Sudan should charge or release remaining 248 individuals in prolonged detention

(16 April 2018) On 10 April 2018, about four days to the scheduled visit of the UN Independent Expert on Sudan, President Omer Hassan Al-Bashir issued a presidential decree ordering for the release of all political detainees. Following the announcement, individuals detained during the January/February 2018 anti-austerity protests were released from custody after spending 84 days in detention, without charge or appearance before a court to determine the legality of their detention.

The African Centre for Justice and Peace Studies (ACJPS) welcomes the release of the detainees, however expresses deep concern for approximately 248 detainees still languishing in detention without charge or access to a court of law as well as the existing legal framework allowing for arbitrary and indefinite detention. ACJPS also expresses concern for the continued abuse of the law by the authorities to interfere with the peaceful and legitimate exercise of the rights to freedom of expression, assembly and association.

ACJPS received reliable information on the detention of 60 members from the Ma’alia tribe in East Darfur state and are being held at Kober prison in Khartoum and Port Sudan Prison in Red Sea State. Detainees at the Port Sudan prison have been denied family visits. ACJPS also received reliable information on the arrest and detention of 155 prisoners of war from two factions of the Sudan Liberation Movement who are currently being held at the Al Huda Prison in Omdurman.

ACPS previously document the re-arrest of 8 Darfuri students from the central bus station in Khartoum Bahri currently under NISS detention in Khartoum. ACJPS is aware of two other individuals currently detained at Kober prison, in Khartoum since January 2018.

The Sudanese authorities have relied on powers of arrest provided for under the National Security Act 2010, Criminal Procedure Act 1991 and the Emergency and Protection of Public Safety Act of 1997 to give effect to these arrests and continued detention. The laws in question grant competent authorities with wide grounds for arrest and detention and lack the requisite safeguards against arbitrary arrest and prolonged detention.

The Third Geneva Convention on the Treatment of Prisoners of War of 1949 guarantees, among others, humane treatment for prisoners of war as well as conditions of confinement awaiting trial. The detention of prisoners of war should be intended to prevent further participation in the conflict and they may only be prosecuted for possible war crimes.

ACJPS urges the Government of Sudan to:

- Guarantee the safety and well-being of all detainees; protect them from torture and other ill-treatment and grant them immediate and unfettered access to their lawyers, family members and medical services.
• Charge or release all those arbitrarily detained, and for those charged, ensure prompt access to a lawyer of their own choosing.
• Ensure that all detainees are brought promptly before a judge to review the legality and conditions of their detention, have the right to challenge the lawfulness of their detention before a court, and are guaranteed the right to fair trial according to international standards.
• Undertake comprehensive law reform of the National Security Act 2010, Criminal Procedure Act 1991, Emergency Act 1997, to guarantee custodial guarantees including access to legal representation at all stage of proceedings, prompt information on details of arrest, judicial oversight, in line with international human rights law obligations.
• Ensure that the humane treatment of prisoners of wars and adherence to conditions of detention according to international humanitarian law

To the UN Independent Expert on the situation of human rights in the Sudan, Mr. Aristide Nononsi, ACJPS humbly requests that during deliberations with the Sudanese authorities, to call on the Sudanese authorities:

• Charge or release the 248 detainees in custody; guarantee them unequivocal access to families and legal representatives, special attention is drawn to the case of the 8 Darfurian students, 2 individuals from East Sudan and 20 members of the Ma’alia tribe detained in Khartoum and Port Sudan respectively;
• Conduct an immediate, independent and impartial investigation into all allegations of excessive use of force against peaceful protestors during the January 2018 protests including protest killings, ill-treatment and torture of detainees by police and NISS. Findings of such investigations should be made public and perpetrators should be held accountable before an independent and impartial tribunal.
• Undertake comprehensive legal reform in relation to provisions on detention and repeal provisions allowing for indefinite detention without any judicial oversight. Such legal reform should ensure custodial safeguards such as prompt and unequivocal access to family members and lawyers to all those held in custody, repeal all legal provisions that grant immunities for Sudanese officials, and subject officials to the jurisdiction of ordinary courts.
2018 anti-austerity protest detainees released

ACJPS documented the heavy crackdown on peaceful protests that occurred at the beginning of 2018 including the mass arrests of peaceful protestors during protests that took place in North Kordofan on 10 January, in Khartoum on 16 and 17 January, 31 January and 6 February. The National Intelligence and Security Services (NISS), the Government’s security apparatus, also targeted prominent opposition political leaders as well as party members and human rights defenders on suspicion of their involvement in the protests, with arrest and prolonged detention.

