seizure, or production orders directed at evidence; protective measures for victims and witnesses; and trial management and evidentiary directions. If a conviction is secured, a sentencing order would follow.

Orders issued by a competent Kenyan court are binding within Kenya. Their enforcement outside Kenya would depend on the nature of the order, any applicable extradition treaties, and cooperation procedures with other states. Kenya is a party to several bilateral and multilateral frameworks that could be relevant to enforcement in specific circumstances.

Because there is no extradition treaty between Kenya and Sudan, potential arrests warrants would need to be followed by red notices from Interpol, in turn enabling third States to detain people target by the warrant if traveling on their territory.

13. What are the victims' expectations?

They are seeking justice, recognition, and accountability for the violations they suffered or witnessed. They understand that the legal process may take time, and that immediate arrests or prosecutions are not guaranteed outcomes.

Victims and witnesses expect their evidence to be taken seriously and examined through a legal process by an authority with the power to act.

Victims and witnesses have been engaged in an informed and protection-sensitive manner. They are aware that the complaint marks the beginning of a process and that further steps — including investigative engagement, evidence examination, and any prosecutorial decisions — will unfold over time.

For many, the filing is significant because it creates a possible legal route at a moment when other accountability pathways remain limited. The act of submitting evidence to a competent authority is itself a form of recognition that the violations occurred and that those responsible should be held to account.

14. Where are the victims now?

For protection reasons, the locations of victims and witnesses are not being disclosed.

Some victims and witnesses may remain at risk because of their participation in the complaint, the ongoing security situation in Sudan and across the region, and the sensitivity of the allegations. Their identities, locations, and security arrangements will therefore remain confidential throughout the process. Kenyan counsel will be requesting protective measures on their behalf should the matter proceed to investigations and trial.

Key Takeaway

The complaint asks Kenya to use its own domestic international crimes legislation to examine credible allegations of war crimes and crimes against humanity committed in Sudan.

It is significant because, if the DPP opens an investigation, it would be the first known universal jurisdiction investigation in Kenya under the International Crimes Act. It would also be an important regional development in the use of ordinary domestic legal frameworks to pursue accountability for alleged international crimes committed in another African country.

For victims and witnesses, the filing is a request that their evidence move from documentation into a legal process before an authority with the power to act.

The filing is legally important, politically sensitive, and protection sensitive. All engagement must therefore remain confidential, carefully coordinated, survivor-centred, and aligned with the legal strategy.