



## **Crackdown in Khartoum**

**Mass Arrests, Torture, and Disappearances since  
the May 10 Attack**

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Human Rights Watch  
350 Fifth Avenue, 34th floor  
New York, NY 10118-3299 USA  
Tel: +1 212 290 4700, Fax: +1 212 736 1300  
hrwnyc@hrw.org

Poststraße 4-5  
10178 Berlin, Germany  
Tel: +49 30 2593 06-10, Fax: +49 30 2593 0629  
berlin@hrw.org

Avenue des Gaulois, 7  
1040 Brussels, Belgium  
Tel: + 32 (2) 732 2009, Fax: + 32 (2) 732 0471  
hrwbe@hrw.org

64-66 Rue de Lausanne  
1202 Geneva, Switzerland  
Tel: +41 22 738 0481, Fax: +41 22 738 1791  
hrwgva@hrw.org

2-12 Pentonville Road, 2nd Floor  
London N1 9HF, UK  
Tel: +44 20 7713 1995, Fax: +44 20 7713 1800  
hrwuk@hrw.org

27 Rue de Lisbonne  
75008 Paris, France  
Tel: +33 (1) 43 59 55 35, Fax: +33 (1) 43 59 55 22  
paris@hrw.org

1630 Connecticut Avenue, N.W., Suite 500  
Washington, DC 20009 USA  
Tel: +1 202 612 4321, Fax: +1 202 612 4333  
hrwdc@hrw.org

Web Site Address: <http://www.hrw.org>

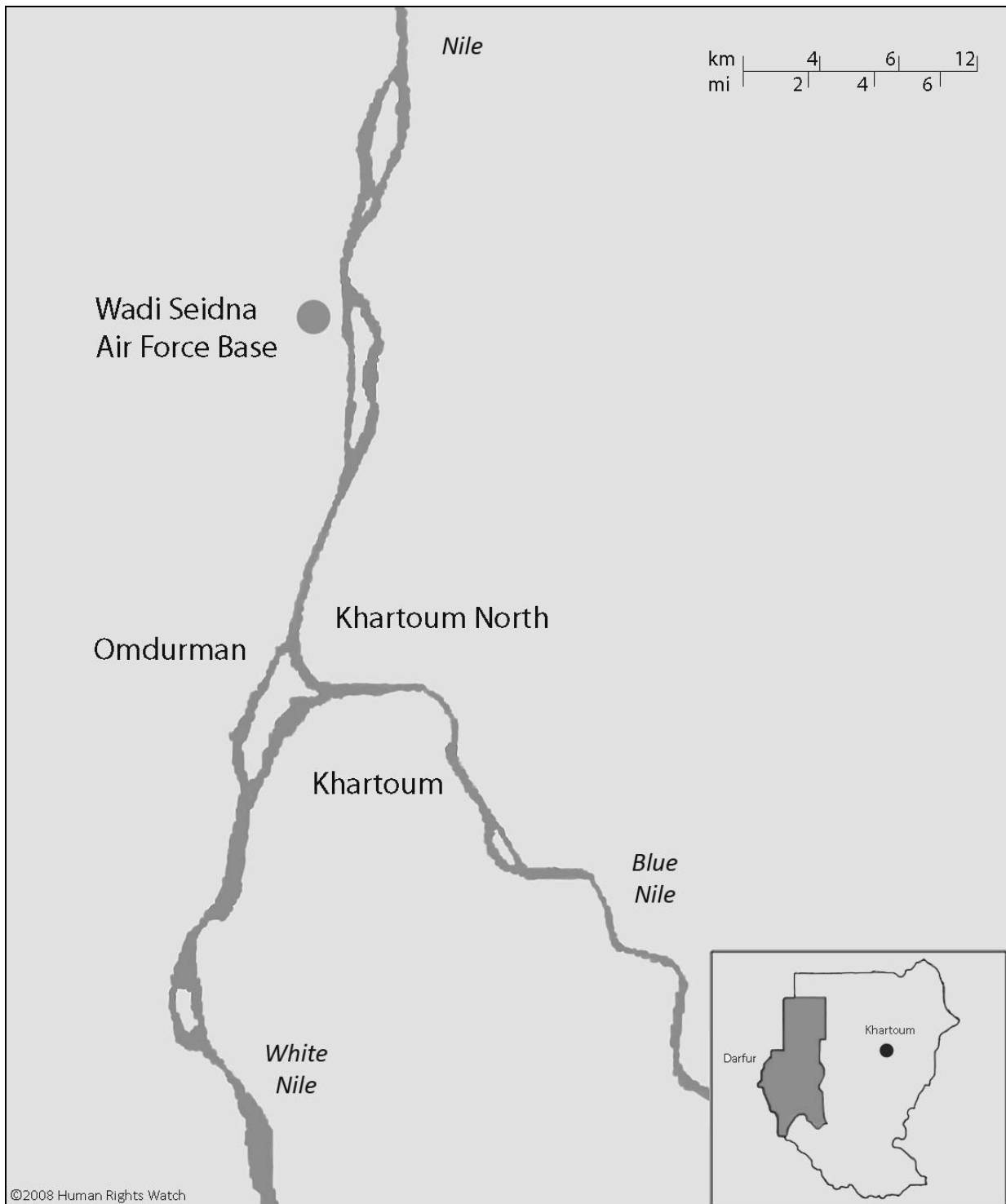
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## Map of the Greater Khartoum Area



## Summary

Following an attack on May 10, 2008 by rebel forces on Omdurman—one of the three towns that form the Sudanese capital Khartoum—the Sudanese authorities arbitrarily arrested hundreds of men, women and children. Many were subjected to torture and “disappearance.” The authorities also intensified censorship of the media and harassment of journalists and human rights defenders.

