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Sudan: Political detainees in limbo

The President of Sudan on 30 June promised to release political prisoners. Amnesty International has repeatedly called on Sudanese authorities to release all prisoners of conscience immediately and unconditionally and to release other political prisoners unless they are to be charged promptly with a recognisably criminal offence and given a fair trial.

Of 355 political detainees known to Amnesty International, only Shaikh Hassan al-Turabi, the founder of the Popular Congress, is known to have been released so far, after 15 months under house arrest in Khartoum without charge or trial. (See Amnesty International list of political detainees published on 30 June 2005 (AI index AFR 54/062/2005), at <http://web.amnesty.org/library/eng-sdn/index>)

Amnesty International believes that there are many more political detainees in Sudan than those named on the list. Families do not often know where detainees are being held. Prisoners are transferred from one place to another, while families must search for any information at all about their relative's whereabouts. There is no public registry of detainees that relatives can consult.

The organization called for immediate access to all detainees by lawyers and families, United Nations (UN) monitors and the International Committee of the Red Cross (ICRC). The organization said that only ten percent of the detainees on its list had ever been brought to trial.

Amnesty International also called on the government to lift emergency measures in all parts of Sudan which contravene human rights. Amnesty International is further calling for the abolition of Articles 31 and 33 of the National Security Forces Act; swift legal reforms to bring Sudan's detention procedures in line with international human rights standards; and for all places of detention to be registered and inspected by the Ministry of Justice.

Prisoners' statistics

Amnesty International's list shows that:

At least a third of detainees were arrested in Darfur, most of them held arbitrarily in connection with the conflict. Many are still detained in Darfur; others have been transferred to Khartoum. They include community leaders, critics of government policy and people -- including members of Arab groups -- seeking to engage in reconciliation. Most have been arrested on suspicion of sympathising with the Darfur armed groups, however only 26% have been charged or brought to trial. More than 100 detainees arrested elsewhere, mostly from Darfur and Eastern Sudan, have been transferred to Khartoum. Among those believed to be detained in Khartoum are 18 supporters of the Beja Congress, arrested in Port Sudan or Kassala and transferred to Khartoum. Because of the

distance and the difficulties of travel, most have had no access to their family. For most of the 69 Popular Congress members on the list, arrested during mass government round-ups in September 2004, even the nine months detention period without access to a judge allowed in Sudanese law has now expired. The government linked these arrests to a plot against the State, but few of those still detained have been brought to trial; many have not even been charged.

Some 106 named in the list were arrested in Soba Aradi squatter camp south of Khartoum, after clashes with the police that killed at least 14 policemen and possibly up to 50 residents. More than 100 others from Soba Aradi are believed to be detained. Some summary trials of those arrested in Soba Aradi have been held, where for the first time lawyers were able to meet the detainees who reported receiving daily beatings in police stations. Amnesty International is urging that these detainees be brought to fair trial on recognizable criminal charges or released, and that their reported torture be ended immediately.

Background

On 30 June 2005, the government reiterated its promise to end the state of emergency, but only in parts of the country, and to release political prisoners. On 24 June Amnesty International had sent a list of more than 300 political detainees to the Sudan government Human Rights Advisory Council, calling for their immediate release or fair trial.

The government also promised to release all those detained in connection with the conflict in Darfur, as agreed under the 9 November 2004 agreement reached between the government and the Sudan Liberation Army (SLA) and Justice and Equality Movement (JEM).

Months without access to the outside world

“Communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days”. [Principle 15 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment]

Most political detainees have no access to the outside world. Lawyers are almost invariably denied access to them and families are often only allowed to see them once or twice a year on Muslim feast days. Sometimes families are not even able to find out where relatives is being held, raising concerns that they may have “disappeared” or fears they may have been secretly executed. Even lawyers used to work on political detainees and who know likely places of detentions are not able to find out their whereabouts; most relatives of detainees, who have no lawyer and do not know the system, are turned away from police stations or national security offices and suffer weeks or months of anguish, not knowing whether their detained relative is alive or dead. Relatives are usually not informed when a detainee is transferred from his place of arrest.

