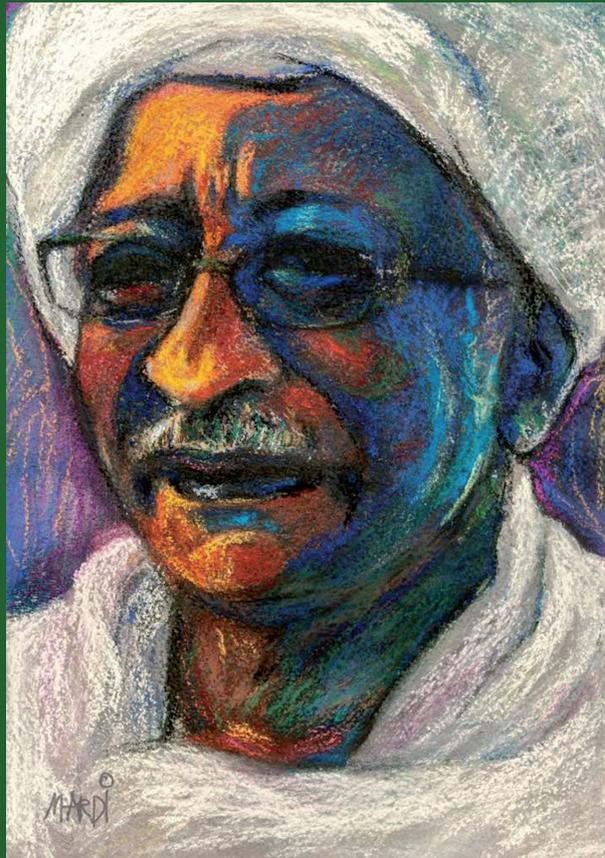


# SUDAN

## TARGET ONE TO SILENCE A HUNDRED: THE REPRESSION OF HUMAN RIGHTS LAWYERS IN SUDAN

Joint Report



October 2018



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## ACRONYMS

|       |  |
|-------|--|
| ACJPS | African Centre for Justice and Peace Studies |
| CPA   | Comprehensive Peace Agreement                |
| FIDH  | International Federation for Human Rights    |
| HRD   | Human Rights Defender                        |
| NSFA  | National Security Forces Act                 |
| NGO   | Non-Governmental Organisation                |
| NISS  | National Intelligence and Security Services  |
| NSA   | National Security Act                        |
| OMCT  | World Organisation Against Torture           |
| SPLM  | Sudan Popular Liberation Movement            |
| UN    | United Nations                               |
| WHRD  | Women Human Rights Defenders                 |

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## This Report is dedicated to the late human rights defender, Dr. Amin Makki Madani.

### Profile

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Dr. **Amin Makki Madani** was a human rights lawyer, a member of ACJPS International Board of Directors and one of the pioneers of the human rights movement in Sudan and at the regional and global levels. He actively contributed to human rights achievements throughout his practical and academic work.

After his graduation from the University of Khartoum, Dr. Amin Makki Madani held several positions at the regional and international levels - including the United Nations - and worked in Kosovo, Yugoslavia, the occupied Palestinian territory, Switzerland, The Gambia, Lebanon and Iraq. He further collaborated with different universities around the world, and with the Office of the High Commissioner for Human Rights (OHCHR) in Geneva.

Dr. Madani co-founded the Board of Trustees of the Sudanese Human Rights Monitor, which in 1985 became the first independent Sudanese human rights organisation under the name of Sudanese Organisation for Human Rights. He was also director and member of the Board of Trustees of a number of independent Sudanese and regional human rights organisations. Dr. Madani authored many legal publications and actively contributed to the promotion of democratic governance in Sudan as one of the founders of the Sudanese Trade Union created in exile in Cairo, Egypt. The trade union worked together from exile to lobby for democracy in Sudan, ultimately contributing to the collapse of the dictatorship government of Jafar Mohamed Numiri in 1995. In 1991, Dr. Madani received the Human Rights Watch annual Award along with a prize from the American Bar Association in the same year, as well as a 2015 Human Rights Award by the European Union Delegation in Sudan.

Dr. Madani has been known for his courage and faithfulness in his struggle for human rights protection. He tirelessly fought against arbitrary and incommunicado detentions, and denials of access to a doctor and adequate medical treatments.

Because of his courageous human rights work, Dr. Madani was also subjected to unfair trials after being charged under the Sudanese Anti-Terrorism Law (2014-2015). This prompted 105 human rights lawyers to represent him until the Sudanese authorities dropped the charges and released him and his colleague, Mr. **Farouq Abu Eisa**. Dr. Madani passed away on August 31, 2018 in the Sudanese capital Khartoum, after a long life dedicated to the defence of human rights and democracy.

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# SUDAN: Target one to silence a hundred: the repression of human rights lawyers in Sudan

## 1. INTRODUCTION

Grave and widespread human rights violations in conflict and non-conflict settings, accompanied by a climate of impunity for perpetrators and virtually non-existent space for the exercise of fundamental rights and freedoms, make Sudan one of the most difficult operating environments for human rights defenders (HRDs).

Throughout the country, government forces and law enforcement agencies are responsible for human rights violations with impunity. The crackdown on **HRDs including human rights lawyers**, which has been ongoing for years, had intensified since the beginning of 2018, with more than twenty human rights lawyers arrested in this period. The latter were targeted by government forces either for their participation in peaceful protests and other advocacy activities in defence of human rights or for their willingness to provide legal counsel to those subject to harassment and arbitrary detention.

This report does not cover the situation of human rights defenders in general, but focuses on the different types of intimidations, attacks and other rights violations targeting human rights lawyers in Sudan. Some of the most common forms of repression of their work consist in prolonged arbitrary detentions by the National Intelligence and Security Services (NISS), made possible by the **broad powers and immunity conferred to NISS agents under the National Security Act of 2010, and by constant infringements of the right to fair trial**. Moreover, human rights lawyers are subject to ill-treatment, judicial harassment, office raids and travel bans.

As demonstrated in this report, human rights lawyers are **doubly attacked, both as human rights defenders themselves and as a means to harass other human rights defenders and activists** supported by them.

Concerned by this situation, the Observatory for the Protection of Human Rights Defenders (the Observatory), a partnership of the World Organisation Against Torture (OMCT) and FIDH, together with their member the African Centre for Justice and Peace Studies (ACJPS) decided to conduct a research on the situation of human rights lawyers in Sudan.

## 2. METHODOLOGY

This report covers the period of April 2014 to September 2018. The information presented in this report was collected through interviews with primary sources including Sudanese human rights lawyers and other civil society activists as well as data gathering stemming from the monitoring of criminal trials against defenders before Sudanese courts.

This report addresses specifically the situation of 23 human rights lawyers who have been arrested in the first four months of 2018, and the different set of violations committed against them.

## 3. HISTORICAL AND POLITICAL BACKGROUND

The Comprehensive Peace Agreement (CPA), signed between the Sudanese Government and the Sudan Popular Liberation Movement (SPLM) in 2005, ended the longest civil war in Sudan, which lasted between 1972 and 2005.