A Human Rights Watch investigation in May 2008 found that over the four weeks following the attack by the rebel Justice and Equality Movement (JEM), the National Intelligence and Security Services (NISS) arrested hundreds of individuals, who were picked up on buses, on the streets or during house-to-house searches. The majority was, or appeared to be, from Sudan’s Darfur region, indicative of a discriminatory intent.

During the course of our investigation, Human Rights Watch obtained the names of more than 200 individuals currently in detention, with some former detainees claiming that the total may be as high as 3,000. Released detainees told Human Rights Watch of the security services’ use of torture and mistreatment of detainees and of inhumane conditions in prisons and secret detention centers. Eyewitnesses have reported the deaths of at least ten people in detention from ill-treatment and poor conditions. In a large number of cases the Sudanese government has provided no information on the identities of individuals arrested, their whereabouts or the charges against them—a practice that amounts to an enforced disappearance in violation of international law.

Persecution of journalists and human rights defenders has also increased in the aftermath of May 10. The NISS have increased censorship of Sudanese media and harassment of journalists. Authorities have prevented newspapers from publishing articles that are seen as critical of the government, including its role in May 10 events and the ongoing arrests, as well as other topics the authorities consider politically sensitive.

The Sudanese government practices constitute serious violations of international human rights law, which prohibits arbitrary arrest and detention, torture and other mistreatment of prisoners, and enforced disappearances. Human Rights Watch calls on the Sudanese government to end all torture and mistreatment of detainees, to promptly release all detainees for whom there is no legal basis for detention or charge them with a legally cognizable offense, and to inform the relatives of each detainee of their whereabouts, condition, and the charges against them. Those charged should be tried before courts that meet international fair trial standards. The government should also end censorship of the media and the harassment of journalists and human rights defenders. Human Rights Watch also calls on the international community to press the Sudanese government to account for the whereabouts of all detainees, and promptly charge or release them.

## **Methodology**

This report is based on more than 30 interviews carried out by Human Rights Watch in May 2008, including interviews with released detainees and relatives of people who remain unaccounted for following the May 10 JEM attack on Omdurman. Human Rights Watch also interviewed lawyers, civil society activists and journalists. The names of the people interviewed have been withheld or changed for security reasons. Information provided by those interviewed was verified and cross-referenced through other sources and publicly available information.



## **Recommendations**

### **To the Government of Sudan**

#### *Arbitrary Arrest and Detention*

- Establish as a matter of urgency a public registry of persons detained in any location in Khartoum for more than 24 hours since May 8, 2008. The registry should include the date of arrest, places and dates of detention, and dates of transfer to different prison facilities or investigation offices. Inform the relatives of each detainee of their whereabouts, condition, and the charges against them, and make the registry available to all members of the public seeking information on the whereabouts of individuals.
- Promptly release all detainees for whom there is no legal basis for detention, or charge them with a legally cognizable offense.
- Publicly identify all places of detention in Khartoum and ensure they are accessible to relatives of detainees and defense counsel, and independent Sudanese and international humanitarian agencies, and human rights monitors.
- Ensure that all persons in detention are able to exercise their right to challenge the legal basis for their detention, and that those who are charged are promptly tried in accordance with international fair trial standards.
- Take all necessary measures, including the issuance of public orders to the police and security personnel, to end the practice of arbitrary arrests and detention. Ensure that arresting authorities immediately record the arrest of any individual and the legal basis for that arrest, and make this information readily available to the person's family.
- Promptly conduct a full and impartial inquiry into allegations of arbitrary arrest and detention by NISS in Khartoum; make public the results of any such inquiry. Discipline or prosecute as appropriate those implicated in abuses and make public the names of those found responsible and the measures taken.

### *Treatment in Detention*

- Ensure that conditions of detention conform to the United Nations Standard Minimum Rules for the Treatment of Prisoners, including those in relation to the detention of minors (UN Rules for the Protection of Juveniles Deprived of their Liberty); permit and encourage visits to detainees by legal counsel, medical personnel, and family members.
- Publicly and unequivocally condemn the practice of torture and other forms of mistreatment in detention. Take all necessary measures, including the issuance and wide dissemination of orders to the police, armed forces and security personnel to immediately end all mistreatment of detainees, whether for extracting confessions, exacting retribution for alleged support of rebel groups, or for any other reason.
- Investigate promptly all allegations of mistreatment, torture, and death in detention in accordance with international standards. Ensure that NISS officers, police and other officials who are found responsible for the abuse or deaths of detainees are subject to disciplinary measures or criminal prosecution as appropriate. To that end, authorize the establishment of a transparent, independent and impartial commission to investigate allegations of serious abuses of persons in custody by officials.
- Ratify the Convention against Torture and the Optional Protocol, which allows independent international experts to conduct regular visits to places of detention within the territory of state parties, to assess the conditions of detention and to make recommendations for improvements.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

### *Treatment of Former Child Soldiers*

- Work with UNICEF and child protection agencies to ensure that children who have been used to participate in armed conflict are transferred to appropriate rehabilitation and reintegration programs.

### *Freedom of Expression and Association*

- Immediately cease all illegal censorship of newspapers and other media outlets, and other unlawful restrictions on the freedom of expression.

- Take all necessary measures, including the issuance of public orders to security services, to end harassment of journalists and of human rights defenders and investigate promptly all allegations of such harassment. Ensure that those officials found responsible are subject to disciplinary measures or criminal prosecution as appropriate.

### *Fair Trial*

- Persons charged with legally cognizable offenses should be tried before competent, independent and impartial courts in accordance with international fair trial standards. These include the rights of a defendant to communicate with counsel of one's choosing, to have adequate time to prepare a defense, and to have the opportunity to examine and contest witnesses and evidence.

