

**Excerpt from 2006 Annual Report of the Observatory for the Protection of
Human Rights Defenders – a joint programme run by FIDH and OMCT
For the examination of the report of Sudan by the Human Rights Committee**

Situation of Human Rights Defenders in Sudan

Human rights defenders in Sub-Saharan Africa continued to carry out their activities in a highly hostile and dangerous environment in 2006.

Although some positive steps could be observed, the situation it significantly worsened in countries undergoing armed conflicts or fierce political repression such as Sudan. Authorities further carried out and diversified repressive strategies aimed at infringing or criminalising the activities of human rights defenders in 2006. New restrictive legislations hampering the exercise of the freedoms of association, expression and peaceful assembly were adopted during the course of the year, while an increasing number of activists faced judicial proceedings as well as arbitrary arrests and detentions.

I. General Comments

Human rights defenders in armed conflicts

In Sudan, local and international organisations operating in the Darfur region, in the West of the country, were subjected to numerous acts of violence and were regularly attacked by the various parties to the conflict, whether government forces, “Arab” militias (jan-jaweed) or the different rebel factions. Although a peace agreement was finally signed in May 2006¹, human rights defenders were faced with constant insecurity and were repeatedly targeted by the Sudanese government, which did not tolerate any public denunciation of the grave human rights violations perpetrated against Darfuri populations.

The authorities particularly attempted to stifle local NGOs, such as the Amel Centre for Treatment and Rehabilitation of Victims of Torture and the Sudan Social Development Organisation (SUDO). In 2006, members of these organisations were repeatedly arrested and arbitrarily detained, summoned by security services and subjected to judicial proceedings, mostly under charges of “offences against the State”, “breaches of constitutional order” or “disseminating false news”.

International NGOs were also severely controlled and repressed. In November 2006 for instance, the Norwegian Refugee Council (NRC), a relief agency coordinating the Kalma camp for internally displaced persons (IDP) in South Darfur, and which has had its activities suspended on five different occasions since 2004, received a letter from the Humanitarian Affairs Commission (HAC) ordering its expulsion from the South Darfur State. The HAC decision was likely responding to the NRC denunciation of the upsurge in rape cases in Kalma camp, information that the authorities had strongly denied.

¹ The Darfur Peace Agreement (DPA) was signed by the Government of Sudan and the majority faction of the Sudan Liberation Army (SLA, main rebel movement) on May 5, 2006 in Abuja (Nigeria). This Agreement was however rejected by other rebel splinter groups, and janjaweed militias did not take part in the negotiations.

This type of sanctions very often came in addition to repeated attacks against local and international humanitarian workers. Indeed, at least 14 members of international humanitarian NGOs were the victims of extra-judicial killings in 2006². In June 2006 for example, Oxfam International had to suspend its activities in Saraf Omra, North Darfur State, following the abduction of one of its local staff members, Mr. Nouraldein Abdalla Nourein, in May 2006. Mr. Abdalla Nourein was found dead on July 28, 2006³. Furthermore, the number of attacks - mainly led by militias and rebel groups - targeting the vehicles or compounds of humanitarian organisations dramatically increased, thus hampering these agencies in providing vital assistance to tens of thousands of civilians affected by the conflict. In December 2006 alone, over 400 humanitarian workers had to be evacuated from several camps in the region⁴.

The newly enforced Organisation of Humanitarian and Voluntary Work Act 2006 that was adopted in February 2006 also represents an additional obstacle for local and international NGOs operating in the Darfur region⁵.

Access to information about the ongoing conflict in Darfur further remained strictly limited. Although censorship was officially lifted in 2005⁶, Sudanese authorities engaged in new waves of censorship against independent newspapers in September 2006 and banned the publication of all articles calling for or simply regarding the adoption of a United Nations resolution allowing the deployment of a UN peacekeeping force in Darfur, which was firmly opposed by the government. Foreign journalists' activities were also increasingly controlled and suppressed in 2006, as the authorities regularly denied them visas or travel documents, the granting of which nevertheless offered no guarantee of gaining access to the region.

Finally, the conflict in the Eastern part of the country⁷ also affected the activities of human rights defenders, such as Mr. Hussain Osman Mohamed Ismail, a member of the SOAT students' network, who was detained from March 10 to 18, 2006 by military intelligence services in Toker (Red Sea State), where he was conducting an enquiry into several cases of human rights violations committed in the town since 1997.