Over 150 individuals were detained during and after the protests with some being released either the same day or a few weeks after. At least 100 individuals were held in prolonged detention. On 18 February, after about a month in detention, NISS announced the release of 80 political detainees. A few more detainees were released later in February and March 2018. On 10 April 2018, by way of a presidential decree calling for the release of all political detainees, the remaining 59 detainees were released, including Osman Salih who was detained in Al Obeid, in North Kordofan state under the emergency law. The names of the released detainees are on file with ACJPS.

Continued detention of eight (8) Darfuri students

On 4 April 2018, ACJPS documented the continued incommunicado detention of 8 Darfuri students who were re-arrested by the NISS of Khartoum on 23 February 2018, after they made bail on 18 February 2018. The details of the students are:

1. Mr. Abdul Malik Musa, a student at Alahlia Omdurman University
2. Mr. Yasir Abdalla, a student at Analia Omdurman University
3. Mr. Salim Mohamed Musa, a student at Alzaïem Alazhari University
4. Mr. Zakary Musa Abakar, a student at Alzaïem Alazhari University
5. Mr. Alhadi Abdulmouen, a student at Alzaïem Alazhari University
6. Mr. Bashir Yagoub Mohamed, a student at Omdurman Islamic University
7. Mr. Adam Zakary Adam, a student at Omdurman Islamic University
8. Mr. Mohamed Abakar Hussein, a student at Sudan University for Science and Technology

Two individuals detained since January 2018 in Eastern Sudan

ACJPS received reliable information about the continued arbitrary detention of two individuals by the NISS of Kassala state and later transferred on an unknown date to Kober Prison in Khartoum under the political section. The details of the three individuals include:
1. Mr. Ali Idriss Akad, a member of the Kassala state assembly and chairperson of the Eastern Sudan Front. He was arrested by the NISS of Kassala on 13 January 2018 and transferred to the political section in Kober Prison on an unknown date.

2. Mr. Mohamed Sidan Alamain was arrested by NISS of Kassala state on 14 January 2018 and transferred to the political section in Kober Prison on an unknown date.

**Former Border Guard Forces leader, Musa Hilal and 22 of his soldiers still in detention**

On 26 November 2017, Musa Hilal, former leader of the Border Guard Forces was arrested by the Rapid Support Forces (RSF) in Misterriha in North Darfur state. He was then transferred to NISS custody in Khartoum. Musa Hilal has since exceeded the duration of detention as provided for under the National Security Act, 2010 and is yet to be produced before a court of law. 22 members of the Border Guard Forces were also arrested within the campaign of the weapons collection and legalization of vehicle importation in Darfur. They are currently being detained in accordance with the emergency law at the Shalla prison in El Fashir, North Darfur. Charges against the group remain unknown however a reliable source told ACJPS that possible criminal charges might be filed after the lapse of a six month detention period.

**60 Detainees from Ma’alia tribe in both Kober and Port Sudan prisons**

On 29 July 2017, Mr. Anas Omer, the Governor of East Darfur issued a decree, in accordance with the emergency law, permitting the arrest of individuals involved in the tribal conflicts between Ma’alia and Rizeigat tribes. Following this decree, the Rapid Support Forces in East Darfur arrested approximately 108 individuals including 48 community leaders from Ma’alia and Rizeigat tribes. The group was then split into two and transferred via flight, to prisons out of Darfur. One group was sent to Kober Prison in Khartoum and another to Port Sudan prison in Red Sea state. In November 2017, the 48 community leaders were released however 60 members of the Ma’alia tribe remain in detention in Kober and Port Sudan prisons.

Below is a list of names of the detainees currently in either Kober prison or Port Sudan. Where available, ACJPS has provided information on the date and location of arrest of some of the detainees. The detainees in Kober prison have been allowed to receive family visits twice a week on Sunday and Wednesday whereas the detainees in Port Sudan have been denied visits.

