

OPEN LETTER TO THE AUTHORITIES - THE OBSERVATORY

Open Letter to Mr. Mohammed Boushara Dossa, Minister of Justice

Paris-Geneva, January 14, 2011

Re: Deep concern about the continued detention of several human rights defenders

Your Excellency,

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), strongly condemns the continuing detention of at least fourteen human rights defenders and call upon the Government of Sudan to release them immediately as their detention is arbitrary.

The former Director of the Sudan Social Development Organisation (SUDO), Dr. **Mudawi Ibrahim Adam** was sentenced to one year in prison and a fine of 3,000 Sudanese pounds on embezzlement charges on December 22, 2010. He had previously been acquitted of the charges in March 2009, immediately following SUDO's closure by the Humanitarian Aid Commission (HAC). The HAC appealed the acquittal of Dr. Adam, but did not present any new evidence of wrongdoing. He was immediately taken to Kober prison, and transferred the following day to Soba prison.

The fact that he was denied a new trial and sentenced by the same judge that had previously acquitted him of the charges without any admission of new evidence represents an undue interference of the Executive as well as a violation of the principle of double jeopardy. The right to a fair trial is articulated in Article 34 of the Interim National Constitution of Sudan, Article 10 of the Universal Declaration of Human Rights, Article 14 of the International Covenant on Civil and Political Rights, and Article 7 of the African Charter on Human and Peoples' Rights. Unless new additional evidence of misconduct is disclosed and Dr. Adam is brought before a competent and impartial tribunal, he should be released immediately as his detention is arbitrary. In the meantime, he should be allowed immediate access to a legal counsel of his choice.

These facts are a troublesome reminder of the increasing judicial harassment against human rights defenders over the last months. On December 14, Mr. **Abdul Basit Margani** was arrested by the National Intelligence and Security Services (NISS) in relation to hosting a meeting in his capacity as Director of the Al Finar Psychosocial Support Centre. He was held incommunicado until his release on December 20, 2010¹.

The Observatory is also extremely concerned about the 13 Darfuri human rights defenders, including Mr. **Abdelrahman Mohamed Al Gasim**, Legal Aid and Training Coordinator of the Darfur Bar Association, and several staff members of HAND network and *Radio Dabanga* arrested amid a wave of arrests in Khartoum between October 30 and November 3, 2010. No charges have been presented, and, though some detainees have had access to their families, it is still unclear today where they are all being held².

¹ See the Observatory's Urgent Appeal SDN 002 / 1210 / OBS 146.

² See the Observatory's Urgent Appeal SDN 001 / 1110 / OBS 129.

The Observatory urges your Excellency to ensure that an impartial investigation be conducted into the violations of the right to a fair trial of all these detained human rights defenders. In relation to the 13 Darfuri human rights defenders, we call upon you to immediately disclose their place of detention, their reason of their arrest and ensure their access to their legal counsel and to their families. Unless these human rights defenders are charged, they should be immediately released and provided with reparation.

The Observatory further recalls that the Sudanese authorities are primarily responsible for the protection of human rights defenders and should accordingly guarantee that they are able to carry out their work without any hindrances in Sudan, and to conform in all circumstances with the United Nations Declaration on Human Rights Defenders, the Universal Declaration of Human Rights as well as international and regional human rights instruments ratified by Sudan.

The Observatory kindly urges your Excellency to act expeditiously in the framework of your respective mandate with regards to this situation and we express our sincere hope that you will take these considerations and requests into account.

Yours sincerely,

Souhayr BELHASSEN
FIDH President

Eric SOTTAS
OMCT Secretary General