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To: Health Professional Network

From: Health and Human Rights Team

Date: 12 September 2007

Health Professional Action

Torture / Denial of medical care

Sudan

Mohamed Ali Hamid (m), aged 70, retired army general/leader of council of dismissed army officers

Ahmad Salman al-Doud (m), aged 35, secretary to Abdel Jalil al-Basha

Al-Tayeb Ahmed Khalid al-Na'em, (m) aged 61, retired army brigadier

Abdel Rahman Shamaila Khalifa (m), aged 35, officer in the Sudan People's Liberation Army (SPLA)

Abdel Jalil al-Basha (m), Umma Party Reform and Renewal (UPRR) General Secretary

Yaqoub Yahya (m), former army officer

Kabbashi Khater Mohammed Ahmad (m), trader

Tawer Osman Tawer (m), aged 58, former army officer

(For more information on the related case of Mubarak al-Fadel al-Mahdi see: HP Net Action: AFR 54/042/2007, and HP Net August 2007 update.)

Summary:

Mohamed Ali Hamid, Ahmad Salman al-Doud, Al-Tayeb Ahmed Khalid al-Na'em, Abdel Jalil al-Basha, Yaqoub Yahya, Kabbashi Khater Mohammed Ahmad, Tawer Osman Tawer and Abdel Rahman Shamaila Khalifa are held at Kober Prison in the capital, Khartoum North, where they have been tortured and need immediate medical attention. Yaqoub Yahya, Kabbashi Khater Mohammed Ahmad, Tawer Osman Tawer and Abdel Rahman Shamaila Khalifa are in danger of further torture or other ill-treatment.

According to reports, Mohamed Ali Hamid is gravely ill and his fellow detainees say that they fear for his life. Ahmad Salman al-Doud has experienced severe physical injury as a result of being tortured, and Al-Tayeb Ahmed Khalid Al-Na'em has been showing signs of serious mental distress. Amnesty International is gravely concerned for the health and well being of all the men listed above and others detained with them.

Background:

The eight named above were arrested with at least 40 other people, including many former army officers, on or soon after 14 July. At press briefings National Intelligence and Security Service (NISS) spokespersons accused them of smuggling arms and planning sabotage, to encourage foreign intervention in Sudan or a coup d'état.

They were all held until 10 August in incommunicado detention in the section of Kober Prison under the direct control of the NISS. At that time 11 detainees were said to have been released and at least 30 now remain in detention. On 26 August all but four detainees were moved to the part of the prison run by the prison administration rather than the NISS; here they are allowed to exercise in a courtyard and receive food from their families. However, Abdel Jalil al Basha, Yaqoub Yahya, Kabbashi Khater Mohammed Ahmad, and Tawer Osman Tawer continue to be held in the special section of the prison under the NISS, who reportedly threaten them with further torture and seek to attend all visits from family and lawyers.

Mohamed Ali Hamid is said to be so seriously ill that over recent days fellow detainees have feared for his life. They are said to have made repeated calls to the prison warden, General Salah Abdalla to provide Mohamed Ali Hamid with the medical attention he requires. The prison warden is reported to have requested immediate medical attention for Mohamed Ali Hamid, but this has been refused by the Head of the Judicial Committee, which has jurisdiction over all the listed detainees.

Ahmad Salman al-Doud needs urgent medical attention after experiencing severe and prolonged torture. His testicles are severely swollen after being reportedly crushed, his movement extremely confined, and his nails (both hands and feet) are seriously discoloured following torture which involved the hammering of his nails. Ahmad Salman is in great physical pain and is suffering from severe headaches reportedly resulting from having his head battered with several types of weapon including metal rods. There is a bad wound on his head.

Al-Tayeb Ahmed Khalid Al-Na'em is reported to be showing signs of mental health problems following the torture he has experienced at the hands of the NISS and his continuing detention in Kober Prison. His behaviour is said to have become extremely erratic. Calls from fellow detainees and the prison warden for the provision of immediate medical care, have been ignored by the Head of the Judicial Committee.

Abdel Rahman Shamaila Khalifa he is said to have been severely tortured. A member of the SPLA he is said not to have known the other detainees before his arrest.

