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COURAGEOUS AND RESILIENT: ACTIVISTS IN SUDAN SPEAK OUT

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BACKGROUND

Opposition political party members, trade unions activists, human rights defenders and students in Sudan have faced increased wave of targeting by National Intelligence and Security Service (NISS) agents and other security forces. Between October 2016 and April 2017, at least 77 people were subjected to arbitrary arrests and detention in Sudan.

The government crackdown was driven by three events. First, in early October 2016, the Central Committee of Sudanese Doctors (CCSD), an independent body representing doctors' interest, announced a nationwide strike to protest against the deteriorating state of the National Health Service in Sudan. The strike was triggered by government cuts on public hospital funding and shortage of health professionals within public hospitals.¹ This has led to the rapid deterioration in the overall healthcare system in Sudan.²

Second, on 3 November 2016, the Government of Sudan announced new economic austerity measures to reduce the trade deficit, and to stop the deteriorating exchange rate of the Sudanese Pound. The new measures, which removed subsidies, significantly increased the cost of fuel, electricity and medicine.³ The government, in an apparent effort to limit protest, arrested dozens of political activists immediately after they announced the new austerity measures.

Third, in late November and mid-December 2016, Sudanese activists called for three days of civil disobedience from 27-29 November and one day on 19 December to protest against the new austerity measures. They called on the public to stay-at-home rather than protest in the street. During the first day, the streets of Khartoum were quiet, with many businesses and a number of schools remaining closed.⁴ Most of the opposition parties supported the civil disobedience action. Despite this, the government publicly claimed that the civil disobedience action had no impact and stated "everything is normal."⁵ The government also arbitrarily detained political activists and confiscated copies from seven newspapers from the printers that carried news of the civil disobedience on 28 and 29 November.⁶

The intense crackdown on opposition political party members, trade unions activists, and particularly on doctors and human rights defenders, started only a few weeks after the finalization of the 'National Dialogue' in October 2016.⁷ The National Dialogue was a political process initiated by the Government of Sudan in 2014, aimed at addressing the underlining causes of the political polarisation in Sudan such as peace, economic reform, political freedom and identity. The stated intention of the National Dialogue is to bring about a more tolerant political environment in the country and to enhance the respect for human rights in Sudan.

Those who spoke out against the government's action were targeted by the NISS. In 2016 and early 2017, nine human rights defenders faced trumped-up-charges.⁸ This was intended to subject them to prolonged detention and disrupt their human rights works.⁹

¹ Al Hamish, Statement by the Central Committee of Sudanese Doctors, 14 October 2016, available at <https://tinyurl.com/y8lb8924>. Radio Dabanga, *Sudan doctors' strike into fifth day*, 11/ October/ 2016, https://www.dabangasudan.org/en/all-news/article/sudan-doctors-strike-into-fifth-day?_sm_byp=iVVtMHfpNR7Nps5t

² World Health Organisation, <http://www.who.int/workforcealliance/countries/sdn/en/>; the Demise of the Healthcare System in Sudan, 20 June 2017, <http://www.democracyfirstgroup.org/wp-content/uploads/2017/06/Health-Sector-Corruption-in-Sudan.pdf>

³ Sudan Tribune, *Sudan raises fuel and electricity prices*, 4 November 2016, <http://www.sudantribune.com/spip.php?article60739>

⁴ The Guardian, *Sudan's social media campaign of civil dissent boosts hopes of change*, 11 January 2016, <https://www.theguardian.com/global-development/2017/jan/11/sudan-social-media-drive-for-civil-dissent-boosts-hopes-of-change>
BBC, *Sudan civil disobedience: why are people staying at home?*, 19 December 2016, [HTTP://WWW.BBC.COM/NEWS/WORLD-AFRICA-38364197](http://www.bbc.com/news/world-africa-38364197)

⁵ Al Jazeera, *Will civil disobedience work in Sudan?*, 30 November 2016, <http://www.aljazeera.com/programmes/insidestory/2016/11/civil-disobedience-work-sudan-161130180708687.html>

⁶ Al Jazeera and Al Ayam newspapers were confiscated on 28 November. Al Tayar, Al Ayam, Al Jazeera, Al Youm Al Tali, and Al Waten newspapers were confiscated on 29 November.

⁷ On 27 January 2014, President Omar al-Bashir announced the beginning of a "National Dialogue" in Sudan to include four issues: peace, economic reform, political freedom and identity.

⁸ Sudan: Human Rights Defenders Detained, Face Death Penalty, 7 July 2017, <https://www.hrw.org/news/2017/07/07/sudan-human-rights-defenders-detained-face-death-penalty>

⁹ Sudan: Criminalization of human rights work threatens protection of freedoms, 21 March 2017, <https://www.amnesty.org/en/latest/news/2017/03/sudan-criminalization-of-human-rights-work-threatens-protection-of-freedoms/>

Most of the human rights violations committed in the context of the events described above were committed by the NISS. The NISS maintains broad powers of arrest and detention under the National Security Act (NSA) 2010, which allows suspects to be detained for up to four-and-a-half months without judicial review. NISS agents often use their broad powers of arrest and detention to arbitrarily arrest and detain individuals for long periods of time and subject them to torture and other ill-treatment while in detention.¹⁰

Under the same Act, NISS agents are provided with protection from prosecution for any act committed in the course of their work, which has resulted in a pervasive culture of impunity. The NISS powers had been further expanded under a constitutional amendment to Article 151 of the Interim National Constitution of Sudan 2005, passed on 5 January 2015. The amendment transformed the NISS from an intelligence agency focused on information gathering, analysis and advice, to a fully-fledged security agency with a broad mandate to exercise a mix of functions usually carried out by the armed forces or law enforcement agencies, including powers of arrest. It also gave the NISS wide range of discretion to decide what constitutes a political, economic or social threat and how to respond to such threats. Neither the NSA nor the revised Article 151 explicitly or implicitly require the NISS to abide by relevant international, regional and domestic law in the operation of its duties.¹¹

On 25 April 2017, Sudan's parliament endorsed a number of amendments to the Constitution;¹² notably, the Parliament retained the broad powers of NISS introduced in January 2015.

