

PUBLIC

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Incommunicado detention/risk of torture

SUDAN

**Osman Hummaida (m), aged 45, human rights defender
Abdel Monim Elgak (m), aged 34, human rights defender**

Human rights defenders Osman Hummaida and Abdel Monim Elgak are being held by the National Security and Intelligence Services (NISS) in the capital Khartoum. Amnesty International fears for their safety and has concerns that they could be at risk of torture or other forms of ill-treatment.

Osman Hummaida is the former director of Sudanese Organization against Torture (SOAT) and a United Kingdom citizen. He has been held in incommunicado detention by the NISS since 24 November. He was arrested at noon, together with Abdel Monim Elgak, by three agents from NISS. They were reportedly stopped in the streets of Khartoum. On the same day, a third human rights defender, Amir Suleiman was also arrested by the NISS in Khartoum. Information available to Amnesty International indicates that the three men were held in the NISS offices in Bahri area in Khartoum. They were allegedly interrogated for hours by NISS officers.

Amir Suleiman was released without charges at 9 pm on 24 November, whilst Abdel Monim Elgak was reportedly released at 2:30 pm on 25 November. According to reports received by Amnesty International, neither of the men was subjected to any violence or ill-treatment whilst in detention. However, Abdel Monim Elgak was rearrested on 26 November by the NISS after being summoned to their offices for interrogation. Amir Suleiman was also summoned by the NISS at 9pm on 25 November and interrogated for four hours before being released at 1am on 26 November.

Osman Hummaida was not released following his detention, and is being held incommunicado by the NISS. There is no information on his current whereabouts or about the state and conditions of his detention. Although a member of his family has reportedly asked to be allowed to visit him, access has been denied by the NISS.

Osman Hummaida suffers from high blood pressure and asthma. Amnesty International fears for his health as reports received indicate that although he has been given access to his medicine, he has not been given access to a doctor while in detention. Concerns for his safety are heightened by the fact that he was previously arrested in 1990 and spent a year and a half in the "ghost houses" of the NISS, where he was subjected to torture and other forms of ill-treatment.

BACKGROUND INFORMATION

Torture or ill-treatment of human rights activist by the National Intelligence and Security Services (NISS) is often reported in Sudan, in particular when those detained are not given access to the outside world. Amnesty International documented cases of torture and ill-treatment in detention against human rights activists in the course of the last months, in particular in relation to the clamp down by NISS and police on Darfuris following the 10 May attack on Khartoum by one of the Darfuri armed opposition groups, the Justice and Equality Movement.

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 incommunicado detention without access to the outside world and without any outside inspection increases the likelihood of torture taking 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 immediately release Osman Hummaida and Abdel Monim Elgak or else to charge them with a recognizable criminal offence;
- urging the authorities to immediately allow Osman Hummaida, as UK citizen, access to Consular representation;
- urging the authorities to allow Osman Hummaida and Abdel Monim Elgak access to legal representation as well as family visits and any medical attention they might require
- urging the authorities to immediately stop the harassment and unlawful arrests of human rights activists in Sudan;
- 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:

His Excellency Lieutenant General Omar Hassan al-Bashir
President of Sudan
Office of the President, People's Palace, PO Box 281, Khartoum, Sudan

Fax: +249 183782541

Salutation: Your Excellency

Mr Abdel Basit Sabderat
Minister of Justice
Federal Ministry of Justice, PO Box 302, Khartoum, Sudan

Fax: +249 183 770883

Salutation: Dear Minister

Mr Ibrahim Mohamed Hamed
Federal Ministry of the Interior
PO Box 2793, Khartoum, Sudan

Fax: +249 1 8377 6554

Salutation: Dear Minister

Deng Alor Kuol
Federal Ministry of Foreign Affairs
PO Box 873
Khartoum
Sudan

Email: info@sudmer.com

Salutation: Dear Minister

COPIES TO:

Dr Abdel Moneim Osman Taha
Rapporteur, Advisory Council for Human Rights, Khartoum, Sudan

Fax: +249 183 77 08 83

Dr Priscilla Joseph
Chair of the Human Rights Committee, National Assembly, Omdurman, Sudan

Fax: +249 187 560 950

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 7 January 2009.