

PUBLIC

AI Index: AFR 54/068/2007

4 December 2007

UA 322/07 Torture/Medical Concern / Incommunicado detention

SUDAN **Abdel Jalil al-Basha (m), Umma Reform and Renewal Party General Secretary**
Yaqoub Yahya (m), former army officer
Kabbashi Khater Mohammed Ahmad (m), trader
Tawer Osman Tawer (m), aged 58, former army officer
Ahmad Salman (m), aged 35, secretary to Abdel Jalil al-Basha
and 22 others held in Kober prison, Khartoum North, Sudan

The five men named above and 22 others are being held in the main section of Kober Prison in the capital, Khartoum. They were arrested on or soon after 14 July 2007 and have been tortured or ill-treated during prolonged incommunicado detention. A number of them have also been denied access to medical treatment. (See UA 241/07, AFR 54/051/2007, 7 September 2007 and follow up).

All 27 defendants have been charged with a number of offences against the State including charges under Article 50 (Undermining the Constitutional System) and Article 51 (Waging War against the State) of the 1991 Penal Code. Both charges carry the possibility of the death penalty.

The so-called leader of the group, Mubarak al-Fadel al-Mahdi, President of the opposition Umma Reform and Renewal Party was released from prison on 1 December after charges against him were dropped. The General Secretary of the Party Abdel Jalil al-Basha remains in detention.

Amnesty International considers the 27 defendants to be possible prisoners of conscience. Amnesty International calls for the defendants to be released if they are not promptly tried in accordance with international standards of fair trial without the possibility of the death penalty.

BACKGROUND INFORMATION

Sudan frequently arrests members of opposition political parties, charging them with plotting against the state. Often cases do not come to trial or the accused are acquitted after spending up to a year in detention. Torture is used frequently to extract confessions which can be used to obtain convictions. Article 10 (i) of the Law of Evidence 1993 states that "... evidence is not dismissed solely because it has been obtained through an improper procedure, if the court is satisfied that it is independent and admissible." However, Article 15 of the UN Convention against Torture, which Sudan has signed though not ratified, states "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."

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

- urging the authorities to make sure that allegations that the defendants have been tortured are investigated immediately, fully and made public; and that any official found to have used torture is brought to justice;
- urging the authorities to give the detainees immediate access to any necessary medical treatment
- asking the authorities to ensure that prosecutors, judges and an independent inspection body have access to all detention centres, including those under the NISS;
- pointing out that any statement made as a result of torture must not be used as evidence in any proceedings except against a person accused of torture as evidence that the statement was made.
- urging the authorities that the defendants still detained are released unless they are immediately brought to trial in accordance with international standards of fair trial without the possibility of the death penalty.

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")
Salutation: Your Excellency

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

COPIES TO:

Dr Abdel Moneim Osman Taha
Rapporteur, Advisory Council for Human Rights
Khartoum
Sudan
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 15 January 2007.