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**Between 2005 and 2009**, human rights defenders closely monitored the human rights situation, in particular the grave and massive violations committed against civilians in the framework of the armed conflict in Darfur. They also effectively carried out human rights education and awareness-raising campaigns, and successfully established networks of human rights monitors working closely with independent national organisations. Nonetheless, this period was also characterised by several cases of arrests and arbitrary detention of HRDs, NGO closures and by the adoption of the restrictive Organisation of Humanitarian and Voluntary Work Act of 2006.

The situation further deteriorated in 2009, after the **issuance of an arrest warrant against President Omar Al Bashir by the International Criminal Court (ICC)** on charges of war crimes in the Darfur region. From then on, the government launched a campaign against human rights defenders that led to the closure of ten international NGOs<sup>1</sup> and three national organisations<sup>2</sup> which had particularly supported the human rights movement in Sudan. In its campaign against the jurisdiction of the ICC, the government systematically attacked the work of human rights defenders, accused of providing information to the ICC.

The situation further degenerated in 2011, with the **secession of South Sudan**. In July 2011, the Sudanese government closed six newspapers in Khartoum under the pretext that some of the partners and owners of these newspapers had moved to the State of South Sudan after the separation. The space for human rights defenders continued to shrink, with the closure of five organisations<sup>3</sup> and the arrest of their staff.

In the following years, the situation continued to worsen, and human rights lawyers were increasingly subjected to different levels of harassment including messages of intimidation, violations to their right to a fair trial, arbitrary and incommunicado detentions and ill-treatment. In this period, several human rights defenders were forced to flee Sudan and continue their human rights work in exile.

In the aftermath of the **Arab revolutions, from 2011 onwards**, the government has systematically and violently **repressed all the demonstrations initiated by the Sudanese youth to denounce the austerity measures** regularly adopted by the government in the past seven years. In particular, in 2013 more than 100 demonstrators have been killed during the protests' repression, and more than 800 arrested and arbitrary detained. Lawyers taking up the defence of these victims of extrajudicial killings and arbitrary detention have been a privileged target of the regime.

**Early 2018, a general crackdown against civil society ensued in a bid to quash peaceful protests against rising commodity prices<sup>4</sup>**. Over that period, several national and international civil society organisations denounced the prolonged detention, in most cases incommunicado, of individuals under NISS custody, and the consequent risk of torture and ill-treatment<sup>5</sup>. This period was also marked by an excessive use of force against demonstrators, the confiscation of print runs of daily newspapers and the arrest and incommunicado detention of 79 activists<sup>6</sup>.

As noted in this report, the past year has seen an a harsh crackdown against human rights lawyers, with 23 arrests in the first four months of 2018, and several other cases of harassment, including at the judicial level, as well as travel bans, all still in impunity.

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1. The ten foreign NGOs concerned by the expulsion were: Oxfam, CARE, MSF-Holland, Mercy Corps, Save the Children, the Norwegian Refugee Council, the International Rescue Committee, Action Contre la Faim, Solidarites, and CHF International.
  2. Khartoum Center for Human Rights and Environmental Development, Amel Center for Treatment and Rehabilitation for Victims of Torture and Sudanese Organization for Social Development.
  3. These organizations include: Al Khatim Adlan Center for Enlightenment whose former director, Mr Elbagir Al Adif now lives in exile, Mohamud Mohamed Taha Cultural Center formerly directed by Asma Mohamud Mohamed, a human rights defender who was arrested in February 2018 and released on the same day, the tracks Center of Human Rights was directed by Mr Khalfalla Al Afif, Art House directed by Tarig Al-Amin who is also in exile and finally the Sudanese Research Center formerly directed by Haidar Ibrahim also in exile. See: ACJPS "Situation of Female Human rights Defnders in Sudan June 2016-February 2018" available at <http://www.acjps.org/situation-of-female-human-rights-defenders-in-sudan-june-2016-february-2018/>.
  4. See OMCT statement "Sudan: Escalating government crackdown on protesters sparks greater safety concerns" published on January 30, 2018, available at: <http://www.omct.org/statements/sudan/2018/01/d24698/>.
  5. See the joint open letter to the UN institutions "Sudan: Open letter on the crackdown on peaceful protests by Sudanese government forces", signed by OMCT and FIDH, issued on February 14, 2018, available at: <http://www.omct.org/human-rights-defenders/statements/sudan/2018/02/d24724/>.
  6. See ACJPS press release "79 Activists detained incommunicado amidst heavy crackdown on popular protests in Sudan" issued on January 22, 2018, available at: <http://www.acjps.org/79-activists-detained-incommunicado-amidst-heavy-crackdown-on-popular-protests-in-sudan/>.

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## 4. HUMAN RIGHTS LAWYERS AS A TARGET OF GOVERNMENT'S REPRESSION AGAINST THE HUMAN RIGHTS DEFENDERS MOVEMENT

Human rights lawyers monitor and document violations, organise advocacy activities and solidarity campaigns on human rights, provide legal aid, often pro bono, for other human rights defenders as well as victims of human rights abuses such as arbitrary detention, etc. Because of their peaceful and legitimate human rights activities, they have often been arbitrarily arrested, ill-treated, banned from traveling, and detained incommunicado by the NISS, particularly in connection with anti-austerity protests and other peaceful gatherings. **The main perpetrators of these human rights violations are state actors, such as the NISS, police forces, or other representatives of the executive branch.**

These abuses are facilitated by the ample detention powers attributed to the NISS by the National Security Act (NSA) 2010, which allows detention without charges for a maximum of 4,5 months<sup>7</sup>. They are also made possible by the constant breach of legal provisions aiming at protecting human rights lawyers work, such as article 48 of the Sudanese Lawyers Act, and by the legal framework and practices which grant impunity to police and NISS officers.

**These practices aim both at hindering lawyers' human rights work in the denunciation of human rights abuses, and at dissuading them from providing legal support to victims, including other HRDs.** Among the cases analysed in this report, both links appear equally present, with lawyers being arrested either for their personal human rights work, for instance during the organisation of peaceful demonstrations, or in relation to the legal aid provided to victims, including other HRDs.

### Arbitrary arrests of human rights lawyers due to their participation in a peaceful demonstration

On January 11, 2018, the NISS arrested human rights lawyers Ms. **Nemat Hassan Hammad**, Ms. **Ashraqa Abdul Karim El-Jake**, Mr. **Taj al-Din Ali Mohamad Hammad**, Mr. **Mohamed El-Basha Taha**, Mr. **Adam Saleh Khater**, Mr. **Adam Ahmed Yagoub**, Mr. **Abdel Rahim Alsadeq Abu Al-Basha**, Mr. **Alhaj Abubaker Mohammed Rige**, Mr. **Ahmed Mohamed Ahmed al-Sunni**, Mr. **Ali Abulgasem**, Mr. **Osman Saleh** during a peaceful demonstration against the rise in basic commodities' prices in Al-Obayed City in North Kordofan State<sup>8</sup>.