The extension of the Darfur conflict to neighbouring countries, in particular Chad and the CAR where rebel movements are believed to be backed by Sudan, further impeded human rights defenders' activities, which were considered as highly suspect by these two governments who accused any dissident voice of supporting the rebels.

Obstacles to freedom of association

In February 2006, the Sudanese Parliament adopted the "Organisation of Humanitarian

² See Integrated Regional Information Networks (IRIN), UN Office for the Coordination of Humanitarian Affairs (OCHA).

³ See Sudan Organisation Against Torture (SOAT).

⁴ See IRIN.

⁵ See below.

⁶ The President of the Republic Mr. Omar El-Bashir announced the lifting of the state of emergency on July 11, 2005.

⁷ The conflict in Eastern Sudan opposed the government to the Eastern Front, a rebel movement created in February 2005 and calling for an equitable sharing of power and natural resources in the region. Following a decade of tensions and simmering unrest, the conflict significantly escalated in 2005 and 2006 when the Front and the Justice and Equality Movement (JEM, a rebel group active in Darfur) united. A peace agreement could finally be reached between the government and the rebels on October 13, 2006 in Asmara (Eritrea).

and Voluntary Work Act 2006”, which imposes serious restrictions on freedom of association and an increased control over NGOs activities by Sudanese authorities, affecting both local and foreign humanitarian and human rights organisations. The vague definitions contained within this text are likely to be invoked arbitrarily in order to deny or cancel the registration certificate of certain organisations. The legislation also strengthens the administrative constraints for registering and the discretionary powers of the Minister for Humanitarian Affairs. In 2006, several independent NGOs denouncing the human rights violations committed throughout the country were sanctioned on the basis of this new law, such as the SUDO offices in El-Geneina and Zalingei, and the organisation for the defence of women’s rights AWOON-Red Sea (Red Sea Province) which had its activities suspended for several weeks in March and April 2006.

This new legislation is likely to be further toughened according to statements delivered by Mr. Ahmad Mohamed Haroun, Minister for Humanitarian Affairs, during a press conference he convened in Khartoum on October 4, 2006. Mr. Haroun, who notably accused international NGOs of “supporting political activities”, indicated that all UN agencies operating in the country shall be regulated by the Act and that “the situation called for the need to put [further] restrictions on voluntary work”⁸.

Mobilisation for regional and international protection of human rights defenders

United Nations (UN)

The Office of the United Nations High Commissioner for Human Rights (UNOHCHR), in its third periodic report on the situation of human rights in Sudan issued in April 2006, urged the government to “refrain from harassing, arresting, detaining or physically abusing individuals who bring human rights abuses to the attention of the police, other government authorities, or the international community” and to hold accountable those perpetrating abuses against human rights defenders. The High Commissioner further called on the Sudanese government to undertake legal reform, in particular in relation to the Organisation of Voluntary and Humanitarian Work Act 2006. Likewise, in its fourth periodic report published in May-June 2006, the High Commissioner underlined that the “Humanitarian Aid Commission (HAC) also contributed to the atmosphere of repression in the country” and recalled that on June 25, 2006, the HAC had prohibited SUDO, a national NGO, from working in the areas of peace building and protection and had limited its mandate to health and nutrition issues.

During her visit to Sudan from April 30 to May 5, 2006, the High Commissioner for Human Rights, Ms. Louise Arbour, expressed her concern about the new NGO legislation, which “will further hamper the work of NGOs by imposing heavy bureaucratic requirements and, additional costs and delays and will therefore restrict even more the already limited space available to civil society generally”⁹.

The UN Secretary General Mr. Kofi Annan addressed the Security Council about the situation in Darfur on September 11, 2006 and stressed that “humanitarian workers have continued to be targets of brutal violence, physical harassment and rhetorical vilification. Many of their vehicles have been stolen. Twelve aid workers have lost their lives in the last

⁸ See SOAT.

⁹ See UN Press Release, May 5, 2006.

two months alone - more than in the previous two years”¹⁰.

The African system of protection of human rights defenders

African Commission on Human and Peoples’ Rights (ACHPR)

During the 39th and 40th sessions of the ACHPR held in Banjul, the Gambia, from May 11 to 25 and from November 15 to 29, 2006, the Observatory introduced both a written and an oral statement under the item of the agenda dedicated to the situation of human rights defenders in Africa.

