



# Stemming the Tide: Arrests of Students and Youth Continue in Efforts to Curb Potential Organising Power May 2011

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## Introduction

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Since the successful youth protests in Tunisia and Egypt and demonstrations throughout Sudan organised by the Youth for Change in late January till present, the National Intelligence and Security Services (NISS) and police have increasingly targeted students, likely over fears of their potential organising power.<sup>1</sup> Demonstrations organised by students and young people have been targeted even when their rallying cause is fairly non-controversial; rather, they appear to have been targeted due to their presumed affiliation with the Youth for Change movement, whose calls for President Omar al-Bashir to abdicate power have been much more brazen. In the case of arrests following peaceful demonstrations on 28 April in Al Salaam and Abu Shouk IDP Camps in North Darfur against a new aid distribution policy, three of those arrested and subjected to torture are 17, 14, and 16, respectively. They remain detained in Shalla Prison, El Fashir, alongside the rest of the group arrested.

Those involved in the Youth for Change movement were arrested en masse in demonstrations in Khartoum, El Obeid, Wad Medani, and Kosti. The regime reacted violently to the demonstrations,

<sup>1</sup> For an overview of the demonstrations, see the *Sudan Human Rights Monitor, December 2010 – January 2011*.

deploying heavily armed riot police, who beat demonstrators. Over a hundred participants were arrested on the first day of demonstrations on 30 January alone, and many were held incommunicado and/or subjected to torture. Subsequent arrests occurred after demonstrations on 3 February. Interestingly, the majority of those detained and transferred to NISS custody were never charged with any criminal offence, whereas those who were held for short durations of time by the police were charged with Article 67 (“rioting”) under the 1991 Sudanese Criminal Code before being released.

A number of demonstrators were severely tortured, and there are reports of new methods of torture emerging. These incidents are further evidence of a crackdown already reported by the African Centre for Justice and Peace Studies in the April 2011 report [“Silencing the New Front: the Emergence of Widespread Torture against the Youth Movement”](#). These brutal measures have created a widespread fear amongst the youth movement. Whereas torture has long been used against mid-level members of civil society, journalists, and members of disenfranchised ethnic groups, youth and students have become the main target of the NISS and police.

Throughout February till present, the NISS and police continued to suppress demonstrations and the freedom of expression throughout Sudan, particularly when it appeared to collide with those organised by the broader youth movement. For example, on 21 March, police crushed anti-government protests with tear gas when members of the youth movement began demonstrations in Khartoum, Medani, Sennar, and Port Sudan.<sup>2</sup>

Though there was little space for freedom of expression and association throughout the interim period, the fact that demonstrations and isolated distribution of pamphlets have resulted in mass arrests, even where they address issues far less controversial than regime change, indicates a new approach. This development has reflected a wide-net approach by targeting youth organisations not directly affiliated with the Youth for Change. A number of torture tactics that were used against detainees in Khartoum following the demonstrations organised by the Youth for Change, including verbal abuse, electric shocks, and forced exercise, have been transferred to detainees outside the capital and to members of disparate organisations and groups. Disturbingly, in many cases the crackdown was worst in Darfur. As attacks on Darfur continue and negotiations in Doha come to an end, there have been serious threats to the freedom of expression for those for whom it matters most.

Police have attempted to dissuade demonstrators by filing criminal cases against students under Article 51 (“waging war against the state”) under the 1991 Sudanese Criminal Code, which is a capital offence. Though the odds of a death sentence actually being carried out are relatively low, utilising Article 51 enables police and the NISS to prolong detention up to four and a half months without judicial review, and prevents detainees from receiving bail. Generally under the 1991 Sudanese Criminal Code, those accused of capital crimes are only allowed to receive bail under Article 106, which allows for bail to be set only in murder cases where the family of the victim agrees.<sup>3</sup>

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<sup>2</sup> The police arrested 23 individuals, mostly students. The following day, a judge sentenced Mohamed Kheir, 27, to three months in jail and a fee of 500 Sudanese pounds under Article 66 (false information) of the 1991 Sudanese Criminal Code. Wadid Darwish, a graduate of Juba University and Malaz were fined 500 Sudanese pounds for disseminating false information under Article 66. The convicted also allegedly participated in distributing anti-government leaflets encouraging people to protest.