On January 16, 2018, the NISS in collaboration with the police force arrested Mr. **Madthir Khamis**, Ms. **Hanan Hussein**, Mr. **Hafiaz Mohamed Ali** and Mr. **Samia Argai**, all human rights lawyers, during a peaceful rally aimed at handing a memorandum to the Khartoum State's legislature to protest against government's austerity measures that caused a rocketing rise in the prices of basic commodities. During this protest, the police cordoned the main streets in Khartoum and fired heavy tear gas to enable the security forces to arrest demonstrators.

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7. According to Article 50 : « Each and every member shall, by virtue of an order issued by the Director, and for the purpose of executing the competences set forth in this Act, have the following powers: (a) Any of the powers provided for in Article (25). (b) Search after obtaining an order issued by the Director in writing. (c) Powers of the policemen as provided for in the Police Forces Act and the Criminal Procedures Act. (d) Exercise any lawful powers necessary for execution of the provisions of this Act. (e) Arrest or detain any suspected person for a period not exceeding thirty days provided that his/her relatives are immediately informed. (f) After elapse of the thirty days mentioned in Para (e) above, and if there are reasons that require more investigation, enquiry and maintaining the detained person in custody, NSS member shall refer the issue to the Director and make the recommendations he deems appropriate. (g) The Director may renew the detention period for not more than fifteen days with the purpose of completing investigation and enquiry. (h) If it comes to the knowledge of the Director that maintaining any person in custody is necessary for completion of investigation and enquiry in case of an accusation related to a factor threatening the security and safety of the people; intimidating society by way of armed robbery, racial, religious sedition or terrorism; disrupting peace; exercising political violence; or plotting against the country, he shall refer the issue to the Council which may extend the detention period for not more than three months.»
8. See p. 10.
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Following their arrest, the four lawyers were transferred initially to the headquarters of the NISS in the Political Section in Khartoum North, and later to Omdurman prison, where they were detained incommunicado and subjected to ill-treatment. They were denied family visits for all the period of their detention, until their release without charges on February 18, 2018. Their detention was formally justified by the North Kordofan state security committee under Article 5 of the Emergency and Public Safety Act of 1997.

#### Threats and harassment in relation to human rights lawyers' work in defence of demonstrators

On 21 April 2015, human rights lawyer Ms. **Aziza Ahmed Fadel** was subjected to harassment during her visit to the al-Fasher Police Station in order to provide free legal aid to a group of students from the University of al-Fasher. The students had been detained upon their participation in a peaceful demonstration amid rumours that the Sudanese authorities were planning to sell the building of the university headquarters. During the protests, the police raided the university campus, beat the students and then arrested them. When Ms. Aziza Ahmed Fadel arrived at the police station to support the students in the procedure for their release, a police officer asked her to leave immediately. Upon her refusal, two police officers dragged her outside by force and detained her in another office for 1,5 hour. During this time, she was subjected to verbal abuses by the police officers, who called her "a prostitute and a woman with no morals". After this episode, the Sudanese Lawyers Association filed a complaint for the violation of Article 48 (obtaining permission from Sudanese lawyers association before arresting a lawyer) of the Sudanese Advocates Law and Article 139 (cause of harm) and 159 (defamation) of the Sudanese Criminal Act of 1991 against the police officer. Following the complaint, Ms. Fadel's family received threats by members of the ruling party. No follow-up was given to the case.

Besides, on February 12, 2018 in the evening, Ms. **Najla Mohammed Ali's** office in Khartoum was raided in her absence by 16 NISS officers. During the raid, Ms. Najla's niece, a university student, and eight of her colleagues were arrested by the NISS, which summoned Ms. Najla to their office. Upon her arrival, Ms. Najla was arrested and interrogated for three hours concerning the protest organised by her niece and the other university students against the increase in price of commodities resulting from a new economic policy introduced by the government in January 2018. During the interrogations, she was subjected to verbal abuses by the police. On February 13, 2018, she was transferred along with her niece and detained at Omdurman Prison where she has been denied family visits and access to medical care. Ms. Najla and her niece were both released on 18 February 2018. No charges were pressed against them.

## 4.1 Criminalisation and arbitrary detention

In most cases, the arrest is carried out directly by the NISS, without any arrest warrant. Subsequently, human rights lawyers are kept in detention for periods ranging from one day to several months, often without being informed of the charges against them, without being able to see a lawyer and without seeing a judge.

In other cases, human rights lawyers face charges such as "support to terrorist organisations", "espionage," "undermining constitutional order", "general nuisance", "breach of public safety", "unjust enrichment" and "breach of the terms of their work mandate" under vague provisions of the Criminal Code of 1991, the Terrorism Act of 2001, the Voluntary Labor Act

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of 2006 and the Sudanese Money Laundering Act. According to the Sudanese law, most of these crimes are not bailable and therefore the defenders are automatically placed in detention pending trial.

Criminal prosecution is often rendered possible by the excessively broad interpretation of the vaguely-worded provisions mentioned above, as well as by the lack of effective judicial control. In most of the documented cases, the lawyers are never brought before a judge. However, even when a trial occurs, all charges are often dropped due to lack of evidence, and the defenders are released without a final ruling. **Between January and April 2018**, when the Government of Sudan organised a violent crackdown against civil society protesting against rising commodity prices<sup>9</sup>, the Observatory and ACJPS documented the **arrest of 23 human rights lawyers, including the 19 above-mentioned (see Annex 1)**. All these cases were characterised by severe violations of the right to a fair trial, ill-treatment and other forms of harassment, as will be analysed below.

#### 4.1.1 The National Security Act of 2010

The **National Security Act of 2010 (NSA)**<sup>10</sup> gives broad powers to NISS officers in events of “internal or external threat jeopardising the country or any part thereof whether by way of war; invasion; siege; natural or environmental disaster or jeopardising its economic situation, democratic system or social fabric” (Art. 4). Under Article 50 of this law, any person can be detained for a period of up to 30 days, in absence of judicial review. This period can be extended by other 15 days if the Director of the NISS considers this is necessary for “the purpose of completing investigation and enquiry” (Art. 50(g)), The National Security Council can then further extend the pre-trial detention for up to three months, if “necessary for completion of investigation and enquiry in case of an accusation related to a factor threatening the security and safety of the people; intimidating society by way of armed robbery, racial, religious sedition or terrorism; disrupting peace; exercising political violence; or plotting against the country” (Art. 50 (h)).

In practice, **this law allows to maintain an individual in detention for up to 4,5 months in complete absence of judicial review**. This provision is commonly used against human rights lawyers with the purpose of intimidating them and disrupting their human rights work. In most of the cases, individuals detained by the NISS **are not informed of the charges against them**. Usually, the lawyers are released after a period ranging between one day and several months, without any charges being pressed against them. During this time, they are vulnerable to several human rights violations, such as torture, ill-treatment and violations of the right to fair trial, as it will be analysed below.

Arbitrary detention of 11 lawyers during January 2018 peaceful protests.

