

ACJPS call for immediate independent investigation into student deaths

Tuesday 11 December 2012

The African Centre for Justice and Peace Studies (ACJPS)

Call for immediate independent investigation into student deaths and excessive use of force by Sudanese authorities

(10 December 2012) The Government of Sudan must condemn in the strongest terms the excessive use of force by its police and security forces at Al Jazeera University on 5 December and conduct an immediate independent investigation into student deaths.

On 6 and 7 December, four students were found dead in an irrigation channel (tura) on the campus of Al Jazeera University, Sudan, following joint action by the Central Reserve Police and National Intelligence and Security Service (NISS) to break up a student meeting on 5 December.

The deceased had attended a public meeting at the university, convened by Darfuri students who were aggrieved by a university decision not to apply a fee waiver for students from Darfur, which had been established by Presidential Decree in 2006. The meeting was stormed by student militia affiliated to the ruling National Congress Party (NCP) known as the "Abu Qatada", who were armed with metal bars. The student militia then fled as joint forces of the NISS and Central Reserve Police entered into the campus, firing teargas and beating the students with sticks.

The joint forces chased the students from their meeting place towards an irrigation channel on the university campus. On arrival at the irrigation channel, the students found police and NISS, armed with sticks, guns and tear gas, waiting for them on the other side of the channel. The student militia also returned, armed with metal bars. The students were surrounded from all sides at the irrigation channel, heavily beaten, and sprayed with strong tear gas.

56 students were reportedly arrested and taken to the Central Police Station in Wad Madani town. They were charged under Articles 69 and 77 of the 1991 Sudanese Penal Code (Disturbance of Public Peace and Public Nuisance) and released on bail on 6 December following the intervention of pro bono (voluntary) lawyers. When the students returned to the irrigation channel on 6 December to find personal belongings lost during the attack, they found the dead bodies of two fellow students in the water:

1. Adil Mohamed Ahmed, (m), Faculty of Agriculture, Mima tribe, Darfur. Reported to have sustained injuries on the right side of his head.
2. Mohamed Younes Nile Hamid, (m), Faculty of Agriculture, Fur tribe, Darfur. Reported to have sustained injuries to his forehead.

The following day, 7 December, students found two further dead bodies in the water:

3. Alsadig Yagoub Abdalla, (m), Faculty of Agriculture, Tunjur tribe, Darfur. Reported to have sustained two injuries on the right side of his head, and right-hand shoulder.
4. Alnouman Ahmed Algurashi, (m), Faculty of Computers (IT), from Al Jazeera State. Limited information available on the injuries sustained.

Arbitrary arrests to silence anticipated public outcry

A number of individuals have been detained by the police and NISS subsequent to the incident at Al Jazeera University on 5 December, in an apparent attempt to silence an anticipated public outcry concerning the excessive use of force.

On 8 December 2012, NISS officers in Wad Madani town, Al Jazeera state, arrested four members of political opposition parties. ACJPS is concerned that these political activists may have been detained to prevent an organised political response to the incident at the university. The individuals who remain detained, without charge, in a NISS office located in "area 114" of Wad Madani town are:

1. Magdi Saleem, (m), 60 years old, lawyer, member of Democratic Unionist Party (DUP), arrested by NISS from his home in Wad Madani town. Mr. Salim has diabetes. .
2. Mohamed Zain, (m), lawyer, member of the Popular Congress Party, arrested at 3pm from the morgue at Wad Madani

hospital.

3. Abdulfatah Bidab, (m), 50 years old, teacher, Member of the Sudanese Communist Party, arrested from the main street in Wad Madani, Mr. Bidab has diabetes.
4. Hashim Mergani, (m), 60 years old, retired teacher, Secretary of the Sudanese Communist Party in Wad Madani town, arrested from the main street in Wad Madani.