The arguments presented in Parliament to retain the broad powers of NISS were based on an ambiguous notion of "threats to national security."¹³ The Emergency Committee for Constitutional Amendments at Sudan Parliament argued: "The country's exceptional circumstances and threats to the national security, which required granting broad powers to the security agency in the 2015 amendments, still exist."¹⁴ Such justification allow the NISS to act with impunity in complete disregard to Sudan's regional and international human rights obligations.¹⁵

Sudan's legal framework on freedom of expression and association

The rights to freedom of expression and association are guaranteed by Sudan's Interim National Constitution (INC) and under the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR) to which Sudan is a state party. These rights include the freedom to hold opinions and to receive and express these opinions and information,¹⁶ and the right to peacefully gather, organize, and hold meetings and demonstrations with others.¹⁷ Under international and regional human rights law, states must respect, protect, promote and fulfil human rights.

Article 27 of the INC affirms that international law applies directly in Sudan: "all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan shall be an integral part of this Bill, and international human rights treaties binding on Sudan are an integral part of the Bill of Rights." The INC also affirms that: "the State shall protect, promote,

¹⁰ Sudan: Human Rights Defenders Detained, Face Death Penalty, 7 July 2017, <https://www.hrw.org/news/2017/07/07/sudan-human-rights-defenders-detained-face-death-penalty>

¹¹ The parliament endorsed the constitutional amendments, 25 April 2017, <http://www.parliament.gov.sd/ar/index.php/site/getNewsbyld/66666803>. The amendment to Article 151 of the constitution in 2015 transformed the National Security Service from an intelligence agency focused on information gathering, analysis and advice to a full-fledged security agency with a broad mandate to exercise a number of functions usually carried out by the armed forces or other law enforcement agencies, <https://www.amnesty.org/en/latest/campaigns/2015/03/sudanese-national-intelligence-service-empowered-to-violate-human-rights/>

¹² The text of the Interim National Constitution of Sudan 2005 available at: <http://www.refworld.org/pdfid/4ba749762.pdf>

¹³ *Alhayat* newspaper, 26 April 2017, available at: <https://tinyurl.com/klf3dh6>

¹⁴ *Alhayat* newspaper, 26 April 2017, available at: <https://tinyurl.com/klf3dh6>

¹⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Sudan*, A/HRC/WG.6/25/L.5, 9 May 2016. At the HRC 33rd in September 2016 session out of 244 recommendations received 180 enjoyed the support of Sudan and 64 are noted. Sudan: Amnesty International public statement at the 33rd session of the UN human rights council (Index number: AFR 54/4875/2016).

¹⁶ International Covenant on Civil and Political Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>, Article 19, African Charter on Human and Peoples' Rights, Article 9, , <http://www.achpr.org/instruments/achpr/>

¹⁷ International Covenant on Civil and Political Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>, Article 22, African Charter on Human and Peoples' Rights, Article 10, , <http://www.achpr.org/instruments/achpr/>

guarantee and implement this Bill”.¹⁸

Right to liberty

Article 9 of the Universal Declaration of Human Rights (UDHR), Article 9 of the ICCPR, and Article 6 of the ACHPR guarantee the right to liberty. Article 9 of the ICCPR for example provides that “No one shall be subjected to arbitrary arrest or detention.”¹⁹

Article 29 of the 2005 Sudan INC stipulates that “every person has the right to liberty and security of the person; no person shall be subjected to arrest, detention, deprivation or restriction of his/her liberty except for reasons and in accordance with the procedures prescribed by law.”²⁰ Despite this provision the National Security Act of 2010 retained the security service's broad powers of arrest and detention for up to four and a half months without judicial review. This also violates international standards of fairness.

The importance of procedural safeguards during police custody, to protect an individual's rights where they are at the mercy of the state, is reflected in international human rights instruments such as the ICCPR and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the UN Standard Minimum Rules for the Treatment of Prisoners.²¹ The ACHPR's Guidelines on arrest, police custody, and detention also recognize the importance of custodial safeguards including providing that the maximum period in police custody should be set as not being more than 48 hours in national law unless issued by a competent judicial authority.²² It also recommends that states put in place procedural and other safeguards to, for instance, limit the use of force against persons in police custody or pre-trial detention.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

International human rights law prohibits torture and all other forms of cruel, inhuman or degrading treatment or punishment in all circumstances. The prohibition of torture and other ill-treatment is a rule of customary international law binding on all states. The prohibition against torture and other ill-treatment cannot be derogated.

Sudan is additionally bound by Article 5 of the ACHPR and Article 7 of the ICCPR, both of which prohibit torture and other ill-treatment, and Article 10 of the ICCPR which recognizes the right of all persons deprived of their liberty to humane treatment. Both Article 5 of the African Charter on Human and Peoples' Rights and Article 10 of the ICCPR stress respect for the inherent dignity of human beings.

The prohibition of torture and other ill-treatment is enshrined in the 2005 INC of Sudan. Article 30 of the Bill of Rights guarantees the right of every person to humane conditions of detention, in accordance with Article 10 of the ICCPR. Article 33 of the Bill of Rights also reaffirms the absolute ban on torture and other ill-treatment.

Despite Sudan's national, regional and international obligations, human rights violations continue to be committed in Sudan.

¹⁸ The Interim National Constitution of Sudan 2005, <http://www.refworld.org/pdfid/4ba749762.pdf>

¹⁹ Universal declaration of human rights, <http://www.un.org/en/universal-declaration-human-rights/>; International Covenant on Civil and Political Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>; African Charter on Human and Peoples' Rights, <http://www.achpr.org/instruments/achpr/>

²⁰ The Interim National Constitution of Sudan 2005, <http://www.refworld.org/pdfid/4ba749762.pdf>

²¹ UN, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, <http://www.un.org/documents/ga/res/43/a43r173.htm>.

²² Article 7(b)(ii). The maximum duration of police custody, prior to the obligation to bring the arrested person before a judge, shall be set out in national law that prescribes time limits of no more than 48 hours extendable in certain circumstances by a competent judicial authority, consistent with international law and standards.