Ms. Reine Alapini-Gansou, ACHPR Special Rapporteur on human rights defenders, indicated in her report to the 40th session that she had addressed several communications to six different countries (Burundi, Cameroon, CAR, Ethiopia, Senegal and Sudan) denouncing cases of repression of human rights defenders in Sub-Saharan Africa.

African Union (AU)

African Heads of State and Government, gathered during the 6th Summit of the AU convened from January 16 to 24, 2006 in Khartoum (Sudan), adopted a decision authorising “the publication of the 19th Activity Report [adopted by the 38th session] of the ACHPR and its annexes, except for those containing the Resolutions on Eritrea, Ethiopia, Sudan, Uganda and Zimbabwe”¹¹.

These Resolutions strongly condemned the serious human rights violations as well as abuses against human rights defenders perpetrated in these countries. The same AU decision called upon the ACHPR to “ensure that in future, it enlists the responses of all States parties to its resolutions and decisions before submitting them to the Executive Council and/or the Assembly for consideration” and requested State parties “within three months of the notification by the ACHPR, to communicate their responses to resolutions and decisions to be submitted to the Executive Council and/or the Assembly”.

This decision, which entitles African Heads of State to give their prior approval before ACHPR resolutions and recommendations are adopted, gravely undermines its independence and evidences the political desire of African leaders to bring the institution, which has asserted and increased its competences since its establishment in 1986, into line.

During the 9th session of the AU Executive Council held in Banjul on June 28-29, 2006, the Council further endorsed the ACHPR activity report adopted by the 39th session of the Commission with the exception of its decision on Zimbabwe⁴⁹, thus confirming the interference with the Commission’s activities and weakening its ability to rapidly address emergency situations and grave human rights violations.

Finally, the Criteria for granting observer status and for a system of accreditation within the AU remained highly restrictive since they were ratified by the 5th ordinary session of the AU Assembly. These Criteria implicitly preclude international NGOs from obtaining observer status and significantly limit the appointment of independent local organisations¹².

¹⁰ See UN Press Release, September 11, 2006.

¹¹ See AU Document Assembly/AU/Dec.101(VI).

¹² See Annual Report 2005: The Criteria apply to NGOs registered in AU Member States if the majority of the NGOs management is composed of African citizens and if the NGO is devoted to regional or continental activities, which automatically excludes international NGOs. It is further stipulated that “the basic resources of such NGOs shall substantially, at least two-thirds, be derived from contributions of its members”. This provision contradicts the budgetary realities of African NGOs, which can only stay effective and independent if they receive third party

II Specific comments

Obstacles to freedom of association¹³

The “Organisation of Humanitarian and Voluntary Work Act 2006” was adopted at its second reading by the Sudanese Parliament on February 20, 2006. This text had been rejected at first reading on February 13, 2006 following the approval by the National Council of Ministers of a report presented by its Humanitarian Affairs Committee, stating that some amendments would be necessary to the adoption of the Bill.

Although several restrictive provisions were withdrawn from the initial bill, the amended version still imposes serious restrictions on freedom of association as well as an increased control over NGO activities by Sudanese authorities, affecting both local and foreign humanitarian and human rights organisations.

The Act was signed by the President of the Republic Mr. Omar Hassan Ahmed El Bashir on March 16, 2006.

On May 30, 2006, a group of lawyers representing a panel of over 400 national NGOs petitioned the Constitutional Court challenging the constitutionality of the Act and called for its suspension until the provisions restricting freedom of association were amended. The Court ruled this petition admissible during a preliminary hearing held on June 6, 2006.

As of the end of 2006, however, no further hearing was scheduled. Modalities for NGO registration, rejection or cancellation of registration

According to the Act, all NGOs have to apply for registration with the General Registrar of Organisations, whereas all voluntary organisations already legally recognised in the country are required to register again under the new provisions within a period of 90 days from the date of the coming into force of the Act. The registration of organisations of less than 30 members may only be approved by the Minister for Humanitarian Affairs or by the Council of Ministers, on the Minister’s recommendation.

The organisations applying for registration shall pay the “prescribed registration fees”, the amount of which is not set down. The authorities might thus use the vagueness of these provisions to arbitrarily deny registration or to change the fees according to the type of NGO applying, while potential costs may deter many organisations from registering.

