

PETITION BEFORE THE U.S. TRADE REPRESENTATIVE
ON LABOR RIGHTS IN SUDAN

Africa Watch
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Preface:

On February 6, 1990, Holly Burkhalter, Washington Director of Human Rights Watch, a human rights monitoring organization including Africa Watch, wrote to U.S. Trade Representative Ambassador Carla Hills requesting that the agency withdraw trade benefits to the Government of Sudan pursuant to Section 502(b)(8) of the Trade Act. The letter informed the Trade Representative of the elimination of worker rights in Sudan which occurred following the June 30, 1990 military coup, including the outlawing of all independent trade unions and the jailing of dozens of union leaders.

On March 5, Africa Watch received a response to the request from S. Linn Williams, Deputy United States Trade Representative. The letter stated that "In our view, the current GSP worker rights review process, with petitions accepted each June 1, provides the appropriate means to request an investigation of a beneficiary's worker rights practices. We therefore decline to act on your request for an immediate review of Sudan."

The USTR's decision not to review Sudan's labor rights situation immediately after the coup in June, and failure to respond positively to the Africa Watch's February request are objectionable on a number of counts. First, it should be noted that the USTR's arbitrary deadline for the filing of petitions is June 1. On June 1, 1989, Sudan had a thriving labor union movement which the government afforded full rights. Twenty-nine days after the filing deadline, the situation was reversed. Yet because the USTR rigidly adhered to the arbitrary date it had set for the receipt of petitions, Sudan was maintained in the GSP program for at least an additional year.

The USTR's reasoning is objectionable on a second count. Section 502(b)(8) of the Trade Act says nothing about a petition process. It states only that countries which are designated as participants in the program must be "taking steps to afford internationally recognized labor rights," including the right of association and the right to organize and bargain collectively." It was clearly the intention of the Congress that the USTR itself should ascertain the eligibility of countries based on their labor rights practices. By designing a process which admits of a review only on countries for which petitions have been filed, the USTR is shirking its obligations under the law. If the Africa Watch had not filed a petition in this round, would the USTR have refused to review Sudan's labor rights situation and permitted it to retain benefits for yet another year?

Africa Watch calls at this time upon the USTR to do what should have been done nearly a year ago. Sudan's labor rights record should be subjected to serious scrutiny, and the country removed from the program unless the Bashir government takes significant steps to afford internationally recognized labor rights, including releasing political prisoners, restoring independent worker rights in law, and compensating the unions for the confiscation of the property.

Introduction:

Before the June 1989 coup, Sudan had perhaps one of the most vibrant labor union movements on the continent of Africa. Unions, led by professional associations, played an enormous part in the political life of the country outside of the war-torn South, and enjoyed widespread respect and popularity. Most dramatically, organized labor took a leading role in the April 1985 popular uprising which brought to an end the 16 year rule of Colonel Jaafar Nimeiri. Overall, during the rule of democratically elected president Sadiq al Mahdi, according to the United States State Department:

Sudanese unions lobbied actively and participated in international, African, and Arab labor organizations. Except for some government employees, strikes were legally permissible after exhausting other measures to resolve disputes. Technically illegal strikes were common and usually tolerated.¹

Perhaps fearing this powerful independent force, the Revolutionary Command Council for National Salvation (RCC) government of Lieutenant General Omar Hassan Ahmad al Bashir, which seized power from the elected government of Sadiq al Mahdi on June 30 1989, was quick to act against the unions. Among the first actions of the new regime was the banning of all trade unions (as well as newspapers, political parties, and all other non-religious organizations). Article 3 of Decree Number 2, issued on the day of the coup, states: "All Trade Unions set up under any law are to be dissolved until an order for their re-establishment is passed."²

Subsequently the RCC has launched an attack upon unions and professional associations which is unprecedented in Sudan's history. The assets and bank accounts of these organizations have been frozen or seized, and their offices and clubs have been closed and cordoned off by military personnel. Scores of unionists have been arrested, and many have been dismissed from their jobs. As of October 20 1989, the International Centre for Trade Union Rights (ICTUR) estimated that 22 unionists and trade union activists were detained, two were under house arrest, and 250 had been dismissed from their jobs because of their union activities. Among those arrested, as identified by the ICTUR, were:

Ali al Khidir Mohamed, the Deputy General Secretary of the Sudanese

¹ State Department Country Report for 1989, January 1990, p. 370.

