



SUDAN: STATEMENT TO THE 15TH SESSION OF THE HUMAN RIGHTS COUNCIL

A CALL FOR HUMAN RIGHTS COUNCIL'S DECISION ACTION TO STOP VIOLATIONS BY NATIONAL SECURITY SERVICES

The practice of human rights violations including arbitrary arrests, torture and other forms of ill-treatment remains widespread in Sudan. Human rights defenders, political dissidents, students and journalists are arbitrarily arrested and often detained without charges. Human rights violations carried out by the National Intelligence and Security Service (NISS), whose members benefit from immunity from prosecution for all crimes committed in the course of their work, have created a climate of fear in Sudan¹.

VIOLATIONS AND IMMUNITY OF THE NATIONAL INTELLIGENCE AND SECURITY SERVICES

Amnesty International has documented many cases of arbitrary arrest and detention, torture and other forms of ill-treatment, as well as enforced disappearances and deaths in detention at the hands of the NISS. Torture and other forms of ill-treatment of dissidents and members of specific ethnic groups, especially Darfurians, have been systematic.

The legitimate exercise of the rights to freedom of expression and association has been repressed through censorship and harassment of journalists and human rights defenders, amongst others. Journalists have been prosecuted in relation to their work and some sentenced to lengthy prison terms.

The vast majority of cases of human rights violations documented by Amnesty International have been committed by the NISS.

The Comprehensive Peace Agreement (CPA), which in 2005 ended more than two decades of war between the North and the South, set out a timetable for general elections, which took place in April 2010, and for a referendum on the secession of southern Sudan in 2011. One of the pillars of this agreement was the reform of a number of laws, including the 1999 National Security Forces Act (the 1999 Act), which was to be brought in line with the CPA's provision for the National Security Force as an agency charged with gathering information and providing analysis and advice to appropriate authorities rather than a policing body with extensive powers of search, seizure, arrest and detention.

A new National Security Act was passed by the National Assembly in December 2009 and came into force in February 2010. The 2010 National Security Act, however, does nothing to ensure that detainees held by the NISS are not deprived of judicial review and other human rights guarantees. Detainees can still be held for up to four and a half months without judicial oversight. The 2010 Act maintains the extensive powers of arrest and detention and immunity from prosecution that were provided to NISS agents under the 1999 Act. By doing so, the 2010 Act maintains the culture of impunity for these violations.

LIMITATIONS TO FREEDOM OF EXPRESSION

Throughout Sudan, freedom of expression remains under attack. The NISS in the north has been implementing censorship of newspapers since February 2008. Between February 2008 and September 2009, and between May and August 2010, NISS agents imposed a pre-print censorship on all newspapers in Sudan. During these periods,

NISS agents visited opposition newspapers and printing houses on a daily basis, removing articles they considered to be of a sensitive nature. Newspapers were closed down for having published articles that were seen as critical of the government. Between May and August 2010, more than five newspapers were closed by the NISS, and six journalists and newspaper staff members taken to court in relation to articles they had published.

Although in August 2010 the director of the NISS announced an end to pre-print censorship in northern Sudan, limitations remain with a "code of journalistic honour" that expects editors-in-chief to impose a self-regulated censorship. In July 2010, the NISS distributed forms that journalists are obliged to fill in, providing personal information such as their family details and address. These are but examples of the harassment and intimidation journalists have to endure in Sudan today.

NEWSPAPER CLOSE, JOURNALISTS IMPRISONED

Rai Al Shaab, a newspaper affiliated with the Popular Congress Party is one of the newspapers that were closed by the NISS. On 15 May, three staff members of the newspaper were arrested; Abuzar Al Amin, deputy editor in chief, Ashraf Abdelaziz, a newspaper editor, and administrator Nagi Dahab.

Abu Baker Al Sammani, a printer for the newspaper, was reportedly arrested and released a few days later. On 16 May, Al Tahir Abu Jawhara, head of the political news desk, was arrested, followed by Ramadam Mahjoub, editor, on 27 May. The men were interrogated about articles that were published in Rai Al Shaab.