On 11 January 2018, the NISS arrested 11 lawyers in the North Kordofan State during a peaceful protest against the rise in basic commodities' prices. No evidence supported their arrests, as demonstrated by the release of all of them without any charge. However, only two lawyers of the groups were released on the same day (Ms. **Nemat Hassan Hammad** and Ms. **Ashraqa Abdul Karim El-Jake**), while other seven (Mr. **Taj al-Din Ali Mohamad Hammad**, Mr. **Mohamed El-Basha Taha**, Mr. **Adam Saleh Khater**, Mr. **Adam Ahmed Yagoub**, Mr. **Abdel Rahim Alsadeq Abu Al-Basha**, Mr. **Alhaj Abubaker Mohammed Riget** and Mr. **Ahmed Mohamed Ahmed al-Sunni**) were detained in the NISS detention Center of Alobid town in North in

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9. See OMCT's press release “Sudan: Escalating government crackdown on protesters sparks greater safety concerns”, available at: <http://www.omct.org/statements/sudan/2018/01/d24698/>.

10. Available at: <http://www.pclrs.com/downloads/bills/Institutional%20Law/National%20Security%20Act%202010%20UNMIS%20unofficial%20English%20%20Transaltion%20final%20version%202010-02-03%20single%20space.pdf>.

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very poor conditions and subjected to ill-treatment until the following day as a way of intimidation and to prevent their participation in the protests. Mr. **Ali Abulgasem** and Mr. **Osman Saleh** were kept in arbitrary detention, under trumped-up charges under Article 5 of the Emergency and Public Safety Law of 2017, which provides wide powers to the security agents. After respectively one and two months of arbitrary detention, they were also **released without charges on February 20 and March 21, 2018 respectively.**

#### 4.1.2 The Anti-Terrorism Act of 2001

In other cases, judicial harassment against human rights lawyers is made possible by an **extensive interpretation of Article 6 of the Anti-Terrorism Act of 2001**<sup>11</sup>. In particular, the term "terrorism organisation" is interpreted by security forces in a way to include civil society organisations, thus allowing the criminalisation of several human rights defenders. Article 6 of this Act provides that "Anyone who organizes or coerces or intends or participate or facilitates verbally or by act to administrate, organize, plant, network to commit a crime or terrorist crimes either working in Sudan territory or outside Sudan or the territory of any state inside Sudan, or a city or a village or any specific place occupied by a group of people an act that will endanger people and property and public safety, that act will be classified as a terrorist crime and when convicted will be punishable by death penalty".

##### Arbitrary and solitary confinement under the Anti-Terrorism Act of 2001

On 6 December 2014, the NISS arrested human rights lawyers Mr. **Amin Makki Madani**<sup>12</sup>, former Director of the Sudanese Monitor for Human Rights and a former UN employee, and Mr. **Farouq Abu Eisa**, former President of the Arab Lawyers Union and head of the Sudanese Opposition Parties' Coalition. Mr. Madani and Mr. Eisa, who are respectively 75 and 81 years old, were arrested in relation to their signature of the so-called "Sudan Call Initiative", under which they committed to work towards the end of the conflicts in Sudan and to build "a state on the basis of citizenship and democracy".

For the first 16 days of detention, they were kept in solitary confinement and denied any medical treatment. They both suffered from diabetes and other life-threatening diseases. Subsequently, they were charged with "crimes against the state" under the Sudanese Criminal Code of 1991 and Article 5 and 6 of the Anti-Terrorism Act of 2001 and **sent to trial before a special section of the North Khartoum criminal court under the Anti-Terrorism Act.** In solidarity with Mr. Amin Makki Madani, 105 human rights lawyers offered their legal support and representation until the president issued amnesty and ordered the release of him and his colleague Mr. **Farouq Abu Eisa.**

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11. Available at: <http://www.pclrs.com/downloads/bills/Criminal%20Law/Anti%20Terrorism%20Act%20Arabic.pdf> (in Arabic).

12. See the statement issued by the Observatory for the Protection of Human Rights Defenders on December 7, 2014 : <https://www.fidh.org/en/region/Africa/sudan/16596-sudan-arrest-of-the-president-of-the-sudan-human-rights-monitor>. Moreover, the Observatory had presented a complaint in front of the African Commission on Human and Peoples' Rights (see: [https://www.fidh.org/IMG/pdf/african\\_commission\\_complaint.pdf](https://www.fidh.org/IMG/pdf/african_commission_complaint.pdf)), which had ordered provisional measures calling upon Sudan to release Mr. Amin Makki Madani and Mr. Farouq Abu Eisa.

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## 4.2 Torture, ill-treatment and incommunicado detention

General poor detention conditions in Sudan are reflected in the situation of human rights lawyers, who often suffer from cruel, inhuman and degrading treatment during their arbitrary detention. Most of the lawyers mentioned in this report were detained in **cold and overcrowded cells, with poor sanitary conditions which can amount to ill-treatment** under international law<sup>13</sup>. They had limited access to food and drinkable water.

In several cases, they were detained in **solitary confinement** and denied contacts with other detainees. Far from being an exceptional and justified measure, solitary confinement is used as an instrument of repression and retaliation against lawyers. This further contravenes the recommendation of the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, who stated that solitary confinement should not be used in pre-trial detention and that its use in order to obtain confessions can amount to torture<sup>14</sup>.

### Reports of ill-treatment and solitary confinement

Mr. Salih Mahmoud Osman was arrested on February 1, 2018 after he made a statement condemning the austerity measures imposed by the government which led to a rise in prices of basic commodities. He was kept for one week in solitary confinement, in a very cold cell. He was not allowed to go out of his cell which was only opened when food was brought through a space under the door. After one week, Mr. Osman was transferred to Kober Prison in Khartoum Bahri where he was held in a section within the prison controlled by NISS. He was detained in a cell with five others, slept on the floor and was denied family visit for six weeks. Mr. Osman was released on April 20, 2018.

Mr. Taj al-Din Ali Mohamad Hammad, Mr. Mohamed El-Basha Taha, Mr. Adam Saleh Khater, Mr. Adam Ahmed Yagoub, Mr. Abdel Rahim Alsadeq Abu Al-Basha, Mr. Alhaj Abubaker Mohammed Riget, and Mr. Ahmed Mohamed Ahmed al-Sunni were among the 11 lawyers arrested on January 11, 2018 in North Kordofan State upon their participation on a peaceful demonstration. Before being released without charges, they were detained in a dark and crowded cell which had no light, bed nor toilet and was full of mosquitoes. They slept on the floor and had to use their clothes as bedsheets. No complaints have reportedly been lodged following those violations.

Another common practice used by the NISS to intimidate and control human rights lawyers is **to torture the detainees to force them to disclose their emails and social media accounts passwords**. This practice was particularly widespread in January and February 2018, with human rights defenders (not lawyers) being beaten with a wooden stick in order to force them to reveal email passwords. Subsequently, the police checked the contents of the mobile phones and asked intrusive questions about them. These abuses are commonly practiced by a particular NISS unit called Electronic Jihadi Battalion, which was established around 2012 and became very active during the protests of September 2013.