The names of the Ma’alia tribesmen currently in Kober prison in Khartoum:

1. Mr. Abdulhadi Ibrahim Mohamed Yousef was arrested in August 2017.
2. Mr. Ahmed Abakar Adam Mohamed was arrested in August 2017.
3. Mr. Ahmed Adam Hassabo Abdalla was arrested in August 2017.
4. Mr. Mohamed Hassan MohamedMuhamad was arrested in August from Abukarinka of East Darfur State.
5. Mr. Jabaer Adam Bakhit was arrested in August 2017.
6. Mr. Mohamed Ahmed Ismail, a High School teacher, was arrested from Adela of East Darfur State on 15 August 2017.
7. Mr. Yagoub Mohamed Yousef Adam was arrested in August 2017.
8. Mr. Abdalla Mohamed Ahmed Haroun was arrested in August 2017.
9. Mr. Alhadi Mohamed Ali Kailanie, an officer at the Ministry of Finance of East Darfur State, was arrested from Adela Town.
10. Mr. Adam Mohamed Ali Hamad was arrested in August 2017.
11. Mr. Mohamed Abdulkariem Adam Mohamed.
12. Mr. Malaa Ali Malaa Humidan was arrested in August 2017.
13. Mr. Fadlallah Ahmed Idris, a High School teacher, was arrested on 9 August 2017 from Adela High School in East Darfur State.
14. Mr. Emaad Ahmed Ibrahim, a High School teacher, was arrested on 9 August 2017 from Adela High School in East Darfur State.
15. Mr. Ahmed Adam Katiera, a primary school teacher, was arrested on 15 September 2017.
16. Mr. Hashim Noor Eldien Mahmoud Alsharief, a farmer, was arrested on 9 August 2017.
17. Mr. Musabal Adam Hassan was arrested in September 2017 from Bakhit in East Darfur.
18. Mr. Murjiba Ahmed Adam was arrested in August 2017.
19. Mr. Mustafa Hamid was arrested in August 2017 from Aldriga in East Darfur State.
20. Mr. Mohamed Mahmoud Abdulrahman Adam was arrested in August 2017 from Aldriga in Eastern Darfur State.
21. Mr. Mohamed Mahmoud Adam was arrested in August 2017 from Aldriga of Eastern Darfur State.
22. Mr. Siding Hamid Salman was arrested in August 2017 from Abukarinka in East Darfur State.
23. Mr. Hassan Assayer Bilal was arrested in August 2017 from Abukarinka of Eastern Darfur State.
24. Mr. Mohamed Sidig Ali
25. Mr. Salim Ahmed Ali Hussein
26. Mr. Hamid Ahmed Almardi Khmajan was arrested in August from Abukarinka in East Darfur State.
27. Mr. Jumma Abdelgani Jumma
28. Mr. Hamad Tyrab Adam
29. Mr. Ahmed Hamad Aabed
30. Mr. Almahi Yousef Adam
31. Mr. Hussein Mohamed Ali
32. Mr. Muhakar Hassan Mohamed was arrested in August from Abukarinka in East Darfur State.
33. Mr. Ibrahim Adam Ahmed
34. Mr. Alsadig Saeed
35. Mr. Musabal Adam Ahmed
36. Mr. Musa Yosef Zakaria
37. Mr. Musa Babkier Abdulkariem
38. Mr. Almukashfi  
39. Mr. Ibrahim Abdalla Ismail  

The names of Ma’alia tribesmen currently in Port Sudan Prison: 

40. Mr. Suliman Jaad Kareem Yousef  
41. Mr. Suliman Bakhit Abdalla was arrested on 30 July 2017 from Allied Market in Abu Salama locality in East Darfur. 
42. Mr. Hamid Musa Hamid  
43. Mr. Hamid Hamad Eied  
44. Mr. Yousef Hamad Eied  
45. Mr. Salih Abdalla Hamid  
46. Mr. Eisa Madin Adam  
47. Mr. Toumsah Ibrahim Mohamed  
48. Mr. Eied Abdalla Hamad  
49. Mr. Mohamed Musa Hamad  
50. Mr. Ahmed Malaa Hamad  
51. Mr. Abdo Ahmed Mohamed Noor  
52. Mr. Ali Adam Ali Mohamed  
53. Mr. Yosef Mohamed Abualgasim  
54. M. Berima Jad Kareem (m)  
55. Mr. Ahmed Mohamed Lazim (m)  
56. Mr. Ali Mohamed Nasur (m)  
57. Mr. Mohamed Ahmed Mohamed Adam (m)  
58. Mr. Abdulrhman Mohamed Hamad (m)  
59. Mr. Adam Abdalla Ahmed Rakza (m)  
60. Mr. Fathi Ahmed Yousef (m)  

Prisoners of war from Sudan Liberation Movement  

ACJPS documented the detention of 155 prisoners of war from the Sudan Liberation Movement/Mini Manawi (SLM/MM) and Sudan Liberation Movement Transitional Council/Nemir Abdulrahman who were arrested following clashes between the joint rebel movement against joint forces of Sudan Armed Force and Rapid Support Force in Jebel Adola in North Darfur, between 21 and 23 May 2017. The prisoners are currently being detained at Alhuda prison in Omdurman. Their names are: 