At the same time, the NISS closed the newspaper. The temporary closure became final when the Press and Publications Prosecution issued an order in July to close Rai Al Shaab and confiscate its assets.

Abuzar Al Amin, Ashraf Abdelaziz, Nagi Dahab and Al Tahir Abu Jawhara were transferred to the 'Crimes Against the State' prosecution office in Khartoum on 19 May.

During his initial detention, Abuzar Al Amin was reportedly tortured and otherwise ill-treated. His family was allowed to visit him 5 days after his arrest. Abuzar was injured and complained of back pain, blood in his urine and insomnia. Al Tahir Abu Jawhara was also reportedly tortured and otherwise ill-treated.

On 2 June Nagi Dahab was released. Abuzar Al Amin, Ashraf Abdelaziz, Al Tahir Abu Jawhara and Ramadam Mahjoub were charged with several criminal offences and brought to trial on 9 June.

On 14 July, Abuzar Al Amin was sentenced to 5 years imprisonment for undermining the constitutional system and publishing false news. Ashraf Abdelaziz and Al Tahir Abu Jawhara were sentenced to 2 years imprisonment for publishing false news. Ramadam Mahjoub was acquitted.

Amnesty International considers that the three men are prisoners of conscience, detained solely for expressing their opinion without advocating violence.

With the referendum approaching in January 2011, the respect and protection of the right to freedom of expression is all the more essential to help ensure that human rights violations do not go unreported.

With a re-emergence of conflict in Darfur, the culture of impunity and violations by the NISS, and the rising violence in southern Sudan, the role of the Independent Expert on the situation of human rights in Sudan remains essential, particularly in continuing to bring these human rights violations to the attention of the Council.

RECOMMENDATIONS:

Amnesty International renews the calls expressed in its May 2010 written statement² to the 14th session of the Human Rights Council, that the Council:

- Call on the Government of Sudan to close all unofficial places of detention and stop the practice of arbitrary arrest and incommunicado detention;
- Demand that the Government issue clear instructions to NISS agents not to resort to torture or other forms of cruel, inhuman or degrading treatment or punishment, and informing them that perpetrators of these human rights violations will be brought to justice;
- Urge the Government to reform the 2010 National Security Act by removing the NISS powers of search, seizure, and arrest and detention without judicial review and ensuring that the NISS respects human rights while carrying out its functions of information gathering, analysis and advice to relevant authorities as spelled out in the Comprehensive Peace Agreement;
- Call on the Government to report to the Council on steps taken to address impunity of NISS agents for human rights violations they commit in the course of their work, by providing detailed information on complaints filed in connection with such acts, the number of NISS agents prosecuted and convicted, and reparations disbursed to victims;
- Demand that the Government immediately stop the harassment of human rights defenders and allow them the peaceful exercise of their activities.

Amnesty International also urges the Council to ensure adequate and comprehensive monitoring of violations at the hands of NISS and other serious violations, including by:

- Renewing the mandate of the Independent Expert for at least three years or until a subsequent explicit decision of the Council to terminate it;
- Regularly reviewing the implementation by the Government of Sudan of the recommendations of the Experts Group to the Government for the implementation of Human Rights Council resolution 4/8³;
- Requesting the Government to inform and update the Council on implementation at each future Council's session;
- Requesting the Independent Expert to bring to the Council's attention, for consideration at its immediately following session, any information about significantly increased numbers or severity of human rights violations.
- Calling on the Government to accept outstanding mission requests and agree dates for visits by Special Procedures, in particular the Working Group on Enforced or Involuntary Disappearances; to extend an invitation to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and to provide substantive and timely responses to all Special Procedures' urgent appeals and communications.

¹ For more information about the NISS, including the laws that apply and the violations committed by NISS agents, please see "*Agents of fear: the National Security Service in Sudan*", Index: AFR 54/010/2010, July 2010, <http://www.amnesty.org/en/library/info/AFR54/010/2010/en>

² UN Index: A/HRC/14/NGO/14; AI Index: AFR 54/016/2010

³ Annex I of A/HRC/5/6