Further, several lawyers were held in prolonged **incommunicado and secret detention**, which can be considered as a form of torture and ill-treatment itself<sup>15</sup>. In several cases analysed by

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13. See, for instance, CAT Concluding Observations: Hungary, UN Doc. CAT/C/HUN/CO/4 (2006), para. 13.

14. UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, UN Doc. A/66/268 (2011), para. 73, 75, 85, 99.

15. UN Mechanisms Joint Study on secret detention, UN Doc. A/HRC/13/42 (2010), §§27-28, 292(f). See the case of El-Megreisi v. Libyan Arab Jamahiriya, communication No. 440/1990. See also the case of Rafael Mojica v. Dominican Republic, communication No. 449/1991, para. 5.7, in which the Human Rights Committee concluded that the disappearance of persons is inseparably linked to treatment that amounts to a violation of article 7 of the International Covenant on Civil and Political Rights.

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the Observatory and ACJPS, the families were not informed of the arrest and of the whereabouts of the detainees, in breach of national<sup>16</sup> and international law<sup>17</sup>.

#### Incommunicado detention of four lawyers for over a month

As mentioned above, Mr. **Madthir Khamis**, Ms. **Hanan Hussein**, Mr. **Hafiaz Mohamed Ali** and Mr. **Samia Argai**, were arrested by the NISS on January 16, 2018, and were detained incommunicado until February 18, 2018, when they were released without charges. During this time, they were subjected to ill-treatment, forced to sleep on the ground and denied any family visit. No complaints have reportedly been lodged by the latter.

### 4.3 Violations of right to fair trial and abuse of power by the NISS

The practice of arbitrarily detaining human rights defenders without bringing them before a judge, as allowed by Article 50 of the NSA 2010, clearly breaches international human rights law and in particular the right to liberty and to a fair trial. **The right to be brought promptly before a judge is established by international law and represents an essential safeguard** for the detainee to assess the lawfulness of the detention, contributing also to reduce the risk of ill-treatment and torture<sup>18</sup>. While international instruments do not specify exactly what "promptly" means in terms of time limits, the UN Human Rights Committee (CCPR) has interpreted it in a way that it should not exceed a few days<sup>19</sup>. Moreover, this right should not be restricted in case of emergency<sup>20</sup>.

In practice, **none of the lawyers above was brought before a judge, and they were never informed of any charge being pressed against them**. This practice is in breach of Sudanese law<sup>21</sup> as well as international law<sup>22</sup>. Access to legal support has also been denied in all the cases analysed in the report.

Additionally, several other breaches of the right to fair trial can be identified in the cases analysed above. **Family visits are denied in almost all the cases** analysed in this report, and in the very few cases in which they are allowed, these are usually very short and have to be carried out in the presence of a NISS official. Such restrictions, permitted by the NSA Act 2010<sup>23</sup>, breach international law<sup>24</sup> and amount to inhuman treatment<sup>25</sup>. **Medical visits have been equally denied** in all of the cases mentioned in this report, except from one situation in which access to a doctor was permitted but only six weeks after the arrest<sup>26</sup>.

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16. Article 51 of the NSA 2010 establishes the right to immediately inform the family upon the arrest.

17. UN Committee Against Torture (CAT), General Comment No. 2: Implementation of Article 2 by States Parties, 24 January 2008, CAT/C/GC/2.

18. Article 9(3) of the ICCPR, Article 16(6) of the Migrant Workers Convention, Article 14(5) of the Arab Charter, Article 5(3) of the European Convention, Section M(3) of the Principles on Fair Trial in Africa, Article 59(2) of the ICC Statute.

19. UN Human Rights Committee (CCPR), CCPR General Comment No. 8: Article 9 (Right to Liberty and Security of Persons), 30 June 1982, No. 8; Section M(3) of the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 2003.

20. See CCPR Concluding Observations: Israel, UN Doc. CCPR/C/ISR/CO/3 (2010) §7(c); CCPR Concluding Observations: Thailand, UN Doc. CCPR/CO/84/THA (2005) §§13 and 15.

21. Art. 51 of the NSA 2010 establishes the right to be informed of the reason of the arrest.

22. Article 9(2) of the ICCPR, Article 7(4) of the American Convention, Article 14(3) of the Arab Charter, Article 5(2) of the European Convention, Principle 10 of the Body of Principles, Section M(2)(a) of the Principles on Fair Trial in Africa, Principle V of the Principles on Persons Deprived of Liberty in the Americas.

23. Article 51 establishes that the right to communicate with the family and with a lawyer can be limited if it can bring "prejudice the progress of interrogation, enquiry and investigation".

24. Article 17(2)(d) of the Convention on Enforced Disappearance.

25. Civil Liberties Organisation v. Nigeria (151/96), African Commission on Human and Peoples Rights, 13th Annual Report (1999), §27.

26. This is the case of Mr. Salih Mahmoud Osman, presented at p. 10.

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## 4.4 Raid in the workplaces

One form of control and intimidation over human rights lawyers' work is the NISS's practice to organise raids in the workplace. The impact of this practice is particularly concerning as it impacts at the same time both the lawyers and their clients, thus **generating a climate of fear in which victims of human rights abuses can refrain themselves from seeking legal assistance.**

### Raids in offices targeting lawyers and clients

On May 5, 2016, the office of Khartoum-based human rights lawyer Mr. **Nabil Adib Abdullah** was raided by a group of men who identified themselves as NISS officers. The men told him to go to the political section of the NISS office and collect his passport, to which Mr. Nabil objected. They were in civilian clothes and some of them were armed with pistols. They pointed their pistols and guns at those who were in the office. At the time of the raid, **Mr. Abdullah was providing legal support to 10 students** of the University of Khartoum who had been dismissed by their university following their participation in the protest against information that the government proposed to sell the university building in the Center of Khartoum and move the University to another neighbourhood or in Suba. All the students were arrested during the raid.

Two years later, on February 12, 2018, a similar situation occurred in the case of Ms. **Najla Mohammed Ali**, which is mentioned above. **During the raid in Ms. Ali's office, her niece, a university student, and her colleagues, were arrested** by the NISS. Ms. Najla was also summoned and subjected to arbitrary detention until her release without charges on February 18, 2018 (see above for more details).

## 4.5 Travel bans and other obstacles to freedom of movement

Travels bans and other obstacles to freedom of movement are a common practice of harassment of human rights defenders with the purpose to  **censor them and prevent them from speaking about the human rights situation in the country** in the context of international conferences and meetings. In most cases, these are imposed outside of any legal procedure, for instance through the seizure of the passport, **and no explanation is given.** In the past two years, the Observatory and ACJPS documented four cases of de facto travel bans imposed on human rights lawyers.