Abdel Jalil al-Basha, Kabbashi Khater Mohammed Ahmad and Tawer Osman Tawer are reported to have been tortured. Abdel Jalil al-Basha is said to have been tortured for 10 days to force him to confess to the plot and to implicate others. **Yaqoub Yahya** is known to have been tortured. According to reports, markings on his wrists are indicative of being tied and hung from the ceiling. These men are currently held in solitary confinement and there are no further details on their state of health.

Many of the former army officers and others detained in the main section of Kober Prison who now have access to family and lawyers, have reported being tortured under interrogation in an attempt to implicate Mubarak al-Fadel al-Mahdi and others with the alleged planned sabotage and coup d'état. UPRR president Mubarak al-Fadel al-Mahdi, and human rights lawyer Ali Mahmoud Hassanain, Deputy Chairman of the opposition Democratic Unionist Party (DUP), are held in the same prison.

Whilst Ali Mahmoud Hassanain and Mubarak al-Fadel al-Mahdi are not at risk of torture, according to former fellow-detainees and those who have visited detainees since access was granted, many of the other detained have suffered prolonged beatings. Other torture methods used reportedly include being suspended by their wrists, and tying up the victim and beating him with hosepipes. One detainee was lifted up by his moustache. Another was said to have had a brick tied between his knees and then, after being forced to sit, his legs were pulled.

In a response to an Amnesty International Urgent Action on the torture of some detainees, a Sudanese spokesman for the NISS was reported to have denied the men had been tortured.¹

The 1991 Sudanese Penal Code contains safeguards for people detained: a prosecutor or judge must be informed within 24 hours and detainees must be treated with dignity, with the right to see lawyers and to inform and normally to meet their families. However, the NISS are able to detain people without these safeguards. In particular, Article 31 of the 1999 National Security Forces Act gives the NISS the power to detain people for up to nine months without access to judicial review, and Article 33 gives them immunity from prosecution. The NISS frequently torture detainees in order to obtain confessions; Sudanese courts have recently acquitted a number of defendants in political trials because their confessions were extracted under torture.

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

- Introducing yourself as a health professional concerned at the torture of the detained listed above, and at the denial to them of medical attention.
- Urging the authorities to ensure that Mohamed Ali Hamid, Ahmad Salman al-Doud, Al-Tayeb Ahmed Khalid Al-Na'em, Abdel Rahman Shemaila Khalifa, Abdel Jalil al-Basha, Yaqoub Yahya, Kabbashi Khater Mohammed Ahmad and Tawer Osman Tawer are treated humanely.
- Urging the authorities to give these men immediate access to independent doctors to ascertain the degree of their injuries and nature of their ill health, and for the detained to receive all necessary medical attention; as defined by the Standard Minimum Rules for the Treatment of Prisoners.
- Urging the authorities to release these men unless they are to be promptly charged with recognised criminal offences.
- Urging the authorities to make sure that allegations that the men have been tortured are investigated immediately and fully, and that any official found to have used torture is brought to justice.
- Reminding the Sudanese authorities that incommunicado detention provides an opportunity for torture and asking them to ensure that prosecutors, judges and an independent inspection body have unrestricted access to all detention centres, including those under the NISS.

APPEALS TO:

Field Marshal Omar Hassan Ahmad al-Bashir
President of the Republic of Sudan
Office of the President
People's Palace
PO Box 281
Khartoum

Fax +249 183782541 (if voice answers, ask for "fax")

¹ Sudan Tribune, *Sudan tortured accused coup plotters*, 9 September 2007
<http://www.sudantribune.com/spip.php?article23666>)

Salutation: Your Excellency

General Salva Kiir Mayardot
Office of the President
People's Palace
PO Box 281
Khartoum
Tel: +249 1 8377 9426

Salutation: Dear Vice President

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

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

Salutation: Dear Minister

Mr Muhammad Ali al-Mardi
Minister of Justice and Attorney General
Ministry of Justice, PO Box 302, Khartoum, Sudan

Email: info@sudanjudiciary.org

Salutation: Dear Minister

Office of the President

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Judge Yasser Ahmed Mohammed
Head of the Judicial Committee
Ministry of Justice,

Email: info@sudanjudiciary.org

COPIES TO:

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

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 19 October 2007.