The law provides for specific conditions for the registration of foreign organisations that shall “submit a registration certificate authenticated by the Sudanese Embassy or mission covering their respective country” and are compelled “to sign a country agreement to perform its programmes in coordination with or with the participation of one or more national organisations”. International organisations are required to comply with “any other conditions to be laid down by the Minister”.

It also stipulates that “operating licences shall be renewed annually”: thus, all NGOs will be reviewed and scrutinised annually by the authorities, which could refuse to register some organisations on arbitrary criteria such as their criticism of government policies or their

funding from private foundations, the State or governmental institutions, and favours the participation of governmental non-governmental organisations (GONGOS).

¹³ See Annual Report 2005, Press Release, February 16, 2006, and Joint Press Release of SOAT and the Observatory, March 7, 2006.

denunciations of human rights violations.

The General Registrar may further deny or cancel registration “if the activities [of any national or international organisation] are incompatible” with the provisions of this Act, “if the organisation, without acceptable justifications, failed to carry out its activities for a period of one year”, or if it was proven guilty of embezzlement. NGOs may appeal this type of decision with the Humanitarian Aid Commission (HAC), then with the Minister, and may resort to a competent court if the authorities reject or fail to respond to an appeal.

Sanctions

The Act provides that any person “carrying out activities within an unregistered voluntary organisation shall be punished upon conviction by a fine”. In addition, national courts can expel, upon conviction, any foreign national contravening the provisions of the law” and seize all assets of any organisation operating without a valid registration certificate.

The Registrar is further entitled, with the approval of the Commissioner, to suspend the activities of NGOs that fail to comply with the provisions of this Act, “for the period of time he deems appropriate”. NGOs may appeal such a decision to the Minister within two weeks, or refer the case to a competent court if the latter dismisses or fails to respond to the appeal. NGO members convicted under the provisions of this legislation can face a suspension of up to one year of voluntary activities by the Registrar, which also has authority to initiate individual criminal proceedings.

Control over NGOs’ activities

The Act entitles the Registrar “to keep all documents, minutes and reports of NGOs”, and “to examine their records” to ensure that their activities are carried out in accordance with the law. He shall also “supervise elections of all national organisations”, and be assigned to “any other functions” by the Minister.

The General Commissioner for Humanitarian Aid shall further “carry out preliminary investigations to determine whether or not NGOs abide by the law, initiate all necessary legal proceedings with competent judicial bodies if appropriate” and be assigned to “any other function” on the Minister’s order. He shall also “organise geographically and by sector, coordinate NGOs’ activities and programmes, assess the impact of voluntary and humanitarian work and settle disputes that may arise among such organisations or with any other bodies”. Registered organisations shall submit narrative reports twice a year to the Commissioner, as well as their annual progress report and a certified copy of an annual audit report. Progress reports shall include a budgetary summary and assessment, and note any substantial changes in provisional programmes.

Release of Mr. Mohamed Ahmed Alarbab¹⁴

On January 6, 2006, Mr. Mohamed Ahmed Alarbab, a lawyer and human rights defender, was released without charge after four months in custody.

Mr. Alarbab was arrested in Khartoum on October 1, 2005, while investigating the arrest of several persons involved in the May 18, 2005 riots in the Soba Aradi area of Khartoum.

While being questioned at the Mayo police station, Mr. Alarbab was denied access to his lawyer and his family, and was reportedly severely beaten and threatened. Two days later, he

¹⁴ See Annual Report 2005.

was transferred to the Kalakla police station.

Mr. Alarbab was initially accused of “participating in the committing of a criminal act” (Articles 21 and 24 of the 1991 Criminal Code), “murder” (Article 130), “crimes against constitutional order” (Article 50), “crimes against the State” (Article 51), “public nuisance” (Article 77), and “harbouring a criminal” (Article 107).

Obstacles to freedom of assembly

Obstacles to a civil society forum¹⁵

On January 21 and 22, 2006, the Sudan Organisation Against Torture (SOAT), the International Refugee Rights Initiative and the Khartoum Centre for Human Rights and Environmental Development (KCHRED) organised a consultation with members of civil society in Khartoum as a contribution to the work of the 6th African Union (AU) Assembly of Heads of State and Government, held on January 23 - 24, 2006. The forum, which brought together numerous national and international NGOs, as well as representatives of the United Nations and the European Commission, focused on peace and justice in the region and aimed at promoting closer collaboration between local or regional associations and AU institutions.