Adib Abdel Rahman Yusuf, released in April 2005 had spent four months in a secret detention centre near Kober Prison in Khartoum, known to detainees as “Abu Ghraib”. He was systematically beaten and tied up, sometimes tied to windows or doors and kept without sleep. Part of the time he was held in solitary confinement, but later he was held with nine other detainees in a room measuring 4mx4m. After this he spent two months in the mosquito-ridden Debek Prison, north of Khartoum, which is well known for its very poor conditions. He was then moved to the political section of Kober Prison, in Khartoum North, and held there for one month. He does not know why he was released. During the whole time he was in custody, he was never brought before a prosecutor or judge, and had no contact with his family.

Torture and deaths in custody

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” [Article 7 of the International Covenant on Civil and Political Rights (ICCPR)]

Detention of people incommunicado leads to a situation where beating and other forms of torture are often carried out with impunity. Students and members of marginalised groups, like the Nuba and people from Darfur, are most likely to be beaten and otherwise tortured after arrest. Over the past year at least four people have died in custody in circumstances where torture appears to have caused or contributed to their death. In no case has any member of the security forces been brought to court for this torture. Those known to have died in custody are:

Abdelrahman Mohamed Abdel Hadi, who died in custody on the day of his arrest by military intelligence in Mellit, Darfur, on 26 August 2004 -- reportedly as a result of severe injuries sustained as a result of torture.

Shamsaddin Idris, a Nuba student at al-Nilein University and Popular Congress activist, who died in custody one day after being arrested by the National Security in Omdurman on 10 September 2004.

Abdel Rahman Suleiman Adam, a Fellata from Darfur, who died on the day he was arrested, on 13 September 2004, during the mass arrests of suspected Popular Congress members.

Abdallah Daw al-Bait Ahmed, from the Bani Hussein group in Darfur, who was arrested on 24 May 2005 with hundreds of others by the police in Soba Aradi displaced settlement in Khartoum. His dead body, with marks of heavy beatings, was brought to Khartoum Hospital morgue on 8 June 2005.

Three others of those arrested in Soba Aradi have allegedly died in custody.

The National Security Forces Act and Emergency Laws

“Anyone arrested or detained on a criminal charge shall be brought promptly before a judge” [ICCPR, Article 9(3)]

Even though the Comprehensive Peace Agreement was signed on 9 January 2005, the State of Emergency Law, which limits freedom of expression and allows the security services to detain people indefinitely and ban or break up peaceful assemblies, remains in place throughout the whole country. Sudan has been under a quasi-permanent state of emergency since 1999, but has not taken steps to legally derogate from its obligations under Article 4 of the ICCPR. The state of emergency in Sudan contravenes the non-derogable provisions and ‘elements’ of the ICCPR it is bound to.

The National Security Forces Act (NSFA) which, over many years, has allowed large scale incommunicado arrests, has not yet been amended. Under Article 31 the national security forces can hold people in detention for up to nine months. Although detentions for longer than three days have to be referred to the Director of the National Security, and detentions for longer than 30 days should be limited to “indications, evidence or suspicion of [the detainee’s] committing an offence against the state”, in practice political detainees are normally held under the NSFA for months without any access to their families or lawyers. Article 33 gives the security immunity for their actions and blocks any complaint of torture or ill-treatment against them.

Sudan has ratified human rights instruments which state that detainees have the right to be brought “promptly” before a judge after arrest. Nine months detention without charge, without access to a judge or a lawyer is already a gross violation of human rights. However, even the nine months’ period allowed in Sudanese law is frequently prolonged. Some 30 detainees on Amnesty International’s lists, have been held for longer than nine months, illegally even under Sudanese law. Higher profile detainees have often been released – and then immediately rearrested - at the end of the nine months’ detention period.

Jibril al-Nil, Nureddin Adam Ali, Ibrahim Mohammed Sultan and Ahmed Adam Bakhit, leading members of the Popular Congress party, actually appeared before a court which acquitted them of crimes against the state, only to be immediately rearrested as they walked out of the courtroom. Others, such as Hassaballah Khater Mursal and Mohammed Osman Ahmed, Popular Congress activists, or Yusuf Haroun Rahma, a student, and Ishaq Mohammed Adam, a farmer, both from Niyertiti in Darfur, appear to be simply lying forgotten in detention.

