

PUBLIC

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Fear for Safety/Incommunicado Detention

12 December 2007

SUDAN

Ammar Najm Eddine Jalak (m) Secretary of Media and Culture for Khartoum State for the Sudan People's Liberation Movement (SPLM)

Ammar Najm Eddine Jalak was arrested by members of the National Intelligence and Security Service (NISS) at Khartoum airport shortly after 5am on 23 November. He had been on his way to Juba in Southern Sudan. There were no reported witnesses to his arrest though he did manage to send a text message to his wife informing her of his detention. He is currently being held in incommunicado detention and is at risk of torture or other ill-treatment.

His wife contacted the Information Office of the NISS later that day, but got no information. She was told to come back in three days, and when she did she was told that her husband was in custody. The NISS would not say where he was being held, but did ask her to bring clothing for him. She asked if she could visit her husband, but was told that this would only be allowed after 15 days

Ammar's wife returned to the offices on 6 December and submitted a written request to be allowed to visit her husband. At this point she was told that she would be contacted by telephone to be told when she would be permitted to visit him. She again went to the office on 8 December and was told that she was not allowed to come to the office again and would be contacted when her request to visit was granted.

BACKGROUND INFORMATION

The SPLM signed a Comprehensive Peace Agreement with the Government of Sudan in January 2005, which brought to an end to the Second Sudanese Civil War of more than 20 years. The following year the SPLM opened Headquarters in Khartoum. Many Northern Sudanese like Ammar Najm Eddine Jalak, work in the SPLM Khartoum offices.

The rights of detainees to communicate with others and to receive visits are fundamental safeguards against human rights abuses such as torture, ill-treatment and "disappearances". Incommunicado detention facilitates torture, ill-treatment and "disappearances". Prolonged incommunicado detention can in itself be a form of cruel, inhuman or degrading treatment.

According to the Sudan Interim Constitution of 2005 "Every person has the right to liberty and security of person; no person shall be subjected to arrest, detention, deprivation or restriction of his liberty except for reasons and in accordance with procedures prescribed by law." The 1991 Criminal Procedure Code (CPC) contains safeguards against arbitrary detention. Except in specific circumstances (such as when caught committing a crime), a detainee must be arrested by warrant signed by a prosecutor or judge giving reasons for the arrest and the detainee must read the warrant (CPC, Articles 69 and 72). If anyone is arrested without warrant the prosecutor or judge must be informed of the arrest within 24 hours, which can only be renewed by a judge, initially for three days, then weekly for two weeks. The accused must be treated with dignity, he has the right to see a lawyer, to inform and normally to meet his family, and he may not be removed without authorization and may receive food, clothes and books (CPC, Article 83).

However, the freedoms laid down in the constitution and the safeguards of the Criminal Procedure Code are negated by Article 31 of the National Security Forces Act which allows the national intelligence and security forces to detain anyone incommunicado without charge and without access to a prosecutor or a judge for up to nine months.

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

- expressing concern for Ammar Najm Eddine Jalak who was arrested by members of the National Intelligence and Security Service (NISS) in Khartoum on 23 November 2007;
- asking the authorities to end his incommunicado detention and to give him immediate and regular access to his family and lawyer;
- calling on the authorities to charge him with a recognisable criminal offence, or else release him immediately;
- calling for a repeal Article 31 of the National Security Forces Act, which allows detainees to be unduly held for up to nine months without access to judicial review.

APPEALS TO:

Prof. Al-Zubair Bashir Taha
Minister of Internal Affairs
Ministry of Interior,
PO Box 281,
Khartoum, Sudan

Fax: + 249 183 774 339 (Please mark, "FAO Minister of Internal Affairs")

Salutation: Dear Minister

Mr Ali Mohammed Ali al-Mardi
Minister of Justice
Ministry of Justice
PO Box 302
Khartoum

Fax: +249 183 770883

Salutation: Dear Minister

COPIES TO:

Dr Priscilla Joseph
Chair of the Human Rights Committee
National Assembly
Omduraman, Sudan

Fax: +249 187 560 950

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 23 January 2008.