

SUDAN

END SECRET DETENTIONS

Hundreds of people are arbitrarily detained by the security forces in Sudan. Most of them have not been charged with any offence and are detained incommunicado in security forces premises or in special sections of prisons controlled by the security forces. The Sudanese authorities use prolonged incommunicado detention as a tool of repression to create a climate of fear and to crush political opposition.

Those detained include members or supporters of opposition groups or parties, such as the Popular Congress, student leaders, journalists, human rights defenders and civil society activists. Arbitrary arrests are particularly frequent in the Darfur region (Western Sudan), where a large number of people - mostly from the Fur and Zaghawa ethnic groups - are arrested because the authorities suspect them of helping or supporting the Sudan Liberation Army (SLA), a newly formed armed group fighting against government forces in the region since February 2003.

Detainees are almost invariably denied access to a lawyer, family or adequate medical care. Books, newspapers or writing materials are banned. Prolonged incommunicado detention often amounts to "disappearance" in Sudan, where there are reasonable grounds to believe that a person has been apprehended by the authorities yet they deny that the victim is held. In most cases, families are not informed of their relatives' whereabouts and may only find out where they are detained from a visitor or released detainee.

Due to the absence of independent observers in prisons and detention centres controlled by the security forces as well as the refusal of the security forces to account for detentions, it is impossible to know the names and exact number of

those currently held in Sudan. The secrecy surrounding detentions creates the ideal climate for torture, which is routinely used by security forces, especially in Darfur. Under Article 31 of the 1999 National Security Forces Act, the security forces can "preventively" detain people suspected of "crimes against the State" incommunicado without charge or trial and without access to judicial review for up to nine months. The concept of "crime against the State" is construed so widely by the security forces as to cover dissident opinions expressed in a non-violent manner.

Amnesty International welcomed the decision by the security forces at the beginning of August 2003 to release 32 detainees who had been detained incommunicado without charge for months in the political section of Kober prison in Khartoum. However, the organization is concerned by the plight of hundreds of others who remain arbitrarily detained incommunicado.

The routine of arbitrary arrest and incommunicado detention violates every fundamental right of detainees: the right not to be arbitrarily arrested, the right of access to lawyers, families, doctors, a judicial official, the right to have families informed of arrest or place of detention, the right to be promptly brought before a judge or other judicial official, the right to challenge the lawfulness of detention and the right to be treated humanely, as guaranteed by the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights both of which Sudan is a party.

Incommunicado detention has been condemned by human rights bodies, including the United Nations Special Rapporteur on Torture, as a human rights

violation which can lead to other violations such as torture or ill-treatment. Prolonged incommunicado detention can in itself be a form of cruel, inhuman or degrading treatment.

- Yusuf Mohammad Saleh Libis, an engineer aged 39, a supporter of the Popular Congress, was arrested in February 2002 and taken to the offices of the security forces in Khartoum. His family, in spite of repeated requests to the security offices, was given no information about his whereabouts and started to think he must be dead. It was not until the beginning of April that another released prisoner told them where he was. He had been interrogated for 12 days and reportedly deprived of sleep, then kept in solitary confinement for several weeks before being transferred to Kober Prison. His 70-year-old mother was allowed to see him two or three times after he had been held incommunicado for three months. In November 2002, with the expiration of the nine months' period allowed for detention under Article 31 of the National Security Forces Act, Yusuf Mohammad Saleh Libis was released but five days later he was rearrested under the same article of the National Security Forces Act and remains in incommunicado detention.

- El Fadil Adam Mohammed Ahmed Noorein, aged 30, member of the Fur ethnic group and manager of a telecommunications company was arrested at his office in Nyala (South Darfur) on 10 July 2003. The security forces allegedly suspected him of providing the SLA with communication tools. He has been detained incommunicado in the security forces' headquarters in Nyala since then. There are reports that he has been forced to do harsh physical exercise and deprived of sleep.

- Abbas El-Tigani, aged 26, student at El Nilein University in Khartoum and a member of the Darfur Students Union was arrested on 29 May 2003 by the security forces as the union was preparing to elect its officials. The government was allegedly fearful that the elections could produce officials who did not support the ruling party. Abbas El-Tigani was ill-treated

during his detention. He was released from the political section of Kober Prison in August. No reasons were given for his arrest and he has not been charged with any offence.

AMNESTY INTERNATIONAL IS CALLING FOR:

- The abolition of Article 31 of the National Security Forces Act that allows security forces to detain people incommunicado for up to nine months without judicial review.
- All detainees to have immediate access to their relatives, lawyers and adequate medical care.
- A registry to be kept of every detainee.
- All detainees to be charged and brought to justice in accordance with international standards governing fair trial or to be immediately released.

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 on incommunicado detention in Sudan with your own governments.

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