

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2013/04/22/sudan-despite-pledge-many-political-prisoners-remain>

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Charge or Release All Detainees, Reform Repressive Security Laws

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(Nairobi) [Sudan](#) has released 24 civilian political prisoners following president Omar al-Bashirs recent pledge to free all political detainees, but at least 100 remain, Human Rights Watch, the [African Centre for Justice and Peace Studies](#), and the Human Rights and Development Organization (HUDO) said today. The remaining political prisoners, most from the countrys conflict-hit peripheries, should also be released, the groups said.

The organizations called on the government to allow independent monitoring into prisons and detention facilities to account for all remaining political prisoners.

The release of these detainees is good news, but the government should free all political prisoners and allow independent monitors into the places of detention, said [Daniel Bekele](#), Africa director at Human Rights Watch. Sudan should also urgently reform its repressive national security laws in line with international standards.

On April 1, 2013, al-Bashir announced that all political prisoners would be released. Authorities have released 24 people since the announcement, but research by the organizations suggests that at least 100 more people are still being detained on the basis of their presumed political affiliations. Such detentions amount to arbitrary detentions under international law, and the detainees have not been afforded due process or charged with any legally recognizable offense.

Most of the detainees are from Southern Kordofan and Blue Nile where the government has been fighting armed rebels since 2011. Many of the remaining detainees are being held either by national security or military authorities where the detainees do not have the basic protections to which they are entitled under Sudanese and international law. Some 38 civilians from Southern Kordofan remain in national security detention while 51 remain in military detention, according to information gathered by HUDO. None have been charged with a crime.

Sudanese military should under no circumstances hold civilians, even in times of conflict, said Osman Hummaida, executive director of the African Centre for Justice and Peace Studies. Authorities should charge or release all the detainees and provide them access to lawyers and family visits, as required under Sudanese law.

Those in arbitrary detention include a group of 32 ethnic Nuba women from Southern Kordofan who have been held without charge and without access to lawyers or family visits since November 2012. They were detained because of their suspected affiliation with Sudan Peoples Liberation Movement-North (SPLM-North), the political wing of the armed opposition Sudan Peoples Liberation Army-North (SPLA-North), which is active in Southern Kordofan. Recently authorities transferred 14 of them to Southern Kordofans capital, Kadugli, while the rest remain in custody in Al-Obeid prison in North Kordofan state.

The length of these detentions without charge or trial violates even Sudans own repressive national security laws, said Bushra Gamar, director of HUDO. These women should be immediately released or charged with a recognizable offense under international law. Moreover, the repressive national security laws should be urgently reformed.

#### Detainees Released

At around midnight of April 1, following President al-Bashirs statement, security authorities freed six high-profile opposition members and a youth activist, Hatim Ali, from detention in Khartoums Kober prison.

The [six opposition members](#) are retired General Abdelaziz Khalid, chairman of the National Sudanese Alliance Party; Mohammed Zain al-Abdeen and Abdelrahim Abdullah, from the Unionist Movement; Entisar al-Agali, a representative of the Alliance of Women Politicians; Husham al-Mufti, a member of the United Democratic Unionist Party; and Youssef al-Kauda, the leader of the Moderate

Islamic Party. They were detained between January 7 and February 14 as part of a crackdown on political parties that held talks with armed rebel groups in January, and all were held [without access to lawyers or adequate medical care](#).

The National Intelligence and Security Services (NISS) agents arrested Ali, 24, on March 23 after he participated in a protest in Khartoum against government policies of privatizing public hospitals. They ordered him to return the following day and held him until April 1 without charge and without allowing visits from his family or lawyer.

On April 4, security authorities in Khartoum released three detainees of Nuba ethnicity who had been detained without charge or access to their lawyers or families on suspicion of affiliation with the SPLM-North.