### **To UN Security Council members, the European Union, African Union, League of Arab States and concerned governments**

- Immediately and publicly call on Sudan to end all arbitrary arrest and detention, promptly release all detainees for whom there is no legal basis for detention, or charge them with a legally cognizable offense; inform the families of the whereabouts of detainees; immediately end all use of torture and other mistreatment of detainees.
- Publicly call upon the Sudanese government to conduct a thorough, transparent, and independent investigation into violations in Khartoum. Closely monitor the progress of government investigations and take prompt and appropriate action in response to their findings.
- Privately and publicly urge the Sudanese government to promptly implement the above recommendations, and that Sudan's response will be the basis for deciding whether further international action should be taken.
- States with influence should publicly condemn violations committed by the armed forces, and urge the government to address them.
- Call upon the Sudanese government to permit full and unimpeded access to Sudan by independent human rights groups and the media.

## **To JEM and other parties to the conflict**

- Immediately end all recruitment of persons under age 18, whether for use as combatants, cooks, porters, messengers, guards, or for any other military purpose.
- Demobilize children under age 18 from all armed forces, and transfer them to their families or to appropriate child protection agencies.
- Establish appropriate procedures for disciplining any local or regional commanders who recruit children to be soldiers or who do not immediately release children.
- Cooperate with UNICEF and other national and international monitors to ensure compliance with an end to the recruitment and deployment of child soldiers, and provide international agencies such as UNICEF, OCHA, and OHCHR full and unhindered access to all military installations and forces for verification purposes, including permitting observers to make spot inspections.

## **To UNMIS**

- Promptly deploy human rights monitors to all places of detention in Khartoum and elsewhere in Sudan to register detainees and to monitor their condition and treatment. Report publicly on violations of international human rights law regarding their arrest and detention, treatment in custody or right to a fair trial.

## Background

On May 10, 2008 the Darfur rebel group, the Justice and Equality Movement (JEM), launched an armed attack on Omdurman, one of the three towns that form greater Khartoum. This was first time that a rebel group has engaged government forces near the capital, marking an escalation in the Darfur conflict, which has raged for more than five years.

The JEM attack did not happen without warning. JEM and government forces clashed in North Kurdoan in western Sudan on May 8 and 9,<sup>1</sup> and on May 9 Sudanese authorities issued statements in Sudanese newspapers that JEM forces were preparing to launch attacks on Khartoum.<sup>2</sup> The National Intelligence and Security Services (NISS) and police forces set up roadblocks on May 8 and 9 to search vehicles for arms in the capital and elsewhere, including in North Kurdoan, and began to arrest those with known or suspected links to JEM on May 8.<sup>3</sup> On May 9 authorities in Khartoum issued a warning to the United Nations Mission to Sudan (UNMIS), UN agencies and international nongovernmental organizations of an impending attack.

On May 10 around 2 p.m. some 1,000 JEM fighters reached Omdurman in a column of about 130 vehicles. JEM forces entered Omdurman from the north through Wadi Seidna military base and from the west. According to local residents, artillery fire could be heard west of Omdurman at around 4 p.m. The main JEM targets appeared to be Arba'een Road (near the Omdurman military base) and Al-Awsat police station, in the town's center, where JEM stole police vehicles. JEM forces engaged with government forces in several districts including the main market of Souq Libya (Libya market) and residential areas of Umbada, Al-Thoura and Al-Muhandiseen.

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<sup>1</sup> Human Rights Watch confidential interview, May 17, 2008.

Opheera McDoom, "Darfur rebels, Sudanese army clash near Khartoum," Reuters, May 10, 2008, <http://in.reuters.com/article/worldNews/idINIndia-33511520080510?pageNumber=2&virtualBrandChannel=o&sp=true>, (accessed June 15, 2008).

<sup>2</sup> "Sudanese army steps up security in the capital," Sudan Tribune, May 10, 2008, <http://sudantribune.com/spip.php?article27069>, (accessed May 10, 2008).

<sup>3</sup> Human Rights Watch confidential interview, May 27, 2008.

Government forces immediately deployed troops, backed up by tanks and helicopter gunships, to Omdurman. Heavy fighting continued for several hours including in the markets of Al-Souq Al-Sha'bi (Popular market) and Souq Libya in Omdurman. At around 5 p.m. some of the JEM forces started to move towards Al Ingaz Bridge to cross the White Nile from Omdurman to Khartoum in an apparent bid to take over the presidential palace. Another JEM force headed towards the National Radio and Television building in Omdurman. Both attempts were repelled by government forces. Sporadic fighting continued for the next 48 hours spreading to Khartoum's Al-Souq Al-Arabi (Arabic market), Al-G'abat district and Al-Huria Street in central Khartoum.

According to government statements some of the rebels infiltrated the capital and entered residential area wearing civilian clothes. In state television announcement they called on local residents to call a special hotline if they see anyone suspicious in their area.<sup>4</sup> A reward of US\$125,000 was also announced in state television asking the public to call a special hotline for information leading to the JEM leader's capture, which was later doubled to US\$250,000.<sup>5</sup> Almost immediately after the attack, mass arrests started to take place across the city, including of members of the JEM forces.

The fighting in Khartoum rose to the level of a non-international armed conflict under international humanitarian law (the laws of war). The laws of war do not prohibit military forces from fighting in urban areas, but parties to a conflict are required to take all feasible steps to minimize harm to civilians. Prohibited attacks are those which target civilians, which are indiscriminate, or which would cause civilian harm disproportionate to the military gain. Although members of rebel forces that engage in armed attacks against government military forces are not necessarily acting in violation of the laws of war, they may still be prosecuted for violations of local law.

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<sup>4</sup> "Sudanese gov't announces crush of Darfur rebel infiltration into capital," Xinhua, May 10, 2008, [http://news.xinhuanet.com/english/2008-05/11/content\\_8143528.htm](http://news.xinhuanet.com/english/2008-05/11/content_8143528.htm), (accessed May 12, 2008).

<sup>5</sup> "Sudan offers 250 pounds mln reward for the arrest of JEM leader," Sudan Tribune, May 11, 2008, <http://www.sudantribune.com/spip.php?article27090>, (accessed June 15, 2008).