Also on 8 December, at 5pm, police in Khartoum arrested nine activists engaged in a peaceful protest concerning the incident at Al Jazeera University, near to Al Quereshi Garden in the center of Khartoum. The nine activists were taken to Al Amarat police station and released on bail at 1am the following day, 9 December. They were charged under Articles 69 and 77 of the 1991 Sudanese Penal Code (Disturbance of Public Peace and Public Nuisance). Those charged were:

1. Hatim Ali, (m).
2. Khalid Silk, (m).
3. Wesal Abubakar, (m).
4. Eithar Khalil Ibrahim, (m).
5. Ahmed Bardi Elyas, (m).
6. Limia Sharfi, (f).
7. Alsafi Ibrahim Elsafi, (m).
8. Reiham Alryah Alshazali, (m).
9. Gazi Alryah Alshazali, (m).

Credible investigation urgently needed; victims and witnesses must be protected

On 9 December, Sudanese Minister of Justice, Mr. Mohamed Bushara Dousa publicly announced the formation of an investigation committee into the incident. The committee will be headed by Prosecutor Dr. Al Tigani Mohamed Ahmed Abdulrahman and supported by committee members Prosecutor Dr. Ibrahim Gisim, Alseed Mohamed and Mr. Zanoon Mahmoud Mustafa. The committee has a mandate to work according to the 1991 Sudanese Criminal Procedure Code, with powers to engage others to support the investigation as necessary. It will report to the Minister directly.

The African Centre for Justice and Peace Studies (ACJPS) is deeply concerned that this investigation will not be independent or impartial. The Government of Sudan has repeatedly failed to conduct independent and impartial investigations into serious human rights violations or make public the findings investigations into the conduct of its police, security and armed forces.

ACJPS is further concerned that individuals seeking to engage in peaceful protest concerning the Al Jazeera incident have been charged with disturbance of the public peace, and that political activists have been arbitrarily detained to pre-empt any organised response to the case from political opposition parties.

The Government of Sudan must:

- Ensure that an effective, impartial and independent investigation is promptly conducted into the incident at Al Jazeera University and that the findings are published promptly within a clear timeframe;
 - Guarantee the protection of victims and witnesses involved in the case and any other individual engaged by the investigation committee;
 - Order the immediate release of detainees held in Wad Madani town in the absence of valid legal charges that are consistent with international law and standards or, if such charges exist, bring them promptly before an impartial, independent and competent tribunal and guarantee their procedural rights at all times;
 - Guarantee all detainees access to lawyers of their choice, their families and any necessary medical treatment;
 - Immediately stop the harassment and intimidation of peaceful activists and enable the free exercise of the right to freedom of expression, association, and assembly in Sudan.
- The Government of Sudan must respect the right of Sudanese people to peacefully protest and fully exercise their rights to freedom of assembly, association and expression, as recognised in the Interim National Constitution of Sudan, 2005.

Background

On 2 December, a group of Darfuri students at Al Jazeera University, Wad Madani, Al Jazeera State, submitted an appeal to the university administration requesting that a decision not to apply a fee waiver for students from Darfur state be overturned. The fee waiver was established in 2006 by Presidential Decree. The group met with the Dean of Student Affairs, three lecturers and a police colonel. During the meeting the police colonel reassured the students that it was a simple matter which could be resolved. However, after receiving a phone call during the meeting, the police colonel asked the Dean and lecturers to leave the meeting. Shortly thereafter a group of plain clothed NISS officers entered the university in two cars and arrested 11 students who had attended the meeting. The students were taken to the central police station in Wad Madani where they were detained from 11am to 12 midnight, when three of the detainees were transferred to the eastern police station and the other four to Maringan police station. They were all charged under Articles 96 (Omission to Produce Document or Deliver Statement), 77 (Public Nuisance) and 182 (Criminal Mischief) of the 1991 Sudanese Penal Code and released on bail the following day, 3 December, after the intervention of pro bono (voluntary) lawyers.

The meeting which was violently broken up on 5 December at the University was convened to inform students about the arrests of those individuals advocating on behalf of students from Darfur.

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