



Sudan – Researched and compiled by the Refugee Documentation Centre of Ireland on 16 February 2018

Is there generally due process in Sudan, i.e., are persons detained by police brought before a judge and given a fair trial?

Are there reports of the government forces arresting and detaining persons for long period of time without trial?

Are the police and other regime forces held accountable and do they carry out duties in a professional and transparent manner?

The 2016 US Department of State country report for Sudan, in a section titled “Arrest Procedures and Treatment of Detainees” (sub-section headed “Arbitrary Arrest”), states:

“NISS, police, and military intelligence arbitrarily arrested and detained persons. Authorities often detained persons for a few days before releasing them without charge, but many persons were held much longer. The government often targeted political opponents and suspected rebel supporters.” (US Department of State (3 March 2017) *2016 Country Reports on Human Rights Practices - Sudan*, p.14)

This section of the report also states:

“In November and December, hundreds of persons were detained without charges, including several prominent human rights activists and the leadership of registered political parties, some for weeks without visits from families or counsel. Most of the arrests were part of a general crackdown that followed calls for civil disobedience over government austerity measures. For example, NISS agents arrested prominent human rights activist Mudawi Ibrahim Adam on December 7. He remained in detention without charge at year’s end.” (ibid, p.14)

In a section titled “Denial of Fair Public Trial” this report states:

“Although the constitution and relevant laws provide for an independent judiciary, courts were largely subordinate to government officials and the security forces, particularly in cases of alleged crimes against the state. On occasion courts displayed a degree of independence. Political interference with the courts, however, was commonplace, and some high-ranking members of the judiciary held positions in the Ministry of Interior or other ministries in the executive branch. The judiciary was inefficient and subject to corruption.” (ibid, p.16)

The 2018 Human Rights Watch report for Sudan, in a section titled “Arbitrary Detentions, Ill-Treatment, and Torture”, states:

“Security officials detained opposition members, journalists, and labor leaders throughout the year, often for long periods without charge or access to lawyers. They routinely beat detainees during interrogations.

Following the ‘civil disobedience’ campaign to protest economic austerity measures in November and December 2016, agents detained dozens of opposition members. One Sudan Congress Party (SCP) member was held for 50 days without charge, and beaten so badly that he required surgery upon his release.

In December 2016, a British journalist and his Sudanese-American colleague were detained first in Darfur then transferred to Khartoum for almost two months without charge and said they were subjected to beatings, electric shocks, and mock execution. The two entered Darfur to investigate Amnesty International’s allegations of chemical weapons use by the government.

In April, security officials detained for several days three doctors involved in a doctor’s strike that began in late 2016 over work conditions. Several SCP members were detained in June from a sit-in about a cholera outbreak. In September, security officials detained a diaspora SCP member for seven weeks. In August, security officials detained Nasreddin Mukhtar, former head of a Darfur Student Union, and held him without charge in solitary confinement.” (Human Rights Watch (18 January 2018) *World Report 2018: Sudan*)

A report from Amnesty International, in a section titled “Background”, states:

“Opposition political party members, trade unions activists, human rights defenders and students in Sudan have faced increased wave of targeting by National Intelligence and Security Service (NISS) agents and other security forces. Between October 2016 and April 2017, at least 77 people were subjected to arbitrary arrests and detention in Sudan.” (Amnesty International (20 September 2017) *Courageous and resilient: Activists in Sudan speak out*, p.3)

This section of the report also states:

“Most of the human rights violations committed in the context of the events described above were committed by the NISS. The NISS maintains broad powers of arrest and detention under the National Security Act (NSA) 2010, which allows suspects to be detained for up to four-and-a-half months without judicial review. NISS agents often use their broad powers of arrest and detention to arbitrarily arrest and detain individuals for long periods of time and subject them to torture and other ill-treatment while in detention.

Under the same Act, NISS agents are provided with protection from prosecution for any act committed in the course of their work, which has resulted in a pervasive culture of impunity. The NISS powers had been further expanded under a constitutional amendment to Article 151 of the Interim National Constitution of Sudan 2005, passed on 5 January 2015. The amendment transformed the NISS from an intelligence agency focused on information gathering, analysis and advice, to a fully-fledged security agency with a broad mandate to exercise a mix of functions usually carried out by the

armed forces or law enforcement agencies, including powers of arrest. It also gave the NISS wide range of discretion to decide what constitutes a political, economic or social threat and how to respond to such threats. Neither the NSA nor the revised Article 151 explicitly or implicitly require the NISS to abide by relevant international, regional and domestic law in the operation of its duties.” (ibid, p.4)

In a section titled “Torture and Other Ill-Treatment of Student and Civil Society Activists” this report states:

“Lesser known activists who supported the civil disobedience action were brutally punished by NISS. For example, Ahmed was a member of students group at the University of Khartoum. He supported the civil disobedience action in November and December 2016. He was arrested on 22 December 2016 by NISS agents. The NISS agents arrested him without explaining the reason for his arrest, where he was being taken, nor identifying themselves. Ahmed was held incommunicado for three weeks at NISS HQ offices in Khartoum North, subjected to beatings and suffered a broken arm. The NISS agents who interrogated him wanted him to reveal his relationship with the students group that supported the civil disobedience action and the source of funding, but he refused to cooperate. For three months, the authorities refused to provide Ahmed’s family any information on his whereabouts.” (ibid, p.12)

See also section of report titled “Arrest and Detention of Activists Linked with Civil Disobedience in 2017” which states:

“The wave of arbitrary arrests and detention of activists who supported the civil disobedience action continued into 2017. Between January and February 2017, three political opposition activists were held in prolonged detention without charge following their arrests in Khartoum by NISS. They were detained because they supported the civil disobedience protests in November and December 2016 against economic austerity measures.” (ibid, p.15)

An article from UK newspaper The Guardian

“Adam, founder and former director of the Sudan Social Development Organisation (Sudo), was detained with fellow activist Hafiz Idris Eldoma, who was displaced from Darfur and arrested at Adam’s home two weeks earlier. The pair faced six charges, including undermining the state and plotting to change the government. But this week, they and four other activists received a pardon from President Omar al-Bashir. Eldoma has been released on bail pending separate charges, while all charges were dropped against Adam. Adam said he was initially detained by the National Intelligence and Security Services, and was denied visits from his family or a lawyer for the first month. Four months in solitary confinement followed before he was moved to Kober prison, where he was allowed visitors twice a week. At 10pm on Tuesday, two officers arrived at his ward and told him he was to be released. ‘They accompanied me to the director’s office and told me that I was a free man,’ said Adam. ‘They convicted me of nothing. I was facing 12 charges, six of which carry the death penalty.’” (The Guardian (2 September 2017) *‘They convicted me of nothing’: freed Sudanese rights activist vows to fight on*)

An Amnesty International urgent action document states:

“Women human rights defenders Amel Habani, a journalist and a recipient of the 2015 Amnesty International Ginetta Sagan Award, Nahid Jabrallah, the director of Sima Centre for Training and Protection of Women and Children's Rights, Egbal Mohamed Ali, and Hanan Hassan Hussein, members of the Sudanese Congress Party (SCP) and Sarah Nugdallah, the secretary general of the National Umma Party, were arbitrarily arrested and detained between 16 and 17 January.

Between 7 and 8 January, three SCP leaders were also arbitrarily arrested and detained including Omer Yousef El Digair, the chairperson, and Almahi Suliman, the chairperson of SCP in Sennar State. Other opposition party leaders were arrested between 16 January and 1 February. They include Mohamed Mukhtar al Khatib, the political secretary of the Sudanese Communist Party; Mohamed Abdalla Aldoma, the deputy chairperson of the National Umma Party; Mohamed Farouk Salman, a leading member of Sudan National Alliance – Forces; and two members of the Sudanese Communist Party central committee Mohieldeen Eljalad and Sidgi Kabbalo.

Three human rights defenders; Amjed Farid, also a medical doctor was arrested on 18 January, Omer Ushari, was arrested on 16 January and Salih Mahmoud Osman, also a Vice-Chairperson of the Darfur Bar Association, and a recipient of many human rights awards was arrested on 1 February.

They are among at least 140 opposition party members, human rights defenders, students and women rights activists arrested by the NISS in connection with sporadic protests organised by opposition activists condemning the rise in the cost of food and medicines since the beginning of January. The authorities have not revealed their whereabouts after several inquiries by their relatives.” (Amnesty International (15 February 2018) *Hundreds Arrested, Whereabouts Unknown*)

A report published by the Department of Foreign Affairs and Trade (DFAT) of Australia, in a section headed “Arbitrary Arrest and Detention” (paragraph 4.15), states:

“The NISS and other arms of the Sudanese security apparatus continue to arbitrarily arrest and detain individuals, particularly political opponents and activists. High-profile political opponents have been arbitrarily arrested and detained by the NISS and denied access to legal representation or visitors. For example, in June 2015 Amnesty International called for the release of 171 detainees including college students, political activists and civil society activists.” (Department of Foreign Affairs and Trade (DFAT) (27 April 2016) *DFAT Country Information Report: Sudan*, p.22)

See also paragraph 4.16 which states:

“Overall, DFAT assesses that arbitrary arrest and detention are commonly used by the Government, particularly against individuals that are or are perceived to be outspokenly critical of the Government.” (ibid, p.22)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to

the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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