### Seizure of passports

On August 16, 2018, human rights lawyer Mr. **Mohammad Abdullah Al-Duma** was arrested by the NISS at Khartoum Airport and questioned about his meetings during a visit to the U.S. where he attended a ceremony held by the American Bar Association in celebration of an award granted to Sudanese human rights lawyer Mr. Abdulrahman al-Gasim. Mr. Al-Duma was released after he was subjected to hours of interrogation at the airport's office. The NISS seized his passport and as of the publication of this report, Mr. Al-Duma had not been allowed to collect his passport from NISS.

On July 29, 2018, the NISS had already stopped Mr. Al-Duma at Khartoum Airport and told him that he could not travel. Mr. Al-Duma was supposed travel to Cairo for medical treatment as his health was deteriorating due to his previous detention between January 17 to February 20, 2018.

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On 8 March 2018, NISS had similarly stopped Mr. Al-Duma at Khartoum Airport when he was due to travel to Cairo for medical treatment. His passport was seized and later returned to him with no explanation given.

In 2017, the NISS stopped lawyer Mr. **Salih Mahmoud Osman** at Khartoum Airport as he was supposed to attend a Human Rights Council session in Geneva. Mr. Osman's passport was seized and no explanation has been given.

On January 12, 2017, NISS stopped lawyer Mr. **Amin Makki Madani** at Khartoum Airport. Dr. Madani was on his way to Cairo for medical treatment. His passport was seized and no explanation has been given.

## 5. HARASSMENT AGAINST WOMEN HUMAN RIGHTS LAWYERS

Women human rights lawyers are often victim of specific forms of harassment and abuses. In these cases, discrimination factors that affect women in general represent an additional challenge within the framework of their human rights work, which can make them more vulnerable to gender-based violence by the security forces, sexual harassment and other forms of intimidation.

In several situations, **women human rights lawyers are subjected to verbal abuses and insults, threats, stigmatisation and sexual harassment.** One situation in which they are particularly vulnerable to sexual abuses is during searches and interrogations. The Observatory and ACJPS in a recent report<sup>27</sup>, ACJPS has documented a number of abuses during intimate searches for women human rights defenders at NISS detention centres, in which they were subjected to direct contact with the private parts of their bodies accompanied by verbal abuse, threats of rape, and stigmatisation. Women human rights defenders were also denied sanitary towels.

Other forms of harassment which have been documented above in relation to the general human rights lawyers community, apply particularly to women human rights lawyers, such as controls over private life and access to telephone contacts and messages. The ACJPS documented a case of a female human rights defender<sup>28</sup> who received abusive text messages and calls on her Facebook Messenger from a fake account. After she ignored the messages and calls, she was subject to sexual harassment and threats through several text messages. Shortly after, she was summoned by the police, and maintained in detention until her release without charges in February, 2018<sup>29</sup>.

### Sexual harassment and stigmatisation

On December 26, 2016, human rights lawyer Ms. **Tasnim Taha al-Waki** received a phone call when she was at her office in al-Fasher in North Darfur State. The caller told her that he was a client who wanted to meet with her. When he arrived at the building where her office is located, he called her again and asked her to meet him on the ground floor. When she came downstairs, she found two men in civilian clothes who told her that they were NISS members and immediately put her in a car in which there were other six men waiting. She was then taken to the headquarters of the NISS in al-Fasher, and then put in a flight to Khartoum along with other prisoners from

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27. See the joint press release "Sudan: A shrinking environment for Women Human Rights Defenders" issued by the Observatory and ACJPS on August 30, 2018, available at: <https://www.fidh.org/en/issues/human-rights-defenders/sudan-a-shrinking-environment-for-women-human-rights-defenders>.

28. Her name is not revealed for security reasons.

29. The events happened in February 2018.

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Shala Prison. Subsequent to their arrival in Khartoum, they were transported in car to the NISS office called "The Political Section" near Shandi Station. On their way to the NISS office from Khartoum Airport, they were all ordered to lower their heads to prevent them from recognising where they were being taken.

At the NISS, she was subjected to a body search by a woman and interrogated about a statement she had issued. **The NISS officer verbally abused her, by insulting and stigmatising girls from her regions.** Ms. al-Waki was transferred to Dar Altaibat Detention centre in Umdorman. The next day, she was transferred again to the NISS offices near Shendi's Bus Station where she was interrogated from 12 pm to 8 pm. She was asked about the content of her phone and her relationship with some human rights defenders. Ms. Al-Waki was released on bail on March 12, 2017 and the charges against her under Article 56 of the Counter Terrorism Act were later dropped after a presidential amnesty on August 10, 2017. No complaints have reportedly been lodged by Ms. Al-Waki over the violations she suffered.

## 6. CAUSES OF VULNERABILITY: AN INADEQUATE LEGAL SYSTEM AND IMPUNITY FOR HUMAN RIGHTS VIOLATIONS

### 6.1 NISS unlimited powers and total immunity

Under the 2005 Interim National Constitution<sup>30</sup>, the National Security Service had to limit its operations to "information gathering, analysis and advice to the appropriate authorities" (Art. 151(3)). This provision aimed at limiting the power of the NISS in comparison with the previous National Security Forces Act of 1999 (NSFA). However, this was contravened by the National Security Act of 2010 (NSA), which **gives broad powers to NISS officers and soldiers in events of "internal or external threat jeopardising the country or any part thereof whether by way of war, invasion, siege, natural or environmental disaster or jeopardising its economic situation, democratic system or social fabric"** (Art. 4). On the basis of this vaguely-worded and broadly-interpretable provision, NISS officers and soldiers have the power to request information, data, documents or elements from any person with a view to examining them or keeping them. They can summon and interrogate people and take statements, conduct monitoring, investigations and searching operations and seize money (Art. 25). Moreover, as analysed above, they can de facto detain an individual for up to 4,5 months without any judicial scrutiny. In such cases, the right to see a lawyer and to receive family visits is also curtailed if it can bring "prejudice the progress of interrogation, enquiry and investigation" (Art. 51).

The already broad and almost unlimited powers of the NISS are further expanded by the immunity which covers all abuses perpetrated by the NISS, as already noted in 2009 by the Special Rapporteur on the situation of human rights in Sudan concerning the previous NSFA 1999<sup>31</sup>. Under the new NSA 2010, this provision remains unchanged and NISS personnel benefit **from immunity for all acts committed "in good intention while or by reason of performing his/her functions** or any duty assigned thereto or any act he/she did as part of any power bestowed on him/her pursuant to this Act" (Art. 52(1)).

Moreover, Art. 52(3) states that "no civil or criminal procedures may be brought against a member or associate unless upon the approval of the Director". Such power is not subjected to judicial scrutiny and, in practice, this immunity is rarely lifted<sup>32</sup>. For this reason, the vast majority of cases of human rights violations committed remain unpunished.

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30. Available at: <http://www.wipo.int/edocs/lexdocs/laws/en/sd/sd003en.pdf>.

31. Final report of the Special Rapporteur on the situation of human rights in the Sudan, A/HRC/11/14, June 2009, para. 22.

