

## THE OBSERVATORY - PRESS RELEASE

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### **SUDAN: Verdict against three arbitrarily detained human rights defenders postponed to March 5**

**Paris-Geneva, March 3, 2017 – Ten months after their arrest in May 2016 following a raid by Sudanese authorities against the Centre for Training and Human Development (TRACKs) in February 2016, human rights defenders Khalafalla Al-Afif Mukhtar, Midhat A. Hamdan and Mustafa Adam are still arbitrarily detained. Their case is emblematic of the shrinking space for Sudanese civil society amidst ongoing repression and crackdowns on NGOs, activists and human rights defenders, the Observatory for the Protection of Human Rights Defenders (an FIDH-OMCT partnership) says today.**

The final verdict against the three men, TRACKs<sup>1</sup> Director Khalafalla Al-Afif Mukhtar, trainer Midhat A. Hamdan, and Director of Zarqa Organisation for Rural Development (ZORD) Mustafa Adam, is expected to be delivered on March 5, 2017. This will be the twenty-fourth hearing since the opening of the court case in August 2016. The final verdict was initially supposed to be delivered on February 20, 2017, but was delayed since the presiding judge, prosecutor and the National Intelligence and Security Services (NISS) failed to appear. During the court session on February 20, the three defendants were pushed by police who prevented them from greeting their relatives.

**“Khalafalla Al-Afif Mukhtar, Midhat A. Hamdan and Mustafa Adam have become tragic symbols of the challenges faced by civil society in Sudan, operating in a shrinking space, judicially harassed, accused of espionage and portrayed as working against the State. Although this trial has witnessed amazing involvement and solidarity from the human rights community in the country, the future of Sudan’s civil society is at stake and there are reasons to express deep concerns,”** said Alice Mogwe, FIDH Secretary General.

Before being charged on August 15, 2016, and transferred to Al-Huda prison in Omdurman, the three men had spent 86 days in pre-trial detention without being notified of any charges against them. Throughout the investigation, they were held within the premises of the Office of the Prosecutor for State Security in Khartoum in a narrow cell with poor ventilation and access to food, no access to medication and limited access to toilets.

The trial opened on August 24, 2016 and originally targeted six human rights defenders affiliated to TRACKs. While charges against three of them were eventually dropped on January 19, 2017, Messrs. Khalafalla Al-Afif Mukhtar and Midhat A. Hamdan are still being prosecuted under Article 66 of the Criminal Code (dissemination of false information) and Article 14 (cyber-crimes). Mr. Khalafalla Al-Afif Mukhtar also faces charges under Article 7 of the Humanitarian and Voluntary Act 2006 (receipt of foreign funds without informing the authorities). If convicted, the defendants face between six months and 8 years in prison. Mr. Mustafa Adam is prosecuted under Article 53 (espionage) and Article 55 (possession and dissemination of official document), which together carry up to 12 years in prison. In addition, Article 53 carries the death penalty.

Throughout the trial, the three men and their co-defendants were never presented neither with a list of evidences proving their guilt, nor with the charges against them. Moreover, activists attending the trial sessions have been subjected to harassment and intimidation by court police and authorities.

**“Khalafalla Al-Afif Mukhtar, Midhat A. Hamdan and Mustafa Adam’s prolonged arbitrary detention and judicial harassment are a breach of international human rights**

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<sup>1</sup> TRACKs is a Sudanese NGO providing training on various topics relating to human rights and information technology. See The Observatory Urgent Appeal SDN 001 / 1016 / OBS 084.6, published on January 20, 2017.



The Observatory  
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**norms, specifically of Articles 9.2 and 19 of the ICCPR and 19 of the UDHR, as found by the UN Working Group on Arbitrary Detention (WGAD) on August 25, 2016<sup>2</sup>, and must end now”** added Gerald Staberock, OMCT Secretary General.

*The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by FIDH and the World Organisation Against Torture (OMCT). The objective of this programme is to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.*

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<sup>2</sup> See Opinions adopted by the UNWGAD at its 76th session, 22-26 August 2016 available at: <http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session76/34-2016.pdf>