

Sudan: Crackdown on Political Opposition

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Respect Rights of Detainees, Reform Security Laws

(Juba, February 26, 2013) – Sudanese authorities should charge or release six members of opposition parties who have been detained in poor conditions by Sudanese security, most of them for weeks, without access to lawyers or adequate medical care, Human Rights Watch said today.

The six are members of parties that participated in negotiations with rebel groups in January over an agreement endorsing peaceful and armed opposition to Sudan's government. While detention for taking up arms against the government, or incitement to do so, is a legitimate ground for detention, Sudanese security agencies have overly broad powers of arrest. They routinely deny detainees, including those arrested on lawful grounds, their fundamental due process rights, making the detentions arbitrary and unlawful, Human Rights Watch said.

"Sudan should release the six detainees or promptly bring credible charges against them," said Daniel Bekele, Africa director at Human Rights Watch. "These weeks-long detentions violating due process rights underscore the need for a major overhaul of Sudan's national security agencies and the laws that govern them."

Between January 7 and 14, 2013, Sudan's National Intelligence and Security Services (NISS) detained six leading members of opposition parties in connection with their participation in a conference in Kampala, Uganda. At the Kampala negotiations, from January 2 to 5, some political opposition groups and rebel groups signed the New Dawn Charter, stating a common goal of changing the government through both armed and peaceful means.

Sudan's ruling National Congress Party leaders in Khartoum have heavily criticized the New Dawn Charter agreement and its signatories, with president Omar al-Bashir on January 10 publicly threatening to ban all the political parties that signed the document. Several of the parties that attended the Kampala negotiations did not sign the agreement or later retracted their signatures.

One detainee was released after two weeks. But another opposition party leader was arrested on February 14 after he signed a separate agreement that did not endorse armed opposition.

Five of the current six detainees, all over age 50, are being held in the national security wing of prisons in Khartoum and Omdurman, while the whereabouts of the sixth is unknown. The detainees are being held without access to lawyers, adequate healthcare or regular family visits. The health situation of one detainee, Mohammed Zain al-Abdeen, 66, is particularly acute. He suffers from cancer and diabetes, and needs urgent medical care, family members told Human Rights Watch by phone.

"Irrespective of why the detainees were arrested or where they are held, authorities should immediately make sure they get needed medical care and allow lawyers and families to communicate and visit on a regular basis," Bekele said. "The Sudanese authorities should uphold basic due process protections as required by law."

On the evening of January 7, national security officials arrested Jamal Idriss, the chairman of the Socialist Unionist Nasserist Party and Entisar al-Agali, a representative of the Alliance of Women Politicians, following a meeting of opposition parties in Khartoum. On January 8, Husham al-Mufti, a member of the United Democratic Unionist Party who attended the same meeting, turned himself in to NISS after security officials summoned him by phone.

On January 8, security officials also arrested Mohammed Zain al-Abdeen and Abdelrahim Abdullah, from the Unionist Movement, at Khartoum airport upon their return from Kampala. On January 14, security officials arrested retired general Abdelaziz Khalid, chairman of the National Sudanese Alliance Party, at his house.

On February 14, NISS agents arrested Youssef al-Kauda, the leader of the Moderate Islamic Party, an Islamist opposition group, at the Khartoum airport upon his return from a trip to Kampala and Cairo. He reportedly signed a separate document with representatives of Sudanese rebel groups. Human Rights Watch was unable to determine where al-Kouda is being held or whether his family has been allowed to visit him.

Idriss, the only detainee released, told Human Rights Watch by telephone that he was arrested on January 7 by NISS agents

in two pickup trucks immediately after he left the Khartoum headquarters of the Popular Congress Party, where he had attended a meeting of opposition leaders to discuss the New Dawn Charter.

He was taken to the NISS's political security department in Khartoum North and interrogated for more than two hours, then transferred blindfolded the next day to Kober Prison. The day after that, he said, he was transferred back to the NISS detention center, where he was detained in a small room of about 3 meters square, with almost no ventilation, which caused him breathing complications, he told Human Rights Watch.

"I reached the point of crisis, I could not breath at all, I could not sleep at all," he said of his final days in detention. He was released on January 21 on the condition that he would report to the NISS every five days.

Family members of the five other original detainees were allowed to visit them 15 days after their arrest under strict monitoring by NISS agents, who ordered both the families and detainees not to talk about conditions of detention or political issues. The daughter of Abdel Aziz Khalid, 68, said that her father managed to tell family members during their first 15-minute visit in Kober Prison on February 1 that he was being held "in solitary confinement and that the situation was bad." He appeared disoriented and did not know what day it was, she told Human Rights Watch.

Al-Abdeen's case is particularly urgent, as he has been denied access to specialized medical care that he urgently needs for treatment of several ailments, including colon cancer, for which he recently underwent an operation. His wife told Human Rights Watch by telephone that the NISS did not respond to the family's requests for her husband to see a specialist after he told her on January 31 that he was suffering from complications from the operation.

Sudan's National Security Act of 2010 gives the NISS wide powers of arrest, search, and seizure. Under article 50 of the law, detainees may be held up to four and a half months if they are deemed to threaten the security and safety of the country.

Sudan has long used the NISS to arrest real or perceived political opponents, journalists, human rights activists, and protesters. Authorities cracked down harshly on student-led protests between June and August 2013, arresting hundreds.

The government has more recently stepped up repression of political and civil society groups. In December 2012 the authorities, including National Security officials, shut down four civil society groups accusing them of receiving foreign funds.

Sudan has yet to pass a new constitution following the secession of South Sudan in July 2011. In the absence of a new constitution, the 2005 constitution remains in effect, including a bill of rights protecting fundamental civil and political rights.

"Sudan should uphold protections in its own constitution as well as in the international human rights law treaties it has signed," Bekele said. "It should start by reforming its repressive national security apparatus and reining in abusive security forces."

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