

PUBLIC

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06 January 2005

Further Information on UA 341/04 (AFR 54/167/2004, 22 December 2004) - Fear of Torture/ill-treatment/Incommunicado detention and new concern: Unfair Trial

SUDAN **Ahmed Ishaq Omar (m), aged 39, teacher**
 18 other men, many of Zaghawa ethnicity from the village of Marla
New names: a further eight males, including three children

Ahmed Ishaq Omar and the others arrested at the same time were released on bail on 5 January. They are now facing charges which carry the death penalty, and are to be tried by a Specialised Criminal Court, whose procedures are grossly unfair. Among them are three children.

The other men arrested at around the same time as Ahmed Ishaq Omar, on 10-12 December, are now known to number 26. All have reportedly been charged under Articles 51 (Waging war against the state) and 58 (Incitement to rebellion) of the Sudan Penal Code; Article 51 carries the death penalty. They now face trial before the Nyala Specialised Criminal Court. Special courts like this were set up in Darfur under the State of Emergency. Their procedures fall short of international fair trial standards: in particular, they accept evidence obtained under torture.

All of those detained are said to have been severely beaten, both by the army immediately after arrest and by the Military Intelligence, who held them until 18 December. They were then transferred to police stations in Nyala, the capital of South Darfur, and on 20 December they were transferred to Nyala Prison. After their release all of them needed treatment in hospital for their injuries.

Those detained, tortured and charged include three children: Ahmed Yusuf Burma, aged 10; Tariq Da'ud Juma', aged 12; and Musa Ibrahim Mohammed, aged 17.

BACKGROUND INFORMATION

Darfur has been the scene of internal armed conflict since February 2003, when the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) took up arms against the government because of what they perceived as the lack of government protection for their people and the marginalisation and underdevelopment of the region. After that, the government gave free rein to the Janjawid nomadic militias to kill and abduct civilians, mainly from the agricultural ethnic groups, and destroy their property. More than 1.65 million people have been forcibly displaced from rural areas to settlements around the towns and villages of Darfur.

South Darfur state was the scene of increasing attacks on civilians in November and December 2004. Marla (25 km south of Nyala) was bombed by the Sudanese Air Force on 8/9 December, in what appeared to be an indiscriminate bombing of civilians and a breach of a 9 November agreement which prohibited any "hostile military flights in or over Darfur". The other people detained with Ahmed Ishaq Omar came from Marla, Nyala or the villages of Duma and Labado, which were also attacked by Sudanese army and militias in December.

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

- calling for a full investigation into reports that Ahmed Ishaq Omar and the 26 other detainees were severely beaten in custody, and for anyone found to have tortured or otherwise ill-treated detainees be brought to justice in a fair trial;
- urging the authorities to ensure that the detainees are tried before ordinary criminal courts, in proceedings which meet international fair trial standards, without the possibility of the death penalty;
- expressing regret at the numerous breaches of international treaties to which Sudan is a State party, including the Convention on the Rights of the Child, which prohibits torture or other cruel, inhuman or degrading treatment of children and states that the "detention of children should only be used as a last resort and for the shortest possible time";
- reminding the Sudanese authorities that a trial of any person under 18 must take account of the defendant's age.

APPEALS TO:

Mr Mustafa Osman Ismail
Minister of Foreign Affairs
Ministry of Foreign Affairs, PO Box 873
Khartoum, Sudan

Fax : + 249 183 779383

Salutation: Dear Minister

Mr Ali Mohamed Osman Yassin
Minister of Justice and Attorney General
Ministry of Justice, Khartoum, Sudan

Fax: + 249 183 770883 (difficult to get through to, please keep trying)

Salutation: Dear Minister

Al-Hajj Atta al-Manan
Governor of South Darfur State
Presidential Palace, PO Box 281
Khartoum

Fax : + 249 183 779977

Salutation: Dear Governor

COPIES TO:

El Tayeb Harun Ali
Head of Complaints Committee
Human Rights Advisory Council

Fax: +249 183 781343

Salutation: Dear Sir

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 17 February 2005.