ARBITRARY ARRESTS AND DETENTION OF MEDICAL PROFESSIONALS AFTER THE DOCTORS' STRIKE

The CCSD announced a strike on 5 October 2016.²³ The strike was in response to attacks against doctors by frustrated patients and their families who blamed them for poor health service.²⁴ The CCSD's key demands were, among other things: the provision of free treatment for those critically ill and for children under five years of age; the provision of suitable accident and emergency medical equipment in 22 hospitals; a presidential decree to activate the implementation of the Civil Service Law that protects doctors as civil servants; a presidential decree to enact a law to protect doctors and medical professionals while exercising their duty.

The strike lasted eight days, about 85 hospitals and 50 health centres joined the strike. The doctors suspended the strike for one week after meeting with the Vice-President and the Federal Minister of Health on 13 October. The government agreed to fulfil the doctors' demands.²⁵ After 14 days, the CCSD declared on 27 October that the government had failed to implement its commitments and that they would resume strike action on 1 November.²⁶ In late October, the Minister of State at the Ministry of Health Sumaya Akad, described the return to strike as "irresponsible" and said the government would "deal with it decisively."²⁷ On 29 October the NISS summoned 28 doctors from across the country on suspicion that they were involved in the strike action. They were questioned for several hours about their role and activities in relation to the strike and their political affiliations.²⁸ They were released on the same day on condition that they would report to the NISS office the next day. Ten of these doctors were detained by the NISS between 30 October and 6 November 2016.²⁹

Nonetheless, on the first day of November the strike was carried out in 60 hospitals across the country.³⁰

Mohamed Abdullatif, 28, the chairperson of the CCSD, was summoned by NISS on 29 October for the role he played in organizing the doctors' strike and released on the same day, on condition that he would report to the NISS office the following day. On 2 November he was arrested by the NISS. Mohamed Abdullatif told Amnesty International that during the interrogation the NISS officer told him that the government considered the call for the strike as a security threat, and doctors supporting the strike as saboteurs with a political agenda.³¹

"I received a letter from a NISS officer requesting me to report to NISS offices in North Khartoum, in Hamad district. On the first day, I went to NISS offices and stayed until 9 pm. A NISS officer interrogated me and asked about the strike, the leaders of the Central Sudan Doctors Committee... He told me that the Central Sudan Committee has a political agenda and there are political parties behind us, and we want to destroy the country. I signed a pledge to return the next day. On 2 November, I was not interrogated but

²³ Daily Mail, *Striking Sudan doctors demand protection from attacks*, 6 October 2016, <http://www.dailymail.co.uk/wires/afp/article-3825173/Sudan-doctors-demand-protection-nationwide-strike.html>; Sudan Tribune, *Doctors calls for a general strike a mid-escalating the crisis in Sudan*, 5 October 2016, <https://tinyurl.com/y7fox6fs>,

²⁴ Altareeq, *Citizen opened fire on medical staff in a hospital in the Sudanese capital*, 31 August, 2015, <https://www.altareeq.info/ar/citizen-shoots/>. Altareeq, *Strike at a hospital in the Sudanese capital after doctors attacked by two police officers*, 9 April 2016, <https://www.altareeq.info/ar/strike-at-a-hospital/>. Sudan Tribune, *A protest in a hospital in Khartoum due to a systematic attack on a doctors*, 16 August, 2016, <https://tinyurl.com/yah4lmg5>.

²⁵ Sudan Tribune: *Sudan doctors committee ends longest strike after meeting with the vice president*, 16 October 2016, <https://tinyurl.com/y9kehedo>

²⁶ Statement by the Sudan Doctors Central Committee on 27 October 2016.

²⁷ Sudan Media Service, *Ministry of Health: we'll deal decisively with the resumption of the doctors strike*, 1 November 2016, <https://tinyurl.com/y7z9exuh>

²⁸ Telephone interview, in Arabic, with human rights defender, 1 November 2016

²⁹ Telephone interview, in Arabic, with human rights defender, 1 November 2016

³⁰ *Al Tareeq* newspaper, *the doctors' strike entered its second day and Sudanese security arrested seven*, 2 November 2016, <https://www.altareeq.info/ar/doctors-strike-enters-its-second-day-sudanese-security-arrested-seven-of-them/>

³¹ Email interview, in Arabic, with Dr Mohamed Abdullatif, the chairperson of the Central Committee of Sudanese Doctors, 10 July 2017.

arrested and transferred to the NISS office HQ in Khartoum North and then to Kober prison.”³²

Mohamed Abdullatif was not officially charged with any crime and was not brought before a court. He was not allowed access to a lawyer or his family. He was transferred on the same day directly from NISS custody to Kober prison.

Mohamed Abdullatif described what happened to him during his detention, including the NISS HQ³³ in Khartoum North, which lasted for almost three weeks.

“I was psychologically tortured by security personnel. I was put in a solitary confinement at the NISS office. On many occasion they would bring criminals facing the death sentence to my cell to scare me. I do not know the names of these people. This happened at Kober prison, the NISS office in Hilat Hamad and at NISS HQ. I also saw at least 10 other detainees beaten and insulted in these detention centres.”

Mohamed Abdullatif was released without charge on 22 November 2016.

Hassam Al Amin Badawi, 32, the spokesperson of the CCSD, works in a hospital in El Obeid, the capital of North Kordofan State. He was summoned with two other doctors by the NISS in El Obeid, on 29 October 2016.

“I went to NISS office around 4 pm; NISS officer told me that my summon is related to the doctor strike, he took my personal details name, address, etc. I was released around 1:30 am, and I was asked to report the next day. The next day we were made to sit outside NISS offices from 7:30 am till midnight. The NISS allowed my other two colleagues to leave and I was asked to stay. During the interrogation, NISS officer insisted that the strike had some political objectives that we wanted to change the regime. He threatened me that he could fabricate the report about me and I would remain detained for an extended period of time. I told him he should write what I told him not his own assumption. He got irritated and hit me in my left eye. He said they would transfer me to Khartoum”³⁴

In the early morning of 31 October, Hassam accompanied with two NISS agents travelled to Khartoum, over 600 kilometres from El Obeid. They arrived at 3 pm and he was taken to NISS HQ in Khartoum North.

