

PUBLIC

AI Index: AFR 54/026/2008

23 May 2008

UA 139/08 **Fear of torture or ill-treatment/ fear of extrajudicial execution/ fear of enforced disappearance**

SUDAN

Adam Abdel Rahman Fadul, (m) student
Mubarak Ahmed Bakhat, (m) student
Ahmed Orshi, (m) student
Abdel Shakour Hashim Derar, (m) aged 35, lawyer, member of the Darfur Bar association
Al-Ghali Yahya Shegifat, (m) aged 32, journalist, president of the Association of Darfur journalists

And some 150 others, mostly of Darfuri origin

Those named above are among scores of individuals, mainly from Darfur, who have been arrested in the capital, Khartoum, in the last two weeks. Many of those arrested are reported to be held incommunicado in national security detention facilities in the capital or at unknown locations. All the detainees are at risk of torture or other ill-treatment, and may even be killed or subjected to enforced disappearance by the authorities.

On 9 May, police and National Intelligence and Security Services (NISS) agents in Khartoum began arresting people whom they accuse of supporting the armed opposition group, the Justice and Equality Movement (JEM). The JEM has been fighting Sudanese government forces in Darfur since 2003, and on 10 May 2008 launched an attack on Khartoum for the first time. Eyewitnesses claim that the arrests were arbitrary, merely on the basis of people's Darfuri origin, ethnicity or physical resemblance, or on suspicion of having provided shelter to JEM members. Excessive use of force was reported during many arrests.

Amnesty International has so far received the names of over 200 individuals, including those named above, arrested between 9 and 16 May in Khartoum. While a total of 52 people were released few days after their arrest, at least 155 individuals are still detained, apparently without charge. Some are thought to be held incommunicado in Kober prison and in other NISS detention facilities in Khartoum, but the whereabouts of many detainees remains unknown. If they are held in unofficial places of detention they are at higher risk of torture, ill-treatment, extrajudicial execution or enforced disappearance. One man is already reported to have died in NISS custody on 19 May. The forensic examination conducted after his body was returned to his family indicated that the death resulted from heavy internal bleeding caused by severe injuries on different parts of his body.

At least 26 Darfuris studying at universities in Khartoum are among those held, as well as two lawyers, one journalist and at least one human rights activist. Additionally, five members of the Popular Congress Party (PCP), a national political opposition party that is believed to be close to the JEM are detained.

Adam Abdel Rahman Fadul, Mubarak Ahmed Bakhat and Ahmed Orshi were arrested on 11 May from their house in the Umbadda area of Omdurman, part of Khartoum. Their whereabouts remain unknown. Lawyer and PCP member Abdel Shakour Hashim Derar was arrested at his office in the early afternoon of 14 May by a group of plain clothed armed NISS agents. He is being held incommunicado at an unknown location. The journalist Al-Ghali Yahya Shegifat was arrested and released on 12 May, but was re-arrested two days later. Neither his family nor his lawyers have been able to contact him since then.

BACKGROUND INFORMATION

The conflict in Darfur started in 2003, when the Sudan Liberation Army (SLA) and the JEM, both Darfur-based opposition groups, took up arms against the Sudanese government in protest at their perceived marginalisation of the Western state and the oppression of non-Arab tribes in Darfur. A Darfur Peace Agreement in 2006 failed to gain support of most of the SLA and JEM and it was signed only between the Sudanese government and the SLA faction led by Minni Minnawi. The JEM has remained outside efforts to broker a peace deal. On 10 May 2008, the JEM launched a military attack on the outskirts of Khartoum. The attack marked the beginning of a new phase of the conflict in Darfur, with an armed opposition group reaching the edges of the capital for the first time. Many members of the JEM were reportedly killed during the attack and scores were arrested.

Prolonged incommunicado detention is prohibited by international human rights standards, such as the International Covenant on Civil and Political Rights (ICCPR), ratified by Sudan. Article 9 of the ICCPR states that anyone "arrested or detained on a criminal charge shall be brought promptly before a judge". Although Sudan's Criminal Procedure Code contains safeguards against incommunicado detention, Article 31 of the National Security Forces Act, which governs arrests by the NISS, allows prolonged incommunicado detention without charge or trial. Such detention without access to the outside world and without any outside inspection increases the likelihood for torture to take place. Amnesty International has criticised the provisions under the National Security Forces Act.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic, English or your own language:

- calling on the authorities to reveal the whereabouts of Adam Abdel Rahman Fadul, Mubarak Ahmed Bakhat, Ahmed Orshi, Abdel Shakour Hashim Derar and Al-Ghali Yahya Shegifat, and to account for the whereabouts of the 150 others in custody;
- calling for them to be charged with a recognizable criminal offence, or else released immediately;
- urging the authorities to immediately grant all detainees regular access to family and lawyers and any medical treatment they may require;
- calling for assurances that all those detained are being treated humanely, and not tortured or ill-treated;
- urging the Sudanese authorities to investigate all allegations of ill-treatment, torture and all extra-judicial executions that have taken place in the aftermath of the JEM attack.
- urging the authorities to repeal Article 31 of the National Security Forces Act, which allows detainees to be held for up to nine months without access to judicial review

APPEALS TO:

Mr Abdel Basit Sabderat
Minister of Justice
Ministry of Justice, PO Box 302, Khartoum, Sudan
Fax: +249 183 770883
Salutation: Dear Minister

Ibrahim Mohamed Hamed
Federal Ministry of the Interior
PO Box 2793, Khartoum, Sudan
Fax: +249 1 8377 6554
Salutation: Dear Minister

COPIES TO:

Dr Abdel Moneim Osman Taha
Rapporteur, Advisory Council for Human Rights, Khartoum, Sudan
Email: human_rights_sudan@hotmail.com

Dr Priscilla Joseph
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and to diplomatic representatives of Sudan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 July 2008.