² Denying "The Honor of Living: Sudan, a Human Rights Disaster." Africa Watch, March 1990, p. 50.

Professional and Technicians Trade Union Federation, detained on August 5, 1989;
Dr. Najib Najm el Din, the General Secretary of the Doctors' Union, detained on August 4, 1989;
Ahmed Mohamed Salih, the President of the Engineers Trade Union, detained on July 29;
Dr. Abdul Rahman Abu Al-Kul, the President of the Doctors' Union, detained on August 29;
Sid Ahmed Abdul Rahman, the President of the Graduates of Technical Institute Engineers Trade Union, detained on July 29.

Since a wave of mass arrests in late November and December, the numbers of detained unionists has increased dramatically. Exact numbers of detainees are difficult to determine, as the RCC has closed down Sudan's recognized human rights organizations, and imprisoned most Sudanese human rights monitors. Nonetheless, Africa Watch estimated that even before the crackdown surrounding the doctors' strike (see below) at least 70 unionists were being held at Kober and Shalla prisons. Recently, reports of a strike by the Sudan Railways Union, coupled with increased repression in the wake of an alleged coup attempt on April 22-23, have increased fears that another wave of detention and harassment of unionists has begun. On May 23, 1990, Amnesty International reported that at least 20 people, among them representatives of several unions, were arrested in Khartoum.³ Overall, Africa Watch estimates that at present, at least 200 unionists are being held. Dismissals for union activities now number in the thousands. At least 400 policemen had been dismissed by the end of October, for protesting the dissolution of their union.

Government repression has not ended at imprisonment and dismissals. Many imprisoned unionists have described undergoing brutal torture. On April 21, Dr. Ali Fadul, an active member of the Executive Committee of the Doctors' Union, died at Omdurman Hospital as a result of severe torture. Dr. Mamoun Mohamed Hussein, who was sentenced to death in early December for organizing a strike by the Doctors' Union, was beaten so severely after his arrest, that he was in a coma for four days.⁴

The August memorandum:

³ Amnesty International Urgent Action, UA 206/90, May 23, 1990.

⁴ "Sudan: Officers Executed and Doctor Tortured to Death," *News From Africa Watch*, April 26, 1990.

On August 1, eight representatives of the Sudan Bar Association and other professional and trade unions, presented a memorandum to the government, protesting actions against unions and professional associations. The mild-worded and legalistic memorandum pointed out that Sudan was a signatory to the protocols of the International Labor Organization and the Arab Legal Union, which guarantee the right of association for the purpose of work. It protested the dissolution of unions, the cancellation of labor laws, the closure of union clubs and offices and the freezing of assets. The memorandum stated that the union officials were democratically elected and would continue to exercise their legal rights, and called on the government to involve the Bar Association in drafting any new legislation concerning the right of association.

The government's response to the communication was to intensify its attack on unionists by carrying out mass arrests and large-scale dismissals. The signatories of the memorandum were immediately detained, including: Kemal Gizouli, a member of the executive committee of the Bar Association; and, Omar el-Amin, of the Banker's Union.⁵

The RCC government also dismissed large numbers of those suspected of sympathy with the unions. Particularly hard-hit were: members of the police union, which had submitted a separate memorandum to the RCC protesting the assumption of police powers by non-regular security organizations; the medical association, which is one of the more active unions; and the unionized diplomatic corps, which suffered at least 70 dismissals.⁶

Finally, the August memorandum provoked the first large wave of mass arrests of unionists in August and September. Africa Watch was able to confirm 47 such arrests, including: Ali al Khidir Mohamed, Deputy Secretary of the Federation of Professional Unions, detained on August 5; Yahya Ali Abdullah, Deputy Chairman of the General Union of Sudanese Workers, detained on August 25; Dr. Najib Najm el Din, Secretary of the Doctors' Union, detained on August 4.

Legislation against unions:

As stated above, one of the RCC's first actions was to dissolve all unions. Additionally, Article 8(b) of Decree Number 2, issued in June immediately after the RCC took power, stated that under the State of Emergency (which the RCC government extended to include the entire country) all mass work stoppages, closures, and obstructions of private or public production were banned. Article 11 of the same decree provided for the establishment by the RCC of special

⁵ "Political Detainees in Sudan: Trade Unionists," *News From Africa Watch*, August 22, 1989. and Amnesty International Urgent Action, UA 326/89, August 24, 1989.