“Immediately upon my arrival, a NISS agent started to beat me with a plastic pipe on my back, face, and legs... Then I met a NISS officer and he ordered that I should be transferred to the NISS detention unit. There I was asked details about my family, mother, father brothers and sisters, their political affiliation, their ethnicity and religion. It was really very detailed questions about my personal life. This interview lasted for more one hour and a half. Then we waited for five hours and transferred to Kober prison on the same day with two other doctors.”

At Kober prison, a number of government officials visited them including the Minister of State at the Ministry of Health Sumaya Akad who urged them to call off the strike. Other government officials threatened³⁵ them and told Hassam and his colleague if they did not call off the strike ‘he would remain in Kober prison for very long time...Till the judgment day.’ Hassam and his colleague told them as long as they were in detention they had no powers to call off the strike. Hassam Al Amin Badawi was released without charge on 22 November 2016. However, he reported that he is still under intense surveillance by the NISS agents, especially his movements in El Obeid.

Abdallah Al Gorashi, 32 a member of the CCSD, was also summoned by the NISS on 29 October and then

³² Email interview, in Arabic, with Dr Mohamed Abdullatif, 10 July 2017.

³³ The Sudan National Intelligence and Security Service (NISS) offices in Khartoum North located near Shandi bus station. Most political activists are regularly detained at this detention centre. This NISS detention facility also known for the use of Cold Torture where detainees are frequently exposed to very cold temperature, these cells nicknamed the refrigerators. At this location most of the physical torture such as beating, slapping, kicking rape and electrocution take place. In addition to the use of psychological torture: blackmailing, threat with rape, threat of death, verbal/racial abuse and solitary confinement.

³⁴ Email interview, in Arabic, with Hassam Al Amin Badawi, the spokesperson of the CCSD, 22 July 2017.

³⁵ This threats was made by a member of pro-government Sudan Doctors Union and former Minister of Health in White Nile state Abadlaa Abdel Kariem, on day 15 of their detention..

detained in Kober prison for over two weeks.

“I received a call from a NISS officer, and he requested me to report to the NISS office in Omdurman... I was accused of organizing the doctors' strike, that I drafted the statement of the first strike and mobilized union members and political parties to support the strike. The NISS agents took me to Kober prison in Khartoum North. I was put in a cell with five prisoners, then transferred to a ward with another 25 prisoners. I was not tortured but threatened with torture. I had no access to a lawyer during my detention. I was only allowed one family visit. I also suffered from severe chest pain and I was taken to a hospital. After my return to Kober prison, the medication was stopped again.”³⁶

Abdallah Al Gorashi was released without charge on 22 November 2016.



Group of doctors in Khartoum on strike on 6 October 2016. © The Central Committee of Sudanese Doctors

³⁶Email interview, in Arabic, with Abdallah Al Gorashi, 13 June 2017.



Group of doctors on strike Khartoum in October 2016 ©The Central Committee of Sudanese Doctors

The harassment of doctors who were involved in organizing the strike continued in 2017. The former chairperson of CCSD, Dr Hassan Karar, was arrested on 20 April and detained for four days at the office of the NISS's Prosecutor of Crimes Against the State. He was released four days later after the NISS charged him under Sudan's 1991 Criminal Act.³⁷ He was told he will be charged under Article 25 'abetment', Article 66 'dissemination of false information', Article 67 'stirring riot', Article 77 'public nuisance' and Article 123 'forgery'. The punishment for these crimes ranges from six months to ten years imprisonment, in addition to flogging.³⁸ Dr. Mohamed Yasin Abdalla, also a former chairperson of the CCSD, was arrested and detained on 22 April in Khartoum at the office of the NISS Prosecutor of Crimes Against the State. He was released without charge after six days on 28 April. Both were accused, but not formally charged, of forming an illegal entity and threatening the health system of the country.³⁹

At time of publication the government's pledge to the doctors' demands made in October 2016 was yet to be fulfilled. According to Hassam Al Amin Badawi, the spokesperson of the CCSD, to only 1% of their key demands have been met.⁴⁰

ARBITRARY ARRESTS OF OPPOSITION POLITICAL ACTIVISTS

On 3 November 2016, the Government of Sudan announced new economic austerity measures, which it said were needed to reduce the country's trade deficit,⁴¹ and to halt the deteriorating exchange rate of the Sudanese Pound. The new measures significantly increased the prices of basic food items, fuel, electricity and medicine.⁴² The government announced that it would increase salaries of government employees by 20% to mitigate the impact of the rise in prices.

³⁷Sudan's 1991 Criminal Act, http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=80450&p_country=SDN&p_count=68

³⁸Telephone interview, with human rights defender, 28 April 2017

³⁹ Al Jazeera newspaper, *the authorities arrested former chairperson of the doctors committee Hassan Karrar and refuse to release him on bail*, 22 April 2016, <http://www.alnili.com/12862490.htm>

⁴⁰ Email interview, in Arabic, with Hassam Al Amin Badawi, the spokesperson of the CCSD, 22 July 2017.

⁴¹Trade deficit occur when "imports exceed exports", <https://www.britannica.com/topic/balance-of-trade>

⁴² Sudan Tribune, *Sudan raises fuel and electricity prices*, 3 November 2016, <http://www.sudantribune.com/spip.php?article60739>

Several Sudanese opposition parties criticised the new economic austerity measures.⁴³ The government also pre-emptively deployed security forces across the capital city and began arresting political activists. At least 23 members of Sudan's political opposition parties were arrested in November 2016.⁴⁴ These arrests appear pre-emptive measures by the government fearing an escalating public backlash and protests by activists and members of the political opposition against the rise in fuel, electricity, transport, food, and medicine costs in Sudan.

At least 13 of the political activists arrested in November 2016 were members of the opposition Sudan Congress Party (SCoP), including Omer Yousef El Digair, the chairperson, Khalid Omer Yousef, deputy chairperson and Mastoor Ahmed Mohammed, the Secretary General.

Mastoor Ahmed Mohammed, the Secretary General-Sudan Congress Party was arrested on 7 November from the party headquarters [in Khartoum North].

