

Sudan: Prominent human rights defender detained incommunicado

(20 December 2016) A prominent Sudanese human rights defender (HRD), Dr. Mudawi Ibrahim Adam, is currently detained incommunicado by the country's National Intelligence and Security Services (NISS). Dr. Mudawi was arrested at the University of Khartoum, where he is a professor, on 7 December 2016 alongside his longtime driver, Adam El Sheikh Mukhtar. Both men are currently being held without charge or access to their families and lawyers at NISS headquarters near Shande Bus Station. The six undersigned organisations express serious concerns regarding the two men's safety and well-being whilst in the custody of the NISS.

NISS officers raided Dr. Mudawi's home hours after his arrest on the evening of 7 December, and only informed his family of his arrest and whereabouts five days later, on 12 December. To date, authorities have failed to give a reason or present charges to justify Dr. Mudawi's arrest.

Mr. Mukhtar's whereabouts were not confirmed until 12 December and there are no charges known to be leveled against him. He is suspected to be held solely for his affiliation with Dr. Mudawi, whom he has worked for since 2001, as a means to extract information and intelligence regarding Dr. Mudawi's work and connections to human rights activities. Interrogations by the NISS documented by our organisations consistently involve beatings, verbal abuse and threats, and other ill-treatment.

Dr. Mudawi's arrest has also sparked a wave of reprisals against his family and colleagues. Since his arrest, Dr. Mudawi's family home has been under government surveillance, with NISS agents and vehicles parked outside the home.

Nora Abaid, an accountant from Dr. Mudawi's engineering company, Lambda Engineering was arrested by plainclothed NISS agents in an unmarked car on 12 December. She is currently being held incommunicado in an unknown location.

On 13 December, the family of Dr. Mudawi officially requested visitation, which following NISS procedures, is allowed after 15 days.

Incommunicado detention significantly enhances vulnerability to torture and other ill-treatment. The practice is in breach of Sudan's obligations under the African Charter on Human and Peoples' Rights, in particular the prohibition under Article 5 of torture and cruel, inhuman or degrading punishment and treatment. Under the 2010 National Security Act (NSA), detainees can be held for up to four and a half months without judicial review.

Our organisations call on the Sudanese authorities to immediately guarantee the safety of Dr. Mudawi, Mr. Mukhtar, and Ms. Abaid, and to grant them immediate and unequivocal access to their lawyers and family members, and release them in the absence of valid legal charges consistent with regional and international standards. We also condemn the ongoing silencing of political opposition members, activists, and human rights defenders through arbitrary detention and criminal charges, despite constitutional guarantees to the freedom of expression, association, and assembly. The criminalisation and ban of human rights work is contradictory to the protections guaranteed by the UN Declaration on Human Rights Defenders and other elements of international and regional human rights law.

Background

The Government of Sudan has responded to a growing [civil disobedience campaign by arresting and detaining incommunicado at least thirty nine political opposition party leaders and activists, and censoring newspapers by seizing their print editions prior to distribution](#). The African Centre for Justice and Peace Studies (ACJPS) is aware of at least thirty seven individuals currently held at National Intelligence and Security Services (NISS) headquarters near Shande Bus Station without charge or access to their families and lawyers. There is

particularly concerned about four individuals who are detained by the NISS in unknown locations. This includes activist Fatima Mohamed Ahmed, and members of the Pharmacists' Association, Arif Awad and Mahmoud Mohamed Abdalla, who were arrested after making publicly condemning the detention of their colleagues who were arrested days prior. The NISS has denied having a member of the Teacher's Strike Committee, Al Shazali Mohamed Abdalla, in their custody, despite reports that he was arrested from his home in Omdurman on 26 November.

The arrests and seizures of newspapers come during a renewed civil disobedience campaign protesting against austerity measures in the country instituted in early November. The austerity measures have increased fuel prices by up to 30% and drastically increased prices on basic commodities in the context of widespread poverty and corruption. A huge amount of government spending is allocated in the national budget to finance Sudan's wars in Darfur, South Kordofan, and Blue Nile. Fluctuations on the government set exchange rate regarding pharmaceutical supplies have led to a substantial increase in prices of drugs.

The intensity of repression currently leveled by the Sudanese Government is particularly targeted towards human rights activities. The practice of issuing criminal charges against activists and human rights defenders has become an established tool to silence dialogue about human rights and civil society. [On trial currently are ten staff members and affiliates of the Centre for Training and Human Development \(TRACKs\)](#), an organisation which provides training on a range of issues from IT to human rights, in two overlapping cases that include crimes against the state. Crimes against the state charges carry the death penalty. TRACKs Director Khalafalla al Afif Mukhtar, trainer Midhat Afif al-Deen Hamdan, and the director of another organisation, Alzarqaa Organisation for Rural Development, Mustafa Adam, have been detained for over six months. Throughout the trial proceedings, the Prosecution has failed to provide written confirmation of the names of the accused or charges brought against them or evidence for the legal basis of the charges, undermining the ability of the accused to prepare a defence. Proceedings have been repeatedly adjourned, prolonging the detention of the three men. Much of the evidence presented has been related solely to TRACKs staff members and affiliates' human rights work and is unconvincing as to how their work constitutes crimes against the state. A number of civil society activists and journalists have been obstructed from attending the trial by court police and subjected to harassment and intimidation, including having their photos taken during court sessions.

The NISS and government regulatory bodies, such as the Ministry of Culture and the Humanitarian Affairs Commission (HAC), have imposed severe restrictions on the operation and mandates of civil society organisations, and a number of them have been forcibly closed. Authorities have refused permission for or cancelled their activities, arrested and intimidated staff, through repeated summonses, and obstructed groups from legally registering.

Dr. Mudawi is the former director of the Sudan Social Development Organisation (SUDO), an NGO that worked closely with internally displaced persons (IDPs) on development initiatives, conflict resolution, and human rights education. SUDO was operational throughout Sudan and had a number of field offices when it was forced to cease operations in 2009 during a wave of closures by the Government of Sudan after the International Criminal Court's issuance of an arrest warrant against President Omar al Bashir for international crimes in Darfur. A 2010 ruling by the Administrative Appeals Court allowed for the re-opening of SUDO and the unfreezing of its assets – however, the organisation was never allowed to resume its activities and recover its assets due to blockages by the Humanitarian Affairs Council (HAC), a government controlled regulatory body governing the work of non-governmental organisations.

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African Center for Justice and Peace Studies

Al Khatim Adlan Center for Enlightenment & Human development (KACE)

Darfur Bar Association

DefendDefenders (East and Horn of Africa Human Rights Defenders Project)

Front Line Defenders

Hurriyat