⁶ Denying "the Honor of Living", p.51.

courts to try those violating the bans on strikes and union activity.⁷ On July 3, the Sudan armed forces bulletin reported that the RCC had issued a decree closing the offices of all trade unions.⁸

In addition to the decree on June 30, banning all unions, on September 28 1989, the RCC announced several other decrees directly affecting trade unions. These decrees reaffirmed the abolition of independent unions in June, by canceling the Trade Union Law of 1977-1988, which had protected the independence of Sudanese unions. The September decrees thus rejected the August Memorandum's call for the re-establishment of independent unions. Decrees No. 77 and 79, also called for the establishment of "preparatory committees", to assist in the re-organization of Sudan's unions. Africa Watch believes that these committees are part of a strategy by the RCC to reorganize the unions and subordinate their activities to the authority of the military government.

On September 28, in Decrees No. 78 and 80, Lieutenant General al Bashir also called for the formation of steering committees for various professional and workers unions. This decree would affect the Sudanese Professional and Technicians Trade Union Federation and 20 general trade unions affiliated to the Federation, which are:

- 1) the Sudan Doctors' Union;
- 2) the Sudan Engineers' Union;
- 3) the Sudanese Agriculturists Union;
- 4) the Sudanese Pharmacists' Union;
- 5) the Sudanese Managers and Economists Union;
- 6) the Sudanese Local Government Officers Union;
- 7) the Sudanese Technical Institute Graduates Engineers Union;
- 8) the Sudanese Diplomats Union;
- 9) the Sudanese Academic Staff of Higher Institutes Union;
- 10) the Sudanese Academic Staff of Universities Union;
- 11) the Sudanese Legal Advisors to the Attorney General's Office Union;
- 12) the Sudanese Pilots Union;
- 13) the Sudanese Engineers for Aircraft Maintenance Union;
- 14) the Sudanese Technical Engineers Union;
- 15) the Sudanese Medical Technicians Union;

⁷ 270th Report of the Committee on Freedom of Association, Governing Body of the International Labor Office, GB. 245/5/8, Geneva, February-March 1990, p. 105.

⁸ 270th Report of the Committee on Freedom of Association, International Labor Organization, p. 106.

- 16) the Sudanese Technicians of the Engineering Profession Union;
- 17) the Sudanese Technicians of the Agricultural Profession Union;
- 18) the Sudanese Medical Assistants Union;
- 19) the Sudanese Auditors of the Auditor General's Office Union;
- 20) the Sudanese Veterinarians Union.

In a clear violation of the independence and autonomy of the trade unions, the appointed steering committees are to work under the supervision of Ahmed Abdel Mutalab, one of the heads of the Ministry of Justice and the Attorney General's Office, thus subordinating their activities to the control of the military government. The government also ordered that the offices of trade unions (and political parties) be closed and their property confiscated, which, according to reports from all sources, has indeed taken place. Union members and leaders have been prevented by the army from contacting their headquarters, which is a violation of freedom of assembly. Several reports also indicate that closed union facilities are being used by security forces as "safe houses" for the torture of unionists and other detainees.

Overall, the government decrees of June and September have had the following impact on worker rights: 1) the union's constitutional right to exist as entities independent from the RCC government is suspended; 2) the "non-registered" unions are prohibited from achieving collective contracts with employers; 3) the labor laws which protect workers from arbitrary dismissal, unsafe working conditions, and guarantee the provision of social security, have been suspended; 4) for all unions, a revision to the Emergency Powers Act in November 1989 made organizing a strike punishable by penalties of no less than one year and up to the death penalty; 5) unions and federations are prohibited from cooperating with one another locally and with international federations. Notwithstanding the complete ban on independent labor union operations, the government continues to deduct union membership dues from government civil servants, according to the International Centre for Trade Union Rights (ICTUR).

The November Doctors' Strike:

The Doctors' Union has long been one of the more active and vocal of the trade union and professional associations, and so incurred the attentions of the RCC government. In early September 1989, the RCC published a list of 90 doctors whom it intended to dismiss. The Doctors' Union promised that if a single doctor were dismissed, all the members of the association would go on indefinite strike. Nevertheless, the RCC dismissed three senior officials in the Health Ministry and detained a number of doctors. In mid-November, the government dismissed 16 senior medical consultants.