On January 22, 2006, security forces in plain clothes entered the building where the closing session of the NGO Forum was being held.

Alleging that the event had not been authorised, security officers asked for the names of all participants and detained 35 human rights and pro-democracy activists, some of whom were jostled, threatened, verbally abused or assaulted. In addition, the conference working papers as well as several laptops, files and personal documents were seized.

After three hours of questioning, security forces decided to release international representatives and to hold back Sudanese nationals. All the participants detained were finally released when foreign representatives refused to be separated from their Sudanese colleagues.

On the same day, two members of the forum organising committee were summoned for questioning and freed without charge a few hours later.

Obstacles to a civil society forum on the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women¹⁶

On February 20, 2006, KCHRED, SOAT and the Amel Centre for Treatment and Rehabilitation of Victims of Torture launched a nationwide campaign to push for the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The final conference of this campaign was scheduled to be held on March 16, 2006 in Port Sudan.

On March 15, 2006, officers from the National Security Bureau (NSB) in Port Sudan summoned Mr. Hassan Altaieb, a lawyer and a SOAT member, to the NSB headquarters in Port Sudan, where he was questioned about the final meeting of the campaign due to be held the next day. Security officers demanded the list of the participants expected to attend the event, including the full names of all the speakers.

¹⁵ . See Press Release, January 27, 2006.

¹⁶ See SOAT.

Following two hours of questioning, security officers informed Mr. Altaieb that the conference was cancelled. No official reason was given for this decision. The hotel where the event was due to be held was also advised to cancel the room reservation.

Arbitrary arrest and release of Mr. Hussain Osman Mohamed Ismail¹⁷

On March 10, 2006, Mr. Hussain Osman Mohamed Ismail, alias Hussain Zikir, a student and member of the SOAT network of students, was arrested by members of the military intelligence service in Toker, Eastern Sudan, where he was inquiring, since March 6, 2006, into several cases of human rights violations committed in the village since 1997.

On March 18, 2006, Mr. Hussain Osman Mohamed Ismail was released without charge, after intelligence services confiscated all documents relating to his education and promotion of human rights activities.

Suspension of AWOON-Red Sea activities¹⁸

On April 11, 2006, the Humanitarian Aid Commission (HAC) sent a formal letter to the Womens' Awareness Raising Group-Red Sea (AWOON-Red Sea), a women activists' organisation that provides legal assistance and advice for women in Port Sudan, ordering that its activities be suspended and its accounts frozen until further notice.

The HAC stated that AWOON-Red Sea had violated the Organisation of Humanitarian and Voluntary Work Act 2006¹⁹ after the organisation submitted a funding proposal to the European Commission, without first seeking the authorisation of the HAC. This proposal was to enable the implementation of an AWOON programme on women's access to justice, which was launched in March 2006 after the EU granted the funding in early 2006.

However, the proposal was submitted in July 2005, at which time the law governing the activities of NGOs in Sudan (the Humanitarian Aid Commission Act of 1998) did not require organisations to obtain prior authorisation of the HAC before seeking funding from foreign sources. This provision was only introduced with the passing of the Organisation of Humanitarian and Voluntary Work Act, but was clearly retroactively applied by the HAC to disrupt AWOON activities.

AWOON-Red Sea filed an appeal with the HAC shortly after the freezing of its operations. Having received no response, it addressed its case to the Minister for Humanitarian Affairs.

In late April 2006, Port Sudan police denied AWOON-Red Sea members access to a conference convened by the United Nations Development Programme (UNDP), in which over 250 NGOs were due to participate.

AWOON-Red Sea was finally authorised to resume its activities by the regional Minister for Humanitarian Affairs in May 2006.

Ongoing harassment of SUDO and its members

Arbitrary arrest of Messrs. Alrayah Ibrahim Eldaw, Alfaris Ibrahim, Dawalbeit Kabbur,

¹⁷ See Urgent Appeal SDN 001/0306/OBS 027.

¹⁸ See Urgent Appeal SDN 003/0406/OBS 051.

¹⁹ See above.

Osman Ali Ismael and Sayed Abu Bakr²⁰

On February 13, 2006, Messrs. Alrayah Ibrahim Eldaw, Alfaris Ibrahim, Dawalbeit Kabbur and Osman Ali Ismael, four members of the Sudan Social Development Organisation (SUDO), as well as Mr. Sayed Abu Bakr, a SUDO volunteer, were arrested by a group of armed security officers in the town of Ed Dain. At the time of their arrest, the five men were conducting a training session on the protection and promotion of human rights at the Ed Dain University.