Omer Suliman Komi was detained for almost 11 months since his arrest on May 10, while the two others, Al-Sadig Abdalla al-Araki and Asmaa Ahmed al-Mansouri, were detained for more than five months since their arrests in al-Abbasiya, Southern Kordofan, on October 26 and 27 respectively. They had been transferred to the security wing of prisons in Khartoum and Omdurman in November.

In Darfur, where fighting between government and armed rebels is in its tenth year, NISS authorities released a group of six students on April 1, and three more on April 6. NISS agents had arrested the students on March 23 following a meeting at Nyala University of the United Popular Front (UPF), a student group affiliated to the Sudan Liberation Movement faction led by Abdel Wahid Mohammed Nur (SLM-Abdel Wahid).

The students told researchers that they were beaten with sticks and electric wires and held together in one cell without access to family, lawyers, or medical care until their release without charges.

On April 11, authorities in Khartoum also released four members of the Islamist opposition Popular Congress Party (PCP) held in Kober prison for eight years. A special tribunal had convicted and sentenced them to 15 years in jail on charges of being involved in an alleged attempt to overthrow the government in 2002 their lawyer, Kamal Omar, told Human Rights Watch over the telephone.

On April 15, the authorities released another Darfuri student, 27-year-old Mohammed Osman Musa, who was detained without charges for more than three months following his arrest on December 17 by NISS officials from a public bus in Omdurman. He was held in an unknown location until he was transferred in late February to Kober Prison.

### **Scores Remain in Detention**

At least 100 other civilians who are thought to be detained on account of their real or presumed political affiliation remain in detention without charge, many of them held incommunicado for months in national security detention and military detention.

Research by the three organizations showed that the majority of detainees are from Southern Kordofan and Blue Nile. Because of restrictions by the government it is not possible to verify the number of detentions on the basis of presumed political affiliation in Darfur.

Sudans Nation Security and Intelligence Act of 2010 gives the NISS wide powers of arrest and detention of up to four-and-a-half months without charge or judicial review, as well as search and seizure powers. The act also gives the NISS members immunity from prosecution. Human rights organizations have long called on Sudan to reform the law in line with international standards.

Detainees in NISS custody are widely viewed as [at risk of ill-treatment and torture](#), and scores of those released from NISS detention [have reported ill-treatment and torture](#) in recent months. Prolonged incommunicado detention may in itself breach the absolute ban on torture under international law.

Sudans former director-general of NISS, Salah Gosh, has also been detained without charge, access to lawyers, or regular family visits for more than five months. His family and lawyers have expressed concerns about his health.

Gosh was arrested at his house on November 22 in connection with what the government claimed was a thwarted coup attempt that month. The case has been shrouded in secrecy. On April 14, Sudanese media reported that a military tribunal had begun trying Gosh, but details of the charges against him are not known.

### **Background**

In recent months the Sudanese government has [increased repression of political and civil society groups](#). The authorities shut down four civil society groups in December, accusing them of receiving foreign funds, have also closed down Nuba cultural groups, and recently re-instated restrictions on the media.

Al-Bashirs April 1 announcement about political detainees came in the context of promising a new atmosphere of freedom. He stated: We have guaranteed an atmosphere of freedoms including freedom of expression to individuals and groups. In confirmation of this, today we announce our decision to release all political detainees.

The promises followed positive political rhetoric from his deputy, Vice-President Ali Osman Mohammed Taha, three days earlier, when he invited leaders of the SPLM-North to participate in dialog over a new constitution for the country.

Sudan has yet to pass a new constitution following the July 2011 secession of South Sudan. Public debate over the constitution is proceeding amid increasing polarization over the role of religion, with some Islamist groups lobbying for a stricter version of Sharia law while opposition forces advocate a secular constitution that recognizes the countrys diversity following the secession of South Sudan.

Sudans current constitution, the 2005 interim national constitution, passed following the signing of the Comprehensive Peace Agreement (CPA) that ended the civil war, envisions a national security service without powers of arrest and detention.

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