On November 26, as part of a strategy coordinated by several different unions and professional associations, the Doctors' Union went out on strike. The doctors' specific grievances were the dismissal of 16 colleagues in November, the banning of trade unions, and the restrictive conditions of service imposed by the government. Due to follow the Doctors' Union with strikes of their own were the engineers, bankers and judges.

The RCC responded in a harsh fashion to the strike. The Deputy Chairman of the RCC, Brigadier Zubeir Mohamed Salih, denounced the strike as "tantamount to high treason", and at least 11 doctors were arrested in the week beginning November 26.⁹ They include:

Dr. Ahmad al Tijani al Tahir, a general surgeon at the Khartoum teaching hospital who was prominent in the 1985 uprising against the government of Colonel Jaafar Nimeiri;
Dr. Mamoun Mohamed Hussein, a gynecologist;
Dr. el Sheikh Kineish, a physician and university lecturer;
Dr. el Fatih Omer Sayed;
Dr. Jaafar Mohamed Saleh;
Dr. Sayed Mohamed Abdullah;
Dr. Mohamed Abdel Gadir Hillal;
Dr. Yahya Omer Hamza;
Dr. Hassan Shihatta;

⁹ " Sudan: Khartoum: Government to Execute Peaceful Protesters; the Provinces: Militia Killings and Starvation Return," *News From Africa Watch*, December 7, 1989.

Dr. Limof Gordon.¹⁰

As note above, many of those arrested were subjected to brutal beatings and torture upon arrest (see below for detailed testimonies).

On December 4, the RCC announced that four of the doctors - Dr. Mamoun Hussein, Dr. Jaafar Saleh, Dr. Sayed Mohamed Abdullah, and Dr. Limof Gordon - had been charged with illegal gathering, instigating discord, and "waging war against the state."

The trial of the four doctors was held before three military officers in a Special Revolution Security Court. The RCC established these special courts upon taking power, initially using them to try members of the previous government accused of corruption. The three-man tribunals are most often composed of military officers who cannot be considered independent from a military government. There is a single stage for appeals, and all appeals are heard in a court of similar composition. Despite consistent opposition from the judiciary and the Bar Association, since the beginning of December the military government established additional special courts of similar composition and began increasingly to use them against prominent businessmen and trade unionists.

The four doctors' trial before the Special Revolution Security Court began with the prosecution presenting alleged confessions and the testimony of several witnesses. It is widely believed that the confessions and testimonies were obtained by torture. Additionally, despite the fact that two leading lawyers, Abdullah el Hassan (the President of the Sudan Bar Association) and Taiser Maddathir, offered to defend the doctors, they were allowed to appear in court only as "friends" of the accused. The lawyers were only allowed to listen and make suggestions to the doctors, they could not directly address the court.

On December 10, the tribunal sentenced Dr. Mamoun Mohamed Hussein to death for having chaired the ten minute meeting of the Doctors' Union at which they agreed to go on strike. Dr. Sayed Mohamed Abdullah was sentenced to 15 years in prison. The two other doctors were acquitted for lack of evidence.

¹⁰ *ibid.* and Amnesty International Urgent Action, UA 472/89, December 7, 1990.

Although death penalties carry an automatic appeal, and despite the fact that the Security Court granted the doctors a week to prepare such an appeal, Lieutenant General al Bashir stated that he would not allow any appeals.¹¹ Considering that the court officials hearing the case were army officers subordinate to Lt.-Gen. al Bashir, and were accustomed to receiving and obeying orders, Africa Watch believes that al Bashir's actions constituted a direct interference in the judicial process.

The sentence against Dr. Mamoun was the subject of many appeals for clemency from diplomats in Khartoum and from international organizations abroad. On May 10, 1990, the RCC government announced that it would reprieve and release both Dr. Mamoun Hussein and Dr. Sayed Abdalla.¹² Nevertheless, the decree banning strike action, under which the two doctors were sentenced, remains.

This reprieve should not obscure the fact that the doctors' strike and the sentencing of Dr. Mamoun and Dr. Sayed were pivotal points in the increased repression felt by Sudanese unions. On December 3, at a public rally in the capital, Lt.-Gen. al Bashir condemned the trade unionists and their supporters, stating:

I vow here before you to purge from our ranks the renegades, the hirelings, enemies of the people and enemies of the armed forces. ... Anyone who betrays this nation does not deserve the honor of living. ... There will be no fifth column. The masses have to purge their ranks. ... The responsibility is really a collective one. You have the authority, and are its enforcers.¹³

The tangible outcome of this statement was a wave of mass arrests of unionists in December 1989, often by unofficial security forces known as the Security of the Revolution. Especially hard-hit were the Doctors' Union and the Engineers Union. Arrested unionists and doctors were often tortured and held at unofficial detention centers before being delivered to the

¹¹ Denying "the Honor of Living", p.30.

