

IT IS TIME TO END THE STATE OF FEAR: SUDANESE HUMAN RIGHTS DEFENDERS FILE A CASE AGAINST THE SUDANESE AUTHORITIES AT THE ACHPR

(Banjul 13th November 2009)

Osman Hummeida, Monim Elgak and Amir Suliman, three leading Sudanese human rights defenders, have submitted a communication to the 46th Session of the African Commission on Human and People's Rights (ACHPR) calling for the reform of Sudan's National Security Act in order to ensure its compatibility with the Sudanese Constitution and Sudan's international and regional human rights obligations. In the communication the defenders also called for redress for their detention, interrogation and torture by the National Internal Security Service (NISS) in Sudan in November 2008.

Lodged at the seat of the African Commission almost one year after the incident, the application describes how the NISS arbitrarily arrested and detained the three applicants, denied them custodial safeguard and subjected them to torture and ill-treatment in violation of articles 1, 5, 6 and 7 of the African Charter. During their interrogations and torture the applicants were questioned about their work on human rights and the pursuit of justice and accountability in Sudan, in particular their support for the International Criminal Court(ICC).

The arrest of three human rights defenders marked the beginning of a renewed crackdown on independent civil society and the human rights movement in Sudan, exemplified by the suspension of three leading national human rights organizations in March 2009. Since then many human rights activists have been harassed, arrested, charged with state security offences, tortured and their families and friends intimidated. Many have fled into exile.

"Human rights activists continue to suffer arbitrary arrest, incommunicado detention and torture in Sudan because of their work to uphold the rule of law and the principles of the African Charter. Darfurian civil society activists and students are bearing the brunt of the repression. Given that the African Commission has just completed a human rights promotional visit to Sudan we hope that it will be willing to give the situation the attention it requires", said Hassan Shire, Executive Director of the East and Horn of Africa Human Rights Defenders Project (EHAHRDP).

Speaking from Banjul, Mohamed Badawi, a Sudanese human rights defender in exile said: "The NISS and the National Security Act which guides its operation continue to be tools of injustice and oppression, used in particular against civic and political rights activists. It is time to end the state of fear deployed by NISS after the arrest and torture of three applicants. This case is a case on behalf of all the independent civil society and human rights movement in Sudan."

"Reforming the Sudanese National Security Act, the law pursuant to which the three applicants were arrested and held without charge, is urgent ", said Hassan Shire. "The Security Services should no longer be given policing powers of arrest and detention because of the risk of abuse as highlighted in a recent report by the Project for Criminal Law Reform in Sudan 'Security for All-Reforming Sudan's National Security Law.' "



“Such a reform is not only key to the enhanced protection of human rights and the strengthening of the rule of law. It is also an essential prerequisite for democratic and peaceful elections, popular consultation and referendum in Sudan”, said Mohamed Badawi.

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