32. Amnesty International « Agents of Fear. The National Security Service in Sudan », 2010, AFR 54/010/2010.

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## 6.2 Lack of remedies for human rights violations

Mechanisms of protection available in case of human rights violations in Sudan are widely insufficient and contribute to fuel a climate of impunity.

In a landmark decision on torture against human rights defenders in Sudan, in March 2014 the African Commission on Human and Peoples' Rights (ACHPR) found the Sudanese government in breach of Articles 1, 5 (prohibition of torture), 6 (arbitrary detention), 9 (freedom of expression), 10 (freedom of association), 12(1)(2) (freedom of movement and residence), 15 (equitable and satisfactory conditions of work) and 16 (right to health) of the African Charter on Human and Peoples' Rights (Banjul Charter), and recommended Sudan to introduce effective mechanisms for redress.

The decision regarded the arrest, interrogation and harassment of Mr. **Monim Elgak**, human rights researcher and lawyer, Mr. **Osman Hummaida**, former Director of the Sudan Organization against Torture (SOAT) and Mr. **Amir Suliman**, former member of the Khartoum Centre for Human Rights and Environmental Development (KCHRED), and the **lack of effective investigations into allegations of torture and ill-treatment**<sup>33</sup>. The three prominent Sudanese human rights defenders were arrested in Khartoum in November 2008 and detained in the NISS premises. There, they were subjected to serious acts of torture and ill-treatment, in retaliation to their alleged cooperation with the International Criminal Court (ICC) in the case pending against the Sudanese President, Omar Al Bashir<sup>34</sup>. Due to the lack of remedies before the Sudanese courts, the HRDs were forced to flee the country and seek redress before the ACHPR.

Four years after, the ACHPR recommendations have not been implemented and effective remedies remain unavailable in case of torture and human rights violations. As of October 2018, **no police or NISS officer has been held accountable for any of the human rights abuses analysed in the report**. On the one hand, the widespread impunity and the immunity that covers most of the human rights violations committed by the NISS dissuade most victims from trying to bring their perpetrators to court. On the other hand, even in the cases in which a complaint is brought, not only this does not lead to any investigation by the police, **but the complainants and their families can be exposed to further threats and intimidation as a form of retaliation**<sup>35</sup>.

## 6.3 Absence of judicial scrutiny and legal safeguards

Lastly, human rights defenders and lawyers' vulnerability is further increased by the lack of adequate safeguards against arbitrary detention and violations of the right to a fair trial.

As analysed above, **several breaches of international legal standards concerning the right to liberty and the right to a fair trial are inherent to the Sudanese legal system**, as the latter allows the NISS to extend the detention to up to 4,5 months, and allows limitations to the right to family visits and to access to a lawyer (Art. 51 of the NSA 2010). In these cases, the absence of judicial scrutiny over the lawfulness of the detention notably increases vulnerability to torture and ill-treatment.

Furthermore, **even in situations in which the national legislation establishes safeguards during the arrest and detention of an individual, such provisions are often infringed in practice**.

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33. Monim Elgak, Osman Hummeida and Amir Suliman (represented by FIDH and OMCT) v Sudan. OMCT and FIDH had represented the three HRDs before the ACHPR: see communication 379/09 Monim Elgak, Osman Hummeida and Amir Suliman (represented by FIDH and OMCT) v. Sudan ([http://www.achpr.org/files/sessions/15th-eo/communications/379.09/achpr15eos\\_decision\\_379\\_09\\_eng.pdf](http://www.achpr.org/files/sessions/15th-eo/communications/379.09/achpr15eos_decision_379_09_eng.pdf)).

34. See OMCT "Sudan: ACHPR declares torture complaint filed by prominent Sudanese human rights defenders admissible", published on August 17, 2012, available at: <http://www.omct.org/human-rights-defenders/urgent-interventions/sudan/2012/08/d21900/>.

35. See the case of Ms. Aziza Ahmed Fadel, at p. 7.

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This happens frequently with regard to the procedure established by Art. 50 of the NSA 2010, in several cases where HRDs have been detained for several week without any justification and without being able to challenge the legality of their detention before a court, as established by Art. 51 of the NSA 2010. For example lawyers arrested on the 16 and 17 of January were released on February 18 2018 while some were released in the third week of March. Moreover, as discussed above, incommunicado detention is a widespread practice despite the recognition of the right to inform a family member upon arrest (Art. 51).

Similarly, under Article 48 of the Sudanese Lawyers Act, **the authorities are obliged to notify the Bar Association every time a lawyer is arrested**, except in the case of '*flagrante delicto*' and crimes related to state security. According to the same article, if the crime of which the lawyer is accused is related to his or her work, the president of the Lawyers' union or his or her deputy may be allowed to attend the interrogation or investigation. However, the vague wording of the provision leads to the fact that this is never applied, as demonstrated by the cases presented in this report, in which lawyers have been subjected to arbitrary arrest without any notification to the Bar Association.

#### Violations of article 48 of the Sudanese Lawyers Act

Mr. **Ishaq Ahmed Abdul Aziz** was arrested on February 16, 2018 upon his participation on a peaceful rally to hand over a memorandum to the assembly of Khartoum State calling to reject the austerity measures announced by the Sudanese government that led to an increase in prices of basic commodities.

When the NISS ordered Mr. Abdul Aziz to get into their car, he showed them his lawyer's badge and informed them that they could not arrest him before obtaining a valid permission to that effect from the lawyers' Bar Association. **This was blatantly ignored by the security officers, who forced him to sit on the floor in front of the back seat of the car and ordered to cover his head with his jacket.** They drove him around for about two hours before detaining him at Khartoum North Police Station where a criminal case was filed against him under Articles 69 (breach of public safety) and 77 (public nuisance) of the Criminal Act of 1991.

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## 7. CONCLUSION

This report analysed the different levels of threats and violations to which human rights lawyers are submitted in Sudan, as well as the different legal and political factors that increase human rights lawyers vulnerability to human rights abuses.

As demonstrated in the first section of the report, **human rights lawyers represent a double target for the government and the NISS**. On the one hand, they are attacked in relation with specific human rights actions, in particular during their participation to peaceful protests or other advocacy activities. On the other hand, attacks against them aim to curtail other human rights defenders' access to justice. In particular, lawyers are particularly targeted as they take up the defence of the victims of the violent government's repression against the protests that spread in the country in the aftermath of the **Arab revolutions**, from 2011 onwards, and **to denounce** in particular **the austerity measures** regularly adopted by the government in the past seven years. Thereby, by targeting human rights lawyers, the Sudanese authorities indirectly attack all HRDs subject to extrajudicial killings, judicial harassment and / or arbitrary detention, as the latter and their families are deprived of their right to legal assistance.

Both reasons equally contribute to particularly expose human rights lawyers **to criminalisation and arbitrary detention, including incommunicado, as well as to torture and ill-treatment and other forms of harassment, including raids in workplaces and travel bans**. Besides, women human rights lawyers are particularly vulnerable to sexual harassment during interrogation, search and detention, in addition to broader forms of gender discrimination suffered in the country.