The five SUDO staff members were taken to the Ed Dain National Security Bureau (NSB) where they were held for several hours. No reason was given for their arrest.

They were all released without charge the same day.

Mr. Jaafar Khalifa summoned by National Security²¹

On February 20, 2006, Mr. Jaafar Khalifa, director of the SUDO branch in El Geneina (West Darfur), was summoned for questioning by National Security.

Mr. Khalifa was questioned about the alleged political activities of SUDO and its sources of funding. He was released without charge a few hours later. Suspension of SUDO activities in West Darfur²²

On March 11, 2006, Messrs. Jaafar Khalifa and Adeeb Abdel Rahman Yousif, director of the SUDO Zalingei section, received a formal notice of the HAC dated March 9, 2006, ordering the suspension of all SUDO activities in the West Darfur State, as well as the closing of all of their offices, health and feeding centres operating in the region.

In a separate letter, also dated March 9, 2006, the HAC, referring to the newly adopted Organisation of Humanitarian and Voluntary Work Act, gave additional instructions regarding the seizure of all assets belonging to these SUDO offices and ordered the organisation to provide a full report on its incomes and expenditures.

On March 11, 2006, the HAC also addressed a letter to the Agricultural Bank ordering it to close the account of the SUDO Zaleingei office and to suspend all transactions as of March 13, 2006.

In spite of SUDO's repeated requests for clarification, the HAC has never specified what provisions of the Law it had allegedly violated.

On March 28, 2006, the SUDO branch in El Geneina received a letter from the State Ministry for Social Affairs authorising the office to resume its activities in West Darfur on the condition that it would reapply for registration under the new NGO Law within 90 days. The El Geneina office was able to resume its operations on April 4, 2006.

The SUDO branch in Zalingei was finally permitted to reopen on an unspecified date.

SUDO offices in El Fashir closed down²³

In December 2006, the North Darfur State authorities ordered the closing down of the SUDO office in El Fashir, noting that this decision was to be effective as of December 18, 2006. Since then, Mr. Khalil M. Bakhiet Tukras, director of the SUDO branch in El Fashir, as well as two other SUDO members, Messrs. Gaffar El Khalifa and Mohamed Abaker, have

²⁰ See SOAT

²¹ See United Nations Mission in Sudan (UNMIS) Bulletin, February 23, 2006.

²² See Urgent Appeal SDN 002/0306/OBS 030

²³ See Darfur Relief and Documentation Centre (DRDC) Press Release, January 3, 2007.

been summoned for questioning by security forces on a daily basis.

Harassment against members of the Amel Centre for Treatment and Rehabilitation of Victims of Torture

Judicial harassment against Messrs. Mossaad Mohamed Ali and Adam Mohammed Sharief²⁴

On May 15, 2006, NSB officers in Nyala summoned Mr. Mossaad Mohamed Ali, a lawyer and coordinator of the Amel Centre for Treatment and Rehabilitation of Victims of Torture in Nyala, and Mr. Adam Mohammed Sharief, a member of the Amel Network of Lawyers in Nyala.

Messrs. Ali and Sharief were then held for thirteen hours in the NSB headquarters in Nyala. They were subsequently released without being questioned or charged.

On May 16, 2006, Mr. Ali was again summoned to the security offices and placed in incommunicado detention without charge until May 20, 2006. He was denied access to a lawyer and his family, and security officers also denied representatives of the United Nations Mission in Sudan (UNMIS) authorisation to see him. No reason was given for his detention.

Upon his release, Mr. Ali was ordered to report to the NSB on May 21, 2006 and was detained there for four hours. Security officers told him to come back the next day.

On May 23, 2006, the NSB ultimately informed him that his daily reporting was no longer necessary and that they would proceed by way of summons if they needed further information.

Mr. Sharief was again called in for questioning and detained for several hours by the NSB on June 6, 2006 before being released without charge.

Harassment of Mr. Mohamed Ahmed Abdullah²⁵

On June 30, 2006, the NSB called Mr. Mohamed Ahmed Abdullah, a physician working for the Amel Centre in Nyala, on his mobile phone and ordered him to report immediately to their office. Mr. Mohamed Ahmed Abdullah, who was due to attend a meeting on the Darfur Peace Agreement (DPA) convened by Mr. Omar Fur, Minister of Agriculture of the South Darfur State, replied that he was unable to do so but that he would report to the NSB office right after the meeting.