¹² Amnesty International Urgent Action, update on UA 472/89, May 11, 1990.

¹³ British Broadcasting Corporation, Summary of World Broadcasts, ME 0497, December 5, 1989.

regular prison system. At present, Africa Watch estimates that 200 unionists are imprisoned, and Colonel Bakri Hassan Salih, one of the more radical Moslem members of the RCC government, has directly stated to detainees that the government is holding them in order to test public reaction to the military government. One informant told Africa Watch that Bakri stated that the detainees would be "liquidated" if the government detected any popular resistance to its rule.¹⁴

Sudan Railways Union Strike:

¹⁴ Denying "the Honor of Living", p.41.

Recent reports suggest that a strike by the Sudan Railway Union, begun during the first weeks of May 1990, may be provoking a new wave of imprisonment and harassment of union leaders. The Railways Union, one of the largest and strategically most powerful unions, began its strike at the town of Atbara, a major transportation center north of Khartoum. On May 14, the RCC government reaffirmed that the Sudan Railways Union was officially banned, and demanded that the strikers return to work by May 21. According to Amnesty International, several workers have been arrested.¹⁵ However, the strike has continued despite recent warnings by the government that it would take "any necessary action" to halt the strike.

¹⁵ Amnesty International Urgent Action, UA 206/90, May 23, 1990.

Torture and Ill-treatment in Detention:

The Death of Dr. Ali Fadul:

Dr. Ali Fadul worked at the Ministry of Health, and was an active member of the Executive Committee of the Doctors' Union, as well as Secretary-General of the League of Socialist Doctors in Sudan. Apparently because of his active role in the strike organized by the Doctors' Union, in late November and December, the RCC government was determined to arrest him. Dr. Fadul managed to avoid arrest, and in order to force him to give himself up, his brother Mukhtar Fadul, a veterinary doctor, was arrested in December and tortured.¹⁶ It was made clear to the family that the brother would continue to be detained and subjected to the same pattern of ill-treatment until Dr. Ali Fadul surrendered.

On March 13, Dr. Fadul was detained by the Security of the Revolution, an unofficial government security force firmly controlled by the most fundamentalist Islamic members of the RCC. Several informants who have been detained by the Security of the Revolution, and held and tortured at "safe houses," have directly implicated members of the RCC in their interrogations. In a letter smuggled out of Kober Prison, Dr. Farouk Mohammed Ibrahim el-Nour described being interrogated at an unofficial detention center, on December 2, by Col. Bakri Hassan Salih, a member of the RCC whom Dr. Farouk described as the leader of the Security of the Revolution forces.¹⁷ Other sources have indicated that Abdel Rahman Mohamed Hussein, a military officer and a senior member of the government, is personally responsible for the detention and torture of politicians and trade unionists.¹⁸ The "safe houses" used by the Security of the Revolution are private houses and the confiscated clubs of several trade unions and professional associations. One of the known "safe houses" is a room in the Bar Association offices, where the torturers have written the name "Human Rights Chamber" above the door.¹⁹

Dr. Ali Fadul was held in an unofficial detention center, a house near the CitiBank

¹⁶ Amnesty International Urgent Action, UA 164/90, April 25 1990.

¹⁷ Denying "the Honor of Living", p. 47.

¹⁸ Denying "the Honor of Living", p. 41.

¹⁹ Denying "the Honor of Living", p. 45.

building in Khartoum West. He was apparently badly beaten, and went into a coma after sustaining severe head injuries. On April 21, Dr. Fadul was delivered to Omdurman Hospital, apparently with multiple fractures of the skull. He died at 11:00 a.m., the same day.

Unofficial autopsies indicated that Dr. Fadul had been badly beaten on the head with a blunt object which causing serious fractures, and revealed severe hemorrhaging of the abdomen, caused by powerful blows to the stomach. However, the official government autopsy, published on Sunday April 22, stated that Dr. Fadul died of cerebral malaria.²⁰

In a move unusual for Moslems, due to the religious importance of washing and anointing a body before burial, Dr. Fadul's family refused to accept his body, demanding that a full and impartial autopsy be carried out in order to establish the cause and time of death. The government refused to have an impartial autopsy carried out, and buried Dr. Fadul at 3 a.m. on the morning of April 22.

