

**PUBLIC**

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**28 February 2008**

**UA 56/08**            **Incommunicado detention/fear of torture**

**SUDAN**            **Beshara Mugaw Tagibbo (m), aged 48, shopkeeper**

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Shopkeeper Beshara Mugaw Tagibbo was arrested on 14 February by the National Intelligence and Security Services (NISS). His family has not been allowed to visit him. He is at risk of torture or ill-treatment.

Beshara Mugaw Tagibbo, a member of the Zaghawa ethnic group, has three wives and 17 children. He also supports about 12 other people in his house, mostly school students and others forced to flee their homes by the fighting in Darfur. He was arrested while he was in his shop in the market in the capital of West Darfur, Jeneina by seven NISS officers, all armed, three in uniform and four in plain clothes. His family tried to visit him but have not been allowed to see him. His family say they told UN human rights monitors in Jeneina that he had been detained, but think that the UN monitors were also refused access to him.

#### BACKGROUND INFORMATION

The Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) took up arms against the government of Sudan in 2003 to protest against the perceived marginalisation of Darfur. The Sudanese government armed and supported local militia, known as the Janjawid, as a proxy force against the rebels. The Sudanese government forces and the Janjawid deliberately targeted not just the armed groups but also civilians of the same ethnicity. Some 95,000 people have been killed and more than 200,000 may have died as a result of disease or hunger caused by the conflict. More than two million people have been forced to flee their homes. Armed opposition groups have also committed human rights abuses, including targeting humanitarian convoys and workers. Amnesty International and the UN have called the attacks committed in Darfur crimes against humanity and war crimes.

After the failure of a Darfur Peace Agreement, signed by only one faction of the SLA, in 2006, the SLA and JEM splintered into a number of armed factions. In December 2007 the main branch of JEM, led by Khalil Ibrahim, a Zaghawa, launched a series of attacks against areas in West Darfur north of Jeneina, defeating a government convoy and for some weeks claiming control of the Sirba region. At the end of January Chadian armed groups armed by the government of Sudan attacked the Chadian capital, N'Djamena, but were driven back. In this conflict, JEM supported the government of Chad. Immediately after the defeat of the Chadian armed groups and the departure of most of JEM from the Sirba area, the Sudan Armed Forces (SAF) and allies from the Janjawid attacked this area of West Darfur, destroying villages and towns and causing thousands more to flee.

The arrest of Beshara Mugaw Tagibbo is related to his Zaghawa ethnicity and the SAF attacks on JEM, which is largely led by Zaghawa. 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 incommunicado detention without access to the outside world and without any outside inspection provides the ideal conditions for torture to take place, and torture is routinely used in Darfur against those suspected of sympathising with armed groups.

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

- urging the authorities to give Beshara Mugaw Tagibbo regular access to his family, lawyer and any necessary medical treatment;
- asking them to ensure that he is treated humanely in detention, and not tortured or ill-treated;
- urging the authorities to charge him with a recognizably criminal offences, or else release him immediately;
- 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:**

Abu'l-Gasim Imam al-Hajj Adam  
Governor of West Darfur  
Wilaya  
Jeneina  
**Fax: +249 741 822427**  
**Salutation: Dear Governor**

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

**COPIES TO:**

Dr Priscilla Joseph  
Chair of the Human Rights Committee  
National Assembly  
Omdurman, Sudan  
**Fax: +249 187 560 950**  
**Salutation: Dear Dr Joseph**

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 10 April 2008.