1. Mr. Omar Ali Musa  
2. Mr. Mohammed Othman Bakhit  
3. Mr. Omar Shakur Abakar  
4. Mr. Amir Abdullah Adam  
5. Mr. Mohamed Hari Jedo Adam
6. Mr. Abdul Karim Abdullah
7. Mr. Younies Hassan Issa
8. Mr. Al Tayeb Mohamed Ismail
9. Mr. Adam Saleh Adam
10. Mr. Mohammed Abdullah Ibrahim
11. Mr. Mohammed Saleh Bakhit
12. Mr. Hamid Daoud Mohammed
13. Mr. Ahmed Mohamed Ahmed
14. Mr. Ahmed Abdul Karim Mohammed
15. Mr. Abdel Salam Mohammed Sidiq
16. Mr. Ibrahim Abdullah Al-Tom
17. Mr. Yousef Yaqui Abdullah
18. Mr. Jumaa Suleiman Mohammed Shawkar
19. Mr. Noureddine Mohamed Ahmed Issa
20. Mr. Harry Ismail Namir
21. Mr. Hamid Mohammed Saleh
22. Mr. Hassan Ahmed Mohammed
23. Mr. Harun Osman Sam
24. Mr. Omar Hussain Ahmed
25. Mr. Ismail Ishaq Ahmad
26. Mr. Abdullah Osman Ishaq
27. Mr. Adam Jacob, Ismail
28. Mr. Omar Adam Mohammed
29. Mr. Abdul Qadir Abdullah Abdul Razek Omar
30. Mr. Ahmed Sidiq Imam
31. Mr. Mokhtar Yousef Khamis
32. Mr. Jumaa Kafi Moghdam
33. Mr. Babeker Musa Mohammed Delej
34. Mr. Ahmed Mahmoud Mustafa Ahmed
35. Mr. Ishmael the Jacob Ishaq
36. Mr. Tariq Adam Jow Idris
37. Mr. Adam Sabeel
38. Mr. Al Noor Babeker Mohammed Hamid
39. Mr. Sidiq Ahmed Adam Mohammed
40. Mr. Hassan Abdullah Adam
41. Mr. Nader Hassan Fadl tagallah
42. Mr. Babeker Kafi Jarad Abdo
43. Mr. Mohammed Yahya Bakhit
44. Mr. Benjamin Botros Tutu
45. Mr. Najib Adam Mohammed Abker
46. Mr. Fadul sahin Aabdullah
47. Mr. Omar Adam Musa
48. Mr. Mohammed Abdullah Mohammed Abdul Rahman
49. Mr. Ibrahim Hassan Hamid Abdul Rahman
50. Mr. Mukhtar Hassan Hamed Mahmoud
51. Mr. Almardi Ibrahim Sharif
52. Mr. Mohammed Suleiman Adam Mohammed
53. Mr. Suleiman Mustafa Ibrahim
54. Mr. Alsidiq Mohammed Ahmed Khamis
55. Mr. Adam Abker Mohammed Ahmed
56. Mr. Abdul Rahim Ahmed Jumaa
57. Mr. Mahjoub Suleiman Sharif
58. Mr. Adam Jum'a Issa al-Tayeb
59. Mr. Musa Abdullah Othman
60. Mr. Adam Yahya Ahmed
61. Mr. Teh Yaqoub Teh Shalal
62. Mr. Abu Bakr Ahmed Abdullah Abdul-Qawi
63. Mr. Jomaa Issa-Khair
64. Mr. Abu Bakr Ishaq Abker Abdul Karim
65. Mr. Ali Hamid Ali
66. Mr. Abdul-Jabbar Adam Issa Daoud
67. Mr. Mubarak Adam Ibrahim
68. Mr. Sadiq Ishaq Abdul Rahim
69. Mr. Jacob Adam Mohammed Jaber
70. Mr. Moataz Siddiq Ahmed Abaker
71. Mr. Isaaq Abdulaziz Mohammed Suleiman
72. Mr. Adam Harun Abdullah Ahmed
73. Mr. Abdul Salam Abdullah Adam Mahmoud
74. Mr. Ibrahim Yahya Daoud
75. Mr. Ahmed Mohamed Omar Mahdi
76. Mr. Yaqub Hassan Hassan
77. Mr. Mubarak Idris Khater Issaq
78. Mr. Shams El-Din Adam Ibrahim
79. Mr. Yacoub Mohammed Hussein Daldom
80. Mr. Mohammed Abdullah Ibrahim