"I was arrested by NISS agents. The head of the arresting unit told me I was wanted at the Political Branch. When I asked 'why?' he told me it was a precautionary arrest as the country may witness protests. I was taken to the NISS detention centre at Kober prison on the same day. There were a number of detainees held for various reasons: political, economic, smuggling, human trafficking and so on. The treatment in the prison was degrading and humiliating where everyone sleeps on the ground and three detainees share one bed. There were more than 40 detainees in 5m by 6m cell. They were using one bathroom and drinking water from the same bathroom... personally, I was subjected to a humiliating treatment, and I was slapped in the face for objecting to drink tea in a [dirty] plastic container."⁴⁵

Mastoor witnessed other prisoners subjected to torture and other ill-treatment during his detention in Kober prison.

"There is constant physical torture and verbal abuse, especially during arrest and interrogation, where the majority are severely beaten. Especially the people from Darfur affiliated with the movements (armed groups). Also, employees of organizations who document human rights violations receive harsh treatment ... a teacher from Al Fashir (Tabit) named Abdul was arrested on the day of his wedding and three days after his arrest he was summoned for questioning and returned to the cell completely unconscious from torture."

Mastoor was released without charge on 25 December 2016 with other political prisoners.⁴⁶

As described earlier, following the impact of the austerity measures, political activists initiated a call on social media for civil disobedience actions. Photos and videos that circulated on social media during the first day of action, 27 November, from a different part of the Sudanese capital Khartoum showed empty streets.⁴⁷ The government reacted by arresting supporters of the civil disobedience within and outside Sudan. Three Sudanese activists were arrested in Saudi Arabia by the Saudi Arabia General Directorate of Investigations in December 2016 for their online support for the civil disobedience in Sudan.⁴⁸

⁴³ The Guardian, Sudan steeled for sharp price rises as state cuts fuel and electricity subsidies, 10 November 2016, <https://www.theguardian.com/global-development/2016/nov/10/sudan-steeled-sharp-price-rises-state-cuts-fuel-electricity-subsidies>

⁴⁴ Amnesty International, *Sudan: opposition members held as protests continue* (Index: AFR 54/5214/2016)

⁴⁵ Email interview with Mastoor Ahmed Mohammed, the Secretary General-Sudan Congress Party - Sudan Congress Party, 28 April 2017.

⁴⁶ Anadolu Agency, *Khartoum released 16 Sudan Congress Party leaders*, 25 December 2016, <https://tinyurl.com/y9unghlb>

⁴⁷ Sudan tribune, Sudan's civil disobedience begins amid varying popular response, 28 November 2016, <http://www.sudantribune.com/spip.php?article60956>. Aljazeera, *will civil disobedience work in Sudan?* 30 November 2016, <http://www.aljazeera.com/programmes/insidestory/2016/11/civil-disobedience-work-sudan-161130180708687.html>. BBC, Sudan civil disobedience: Why are people staying at home?, 19 December 2016, <http://www.bbc.com/news/world-africa-38364197>.

⁴⁸ The three were deported from Saudi Arabia to Sudan on 11 July 2017 and arrested by the NISS upon arrival in Sudan. Elwaleed Imam Hassan Taha and Alaa Aldin al-Difana have been released from the custody of the NISS without charge on 22 August. A third activist, Elgassim Mohamed Seed Ahmed, remains in detention pending further investigations into his online activities. Amnesty International, Sudan: further information: two activists freed and one still detained: Elwaleed Imam Hassan Taha, Alaa Aldin Al-difana and Elgassim Mohamed Seed Ahmed, (Index: AFR 54/6992/2017)



Quiet and empty street in Khartoum on 27 November 2016, © Private

The government reaction to the civil disobedience action was uncompromising. President Omer Hassan al-Bashir addressed his supporters in Kassala city in eastern Sudan on 12 December 2016, where he warned the activists.

“I won’t hand over the country to them, and I say to them: If you want to topple the regime, meet us on the streets, however, we are certain that you won’t take to the streets because you are aware of what had occurred in the past.”⁴⁹

The president’s comments referred to the brutal suppression of protests in September 2013 during which at least 185 people were killed, the majority were shot by police and security forces in the head or chest and no investigation has so far been conducted into the unlawful killings committed by Sudan security forces against mostly peaceful protesters.⁵⁰

⁴⁹ Sudan Tribune, Sudan’s Bashir says civil disobedience “won’t topple government”, 13 December 2016, <http://www.sudantribune.com/spip.php?article61093>

⁵⁰ Amnesty International, Sudan: excessive and deadly: the use of force, arbitrary detention and torture against protesters in Sudan, (Index number: AFR 54/020/2014)

The government also targeted members of the Sudan Congress Party (SCP) who supported the civil disobedience. Abdel Moneim Omer Ibrahim Babikir, the head of the External Office - SCP, was arrested by NISS in the departure hall at Khartoum International Airport on 8 January 2017. Abdel Moneim returned to Sudan from Saudi Arabia where he works, and played a key role during the civil disobedience following the arrest of the leadership of SCP in November 2016.

“I was held at a place known as the ‘hotel’ [NISS HQ] near North Khartoum Bus Station for five hours and then [taken] to Kober Prison. I was subjected to physical torture during my detention [at the NISS HQ] through the use of violence and they tore my clothes during my arrest at the airport. I was physically beaten until I lost consciousness.”⁵¹

Abdel Moneim also saw other detainees subjected to torture at NISS HQ.

“At the NISS building a number of prisoners were being beaten with plastic pipes by some officers... I don’t know the name of these detainees or why they were arrested. All I know is that they were beaten by the plastic pipes all over and no part of their bodies was left untouched.”

While at the NISS, Abdel Moneim says he was asked countless times about his personal details, his name, job, family, political party and friends, and how much he earns every month from his work in Saudi Arabia.

After few days Abdel Moneim was transferred to NISS detention at Kober prison.

“Before leaving prison, like everyone released, I was asked to sign papers ... these papers are pledges by the prisoner not to mention what happened inside the NISS building or the people they saw there... My experiences will remain alive in my heart and mind. Just as my belief in my mission to tell the truth and to raise awareness of the importance of human rights and media organisations and their role in restoring the rights of people and helping them to obtain them. That is why this needs to be documented.”

Abdel Moneim was released without charge on 8 February and returned to Saudi Arabia.

