

Case SDN 040804
Internally Displaced Persons / Arrests / Torture

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **Sudan**.

Brief description of the situation

The International Secretariat of OMCT has been informed by the Sudanese Organisation Against Torture (SOAT), a member of the OMCT network, of the arrest and alleged torture of 22 Internally Displaced Persons (IDPs) from Kalma camp (this camp is located 17 kilometres east of Nyala, Southern Darfur state).

According to the information received, the arrest took place after disturbances at the Kalma camp following the IDP's resistance to the authority's attempts to return them to their villages. The IDP's insisted that there is no clear protection offered to them by the government, fearing Janjaweed attacks upon their return. The authority restored order to the Camp and arrested 22 individuals who were accused by security officers as leaders of the Camp.

Initially the 22 individuals were taken to the security office in Nyala and detained for one day. On 1 August 2004 the detainees were transferred to Nyala Wasat (central) Police station and on the 2 August 2004 the 22 individuals were officially charged by the NSA under article 69 of the 1991 Penal Code for causing "public nuisance and disturbance". Their trial began on the same morning, 2 August 2004, at the Nyala Criminal Court, and they were allowed to be represented by two lawyers, Mr. Mossad Ali and Mr. Mohamed Ali Hassan. At the end of the session, they were taken to Nyala General Prison; the next session is to be held on 7 August 2004.

The detainees alleged that they have been tortured by the security officers during their detention to extract confession that they caused the disturbances at the refugee camp. They allege to have been beaten with sticks on their arms, heads, ears, backs and all over their bodies. Their lawyers requested a medical examination, and the court accepted the request. A medical application form has been issued by the police to send them to the hospital to confirm the injuries and to receive medical treatment.

The names of IDP's who were arrested, all males, are as follows:

1. Abdella Bashir, 23 yrs (currently in hospital)
2. Abdel Wahab Abdel Rahman Adam, 30 yrs
3. Adam Mahadi Mohamed Ahmed, 23 yrs
4. Malik Mansour Mohamed Bakhit, 20yrs
5. Abu Algasim Mohamed Ibrahim, 21 Yrs
6. Abdella Ibrahim Mango, 28 Yrs
7. Yaseen Mohamed Arabi, 22 Yrs
8. Suleiman Musa Mohamed, 23 Yrs
9. Saif Aldin Salih Adam, 21 Yrs
10. Mohamed Adam Abdella, 22 Yrs
11. Abdella Osman Mohamed Salih, 23 Yrs
12. Abbas Omer Ishag, 22 Yrs
13. Mohamed Abaker Jali, 23 Yrs
14. Izzeldin Abdella Ali, 23 Yrs
15. Mahmoud Mohamed Salih, 22 Yrs
16. Baher Aldin Bashir Sharief 22 Yrs
17. Adam Abdel Rahman Suleiman 22 Yrs
18. Gamer Aldin Mohamed Ibrahim 22 Yrs
19. Yousif Abdella Omer, 22 Yrs
20. Abdella Yousif Tijani 27 Yrs
21. Mustafa Ahmed Jabralla, 19 Yrs
22. Nour Aldin Babiker Hassan

Forceful relocation or return of IDPs and refugees is against all international humanitarian laws and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. According to reports, IDPs who have return to their communities have suffered frequent attacks and have been subject to intimidation by the Janjaweed militia. Despite these incidents, government officials have been employing coercive methods to persuade IDPs to return to their homes. OMCT recalls that the UN Security Council Resolution 1556 (2004) adopted by the Security

Council at its 5015th meeting, on 30 July 2004, demands that “any return of refugees and displaced persons to their homes must take place voluntarily with adequate assistance and with sufficient security.” Failure by the Government of Sudan to comply with this resolution will result in further action being taken by the UN.

Action requested

Please write to the authorities in Sudan urging them to:

- i. take all measures necessary to guarantee the physical and psychological integrity of the 22 Internally Displaced Persons (IDPs) mentioned above;
- ii. order their immediate release in the absence of legal charges that are consistent with international law and standards, or, if such charges exist, bring them before an impartial and competent tribunal and guarantee their procedural rights at all times;
- iii. order a thorough and impartial investigation into the circumstances of their arrest and any allegations of torture, in order to identify all those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law;
- iv. guarantee that adequate reparation is provided to the victims of these abuses;
- v. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

Addresses

- His Excellency Lieutenant General Omar Hassan al-Bashir, President of the Republic of Sudan, President's Palace, PO Box 281, Khartoum, Sudan. Fax: + 249 183 783223
- Mr. Ali Mohamed Osman Yassin, Minister of Justice and Attorney General, Ministry of Justice, Khartoum, Sudan. Fax: + 249 183 788941
- Mr. Mustafa Osman Ismail, Minister of Foreign Affairs, Ministry of Foreign Affairs, PO Box 873, Khartoum, Sudan. Fax: + 249 183 779383
- Dr. Abdelmuneim Osman Mohamed Taha, Advisory Council for Human Rights, PO Box 302, Khartoum, Sudan. Fax: + 249 183 770883
- His Excellency Ambassador Mr. Mohamed Al- Hassan Ahmed Al-Haj, Permanent Mission of the Republic of Sudan to the United Nations in Geneva, PO Box 335, 1211 Geneva, Switzerland, Fax: +4122 731 26 56, E-mail: mission.sudan@ties.itu.int.

Please also write to the embassies of Sudan in your respective country.

Geneva, 4 August 2004

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.