Later that afternoon, about 150 heavily armed officers surrounded the compound where the meeting was being held, while 50 of them interrupted the event to announce that they had come to arrest Mr. Mohammed Ahmed Abdullah for attending an illegal gathering under the state of emergency law.

Upon the intervention of Mr. Omar Fur, security officers eventually left the building without arresting him.

Judicial harassment of Mr. Nagib Ngam Eldine²⁶

On July 9, 2006, three NSB officers arrested Mr. Nagib Ngam Eldine, director of the

²⁴See Urgent Appeals SDN 004/0506/OBS 062 and 062.1.

²⁵ See Urgent Appeal SDN 005/0906/OBS 109.1.

²⁶See Open Letter to the Sudanese authorities, July 21, 2006.

Amel Centre, in Khartoum and took him to the office of the Prosecutor on suspicion of “crimes against the State”.

Mr. Nagib was then questioned about several reports issued by SOAT on the summary trials of hundreds of persons arrested during the riots which took place throughout the country following the death of the Sudan First Vice-President Mr. John Garang, in a helicopter crash on August 1, 2005. In particular, Mr. Nagib was accused by the security officers of having provided this information to SOAT.

Dr. Nagib was released on bail nine hours later and was notified that an investigation had been initiated against him for “publication of false news” (Article 66 of the 1991 Criminal Code), “public nuisance” (Article 77), “failure to produce documents or deliver statements” (Article 99), and “libel” (Article 159), as well as under the provisions of the 1999 Press and Printed Materials Act as amended in 2002 and 2004.

As of the end of 2006, these charges remained pending.

Judicial proceedings against Mr. Mossaad Mohamed Ali and Ms. Rash Souraj, Ms. Ebtisam Alsemani and Ms. Najat DafaAlla²⁷

On July 27, 2006, Mr. Mossaad Mohamed Ali⁹⁸, Ms. Rasha Souraj and Ms. Ebtisam Alsemani, two lawyers volunteering for the Amel Centre in Nyala, received a letter from the NSB accusing them of disseminating erroneous reports and disclosing confidential military information. This letter further stated that the Nyala Public Prosecutor had initiated proceedings against them for “offences against the State” and that their case had been referred to the police for an investigation, which was likely to lead to their arrest upon completion.

On July 29, 2006, Mr. Ali, Ms. Souraj, Ms. Alsemani and Ms. Najat DafaAlla, another voluntary lawyer with the Amel Centre, were formally ordered to report to the Public Prosecutor’s office the next day to answer charges of “offences against the State” and “undermining the constitutional order”, under Part 5 of the Criminal Code.

The questioning was postponed at their request until July 31, 2006 in order to properly prepare their defence.

On that date, the defendants appeared before the Prosecutor and were asked to come back the next day.

On August 1, 2006, Mr. Ali and Ms. DafaAlla reported to the police station where they were separated and questioned about a demonstration that was held in the Otash refugee camp on May 29, 2006 to protest against the DPA, and which had been violently dispersed by security and police forces who fired live ammunition at the protestors. Mr. Ali and Ms. DafaAlla, who had defended five of the arrested demonstrators and had submitted a public request for information about their situation and their whereabouts to the “Security Committee”, were then accused of spreading false information and of being a threat to public security.

Upon their release, Mr. Ali and Ms. DafaAlla were further informed that the police would re-evaluate the facts and refer the case to the Prosecutor in order to bring it before a court.

Ms. Alsemani and Ms. Souraj, who were in Khartoum at the time, were interrogated upon their return to Nyala on August 12, 2006.

As of the end of 2006, proceedings remained pending.

²⁷See Urgent Appeal SDN 044/0506/OBS 062.2.

Arbitrary arrest and harassment of Mr. Mohamed Badawi²⁸

Mr. Mohamed Badawi, a prominent human rights lawyer in El Fashir, North Darfur, and coordinator of the Amel Centre, was summoned by the NSB in El Fashir on September 9, 2006. He immediately reported to the security services, where he was held for over three hours without being questioned or informed of any possible charges against him. He was then released without charge but ordered to come back on the following day.

On September 10, 2006, Mr. Badawi duly reported to the NSB headquarters, where he was detained for six hours and questioned about the Amel Centre's activities, as well as his contacts with international organisations and the Communist Party, before being released without charge.