"Khartoum pursues Khalil Inbrahim and rights criticism of arrests," Al Jazeera net, May 13, 2008, <http://aljazeera.net/NR/exeres/6E82CD07-EA12-461F-A5DE-821C217FFFD0.htm>, (accessed June 6, 2008).

Following the first attack on May 10 Sudanese authorities issued a citywide curfew from 5 p.m. to 6 a.m. the next morning, which was later extended to 10 a.m. The curfew remained in place in Omdurman until Monday, May 12.

State television showed a number of bodies scattered in the streets, as well as interviews with captured combatants who appeared to have been beaten, including children.<sup>6</sup> Some property was damaged during the attack including a factory and some residential buildings. Reports from eyewitnesses suggest that more than 60 civilians were killed during the fighting.

In the immediate aftermath of the fighting, the authorities sought to capture remaining JEM fighters, which at times led to the unnecessary and random use of lethal police force. A 21-year-old casual worker told Human Rights Watch how he was injured by police on May 11:

There was a lot of police searching different places in the market looking for fugitives. In the market there were two people sleeping on the street, they probably had to stay there because of the curfew the previous day. At around 8.30 a.m. the [Central Reserve Police] saw them and started to shoot and the two men just ran for their lives. The [Central Reserve Police] were shooting randomly from three gun-mounted vehicles (*doshkas*). They missed the two people they were trying to shoot, but injured three people including myself. I was shot in the leg and was then taken to hospital. In the hospital I saw many people who were injured from bullet wounds. In my ward there were 15 people, most of whom were injured from the events on Saturday [May 10].<sup>7</sup>

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<sup>6</sup> Sudan state television coverage of May 10 attack, May 10, 2008, <http://www.youtube.com/watch?v=zT6nh4Rv8wE&NR=1> (accessed June 5, 2008).

<sup>7</sup> Human Rights Watch confidential interview, May 21, 2008.

## Situation in Darfur

After more than five years of fighting, Darfur remains plagued by conflict. The attack by JEM on Khartoum follows major offensives by rebel and government forces in West Darfur State's "northern corridor" and Jebel Mun<sup>8</sup> in February 2008, and ongoing conflict in the wider Darfur region.

In December 2007 and January 2008, the Justice and Equality Movement (JEM) rebel group launched a major military offensive in West Darfur's "northern corridor," and claimed to have surrounded the provincial capital Al Geneina. In early February, an attempted coup in Chad further exacerbated the conflict between the Sudanese government and JEM. Sudan and Chad have long accused one another of fomenting rebellion through support for each others' insurgents. The Sudanese government supported Chadian rebels in an attempted coup in the Chadian capital N'Djamena on February 2-3, 2008, while Sudanese JEM rebels, many with family and ethnic links to Chad, reportedly helped the Chadian government to repel it. In the wake of the failed coup attempt, in February 2008 the Sudanese government launched a large-scale military campaign to retake the northern corridor and Jebel Mun in a series of attacks in which more than 120 civilians were killed.<sup>9</sup>

The Sudanese government has continued its aerial bombardment campaign in Darfur, and clashes between government forces and JEM continued, culminating in JEM's May attack on the capital.

## International Response

There was unanimous international condemnation of the attack by JEM with many highlighting the negative implications the attack will have on the situation in Darfur in addition to undermining international efforts to bring a resolution to the conflict. On May 11, the African Union issued a statement condemning the attack and calling on all parties to desist from using force. On May 13 the United Nation Security

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<sup>8</sup> Jebel Mun, a mountainous area about 80 kilometres northeast of the provincial capital Al Geneina, has been a stronghold for Darfur's rebels since early in the conflict. The "northern corridor" covers the area between Al Geneina and Jebel Mun.

<sup>9</sup> Human Rights Watch, Darfur – "They Shot at Us as We Fled": Government Attacks on Civilians in West Darfur in February 2008", April, 2008, p. 10-13,

<http://hrw.org/reports/2008/darfur0508/>



Council strongly condemned the attack by JEM against the Sudanese capital, but warned Khartoum not to retaliate against civilians. Similar responses were echoed by other regional bodies and governments such as the US and the EU. However, beyond condemnation of the attack, the international community's response to the Sudanese government's crackdown has been subdued at best.

## **Government response to the JEM attacks**

### **Arbitrary Arrest and Detention**

In the weeks following the JEM attack, Sudanese authorities have arrested hundreds of individuals. Human Rights Watch interviews with released detainees and family members of those still unaccounted for has produced a list of more than 200 names of people detained by NISS during this time. Some former detainees estimate the total number may be as high as 3,000. NISS officers arrested men, women and children in house-to-house searches, on public transport, on the street, and at checkpoints set up by police and security forces around Khartoum.

Accounts from local residents indicate that the vast majority of those detained were individuals who are or appear to be from Darfuri ethnic groups, mainly the Zaghawa ethnic group, which form the majority within JEM.

An eyewitness, 45, told Human Rights Watch that he saw more than 100 people, who appeared to be mainly from Darfur, being taken away from public transport and private vehicles at checkpoints:

There was a checkpoint every 50 to 100 meters and at every checkpoint I saw so many people being pulled from public transport and cars — about 100 or so in total — and made to sit on the ground with their hands up. The only basis they used when arresting people was the fact that they appeared to be from Darfur, not on evidence of any crime they committed.<sup>10</sup>

Among those arrested were persons with suspected or known links to the opposition Popular Congress party and to Darfur rebel groups. The leader of the Popular Congress, Hassan al-Turabi, and several party members were arrested in the early hours of May 12. Hassan al-Turabi was eventually released; however, the whereabouts of the majority of those arrested are unknown.

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<sup>10</sup> Human Rights Watch interview, May 11, 2008.