<sup>3</sup> See African Centre for Justice and Peace Studies, “Widening the Scope: The Expanding Use of Capital Punishment in Sudan in Law and Practice”, December 2010

The following monitoring comprises an overview of demonstrations and their aftermath organised at universities and markets across Sudan (including Darfur), as well as in Al Salaam and Abu Shouk IDP camps in El Fashir, North Darfur.

### Shambat, Khartoum North

On 15 February, student members of the National Congress Party (NCP) supported by the NISS attacked the student compounds of the University of Khartoum's Veterinary Sciences School in Shambat, Khartoum North, after students began a protest in solidarity with other Veterinary School students who had been barred by the University's administration from sitting for the end of the year exams. Eyewitnesses reported that 10 vehicles carrying NISS personnel came to the student compounds. In the ensuing clash, three students were injured and three arrested. Those arrested were released after a brief interrogation.

### El Fashir University, North Darfur

On 10 March, El Fashir University enacted a resolution preventing cultural and political activities by students inside the University. Two days later, student representatives and members of political parties submitted an appeal to the head of the university and the Student Affairs Department protesting the resolution. The university and Student Affairs Department refused to receive the appeal.

On 16 March, student representatives and members of political parties organised a demonstration at 12:00 PM. As the demonstration began, university administrators called the police and the NISS. About 200 joint forces (some in plainclothes uniform) arrived heavily armed and with water pipes and tear gas in 12 land cruisers. The joint forces beat students with sticks and water pipes before dispersing the crowd with tear gas. They received support from the Central Police Reserve and drove the students from the inside of the university to the dormitories. When they reached the dormitories, they entered both the male and female housing sections and arrested students from their rooms. Police fired into the air to disperse students outside.

Jamal Adam Mustafa (pictured), was hit by a stray bullet and killed. After his death, police ordered students to evacuate the university. Over 20 students were sent by the university to the Military and El Fashir Hospitals to be treated for inhalation of tear gas. The NISS confiscated the medical reports of five students who were seriously injured and taken to El Fashir Hospital.



Twenty students were also arrested by the NISS and released later that day from their offices in El Fashir. The university expelled five students without any explanation. They are:

- Azrag Khalid
- Mohamed Ahmed Tabit
- Amir Yagoub Mohamed
- Bahradeen Jibril
- Al Nazir

UNAMID confirmed the death of a second student days later.

After receiving an appeal from lawyers in El Fashir calling for an investigation, the Governor of North Darfur formed a commission comprised of El Fashir's prosecutor, Ahmed Mohamed Ahmed, and representatives of the NISS, police, and university. Thus far, the Commission's work has focused mainly on the death of the two students, but no university students' testimony has been taken and the joint forces' entrance to the university has not been explained.

### Shendi University, River Nile State

On 5 April, students of Shendi University of River Nile State requested a meeting with university faculty to discuss formation of a students' association. A previous students' organisation was closed in 2007 as the administration believed that the association was opposition-affiliated.

When the administration refused to meet with the group, the students called for a strike from their classes. Students affiliated with the NCP announced that they would engage in a counter-strike, and force students to go to class.

On 13 April, the university filed a criminal case against the perceived organisers of the strike in the Western Police Station of Shendi. They are:

- Hamza Mohamed Al tahir, Democratic Front, Faculty of Economy
- Ahmed Mohamed Hussein, Democratic Front, Faculty of Art
- Oba Bashir, Umma party, Faculty of Education
- Mohamed Abdalla, Umma party, Faculty of Education
- Alhadi Hadein, Sudanese Congress
- Mohamed Ibrahim, Popular Congress
- Samer Mohamed Osman, Umma party
- Mawakil Ahmed

The following day, police arrested Hamza Mohamed Tahir at night while he was on his way to dinner. He was released the next day. On 15 April, police arrested the rest of the group charged by the university and released them on personal guarantee.

