

SUDAN

NO IMPUNITY FOR TORTURERS

People detained by the security forces are routinely beaten with hoses or rods, including on the soles of the feet (*Falaqa*), kicked and jumped on, deprived of sleep for several days and forced to do physical exercise – sometimes called the “rabbit jump”. The security forces are also reported to have burned detainees with cigarettes and to have inflicted electric shocks.

Emergency legislation in force in government-controlled areas of Sudan in the context of the 20-year-old civil war between the government of Sudan and the Sudan People's Liberation Movement / Army (SPLM/A) allows for long periods of arbitrary incommunicado detention and impunity for members of the security forces. Within this framework, torturers can act with impunity and opportunities for victims to seek redress are non-existent. Allegations of torture reported to the authorities are never investigated in an independent and impartial manner.

Article 31 of the Sudanese 1999 National Security Forces Act states that members of the security forces can detain people incommunicado without access to judicial review for up to nine months. Further to the secrecy that surrounds detentions, Article 33 legally sanctions impunity of members of the security forces by guaranteeing them immunity from prosecution.

Victims of torture do not have access to any legal remedy or any form of compensation. They cannot obtain medical or psychological support from the Sudanese authorities and have to rely on local human rights groups who have very limited resources.

Many of those tortured are actual or perceived government critics, students

suspected of participating in demonstrations, or of belonging to groups critical of or opposed to the government. People suspected of supporting the Sudan Liberation Army (SLA), fighting against government forces in Darfur (Western Sudan), are also regularly tortured while in detention. The high incidence of torture appears to be motivated by the belief that this will deter individuals from any future political activity and to intimidate other potential opponents, rather than to obtain information.

Sudan is in breach of its obligations under international law. Having signed – although not ratified – the 1986 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Sudan is obliged not to take any action which would defeat its object and purpose. Article 5 of the African Charter on Human and Peoples' Rights, to which Sudan is party, also prohibits torture, cruel inhuman or degrading punishment.

Those who have endured torture or ill-treatment at the hands of the security forces include:

- Omer Farouk, 22, a first year medical student at Khartoum University and supporter of the opposition Democratic Front Movement. In December 2002 he was tortured while detained incommunicado at the security forces' premises near Farouk cemetery in Khartoum. He testified to Amnesty International that *“One person began to hit me with a hose before asking me any questions. One hit me on the face. One picked me up and threw me onto the ground. One was kicking my legs, the other hit my neck and hands in a hard way, with a wooden stick (...) They forced my swollen feet into the cold water and I had*

to sit facing the wall for three hours". Following his release, Omer Farouk filed a complaint at the Ministry of Justice. No investigation was opened into his torture.

- In May 2003, Juma Omar El-Nur and Awad Ibrahim were arrested along with three other members of the Nuba ethnic group in Dongola, Northern Sudan. The five men were taken to the headquarters of the security forces in Dongola, where they were reportedly accused of being traitors. Awad Ibrahim died in custody later the same day after reportedly being tortured. Juma Omar El-Nur was detained incommunicado at the security forces' premises in Dongola until July when he was taken to Khartoum Hospital for medical treatment under heavy surveillance by security officers. He had been burnt on his neck, chest and hands by a solution of sulphuric acid and also needed an operation following a kidney injury, sustained while under torture. Following this operation, Juma Omar El-Nur fell into a coma for a week. A few days after he regained consciousness, he was taken to the security forces' headquarters in Khartoum to be further detained incommunicado. He was released on 20 July without charge. The Sudanese authorities have opened an investigation into the death of Awad Ibrahim. However, the authorities have refused to include the allegations of Juma Omar El-Nur's torture in the same investigation.

- Yusuf al-Beshir Musa, 35, correspondent of the independent *Al-Sahafa* newspaper, in Nyala, South Darfur was arrested and detained on two occasions in May and July 2003 by security forces who accused him of "publishing false news" on the conflict in Darfur. While detained incommunicado in May at the National Security Centre in Nyala, he was reportedly beaten with sticks on his arms, legs and body. Only on the fourth day was he given access to his lawyer and a doctor whose report described marks of beatings on his buttocks and chest. In July, he was detained incommunicado at the security forces' headquarters in Nyala, although he was not ill-treated on this occasion. He was then transferred to Nyala prison, where he was held in incommunicado detention until his release on 21 August.

The investigation, by the security forces, into his torture has stalled.

AMNESTY INTERNATIONAL IS CALLING FOR:

- The abolition of Articles 31 and 33 of the National Security Forces Act that allows security forces to detain people incommunicado for up to nine months without judicial review and guarantees immunity from prosecution for security forces.
- Independent investigations into allegations of torture or ill-treatment by members of the security forces; and the bringing to justice, where sufficient evidence is found, of anyone thought to have used or ordered torture.
- Prompt reparation for victims of torture from the state including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation.
- The ratification of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment by the Sudanese government.

ACT NOW!

► Please send your appeals to:

- Mr Ali Osman Mohamed Taha
First Vice-President
People's Palace
PO Box 281, Khartoum, Sudan
Fax: + 249 11 771025/779977
- Mr Ali Mohamed Osman Yassin
Minister of Justice and Attorney General
Ministry of Justice, Khartoum, Sudan
Fax: + 249 11 770883
- Dr Yasir Sid Ahmed
Advisory Council for Human Rights
PO Box 302, Khartoum, Sudan
Fax: + 249 11 779173/770883

► Please raise Amnesty International's concerns with your own governments.

Amnesty International
AI Index: AFR 54/080/2003,
September 2003
EXTERNAL www.amnesty.org