Arbitrary arrest and detention are prohibited by the International Covenant on Civil and Political Rights (ICCPR), to which Sudan is a party.<sup>11</sup> Arrests are arbitrary, for instance, when carried out for a discriminatory reason such as membership of an ethnic group, or in violation of existing legal procedures.<sup>12</sup> Persons taken into custody must be informed at the time of the reasons for the arrest. They are entitled to have access to counsel as soon as possible. They must be promptly charged before a judge or other authorized judicial officer, and able to challenge the lawfulness of their detention before a court.<sup>13</sup> If charged they are entitled to a fair trial before a competent, independent and impartial court.<sup>14</sup> Children must only be detained as a last resort and for the shortest possible period of time.<sup>15</sup> In the majority of cases of detention that Human Rights Watch investigated, the arresting authorities have failed to indicate the legal basis for the detention. Those who were released told Human Rights Watch that they were accused generally of participating in the attack by JEM but without specific allegations.

## Disappearances and Incommunicado Detention

Many relatives of arrested or “disappeared” individuals reported to Human Rights Watch that they have been unable to get information on the whereabouts of their loved ones, and that the authorities have refused to acknowledge that they are in detention.

Under international law, an enforced disappearance occurs when government authorities arrest or detain an individual, followed by a refusal to disclose the fate or whereabouts of the person or acknowledge the deprivation of their liberty. In addition to the right to liberty, disappearances raise particular concerns about torture and other mistreatment, and the right to life.<sup>16</sup>

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<sup>11</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res 2200A (XXI), 21 U.N. GAOR Supp (No. 16) at 52, U.N. Doc A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, Article 9. Sudan ratified the ICCPR in 1998.

<sup>12</sup> ICCPR, Articles 2 and 9. Detention is considered arbitrary if it is illegal or if manifestly disproportionate, unjust, discriminatory or unpredictable. See Manfred Nowak, U.N. Covenant on Civil and Political Rights: CCPR Commentary (N.P. Engel, 1993), pp. 172-73.

<sup>13</sup> ICCPR Article 9

<sup>14</sup> ICCPR Article 14

<sup>15</sup> Convention on the Rights of the Child, Article 37(b)

<sup>16</sup> According to the preamble of the Declaration on the Protection of All Persons from Enforced Disappearance, “enforced disappearances occur, in the sense that persons are arrested, detained or abducted against their will or otherwise deprived of

According to one woman:

[On May 11] the NISS came into the house without any warning.... They took my husband and two nephews. We didn't know where they were taken to. We tried to find them. We went to so many police stations and prisons and saw so many people there but no one would tell us anything and whether they have them or not.

On May 17, the authorities called the woman to collect her husband and nephews from the military prison in Karrari, northern Omdurman. All three had been badly beaten.<sup>17</sup>

Many of those arrested were picked up in public locations, such as public transport and the street, and had no opportunity to inform relatives of what had happened.

One former detainee told Human Rights Watch:

On May 12, I was on the bus on my way to work in Al Souq Al Sha'bi [Popular market] in Omdurman when the bus was stopped by the NISS forces. I was on the bus with a work colleague and the NISS officer told the two of us to get off the bus. We were the only two from Darfur. When we got off the bus they asked us for our identity cards – neither of us had any. The NISS officers told us to get into the car, and took us to the NISS headquarters. I was in detention for over a week and no one knew where I was<sup>18</sup>

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their liberty by officials of different branches or levels of Government... followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law." Declaration on the Protection of All Persons from Enforced Disappearances, G.A. res. 47/133, 47 U.N. GAOR Supp. (No. 49) at 207, U.N. Doc. A/47/49 (1992). The International Convention for the Protection of All Persons from Enforced Disappearance was adopted by the UN General Assembly on December 20, 2006, and has been open for signature since February 6, 2007.

<sup>17</sup> Human Rights Watch confidential interview, May 20, 2008.

<sup>18</sup> Human Rights Watch confidential interview, May 21, 2008.

Many individuals remain in incommunicado detention or are “disappeared,” according to lawyers, activists and family members who are attempting to trace them. A relative of one detainee told Human Rights Watch:

We've been to almost all the police stations and NISS offices in city; we went to Omdurman, Khartoum North and Khartoum and no one would help us. I know [the NISS] have arrested him but they refused to tell us that they have him in detention.<sup>19</sup>

The government is reported to have transferred an unknown number of detainees to locations outside Khartoum, such as Shandi to the north of the capital and Port Sudan in eastern Sudan.

Relatives who have tried to locate detainees, contacted the media or NISS Information Office about them, have themselves been harassed by NISS and risked being arrested. Abdelshakur, a lawyer from the Zaghawa ethnic group, was arrested at his office in Omdurman by the NISS Special Unit on May 14. His family has not been able to get a response or any information from the NISS about his whereabouts. On one occasion, his brother was detained for three hours at the NISS Information Office where he went to get information about Abdelshakur. Abdelshakur's wife told Human Rights Watch:

My husband was arrested on May 14. We tried to find him and we went to the [NISS Information Office] to find out where he is, but they wouldn't tell us anything or even if they have him in detention. We went a few times to keep checking and every time we went we didn't get a response. On Saturday, May 17, at around 11 p.m. [the NISS] came into our house without any warning. They came in two vehicles with three officers in civilian clothes (NISS) and 15 soldiers (army). One of the soldiers had jumped over the wall on the side of the house and other came through front and backdoors. They took my mobile and they questioned everyone who was in the house separately while searching the house. They asked us a lot of questions and accused us

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<sup>19</sup> Human Rights Watch confidential interview, May 21, 2008.

of being rebels. ... We still don't know where Abdelshakur is and what has happened to him.<sup>20</sup>

Since speaking to Human Rights Watch, Abdelshakur's wife, Zubaida, was herself arrested by the NISS. On June 8, 2008, around 2 p.m., NISS officers arrested Zubaida, her sister and her nine-month-old son. The family has attempted to trace their whereabouts, too, but has had no response from the authorities.