TORTURE AND OTHER ILL-TREATMENT OF STUDENT AND CIVIL SOCIETY ACTIVISTS

Lesser known activists who supported the civil disobedience action were brutally punished by NISS. For example, Ahmed was a member of students group at the University of Khartoum. He supported the civil disobedience action in November and December 2016. He was arrested on 22 December 2016 by NISS agents. The NISS agents arrested him without explaining the reason for his arrest, where he was being taken, nor identifying themselves. Ahmed was held incommunicado for three weeks at NISS HQ offices in Khartoum North, subjected to beatings and suffered a broken arm.⁵² The NISS agents who interrogated him wanted him to reveal his relationship with the students group that supported the civil disobedience action and the source of funding, but he refused to cooperate. For three months, the authorities refused to provide Ahmed’s family any information on his whereabouts.⁵³

“I was arrested by the NISS from Obied Khatim Street [in Khartoum] on my way to the students housing around 3 pm. The NISS agents told me to lower my head and they beat me on my back and forced me into a Toyota Corolla saloon car. They took me to a house in Kafori district block 9 [in Khartoum North]. The NISS agents put me in a room in the first floor, with two Egyptians, one Indonesian and a Sudanese suspected of supporting ISIS. I was blindfolded and my hands shackled, they beat me with stick and

⁵¹ WhatsApp interview with Abdel Moneim Omer Ibrahim Babikir, the head of the External Office - Sudanese Congress Party, 30 April 2017.

⁵² ⁵² Email interview with Ahmed, 6 May 2017.

⁵³ Skype interview with Ahmed’s brother, 16 March 2017.

plastic pipe, the beating continued for four hours in addition to verbal insults. A NISS officer started to interrogate me in the evening, he asked me about the leader of the group [that supported the civil disobedience action], the source of funding, our address and our relation with the communist party. I did not give him any information.”⁵⁴

After the interrogation, Ahmed continued to endure ill-treatment.

“They took me to the ground floor and tied me up to a bed until the morning. They only released me for prayers and meals. The next day, they let me out with other detainees and ordered us to remove our shoes and stand on the hot courtyard floor for one or two hours facing the wall. We were prevented from talking to each other or turning around. I was subjected to such treatment for 6 days. On day 7, the NISS officer interrogated me repeating the same questions. I refused to talk, he insulted me and I lost my temper. The other agents kicked me until I collapsed on the floor and broke my right arm. When they realised that I was seriously hurt, they took me to hospital in Kober district for medical treatment.”



Ahmed's broken right hand 2017 © Private

⁵⁴ Email interview with Ahmed, 6 May 2017.

After a week in the hospital, Ahmed was transferred to Kober prison. Then he was taken to the NISS HQ for further interrogation. From 18 February to 10 March he was held in solitary confinement at the NISS HQ for refusing to cooperate with interrogators.

“On 18 Feb, they took me to the NISS HQ and put me inside a completely sealed cold cell on the third floor. The cell had only one small opening about 20 centimetres square for receiving meals. I was detained in this cell for 24 hours a day until 10 March... I was transferred to Kober on 10 March.”⁵⁵

Ahmed was released without charge on 6 April 2017 after having been arbitrarily detained for three months and 15 days.

Abdala Abdel Alqyoum Abdala, 54, is a father of four, a farmer and a founding member of El Gedaref Salvation Initiative⁵⁶ in El Gedaref city in Eastern Sudan. NISS agents arrested him on 18 December 2016 at 9 pm. He was suspected of involvement in preparations for the civil disobedience and writing and distributing publications urging the public to engage in the civil disobedience action. Abdala had previously been arrested three times since 2013 for his activism with El Gedaref Salvation Initiative.⁵⁷

“One day before the civil disobedience [on 19 December], I was arrested by twelve NISS agents driving Toyota pickup without a number plate. I was dragged violently from a public transport vehicle and thrown on the back of the Toyota pickup. I asked them about their identity and where they were taking me. They made me lay down on my stomach, and they put their feet on top of my head. The NISS agents took me to a nearby security office. Inside the office where I was beaten, humiliated, threatened and asked to identify the participants in the civil disobedience.”⁵⁸

The NISS agents questioned Abdala about the sources of funding and the names of those organizing the civil disobedience. He refused to provide any information.

“I was threatened with rape and made to spend the night in dark, filthy cell full of insects and unpleasant smells at the NISS offices in El Gedaref. During these two nights I had only received two meals. I also suffer from high blood pressure and when I requested my medication [hypertension tablets], they refused to provide it for me.”

On the second day, around 3:30 am, Abdala was handcuffed and transferred from El Gedaref to Khartoum [about 400 kilometres] accompanied by two NISS agents. They arrived in Khartoum at around 9 am.

“I was taken to NISS HQ in Khartoum North. My file and personal belongings were handed over to NISS agents. I was made to stand facing the wall until two o'clock in the afternoon. My photo and finger prints were taken. I was asked to stand by one agent, another agent told me to sit, another agent reprimanded me for sitting down, and he poured water on my head and ordered me to take the position of a motorcycle driver.”⁵⁹

In the evening he was taken to Kober prison, where he was put in a crowded cell with another 30 detainees. Then after spending two weeks in Kober prison, he was called for further interrogation at NISS HQ offices. The NISS agents wanted him to speak about the identity of the organizers of the civil disobedience; he refused to cooperate.

“I was ordered to go outside the interrogation room. I was taken to a courtyard and made to stand facing the wall until sunset. Then seven NISS agents holding sticks and whips start to beat me. They asked me to take my clothes off, but I resisted, but they ripped off my shirt and trouser and threatened to rape me

⁵⁵ Email interview with Ahmed, 6 May 2017.

⁵⁶ El Gedaref Salvation Initiative an umbrella group involved civil society and political activists established in 2012 to campaign for free and fair during 2013 El Gedaref governorship elections.

⁵⁷ Email interview, in Arabic, with Abdala Abdel Alqyoum Abdala, 6 August 2017.

⁵⁸ Ibid, 6 August 2017.

⁵⁹ Crouching, not standing or sitting.

with a stick. I resisted their attempt till the evening prayer, and they went to pray with a promise to come back to complete their torture.”⁶⁰

He remained in the courtyard at NISS HQ until 11 pm then he was taken back to Kober prison. After one week he was then transferred to Dabek prison (located 50 kilometres north of Khartoum) with another 20 detainees and spent a week there. Abdala was released without charge on 22 January 2017. As result of constant harassment by NISS agents after his release, Abdala decided to leave Sudan for Egypt in March 2017 and applied for asylum.