While students were gathering for a second strike, they were attacked by NCP students, who threw Molotov cocktails and beat students with iron sticks.

On 25 April, a third day of strikes was organised. At 10:30 AM, police entered the university and attacked students with sticks, pipes, and tear gas. 36 students were arrested. 25 were sent to the police station, and 11 to NISS offices. Those taken to NISS offices were reportedly subjected to torture. Those taken to police custody were charged with rioting and disturbing the public peace under articles 67, 68, and 96 of the 1991 Sudanese Criminal Code.

On 26 April, police entered the university at 6 AM. Clashes began at 10 AM, and ten students were quickly arrested. Four students were sent to the police and six to the NISS. Several of those arrested on both the 25 – 26 were transferred from police custody to Shendi Prison on charges of rioting and disturbance of public peace. They are:

- Ahmed Idris Omar Ahmed
- Abdullah Mohamed Abdullah
- Mohamed Bashir Ahmed

- Abdullah Mohamed Hussein
- Alsadiq Mohamed Abdulla
- Hassan Yousif Abdelrahman
- Mohamed Ibrahim Ahmed
- Almahid Hamid Fatir
- Mohamed al Nazir
- Mohamed Ali Geja
- Anguno al Nur
- Boutros Badawi
- Hussein Ahmed Abdalla
- Husam Aldin Ibrahim
- Al Amin Abdalla Amin
- Mohamed Abdelrahman Ibrahim
- Mohamed Abdelaziz Hussein
- Kamal Idriss Adam
- Mohamed Albel Fatah Mohamed
- Ali Abdalla Ali
- Al Samal Mohamed Farhid
- Alnaeiim Sadig Mohamed
- Dia Aldeenal Taj Mohamed
- Mohamed Alnout Abdulrahim
- Mustafa Mohamed Abdallah

Others were released on personal guarantee from police custody. They are:

- Abdulrazig Mustafa Suleiman Omar
- Ahmed Idriss Omar
- Mansour Salih Mohamed Ali
- Mohamed Sahir Jalal
- Alad Hassan Abdul
- Ibrahim Hassan Salih
- Abshir Abdelkareem Hasir
- Al tigani Sadig Mustafa
- Hamza Mohamed Tahir
- Bilal Mustafa Omar Mohamed
- Mohamed Abdulaziz

Several students taken to the police station and later transferred to NISS custody reported being beaten and subjected to torture. Some of these students are:

- Al Nour Mohamed Hussein, Faculty of Arts, Democratic Front: arrested by police and subjected to beating with water pipes and forced inhalation of tear gas. He was beaten outside and inside the police station.
- Hanza Mohamed Al Tahir, Faculty of Economy, Democratic Front: arrested and tortured twice after the case was filed by the Dean of Student Affairs. He was verbally abused and the police insulted his family, calling his mother a prostitute. During his second arrest on 25 April, Mr. Al Tahir was beat with water pipes, subjected to electric shocks, and hung by his feet from the roof

of the police station. He was interrogated about his relationship with the Sudan Liberation Movement.

- Abdullah Mohamed Abdullah, Umma Party: he was arrested on 25 April by police and sent to Shendi Prison before being released on personal bail. He has been charged under Articles 77, 68, and 69 of the 1991 Sudanese Criminal Code. Before he was released, he was ordered to sign a paper that he would not protest again.
- Mohamed Abulaziz Mohamed, Faculty of Arts: arrested 25 April by the police.
- Al Hadi Hamadain: arrested by the NISS in front of Shendi Court after charges were dropped against him and 12 other students.

On 5 May, six heavily armed men in plainclothes uniform entered the office of the lawyer and activist Hawad Abdelkarim in Shendi town, and forced him to come to NISS offices. Mr. Abdelkarim and his wife, Amal Zain, are both lawyers and working as defence council for students facing charges pressed by the university. He was interrogated from 4 – 6 PM about his relationship with the student demonstrators. They threatened to transfer him to NISS custody in Khartoum if he didn't disclose his involvement.