81. Mr. Mohammed Yahya Fattar
82. Mr. Mohammed Ishaq Abdullah Adam
83. Mr. Mohammed Hussein Mustafa Bakhit
84. Mr. Saboon Yahya Jibril Abdul Karim
85. Mr. Ahmed El-Haj Mohamed Seaman
86. Mr. Arabi Mahmoud Arabi Adam
87. Mr. Mohammed Ibrahim Adam
88. Mr. Saleh Abdullah Harun Mohammed
89. Mr. Sadiq Abdul Rahman Abdullah
90. Mr. Alfadiil Mohammed Adam Suleiman
91. Mr. Musa Abdullah Saleh Omar
92. Mr. Abdullah Adam Bakhit
93. Mr. Abdullah Mohammed Musa Mohammed
94. Mr. Mubarak Juma Omar Sharaf al-Din
95. Mr. Osman Ahmed Abdullah Omar
96. Mr. Hussein Mohammed Hamed Mohiuddin
97. Mr. Samawi Issa Al-Ahmar koko
98. Mr. Abdullah Ahmed Khater
99. Mr. Mohamed Hari Gedo
100. Mr. Amer Abdullah Adam
101. Mr. Abdul Karim Abdullah
102. Mr. Yassin Hassan Arabi
103. Mr. Al-Tayeb Mohamed Ismail
104. Mr. Adam Saleh Adam Abdullah
105. Mr. Mohammed Abdullah Ibrahim
106. Mr. Mohammed Saleh Bakhit
107. Mr. Hamid Daoud Mohammed
108. Mr. Ahmed Mohamed Ahmed
109. Mr. Ahmed Abdulkarim Mohammed
110. Mr. Haj Ahmed Mohiuddin Mohammed
111. Mr. Yom Dal
112. Mr. Ali Akbar Yacoub
113. Mr. Saleh Sahin Ahmed Yacoub
114. Mr. Muhammad Ali Mahdi
115. Mr. Moataz Ibrahim Adam Issa
116. Mr. Jamal Yusuf Issaq Issa
117. Mr. Isaac Abdullah Babeker
118. Mr. Issa Mohammed Ahmed El-Hajj
119. Mr. Mokhtar Adam Arbab
120. Mr. Bahr al-Din Ahmed Adam Mousi
121. Mr. Issa Koko Sultin Ismail
122. Mr. Omar Kawa Jihadia
123. Mr. Mohamed Ali Adam Khamis Juma
124. Mr. Azim Ahmed Mohammed Shata
125. Mr. Adam Al-Tom Al-Rahman
126. Mr. Abdo Adam Isaac Wadi
127. Mr. Abdelmajeed Ahmed Adam Abdelmajeed
128. Mr. Adam Musi Ali Ishaq
129. Mr. Muzzammal Abdul Karim Ibrahim
130. Mr. Abakar Dawood Isaac Hussein
131. Mr. Abdul Rahman Ahmed Ibrahim
132. Mr. Kamal Yahya Omar Adam
133. Mr. Babekar Harun Abdelmouli
134. Mr. Hussein Adam Abdullah Ismail
135. Mr. Hamid Adam Arbab Mousi
136. Mr. Omar Hussein Muhammad Sharaf al-Din
137. Mr. Abdullah Issa
138. Mr. Abdel Salam Mohammed Siddiq
139. Mr. Omar Adam Moussa
140. Mr. Mohamed Abdelmouly Mohamed Abdul Rahman
141. Mr. Noureddine Sharif Ali Derah
142. Mr. Mubarak Babeker Yacoub Mohammed
143. Mr. Adam Jibril Mohammed Abdul-Waleed
144. Mr. Tigani
145. Mr. Sadiq Mousa Mohammed
146. Mr. Ahmed Adam Abdullah Ahmed
147. Mr. Issa Ishaq Abdullah Sharif
148. Mr. Mousa Mohammed Daoud Osman
149. Mr. Ashraf Yassin Ahmad Mustafa
150. Mr. Omar Mohamed Hassan Ahmed
151. Mr. Mustafa Ibrahim Khamis Tarboush
152. Mr. Saif Adam Ali Ishaq
153. Mr. Yaqoub Khater Mohammed Dhiyya
154. Mr. Ahmad Hussein Mustafa
155. Mr. Gamal El-Din Adam Abdel-Shafa