

PUBLIC

AI Index: AFR 54/037/2008

27 August 2008

UA 235/08 Fear of torture or other ill-treatment

SUDAN Shams El Deen Adam Mohamed (m) aged 23, Darfuri asylum-seeker

Darfuri asylum-seeker Shams El Deen Adam Mohamed was arrested on 16 or 17 July, and his whereabouts have been unknown since then. He is believed to be held incommunicado at a National Intelligence and Security Services (NISS) detention centre, where he is likely to be tortured or even killed.

Shams El Deen fled Sudan in 2007, to escape the fighting between the government and armed opposition groups. He sought refuge in the Ugandan capital, Kampala, where he tried to find work and began studying English. He began the process of applying for political asylum, and had been living in Kampala for about a year when he was arrested.

In April 2008, Shams El Deen decided to return to Sudan, to visit family, work in Khartoum and earn enough money to pay for his studies in Kampala.

On 16 or 17 July, he was arrested at his brother's shop in one of the main market areas in central Khartoum, the *Souk al Arabi*. Three men in plain clothes, believed to be NISS agents, came into the shop, asked for Shams el Deen and asked him to go with them to their office for a brief interrogation, after which he would be free to leave. He has not been seen since.

Shams el Deen's family have been trying to find him, making inquiries at the NISS headquarters in Khartoum and also Kober prison, the capital's main detention centre.

Darfuri detainees in NISS custody are often tortured or otherwise ill-treated, especially when held incommunicado.

BACKGROUND INFORMATION

The conflict in Darfur started in 2003, when two Darfur-based opposition groups, the Sudan Liberation Army (SLA) and the JEM, took up arms against the Sudanese government in protest at the perceived marginalisation of Darfur and the oppression of its non-Arab tribes. On 10 May 2008, the JEM launched a military attack on the outskirts of Khartoum. This was the first time an armed opposition group had come so close to the capital; the police and NISS responded with a wave of arrests of people, mainly Darfuris, suspected of involvement in the attack.

Prolonged incommunicado detention is prohibited by international human rights standards, including the International Covenant on Civil and Political Rights (ICCPR), which Sudan has ratified. Article 9 of the ICCPR states that anyone "arrested or detained on a criminal charge shall be brought promptly before a judge." Although Sudan's Criminal Procedure Code contains safeguards against incommunicado detention, Article 31 of the National Security Forces Act, which governs arrests by the NISS, allows prolonged incommunicado detention without charge or trial. This greatly increases the likelihood of torture.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic, English or your own language:

- calling on the authorities to reveal the whereabouts of Shams el Deen Adam Mohamed and release him immediately, unless he is charged with a recognizable criminal offence;
- urging the authorities to grant Shams el Deen Adam Mohamed access to lawyers of his own choosing, his family and any medical attention he may require;
- calling on them to guarantee that he is being treated humanely, and not tortured or ill-treated;
- urging the authorities to repeal Article 31 of the National Security Forces Act, which allows detainees to be held for up to nine months without access to judicial review.

APPEALS TO:

Abdel Basit Sabderat
Minister of Justice
Federal Ministry of Justice, PO Box 302, Khartoum, Sudan
Fax: +249 183 770883
Salutation: Dear Minister

Ibrahim Mohamed Hamed
Federal Ministry of the Interior
PO Box 2793, Khartoum, Sudan
Fax: +249 1 8377 6554
Salutation: Dear Minister

COPIES TO:

Dr Abdel Moneim Osman Taha
Rapporteur, Advisory Council for Human Rights, Khartoum, Sudan
Fax: +249 183 770883

Dr Priscilla Joseph
Chair of the Human Rights Committee, National Assembly, Omdurman, Sudan
Fax: +249 187 560 950

and to diplomatic representatives of Sudan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 7 October 2008.