### Al Nilein University, Khartoum

On 20 April, police arrested 17 students allegedly affiliated with the United Popular Front (UPF, a political party that supports Abdul Wahid Al Nour) from Al Nilein University after they held a demonstration calling for regime change in Khartoum. They were taken to court and charged under Article 69 of the 1991 Sudanese Criminal Code (disruption of public peace). The group was all released without charge except for one student, who received a three month jail sentence.

### Damzein, Blue Nile State

On 21 April, 22 students were arrested in Damzein, Blue Nile state, after they demonstrated in front of UNMIS headquarters calling for leaders of the NCP to abdicate power if the outcomes of the popular consultations weren't respected.

### Gedarif and Halfa Al Jadida

On 23 – 24 April, UPF-affiliated students demonstrated in Gedarif and Halfa Al Jadida. The demonstrations denounced the loss of the South and war crimes in Darfur, and called for regime change in Khartoum. The demonstrations were dispersed by tear gas, and in Halfa Al Jadida four students were arrested by the NISS.

### Al Salaam and Abu Shouk IDP Camps, El Fashir, North Darfur

On 28 April, IDPs in Al Salaam and Abu Shouk IDP Camps in North Darfur peacefully demonstrated against rumours of a new World Food Programme aid policy in which contracts would be given to local businessmen to distribute food as partners inside IDP camps, beginning in May. After the demonstrations, police and NISS forces entered the camp, arresting a number of participants and taking them to NISS offices in El Fashir. They were later all transferred to Shalla prison, where the Central Police pressed charges under Articles 67 (rioting), 69 (disturbance of public peace), 50 (undermining the constitutional system), 63 (calling for opposition to public authority by criminal force), and 66 (false news) of the 1991 Sudanese Criminal Code. Those charged are:

- Farh Adam Ishag, Fur, 24, graduate of El Fashir University from Abu Shouk IDP Camp
- Osman Adam Yahgoub, 17, high school student
- Abdulrazig Adam, 14, high school student

- Ezzadine Mohamed Bokra, Fur, 16
- Obeid Tibin Daoul Ahnour, 35, driver
- Ilhamm Yousif, female, 18, Fur. Ms. Yousif was transferred to Shalla Women’s Prison

All three of the children, Osman Adam Yahgoub, Abdulrazig Adam, and Ezzadine Mohamed Bokra, were subjected to torture alongside an unknown adult. The detainees have been refused contact with their families and lawyers. As of 17 May, the entire group remains detained. Under the 2010 Child Act - legislation reformed during the interim period - children are not to be detained with adults.

Also arrested were Fouziah Abdalla, Mohamed Ishag, and Lala Yusif. They were released shortly afterwards following interrogation at NISS offices in El Fashir. Three others, Hawa Abdalla, Mohamed Salih and Nafisa Mohamed Adam went into hiding after they learnt that NISS agents were searching for them.



On 6 May, Hawa Abdallah, 27, a community activist and UNAMID translator, was arrested at 10 PM by NISS agents from her home in Abu Shouk IDP camp. Ms. Abdallah was previously a paralegal with UNDP and ICRC’s Rule of Law Programme in 2005 in Abu Shouk, and was also arrested and tortured in March 2009. In a closed door meeting on 26 June 2009, the Governor of North Darfur, Osman Mohamed Yousif Kibir, indicated that he did not want to allow Ms. Abadallah to access Abu Shouk.

Ms. Abdallah was briefly detained in El Fashir before being transferred to Khartoum on 8 May. The same day, the state owned media outlet SUNA published an article accusing Ms. Abdallah of “christianising children in IDP camps” and linkages to a rebel group. Apostasy is a capital crime under the 1991 Sudanese Criminal Code. A photo accompanying the article (above right) shows Ms. Abdallah holding a bible. Her face shows signs of torture and fatigue.

Ms. Abdallah has not been charged or allowed access to her family and a lawyer, and UNAMID has not been allowed to visit her, a violation of the Status of Forces Agreement as Ms. Abdallah is a UNAMID staff member.