International human rights standards in relation to detention provide that authorities should inform families of the whereabouts of those detained.<sup>21</sup> However only when the authorities intended to release detainees — after more than a week in detention for most — did they allow them to contact their relatives.

## **Torture and Ill-treatment of Detainees, and Inhumane Conditions**

### *Torture*

Several released detainees told Human Rights Watch that they had been beaten, tortured and otherwise mistreated while in detention.

Most detainees were initially taken to a police station, and in some cases moved between several locations, including NISS offices and secret detention centers before being taken to Karrari military prison.

Detainees released from the military prison told Human Rights Watch that the NISS officers severely beat them with metal poles and used “stress positions” and other methods of torture as part of the interrogation.

A 15-year-old student from the Zaghawa ethnic group told Human Rights Watch:

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<sup>20</sup> Human Rights Watch interview, May 20, 2008.

<sup>21</sup> Principle 16(1), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adapted by United Nations General Assembly Resolution 43/173 of December 9, 1988; Standard Minimum Rules for the Treatment of Prisoners. Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, Rule 92.

I was arrested at my home with my uncle and cousin on May 11 late in the afternoon. We were taken to the 10<sup>th</sup> District police station. There I was badly beaten. There were three people beating me up. They were kicking me and hitting me with a black plastic water pipe. I was also made to kneel on my knees and put my hands up against the wall for about an hour and they were hitting the soles of my feet. They were shouting at me “Are you a rebel?” and continued to beat me. After the beating I couldn’t move my shoulder, it became very stiff and I was completely bruised. They moved us after 1-2 hours to another police station and another before going to NISS headquarters and then the military prison in Karrari.<sup>22</sup>

A 25-year-old ethnic Massalit man who was held in Karrari military prison for over one week before being released told Human Rights Watch:

On May 11 at 8 a.m. an NISS Special Unit force of nine people in two vehicles entered the house without warning. They started to hit us and some of them used sticks to beat us. They tied our hands to our backs using a rope and drove us to the police station. Once we arrived, they bound our feet and hands using rope for 10 hours. We were asked what type of firearms we had, whether we are linked with JEM among other accusations without waiting for a response and proceeded to beat us up while being tied up.

A 22-year-old man from the Bergo Silihab ethnic group interviewed by Human Rights Watch said:

During [the six days in detention] some people were taken away for questioning and were tortured, and some of them never came back. One of the methods used to torture people was to make them balance on their knees and elbows on the concrete floor out in the sun for hours.

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<sup>22</sup> Human Rights Watch confidential interview, May 21, 2008.

### *Inhumane conditions in detention*

Those in the military prison told Human Rights Watch that they were held in severely overcrowded cells. The prison is described as being composed of several buildings. In one of the buildings, the area was divided into around ten cells each measuring 8 by 12 meters with around 200 people in each cell, allowing no space to lie down. The cells did not have sanitation except for a few buckets. Detainees received water once a day and sometimes not at all; daytime temperatures in Khartoum regularly reach over 40 degrees Celsius at this time of year. Detainees released from Karrari report that in the days immediately following the attack prisoners were dying at the rate of approximately two per day because of beatings by NISS officers, poor conditions of detention or lack of medical attention.

A released detainee told Human Rights Watch:

I was arrested on the Sunday [May 11] around 5.30 p.m. and was given water only the following day at around 4 p.m. When we went to drink the water a man dropped dead because he was so thirsty, and after that we saw many people die everyday because of the conditions in detention.<sup>23</sup>

A 22-year-old man held in the military prison for six days said:

Every day two to three people die in the prison because of lack of food and water or the torture. There was one man in our cell who had a gunshot wound to the leg, but he was not treated and he stayed in prison with his injuries.<sup>24</sup>

The treatment described by eyewitnesses constitutes torture or cruel, inhumane and degrading treatment, which is prohibited under both Sudanese<sup>25</sup> and international

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<sup>23</sup> Human Rights Watch confidential interview, May 21, 2008.

<sup>24</sup> Human Rights Watch confidential interview, May 26, 2008.

<sup>25</sup> Interim National Constitution of the Republic of the Sudan, adopted July 10, 2005 [http://www.mpil.de/shared/data/pdf/inc\\_official\\_electronic\\_version.pdf](http://www.mpil.de/shared/data/pdf/inc_official_electronic_version.pdf), article 33



law.<sup>26</sup> Governments have an obligation under international law to investigate and prosecute serious violations of physical integrity. The UN Human Rights Committee, which monitors the compliance of state parties to the ICCPR, has stated that governments not only have a duty to protect their citizens from such violations, but also to investigate violations when they occur and to bring the perpetrators to justice.<sup>27</sup>

The Sudanese government has failed to investigate any security officials or police officers for their role in the torture, mistreatment and abuse of detainees arrested in connection with the JEM attack.

## Detention of Children

According to Sudanese government statements, 89 children were amongst those arrested following the May 10 attack. Pictures purported to be of JEM captives were shown on May 11 on the state television. Most of them showed signs of being beaten, and some appeared to be under 18 years of age.

On May 27, 2008 the Anti-Terrorism Unit, part of the Ministry of Justice, published an advertisement in *Akbar Alyoum* newspaper calling for the families of JEM child soldiers captured by the Sudanese authorities to come forward. The advertisement included the pictures of 86 children, some as young as 11, with their full names, date of birth, place of birth, address, ethnicity and nationality.<sup>28</sup> It is not likely that many family members or relatives will come forward in fear of being arrested, which will make tracing much more difficult. UNICEF had access to the 89 children detained, aged between 10 and 17, confirmed that they are in good health and condemned

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<sup>26</sup> See, e.g. ICCPR, article 7. Sudan has signed, but never ratified the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. The government's failure to do so have been criticized both domestically and internationally. See, e.g. Human Rights Council Group of Experts report, "Sudan: Final report on the situation of human rights in Darfur prepared by the group of experts mandated by the Human Rights Council (A/HRC/6/19)," November 2007 [http://www.reliefweb.int/rw/RWFiles2007.nsf/FilesByRWDocUnidFilename/EGUA-79ST2K-full\\_report.pdf/\\$File/full\\_report.pdf](http://www.reliefweb.int/rw/RWFiles2007.nsf/FilesByRWDocUnidFilename/EGUA-79ST2K-full_report.pdf/$File/full_report.pdf) (accessed June 9, 2008).