ARREST AND DETENTION OF ACTIVISTS LINKED WITH CIVIL DISOBEDIENCE IN 2017

The wave of arbitrary arrests and detention of activists who supported the civil disobedience action continued into 2017. Between January and February 2017, three political opposition activists were held in prolonged detention without charge following their arrests in Khartoum by NISS. They were detained because they supported the civil disobedience protests in November and December 2016 against economic austerity measures.⁶¹

Mohamed Hassan El Bushi, a member of Sudanese Ba'ath Party, was arrested by NISS on 11 February in Khartoum. Amin Saad, the Media Secretary of the Socialist Democratic Unionist Party /HASHAD, was arrested on 25 January after he attended the political opposition umbrella group, the National Consensus Forces (NCF), meeting in Khartoum. Motaz Al Ajail, a teacher and art designer, was arrested on 9 January from his work place in Khartoum.⁶²

“I was arrested by NISS on 11 February from a safe house where I was hiding in Khartoum. The NISS did not inform my family and they initially denied my arrest. I was taken to Kober prison. I was subjected to ill-treatment during my detention, the NISS agents confiscated three phones from my house and used them to contact other activists using my social media accounts. During this period, the NISS attempted to blackmail me by threatening to reveal my personal relationships. They told me they can overlook all that if I join the national dialogue or participate in the government...I rejected their offer. The NISS [agents] started to call my friends and tried to tarnish my reputation in front of others by using the private information they found in my phones.”⁶³

Mohamed Hassan El Bushi, was accused of collecting funds, organizing and distributing posters and leaflets to support the civil disobedience on 27 November 2016. He was released without charge on 30 April.

Motaz Al Ajail, a teacher and art designer, was arrested on 9 January 2017 by NISS agents from his work place in Khartoum. The NISS agents took him to the NISS office in Al Amarat at 57th Street. They also confiscated two computers and two printers from his work place.

“In the evening, three NISS agents took me to the empty office of the NISS director. They ordered me to take my clothes off, except my underwear. They started to insult me. One of them carried a whip; the other carried an electric baton and the other started to hit me with both hands on my ears. They accused me of being a communist. I denied that [and said] I wasn't a communist. They beat me continuously with a whip

⁶⁰ Ibid, 6 August 2017.

⁶¹ Amnesty International, Opposition Activists Arbitrarily held in Sudan (AFR 54/6000/2017)

⁶² Ibid,

⁶³ Email interview with Mohamed Hassan El Bushi, 12 July 2017.

for almost one hour. Then they made me stand for two hours in the courtyard in cold weather.”⁶⁴

Motaz was subjected to more beating that caused fracture of one of his ribs

“On the next day, the NISS agents started to beat me with a stick on my head, knee, ankles, and neck and asked me repeatedly the same question ‘what is your relationship with the Communist Party?’ I reiterated ‘I have no connection with the Communist Party.’ The beating lasted about three hours. At night they ordered me to stand in the courtyard in the cold till dawn. My interrogation continued on the third day. At about 1 am on the fourth day I was also beaten with sticks all over my body, causing a dislocation to one of my ribs. The flogging lasted for two hours.”

After four days of torture Motaz said he was blindfolded and taken to NISS HQ in Khartoum North, where he was also beaten and further questioned about his relationship with the Communist party, his role in the civil disobedience and the printing of posters intended to be used in a campaign for the release of the detainees. After one day, he was transferred to Kober Prison. During his three and a half months ordeal, Motaz was detained in two prisons at Kober and Dabek, in addition to two NISS detention centres. Motaz was released without charge on 24 April 2017.⁶⁵

PUNISHING HUMAN RIGHTS DEFENDERS

The full range of methods of repression, mentioned above, employed in Sudan is part of an overall calculated attempt to control, manipulate the civic and political space and to silence dissent in the country. Any efforts to expose these violations were severely punished.⁶⁶ The work of numerous human rights defenders had been methodically criminalized. Human rights defenders in Sudan are increasingly facing threats, intimidation, harassment and imprisonment.

In 2016 and 2017, there have been a number of cases in Sudan where human rights defenders were imprisoned and faced trumped-up charges and went through lengthy court proceedings. For example, three activists linked to Sudan Social Development Organization-UK (SUDO-UK) were arrested in November and December 2016 and subjected to ill-treatment. Dr. Mudawi Ibrahim Adam and his colleague Hafiz Idris Eldoma were charged with six offences, two of which are punishable by life imprisonment, or death.⁶⁷ Dr Mudawi and Hafiz Idris Eldoma were released after eight months of wrongful imprisonment on 29 August 2017. All charges against Dr Mudawi have been dropped.⁶⁸ Another seven human rights defenders, in addition to Hafiz Idris Eldoma, linked to the case of Dr Mudawi were released on bail on 31 August 2017.⁶⁹

Three other activists were arrested by the NISS in December 2015 and accused of providing support to a Darfuri student while he was undergoing medical treatment in Khartoum.⁷⁰ After twenty one trial sessions, a court in Khartoum handed down heavy prison sentences on the three defendants on 29 January 2017. Petr Jezek, is a journalist and missionary of Czech nationality, was sentenced to life imprisonment and fined 100,000 Sudanese pounds. While Hassan Kodi and Abdulmonem Abdumawla were sentenced to 12 years’ imprisonment.

⁶⁴Email interview, in Arabic, with Salim, 29 May 2017.

⁶⁵Amnesty International, Further information: *Opposition activists released without charge* (Index: AFR 54/6157/2017)

⁶⁶ Amnesty International Press release *Sudan: Torture of Channel 4 journalists highlights need to investigate Darfur chemical attacks*, 5 April 2017, <https://www.amnesty.org/en/latest/news/2017/04/sudan-torture-of-channel-4-journalists-highlights-need-to-investigate-darfur-chemical-attacks/>

⁶⁷Amnesty International, *Sudan: further information: human rights defender facing death penalty*: (Index number: AFR 54/6300/2017)

⁶⁸ Amnesty International, Press Release, Sudan: Dr Mudawi released after eight months of wrongful imprisonment, <https://www.amnesty.org/en/latest/news/2017/08/sudan-dr-mudawi-released-after-eight-months-of-wrongful-imprisonment/> Hafiz Idris Eldoma

⁶⁹ Darfur Bar Associations statement on 31 August 2017 received by Amnesty International confirmed the 7 were released on bail are: Abdelhamid Abdella Abdelkareem; Abu Bakr Osman Ahmed; Adam Mohamed Abdel Al-Bashir Abd Al-Bari; Mukhtar Ishaq Abaker; Musa Ahmed Ali Siraj; Naser Aldeen Oshar Adam and Sidig Ahmed Ali.