Arbitrary arrest and judicial harassment of Ms. Saffaa Abdel Rahim Saror, Ms. Nafisa Mohamed Adam and Ms. Awatif Mohamed Adam²⁹

On September 16, 2006, security forces arrested Ms. Saffaa Abdel Rahim Saror, Ms. Nafisa Mohamed Adam and Ms. Awatif Mohamed Adam, three social workers of the Amel Centre office in El Fashir.

They were held at the NSB headquarters in El Fashir for six hours during which they were questioned about the Centre's operations and several reports on the human rights situation in Darfur that the association had transmitted to international organisations.

On October 2, 2006, Ms. Saffaa Abdel Rahim Saror received an official letter from the NSB summoning her to appear on the next day.

After duly reporting to the NSB office on October 3, 2006 she was placed in custody but was released without charge several hours later.

Arbitrary detention and release of Mr. Charles Locker³⁰

On July 4, 2006, Mr. Charles Locker, executive director of Manna Sudan, an NGO promoting peace building, human rights awareness, education, and dialogue between southern Sudan local communities, was arrested at his home by the police. No reason was given for his arrest.

A few hours earlier, police officers had come to the Manna Sudan offices in Ikotos, Eastern Equatoria, looking for Mr. Locker. In his absence, the officers held several staff members for several hours and seized most of the organisation's assets, including a vehicle.

Mr. Locker was reportedly transferred to the central detention centre in Torit, in Eastern Equatoria.

His arrest was most likely linked to the online publication of several of his articles suggesting the involvement of the Eastern Equatoria Governor, Mr. Aloisio Ojetuk, and other regional authorities in tribal clashes. Mr. Locker was released without charge on September 4, 2006.

²⁸See Urgent Appeal SDN 005/0906/OBS 109.

²⁹ See Urgent Appeal SDN 005/0906/OBS 109.1

³⁰ See Open Letter to the Sudanese authorities, July 21, 2006.

Suspension of activities and expulsion of the NRC³¹

In January 2006, the HAC suspended all activities of the Norwegian Refugee Council (NRC) in the Kalma camp of internally displaced persons (IDPs)³², coordinated by the NRC since 2004, despite the fact that the organisation's licence to operate had been renewed in November 2005. A few weeks later, the NRC managed to negotiate a one-year cooperation agreement with the HAC and resumed its activities.

On April 4, 2006 however, the HAC office in Nyala revoked this agreement and informed the agency that it must withdraw all international staff from the South Darfur State. No reason was given for this decision.

Following the visit to Darfur and Eastern Chad of Mr. Jan Egeland, UN Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, from May 6 to 11, 2006, the Governor of South Darfur agreed to renew the cooperation agreement of the NRC, which was permitted to resume its activities in South Darfur on June 1, 2006.

On September 3, 2006, the NRC was again denied access to the Kalma camp, for the fifth time since 2004. It was informed by the HAC and the National Security Agency (NSA) that it was under investigation for "falsely reporting" the increasing number of rapes in the camp to the United Nations and the African Union.

Indeed, according to its mandate, the NRC reported its concerns about the increase in attack and rape cases to the Sudanese authorities, the United Nations Mission in Sudan (UNMIS) and the African Union Mission in Sudan (AMIS), in July and August 2006. This information was subsequently broadly disseminated by several other international organisations.

On November 6, 2006, two months after the suspension and despite intense negotiations with the Sudanese government, the NRC informed the HAC of its decision to close its relief operations in South Darfur.

In an official notice received by the NRC on November 16, 2006, which referred to a decision adopted on October 10, 2006, the HAC informed the organisation of its expulsion from the South Darfur State and ordered it to hand over all its assets to the Commission within 72 hours.

Following the announcement of the NRC's expulsion, Mr. Farah Mustafa, the Minister for Social Affairs and Information, acting governor of the South Darfur State and spokesman of the government, stated that the organisation's allegations about rapes in the Kalma IDP camp were "false and unfounded" and were serving a "foreign agenda".

By the end of 2006, the NRC had managed, with the assistance of the Norwegian Embassy, to negotiate the transfer of its assets in the South Darfur State to its programmes and other agencies operating in the rest of the country.

Contact information

³¹ See Annual Report 2005.

³²The Kalma camp shelters about 90,000 IDPs.

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