

PUBLIC

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UA 127/08 Incommunicado detention/Fear of Torture

SUDAN

Mustafa Nasir Al Din Tambor (m), aged 27, student
Gamar Eldin Abaker Abu Alkhairat (m), aged 27, student
Al Sadiq Abdalla Bashir (m), age unknown, contractor
Arbab Hussein Abudl Mula Ibrahim, (m) aged 40, staff member of
International Medical Corps

Gamar Eldin Abaker, Al Sadiq Abdalla Bashir, Arbab Hussein and Mustafa Nasir Al Din have been detained by the National Intelligence and Security Services (NISS) for over four weeks in the town of Zalingei, West Darfur. Arbab Hussein is reported to be held incommunicado, while the other three men were allowed a total of two visits by relatives since their arrest. Amnesty International is concerned for their safety following reports of the frequent use of torture or ill-treatment by the NISS.

The four men were arrested between 13 and 15 April at different locations in Zalingei. Al Sadiq Abdalla Bashir was arrested on 13 April by a group of plain clothed NISS officers while he was in the market in Zalingei. On 15 April, Gamar Eldin Abaker and Mustafa Nasir Al Din Tambor were arrested by seven plain clothed NISS officers at the same location. Gamar Eldin was reportedly beaten with wooden sticks by more than one NISS officer. On the same day, Arbab Hussein was arrested by NISS officers at his home in Zalingei.

None of the detainees, who are currently held in the NISS detention in Zalingei, have been charged with criminal offences and none of them has had access to legal representation. Arbab Hussein has been reportedly detained incommunicado since his arrest. The other three detainees were allowed to have family visits, however on an irregular basis: Mustafa Nasir al Din, Gamar Eldin Abaker and Al Sadiq Abdalla received only two visits by family members over a period of four weeks. A relative of one of the detainees expressed concern about the psychological and physical condition of one of the detainees after a visit during which he was reportedly "shaking and not able to stand properly".

Human rights officers from UNAMID (the African Union/United Nations Hybrid peacekeeping operation in Darfur) have raised concerns about the detention of the men with the Director of NISS in Zalingei, but have also been denied access to them.

It is believed that the four men have been arrested on the suspicion of opposing the national census and for their alleged affiliation to the Abdel Wahid faction of the Sudan Liberation Movement (SLA). All four men are members of the Fur tribe. Torture or ill-treatment of members of the Fur tribe held by the National Intelligence and Security Services (NISS) is often reported in Darfur in particular when those detained are not given access to the outside world.

BACKGROUND INFORMATION

Prolonged incommunicado detention is prohibited by international human rights standards, such as the International Covenant on Civil and Political Rights (ICCPR), ratified by Sudan. Article 9 of the ICCPR states that anyone “arrested or detained on a criminal charge shall be brought promptly before a judge”. Although Sudan’s Criminal Procedure Code contains safeguards against incommunicado detention, Article 31 of the National Security Forces Act, which governs arrests by the NISS, allows prolonged incommunicado detention without charge or trial. Such detention without access to the outside world and without any outside inspection increases the likelihood for torture to take place. Amnesty International has criticised in the past the provisions under the National Security Forces Act.

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

- urging the authorities to give the four men (name them) regular access to their family, lawyer and any necessary medical treatment they may require;
- asking them to ensure that the men are treated humanely in detention, and not tortured or ill-treated;
- urging the authorities to charge them with a recognizable criminal offence, or else release them immediately;
- urging the authorities to allow access by UNAMID Human Rights Officers to the detainees;
- urging the authorities to repeal Article 31 of the National Security Forces Act, which allows detainees to be held for up to nine months without access to judicial review.

APPEALS TO:

Abu'l-Gasim Imam al-Hajj Adam
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Fax: +249 741 822427
Salutation: Dear Governor

Ibrahim Mohamed Hamed
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Salutation: Dear Minister

Deng Alor Kuol
Federal Ministry of Foreign Affairs
PO Box 873
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Email: info@sudmer.com
Salutation: Dear Minister

COPIES TO:

Dr Abdel Moneim Osman Taha
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Salutation: Dear Dr Taha

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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 26 June 2008.