

PUBLIC

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Incommunicado detention/Detention without charge

03 December 2002

SUDAN

**Al-Shafi' al-Tayeb Yusuf (m), aged 27, teacher
Hashem al-Tayeb Yusuf (m), aged 23, student
Khidder al-Tayeb Yusuf (m), aged 20, student**

The three brothers named above were arrested at around 2am on 29 November by members of the security forces who searched their family home in the Kalakla suburb of Khartoum looking for their brother Lenin al-Tayeb Yusuf. Their current whereabouts is unknown.

Al-Shafi' al-Tayeb Yusuf is a teacher in al-Sudan school in al-Kalakla al-Qubba. Hashem al-Tayeb Yusuf is a fourth year student of Mathematics at Khartoum University. Khidder al-Tayeb Yusuf is a student of engineering at Sudan University. Their brother, Lenin al-Tayeb Yusuf was a student leader at al-Nilein University. He has been arrested three times in the past. His first arrest took place in September 1996 when he was reportedly held with 19 other student leaders of the Sudan Students' Democratic Front and allegedly tortured in detention.

The brothers are being denied access to lawyers and family members. They are apparently being held in order to force Lenin al-Tayeb Yusuf to give himself up. If so, they are effectively being held as hostages, which violates international human rights standards and constitutes arbitrary detention.

BACKGROUND INFORMATION

The Republic of Sudan has ratified the International Covenant on Civil and Political Rights which prohibits arbitrary detention. Article 9(1) "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." The same article requires that anyone arrested be promptly informed of the charges against him and brought promptly before a judge.

In addition, the Body of Principles for the Treatment of Prisoners adopted by consensus by the UN General Assembly, states that "communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days". (Principle 15).

The Sudanese National Security Act gives the security forces arbitrary powers to arrest and hold people in incommunicado detention for up to nine months. Many of those held incommunicado are tortured or otherwise ill-treated. Incommunicado detention facilitates torture or ill-treatment and can itself be a form of cruel, inhuman or degrading treatment.

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

- expressing concern that al-Shafi' al-Tayeb Yusuf, Hashem al-Tayeb Yusuf and Khidder al-Tayeb Yusuf have been apparently arrested to put pressure on their brother, Lenin al-Tayeb Yusuf, to give himself up;
- stressing that such arrests constitute arbitrary detention which is banned by international human rights standards ratified by Sudan;
- calling for the immediate and unconditional release of the three brothers if they are being held solely to put pressure on their brother;
- seeking assurances that those detained will be treated humanely and will have immediate access to lawyers and family.

APPEALS TO:

His Excellency Lieutenant General Omar Hassan al Bashir
President of the Republic of Sudan
President's Palace

PO Box 281, Khartoum, Sudan

Telegrams: President al Bashir, Khartoum, Sudan

Fax: + 249 11 771651/ 787676 / 783223

Salutation: Your Excellency

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

Telegrams: Justice Minister, Khartoum, Sudan

Fax: + 249 11 774842 / 774906

Salutation: Dear Minister

Major General Abdul Rahim Muhammed Hussein
Minister of Internal Affairs
Ministry of Interior
PO Box 281
Khartoum, Sudan

Telegrams: Minister of Internal Affairs, Khartoum, Sudan

Fax: + 249 11 774339 / 773046 / 770186 / 777900

Salutation: Dear Minister

COPIES TO:

Dr Yasir Sid Ahmed
Advisory Council for Human Rights
PO Box 302
Khartoum, Sudan

Fax: + 249 11 779173 / 770883

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 2003.