In this context, **the NISS acts with absolute power and impunity** conferred by the NSA 2010, and from an **immunity which, up to date, has never been questioned**. Severe violations of the right to fair trial, such as the lack of judicial scrutiny until up to 4,5 months of detention, increase human rights lawyers' vulnerability to human rights abuses. As of today, **no effective remedy is available** for human rights lawyers subjected to torture, arbitrary detention and other human rights violations.

In such a context, much remains to be done to create an enabling environment for the work of human rights lawyers in Sudan. **First of all, the widespread impunity needs to be targeted through laws ensuring adequate remedies in case of human rights violations and lifting the immunity for NISS officers and soldiers. Secondly, concrete reforms of the legal framework and the administration of security services are needed to avoid abuses of criminal law against human rights defenders and to limit the power of the NISS. Thirdly, the right to fair trial must be respected in every condition, by ensuring prompt judicial scrutiny over detention and the effective possibility to challenge the lawfulness of a detention before a court without delays.**

These reforms are necessary and urgent to ensure the continuity and conducive development of the essential work carried out by human rights lawyers in Sudan.

## 8. RECOMMENDATIONS

In light of the findings analysed in this report, the Observatory for the Protection of Human Rights Defenders and ACJPS make the following recommendations:

- 
- Put an end to the prevailing culture of impunity for human rights violations committed by the NISS, notably by carrying out independent investigations into all allegations of human rights violations and by lifting the immunity of NISS officers and soldiers:
    - o To this extent:
      - Amend article 52 of the NSA and ensure that NISS officers and soldiers are held accountable for human rights violations committed in the exercise of their work
      - Ensure that effective legal remedies are available in all cases of allegations of torture and ill-treatment
      - Ensure that effective investigations are carried out in relation to all allegations of human rights abuses including torture and ill-treatment, arbitrary detention, harassment and other threats
  - Guarantee in all circumstances the physical and psychological integrity of all human rights lawyers in Sudan
  - Put an end to any kind of harassment, including at the administrative and judicial level, against all human rights lawyers, ensure that they are not criminalised as retaliation to their legitimate human rights activities, and guarantee the right to fair trial is respected at any stage:
    - o To this extent:
      - Amend article 50 of the NSA 2011 and ensure that every decision to detain an individual is promptly submitted to judicial scrutiny in compliance with international standards
      - Amend article 51 in the part in which it allows to set limits to the right to family visits and to access to a lawyer
      - Ensure that every detainee is immediately informed of the charges pending against him or her
      - Ensure that the right to challenge the lawfulness of the detention before a court and without delays is respected
      - Ensure that the full respect of Article 48 of the Sudanese Lawyers Act
  - Ensure that the right to freedom of movement of human rights lawyers is respected.
    - o Lift the travel ban against Mr. Mohammad Abdullah Al-Duma, Mr. Salih Mahmoud Osman and Mr. Amin Makki Madani
  - Put an end to the public stigmatisation of human rights lawyers and organisations and publicly recognise the legitimate and crucial role they play as pillars of democracy and watchdogs of the rule of law, including in the context of the upcoming elections;
  - Ensure that all members of the police and other security forces are made aware of the role of human rights lawyers and their responsibility to protect them, as set out in the United Nations Declaration on Human Rights Defenders;
  - Refrain from other form of intimidation and harassment against human rights lawyers and their clients, including the practice of office raids.
  - Ratify the Convention against torture and Convention on the Elimination of Discrimination Against Women.
  - Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially Articles 1, 6(c) and 12.2;
  - More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by Sudan.
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## ANNEX 1:

List of human rights lawyers arrested in the first four months of 2018:

1. Ms. **Nemat Hassan Hammad** (11.01.2018-11.01.2018)
2. Ms. **Ashraqa Abdul Karim El-Jake** (11.01.2018-11.01.2018)
3. Mr. **Taj al-Din Ali Mohamad Hammad** (11.01.2018-11.01.2018)
4. Mr. **Mohamed El-Basha Taha** (11.01.2018-11.01.2018)
5. Mr. **Adam Saleh Khater** (11.01.2018-11.01.2018)
6. Mr. **Adam Ahmed Yagoub** (11.01.2018-11.01.2018)
7. Mr. **Abdel Rahim Alsadeq Abu Al-Bashar** (11.01.2018-11.01.2018)
8. Mr. **Alhaj Abubaker Mohammed Riget** (11.01.2018-11.01.2018)
9. Mr. **Ahmed Mohamed Ahmed al-Sunni** (11.01.2018-12.01.2018)
10. Mr. **Ali Abulgasem** (11.01.2018-20.02.2018)
11. Mr. **Osman Saleh** (11.01.2018-21.03.2018)
12. Mr. **Madthir Khamis** (16.01.2018-18.02.2018)
13. Ms. **Hanan Hussein** (16.01.2018-18.02.2018)
14. Mr. **Hafiaz Mohamed Ali** (16.01.2018-18.02.2018)
15. Ms. **Samia Argai** (16.01.2018-18.02.2018)
16. Mr. **Mohamad Abdullah Al-Duma** (17.01.2018-20.02.2018 / 16.08.2018-16.08.2018)
17. Mr. **Hanadi Fadul** (20.01.2018-18.02.2018)
18. Ms. **Asma Mahmoud Mohamed Taha** (01.02.2018-25.03.2018)
19. Mr. **Mohammed al-Hafiz Mahmoud** (01.02.2018-25.03.2018)
20. Mr. **Salih Mahmoud Osman** (07.02.2018-10.04.2018)
21. Ms. **Najla Mohammad Ali** (12.02.2018-18.02.2018)
22. Mr. **Ishaq Ahmed Abdul Aziz** (16.02.2018-17.02.2018)
23. Mr. **Mohanad Mustafa** (29.04.2018-30.04.2018)



Created in 1985, the World Organisation Against Torture (OMCT) works for, with and through an international coalition of over 200 non-governmental organisations - the SOS-Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment in the world and fighting for the protection of human rights defenders.

#### **Assisting and supporting victims**

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions. OMCT pays particular attention to certain categories of victims, such as women and children.

#### **Preventing torture and fighting against impunity**

Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture. OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

#### **Protecting human rights defenders**

Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

#### **Accompanying and strengthening organisations in the field**

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture. OMCT presence in Tunisia is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

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#### **Establishing the facts**

Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis. FIDH has conducted more than 1,500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

#### **Supporting civil society**

Training and exchanges

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

#### **Mobilising the international community**

Permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

#### **Informing and reporting**

Mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

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**The Observatory for the Protection of Human Rights Defenders,  
a partnership of OMCT and FIDH**

Created in 1997, the Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With this aim, the Observatory seeks to establish:

- a mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- international missions of investigation and solidarity;
- a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- the preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

.....

**To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger. This system, called Emergency Line, can be reached through:**

E-mail: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)  
OMCT Tel: + 41 22 809 49 39 Fax: + 41 22 809 49 29  
FIDH Tel: + 33 1 43 55 25 18 Fax: + 33 1 43 55 18 80