### Nyala, South Darfur

On 28 April, anti-government demonstrations began in Nyala, South Darfur, with the distribution of pamphlets in markets calling for regime change. Scores of individuals perceived to be affiliated with the student movement were arrested by joint police, NISS, and military intelligence officials. An unknown number remain in detention without charge. Charges were filed in two cases in Nyala Court, files no. 1209/2011 and no.1208/2011.

The first is Case no. 1208/2011, where charges were filed under Articles 50, 51(waging war against the state), 69, and 21 (joint acts in execution of criminal conspiracy) of the 1991 Sudanese Criminal Code. The accused were all taken to Nyala Prison. They are:

- Sharif Abdallah Mohamed, 22, Fur, father of nine and day worker.

- Alsadig Bashir Mohamed, 24, Zaghawa, student in the Nyala University School of Engineering.
- Hussein Abdallah Al Bokre, 32, Hawila tribe, University student. Arrested from Nyala Market. Mr. Al Bokre was leaving the University's French Centre after finishing exams and was arrested while on his way to the dormitories. He is being held at Nyala Police Station.
- Sadig Abdallah Adam, 28, Gimr tribe. He was arrested from a bus stop near Nyala market.
- Howam Abdallah Haroun, 26, Badri tribe, student. Mr. Haroun was arrested on his way to the Nyala market by plainclothes security officers. They asked him for an ID and when he produced a student ID, he was arrested and taken to prison.
- Nouradein Hali Mohamed, 26, Fur, businessman. While moving from his shop to a neighbour's home, he saw some pamphlets on the ground. A plainclothes security officer asked him to pick one up, and when he did so, he was immediately arrested. He was first taken to the police station and then transferred to prison.
- Ibrahim Abaker Ibrahim Adam, 32, Bangol tribe and University graduate. Mr. Adam was arrested while passing through Nyala Market. Plainclothes security officers stopped him and took him to the police station, where he was beaten severely on his head and back by six police officers. He was taken to Nyala Hospital for treatment and released into the custody of Nyala prison.

On 30 May, the group was sent to court for judicial confirmation of the charges. According to Sudanese legal procedure, if a suspect accepts any charges before the police investigator, he or she can be presented to a judge to confirm the investigation record and this admission can be used as evidence against during the trial. The judge refused to hear the evidence presented against the group when they told him that it was extracted from them under torture; however, they were not released from police custody. They were returned to Nyala prison and were threatened by police for revealing that they were tortured.

The second case filed in conjunction with the anti-government demonstrations in Nyala is Case no. 1209/2011 under articles 50, 51, and 69 of the 1991 Sudanese Criminal Code. The group was also taken to Nyala Prison after being initially transferred to the Military Commanders' Quarters in Nyala. They are:

- Mustafa Adam Mohamed, 21, Gimr tribe, student at the School of Engineering at Nyala University. Mr. Mohamed was arrested by a military captain in Nyala market alongside his colleagues Mumtaz Mohamed Mahmoud and Ahmed Mahmoud El Tahir.
- Ahmed Mahmoud El Tahir, 23, Birgid tribe, student. He was sent to military headquarters before being taken to the Nyala Police Station.
- El Nazil Ahmed Adam, 23, Maasalit tribe, Nyala University, School of Engineering. Mr. Adam was arrested from a coffee shop in Nyala market. He was tortured and forced to do physical exercise for hours.
- Abaker Abdelrahman Mohamed, student, Nyala University.
- Abaker Musa Mohamed, 18, Eringa tribe. Mr. Mohamed was arrested while in the market with his father. He was asked by a plainclothes security officer to pick up a brochure and arrested when he complied. He was taken to the military intelligence office, where he was tortured and locked in a toilet before being sent to police custody.
- Hussein Ibrahim Idriss, 29, Zaghawa, School of Engineering. Mr. Idriss was arrested by the police from Nyala market.
- Abdalla Mohamed Haroun, 20, student. Mr. Haroun was arrested from the market.
- Abdulrahman Suliman Abdall Shafiq, 20, Zaghawa tribe. Mr Shafiq was arrested from his mobile accessories shop in the market by a plainclothes police officer.