<sup>27</sup> U.N. Human Rights Committee, General Comment No. 31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, U.N. Doc. CCPR/C/74/CRP.4/Rev.6 (2004), para 15.

<sup>28</sup> "Advert- Republic of Sudan, Ministry of Justice, Anti-Terrorism Unit", *Akbar Alyoum*, May 27, 2008, p. 2-3.

JEM's use of child soldiers<sup>29</sup>. JEM has denied that it has used child combatants during the attack.<sup>30</sup>

Human Rights Watch also received reports that additional children as young as 8-years-old are being held in detention, including in the military prison in Karrari.

The 15-year-old Zaghawa student formerly detained in Karrari told Human Rights Watch:

In the police stations there were other people who were around my age, also in the military prison. There were 57 [children] in the military prison, the youngest being eight years old. I was kept in the same cell as other adults.... I was released on May 18.<sup>31</sup>

There are specific provisions in the Convention on the Rights of the Child (CRC) — to which Sudan is a state party — that protect children under 18 from arbitrary arrest and detention<sup>32</sup> and guarantee the right to fair trial.<sup>33</sup> The CRC states that children should only be detained as a last resort, and specific protection should be provided for children in detention:

Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.<sup>34</sup>

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<sup>29</sup> "UNICEF welcomes access to children held after justice and equality movement attack on Omdurman," UNICEF, May 31, 2008, <http://reliefweb.int/rw/rwb.nsf/db90osid/EGUA-7FAQEK?OpenDocument&rc=1&cc=sdn>, (accessed, June 15, 2008).

<sup>30</sup> Human Rights Watch interview, June 9, 2008.

<sup>31</sup> Human Rights Watch confidential interview, May 21, 2008.

<sup>32</sup> Convention on the Rights of the Child (CRC) adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990 - article 37(b)

<sup>33</sup> CRC article 37(d)

<sup>34</sup> CRC article 37 (c)

Sudan is obliged to provide family members with essential information on the child's whereabouts and well-being.<sup>35</sup>

Sudan is also party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The protocol prohibits the participation of children under the age of 18 in armed conflict, and requires the government to provide former child soldiers with "all appropriate assistance for their physical and psychological recovery and their social reintegration."<sup>36</sup> The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles), a set of international guidelines adopted in February 2007 by 58 governments including Sudan, provides guidance for the release, protection, and reintegration of children who have been used as soldiers. The Paris Principles state that children who have been associated with armed forces or armed groups should not be prosecuted, punished, or threatened with prosecution or punishment solely for their membership in these forces or groups. They state that the release, protection, and reintegration of children unlawfully recruited or used must be sought at all times, without condition, and that the majority of children should be returned to their family and community as soon as possible after release.<sup>37</sup>

## Fair Trial

In a briefing to Parliament on June 9, the Minister of Justice, Abdul-Basit Sabdarat, announced that trials will begin within a week to prosecute some of those accused of taking part in the JEM attacks. In his briefing, Sabdarat outlined that five Special Courts were set up to try the first 57 of 197 defendants currently in his custody under the 2001 Anti-Terrorism Act at the first instance.<sup>38</sup>

A human rights lawyer told Human Rights Watch:

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<sup>35</sup> Convention on the rights of the Child Article 9 (3)

<sup>36</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, G.A. res. 54/263 of 25 May 2000, entered into force February 12, 2002, art. 6(3).

<sup>37</sup> Principles and Guidelines on Children Associated with Armed Forces or Armed Groups ("Paris Principles"), January 30, 2007, <http://www.unicef.org/protection/files/ParisPrinciples310107English.pdf>, para 3.11, 7.45, (accessed June 13, 2008).

<sup>38</sup> "Forming of five Special Courts for Justice and Equality Movement rebels," Al Sahafa, May 10, 2008, [http://www.alsahafa.sd/News\\_view.aspx?id=49764](http://www.alsahafa.sd/News_view.aspx?id=49764), (accessed June 11, 2008).

According to [the Minister of Justice's] statement, the trials are reportedly due to start in less than a week. However, we do not know what the Special Courts' structures are or who will preside over them. We haven't even been given the name of the defendants, let alone been allowed to meet them.<sup>39</sup>

Among the criteria necessary to ensure a fair trial is the right to have the adequate time and facilities to prepare one's defense.<sup>40</sup>

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<sup>39</sup> Human Right Watch confidential interview, June 12, 2008.

<sup>40</sup> ICCPR, Article 14.3.b; African Charter, articles 7 and 25.

## Censorship of Media and Persecution of Journalists and Human Rights Defenders

Following the attack by JEM forces on the capital the Sudanese government has been attempting to suppress criticism of the government's role during the attack. Authorities have also harassed journalists and human rights defenders.

There had already been a marked increase in censorship since the attempted coup on N'Djamena, Chad in February 2008. This was widely covered in the Sudanese press, which highlighted the Sudanese government's alleged links to the attempted coup. On February 6, 2008, the NISS closed several newspapers, and began harassment and intimidation of media personnel.