⁷⁰ Amnesty International, Sudan: ‘uninvestigated, unpunished’: human rights violations against Darfuri students (index number: AFR 54/4848/2017).



From left to right: Petr Jezek, Kuwa Shumal A. Zumam, Hassan A. Kodi and Abdulmonem Abdumawla at Al Huda Prison in Omdurman in 2016 © Private

The three were released after a presidential pardon on 26 February and 11 May 2017.⁷¹ Abdulmonem Abdumawla in particular was subjected to torture and other ill-treatment such as beating, slapping, kicking and electrocution during his detention.⁷²

Three employees of TRACKS (a Sudanese NGO that provides training on a range of themes including human rights), were detained by NISS in May 2016.⁷³ They were only released after a court sentenced them to time served and fines on 5 March 2017. Two were found guilty of 'Dissemination of false information' under Article 66 of Sudan's 1991 Criminal Act. The third one was found guilty of 'Espionage' under Article 53 of Sudan's 1991 Criminal Act.⁷⁴

CONCLUSION AND RECOMMENDATIONS

The Government of Sudan's long record of stifling dissent continues in late 2016 and 2017. Opposition political activists and human rights defenders are routinely subjected to torture and other ill-treatment and detained for long period without charges solely for the peaceful exercise of their rights to freedom of expression, assembly and association. A number of those interviewed by Amnesty International were subjected to beatings, and other abuses that amount to torture and other ill-treatment. These crimes and human rights violations should be promptly, thoroughly, impartially and transparently investigated and those suspected to be responsible brought to justice in fair trial and without recourse to the death penalty. The government should also immediately release those still in detention or charge them with an internationally recognizable criminal offence, and ensure the rights of detainees are fully respected.

71 Amnesty International, Sudan: Further information: Pastor, missionary and activist released, (Index number: AFR 54/6246/2017)

72 Email Interview with Abdulmonem Abdumawla, 31 May 2017

73 Joint Press Release Amnesty International and the African Centre for Justice and Peace Studies. Sudan: Drop all charges and release activists detained for exercising their rights, 29 August 2016, <https://www.amnesty.org/en/latest/news/2016/08/sudan-drop-all-charges-and-release-activists-detained-for-exercising-their-rights/>

74 Amnesty international, Sudan: further information: three human rights defenders freed (Index number: AFR 54/5828/2017).

On 5 March 2017, a court in Khartoum Midhat and Khalfala guilty under Article 66 'Dissemination of false information' and another human rights defender guilty under Article 53 'Espionage' of Sudan's 1991 Criminal Act. The court was satisfied that the period they had served in detention was sufficient punishment and they were released on 6 March after the fines were paid.

To the Government of Sudan to:

- Amend the 2010 National Security Act to ensure institutional and behavioural reform of the NISS, remove its powers of arrest and detention and establish effective judicial oversight mechanism to hold intelligence services to account for their policies and actions;
- Remove all immunities provided to members of the NISS under Article 52 of the 2010 National Security Act to ensure investigation and prosecution of allegation of torture, ill-treatment;
- Prohibit torture and other ill-treatment by incorporating the crime of torture in national legislation in line with regional and international standards;
- Promptly, thoroughly, impartially and transparently investigate all allegations of torture and other ill-treatment and death in detention and take steps to bring suspected perpetrators to justice in fair trials without recourse to the death penalty;
- Ensure all victims and their families have the right to an effective remedy, including full reparations for the harm suffered.

To the African Commission on Human and Peoples' Rights:

- Urge the Government of Sudan to promptly, thoroughly and impartially investigate all allegations of torture and other ill-treatment mentioned in this briefing and hold accountable those suspected to be responsible for unlawful killings and other human rights violations and abuses that occurred during such protests;
- Urge the Government of Sudan to revise the National Security Act and to limit the extensive power granted to the NISS and repeal Article 52(3) of the National Security Act providing members of the NISS with immunity from criminal and civil procedures;
- Urge the Government of Sudan to adhere to ACHPR's Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa;

To the UN Human Rights Council:

- Urge the Government of Sudan to desist from arbitrarily detaining Opposition political activists and human rights defenders by the NISS and repeal the repressive National Security Act of 2010, and all other legislation which grants immunities to NISS agents.
- Strengthen the special procedure mandate on Sudan by extending it as a Special Rapporteur on the situation of human rights in the Sudan under item 4, with a mandate to monitor and publicly and periodically report on violations of human rights and international humanitarian law in all parts of Sudan;
- Urge the Government of Sudan to provide an update to the Council on concrete measures taken to implement the recommendations made to it during its UPR that accepted by the Government of Sudan, and the recommendations made by Mr. Aristide Nononsi, the Independent Expert on the situation of human rights in the his visits to Sudan in February and May 2017.

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COURAGEOUS AND RESILIENT: ACTIVISTS IN SUDAN SPEAK OUT

The Government of Sudan's long record of stifling dissent continue in late 2016 and early 2017. Between October 2016 and April 2017, at least 77 people were subjected to arbitrary arrests and detention in Sudan. These opposition political activists and human rights defenders are routinely subjected to torture and other ill-treatment and detained for long period without charges solely for the peaceful exercise of their rights to freedom of expression, assembly and association.

A number of those interviewed by Amnesty International were subjected to beatings, and other abuses that amount to torture and other ill-treatment. These crimes and human rights violations should be promptly, thoroughly, impartially and transparently investigated and those suspected to be responsible brought to justice in fair trial and without recourse to the death penalty.

The government should also immediately release those still in detention or charge them with an internationally recognizable criminal offence, and ensure the rights of detainees are fully respected.