- Sham Salaheldin Mohamed, 27, Midawi tribe, was arrested alongside Taba Husselah from Nyala market.
- Khalid Abdalla Mohamed, 25, Zaghawa, student. Mr. Mohamed was arrested by two security agents who asked him to pick up a pamphlet. He was also asked if he was a student before being arrested.

On 20 April, South Darfur authorities arrested 30 Nyala University students and accused them of distributing brochures calling for the fall of the regime and extradition of those facing charges by the ICC. The group was charged under Articles 50, 51, 24, 69, 77, and 21(file no.131/2011). The charges were later dropped to 69 and 77 of the 1991 Sudanese Criminal Code.

The following day, two members of the communist party, Nora Saldig and Adam Sharif, were arrested in Nyala. They were interrogated about their relationship to the youth movement before being released that evening at 7 PM and asked to return the following day. On 28 April, Idris Yusuf Abdelrahman of the Civil Affairs department of UNAMID was arrested.

## Conclusions and Recommendations

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Regrettably, custodial safeguards inserted into the INC and provided by Sudan's international commitments, as well as other domestic legal frameworks designed to protect detainees, are often ignored procedurally. This is particularly troubling as Sudan enters the crucial post-referendum period and constitutional revision process.

A recent Presidential Statement on Sudan adopted by the UN Security Council affirmed many of these aspects by setting out criteria for a more enabling environment for the Darfur Peace Process, resolution of outstanding Comprehensive Peace Agreement (CPA) elements, and post-referendum arrangements. Continued obstacles and obstruction of access to fundamental freedoms threatens to derail these critical peace and state building processes.

Particularly, the UNSC noted that certain elements necessary for an inclusive peace process in Darfur were not in place, such as 1) the civil and political rights of participants such that they can exercise their views without fear of retribution, 2) freedom of speech and assembly to permit open consultations, 3) freedom of movement of participants and UNAMID, 4) proportional participation among Darfuris, 5) freedom from harassment, arbitrary arrest, and intimidation, and 6) freedom from interference by the Government or armed movements.<sup>4</sup> Many of these areas where fundamental civil and political rights are lacking in Darfur are true for the whole of Sudan.

The African Centre for Justice and Peace Studies calls on the Government of Sudan, the NISS and police to release all political detainees currently in custody, and abstain from the use of torture, which is constitutionally forbidden as well as an abrogation of Sudan's international commitments under Article 33 of the Interim National Constitution (INC), as well as the Universal Declaration of Human Rights (UDHR) and the International Convention on Civil and Political Rights (ICCPR). The freedom of expression and assembly are guaranteed under Article 39 (1) of Sudan's INC, the ICCPR and UDHR. It is imperative that Sudan takes the following measures to ensure that institutions such as the NISS and police adhere

<sup>4</sup> UN Security Council, "Security Council Presidential Statement, Reiterating Concern over Continuing Sudan Violence, Urges Parties to Engage on Future United Nations Presence", 21 April 2011

to protection mechanisms in place, as well as remedy existing legislation that permits torture under loopholes.

- Allow for access to procedural custodial safeguards for detainees, such as access to ones' lawyers and families
- Allow for greater access to the freedom of expression and association for members of the youth and student movement and civil society
- Release all political detainees in custody or charge with an internationally recognised offence
- Ratify the Convention against Torture (CAT)
- Include provisions for civil and political rights and the comprehensive bill of rights in the interim national constitution in the process of constitutional revision
- Reduce the NISS' power to detain for long durations of time without judicial review under the 2010 National Security Act (NSA)
- Establish an independent oversight committee for the NISS and monitoring of detention centres, particularly when children are detained in contravention of the 2010 Child Act
- Ensure the independence of investigatory commissions
- Amend the 1993 Evidence Act to be in conformance with the INC and make torture inadmissible
- Allow for international monitoring of detention facilities