In April 2008, several daily newspapers — both Arabic and English — such as *Al-Sudani* and *The Citizen* were suspended and some printed copies were confiscated, causing them substantial financial loss.<sup>41</sup> The government also re-introduced procedures, which had been used before the signing of the Comprehensive Peace Agreement (CPA) in 2005, requiring newspapers to send an advanced copy of each edition to the media section of the NISS for approval prior to publication, and allocating an NISS officer to each paper. Newspapers cannot cover issues the government holds to be controversial. Some of topics that are considered sensitive are Darfur, criticism of NISS, the armed forces or the president, Abyei and discussion on dam projects in northern Sudan.

Since May 10, censorship has intensified. Newspapers have not been able to report fully on the arrests that have been taking place in the capital or the recent fighting that took place in Abyei in May 2008, which lies on the border of north and south Sudan and was given administrative status under the Comprehensive Peace Agreement,<sup>42</sup> which according to UN reports led to the destruction of the town and the displacement of more than 50,000 people<sup>43</sup>.

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<sup>41</sup> This was a coercion tactic used widely by the NISS prior to the signing of the Comprehensive Peace Agreement in 2005 to ensure compliance by newspapers.

<sup>42</sup> On January 9, 2005, the Sudanese government dominated by the National Congress Party (NCP), and the southern-based rebels, the Sudan People's Liberation Movement/Army (SPLM/A) signed a Comprehensive Peace Agreement (CPA) that brought to an end the bitter and brutal twenty-one-year war between the two parties. Abyei, an oil rich region on the north-south Sudan border, is one of three disputed region under the CPA. The Protocol on the Resolution of Abyei Conflict gave

On May 14, the Sudanese authorities raided the offices of *Al-Ahwan* newspaper, an Arabic daily. Their offices were closed and all their equipment confiscated under orders by the NISS. This followed the publication of an article that the NISS claimed was sensitive and posed a danger to national security. The article related to the disappearance of a MiG-29 fighter plane along with its Russian pilot during the May 10 events.<sup>44</sup>

The editor of a daily newspaper told Human Rights Watch:

We can't write anything that is significant or critical. On May 16 we couldn't even issue our newspapers because they removed so many articles. How are we supposed to report what is happening in the country?<sup>45</sup>

Many journalists are forced to avoid writing or being critical about issues regarded as sensitive by the authorities or face being summoned or detained. A journalist with an Arabic daily was summoned by the NISS after he uploaded articles that NISS media censors had removed from newspapers to a Sudanese website.

They started the questioning at around 2.30 p.m. which lasted until the evening. After the questioning I was given around 15 documents, which were various declarations, one of which stated that I will not publish any articles online anymore and that I should not write about May 10 events or their aftermath for three weeks. I was released without charge [the next day] at 2.30 a.m.<sup>46</sup>

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Abyei an administrative status until an independent Boundary Commission, the Abyei Borders Commission (ABC), presents a final and binding decision on the demarcation of the territory. The ABC presented its finding in July 2005; however, this was rejected by the NCP, the main ruling party in the central government. The failure to implement the Protocol on the Resolution of Abyei Conflict has been a cause of contention for the two partners leading to increasingly volatile situation in Abyei culminating to clashes between the SPLM and NCP with the most recent fighting taking place in May 2008.

43 "SUDAN: Fighting could hamper Abyei aid operation – UN," The Integrated Regional Information Network (IRIN), May 21, 2008, <http://www.irinnews.org/Report.aspx?ReportId=78320>, (accessed June 15, 2008).

44 "Sudan newspaper closed for publishing report on missing fighter jet," Sudan Tribune, May 15, 2008, <http://sudantribune.com/spip.php?article27169>, (accessed June 7, 2008). "In latest censorship measures, intelligence agency closes daily for indefinite period," Reports Without Borders (RSF), May 19, 2008, [http://www.rsf.org/print.php3?id\\_article=27070](http://www.rsf.org/print.php3?id_article=27070) (accessed June 7, 2008).

45 Human Rights Watch interview, May 27, 2008.

46 Human Rights Watch interview, May 21, 2008.

An activist involved in efforts to provide legal services to detainees told Human Rights Watch about the many challenges and difficulties facing lawyers, journalists and other activists attempting to shed light upon the crackdown in the capital and possibly other parts of the country.

We had a press conference on May 24 to announce the establishment of the committee. We had good coverage and a lot of media, national and international, attended. However, NISS media censors stopped newspapers from publishing any information about the press conference so no one in Sudan knew about it and victims and their families are none the wiser about how we want to help them.<sup>47</sup>

## **Targeting and Harassment of Human Rights Defenders**

Human rights defenders told Human Rights Watch that security agents were harassing and intimidating them, particularly those from Darfur. Those interviewed by Human Rights Watch said they lived in terror — they were being followed, their movements monitored and their phones tapped.

A 26-year-old human rights activist informed Human Rights Watch that he did not feel safe going to his home after receiving several threatening calls and experiencing an attempted abduction.

After I left the office I got a bus to Omdurman. On the way there is a secluded section of the road and at that point around 11.30 p.m. two white cars (GIAD) stopped the bus, one in front and one at the back. In the front car there were three people and in the other there were two. They were all wearing civilian clothes. Three of them came onto the bus and told the driver that they are looking for fugitives. They asked everyone for their identity cards and when I took out my identity card one of them who were standing outside the bus snatched it through the window.

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<sup>47</sup> Human Rights Watch interview, May 18, 2008.

Then they ordered me to go outside, I was the only one who was asked to do so. Outside they told me: “We know what you are doing.” One of them was keeping hold of my arm and they told me to get into the front car. At that point three to four people from the neighborhood started to walk towards us thinking it was a fight that was about to ensue. When this happened I took a chance and just ran, leaving behind my wallet and identity cards. They didn’t want to chase me in public and shouted: “We will get you!”

I received another threatening call on Tuesday, May 20. They told me to remove all the articles and comments that I have published online about the ongoing arrests or else.<sup>48</sup>

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<sup>48</sup> Human Rights Watch interview, May 20, 2008.