Testimony about the Torture of Dr. Tariq Ismail:

The treatment of Dr. Ali Fadul at the hands of the Security of the Revolution forces is not unique. Except for the unfortunate event of his death, Dr. Fadul's experience sadly reveals the common pattern of treatment for doctors and unionists following the November strike. Indeed, according to information that Africa Watch has received from one Sudanese national, "torture escalated after the doctors' strike. After that, they really became vicious; everyone arrested after the doctors' strike was tortured."²¹ The same source stated that, "During the doctors' strike, the head of Kober prison refused to admit the doctors who had been arrested into the prison. It was known that they had been badly beaten already, and he was reluctant to assume responsibility for their welfare."²²

In a separate, highly detailed testimony received by Africa Watch from a detainee who was arrested on the day of the coup, and was recently released, the detention and torture of another doctor, Dr. Tariq Ismail, is described. Dr. Tariq Ismail was an active member of the Doctors' Union. Africa Watch's informant stated:

²⁰ "Sudan: Officers Executed and Doctor Tortured to Death," *News From Africa Watch*, April 26, 1990.

²¹ Denying "the Honor of Living", p. 38.

²² *ibid.*

Tariq was arrested on November 26. Blindfolded, he was driven to a house. In another room were five people whom he found were all doctors. He was taken to a room - 3 X 3 [meters]. As it was early in the morning, he asked for water to cleanse himself for prayer. He was taken to the bathroom and told to take his clothes off and get into a bathtub full of iced water and "wash off his sins." He refused, but had no choice when they took their guns out. After he got out, he was blindfolded and then beaten all over his body. His body is covered with marks. As they beat him, he was interrogated and subjected to verbal abuse. After 2-3 hours, he and the other five doctors were forced to undergo the bathtub treatment - and stay half an hour in the iced water. This continued for six weeks. They had absolutely no idea where they were being held. Tariq was threatened to have his fingernails removed unless he revealed who was behind the strikes. He mentioned some obvious names which did not satisfy them. As they questioned him, the interrogators extinguished their cigarettes on his hands. The marks are clear.²³

After six weeks of torture, Dr. Tariq Ismail was dropped off at Kober Prison. He was finally released, uncharged, in mid-January.

Torture of Dr. Farouk Mohamed Ibrahim el-Nour and Unionists:

Other testimonies also describing the torture and abuse of unionists and doctors have reached Africa Watch. In a letter of protest to Lt.-Gen. al Bashir, smuggled out of Kober Prison, Dr. Farouk Mohammed Ibrahim el-Nour described the punishment inflicted upon him and five other detainees. Among those mistreated were: Hashim Mohammed Ahmoud, a leader of the Engineers Union; Mahjoub El Zubeir, the Deputy Chairman of the Sudan Workers Unions Confederation; Sadiq al Shami, a member of the Bar Association; and Dr. Hammounda Fath-el-Rahman, a leader of the Doctors' Union in the White Nile Province. He described their torture as follows:

Before, during and after the interrogation that evening [November 30, 1989], I was subjected to various sorts of torture. I was flogged, kicked and hit on the face, head and other parts of my body by professional torturers. I was threatened with death, humiliated and subjected to other types of torture. Afterwards, I was transferred to a small toilet that was flooded with water where I spent three days during which time I was beaten, humiliated and deprived of sleep.

Then I was taken to a bathroom with five detainees [those described above] where the same process of torture was repeated for nine days. We have been prevented from observing our prayer or brushing our teeth.

During my transfer from the toilet to the bathroom I was left in the open in the

²³ Denying "the Honor of Living" , p. 44.

cold air and bathed with iced water accompanied by flogging and humiliation. On December 12 at dawn, I was transferred to Khartoum North Common Prison [Kober Prison] with [the five] other detainees who had been subjected to the same treatment.²⁴

²⁴ Denying "the Honor of Living", p. 46.

Conditions of Detention:

Conditions of Detention at Kober Prison:

Most of the detained trade unionists were first held at Kober Prison in Khartoum, often after being held and tortured at "safe houses." Upon arriving at Kober Prison, the conditions under which they were held remained very poor. As a rule, detained unionists and communists have received the worst treatment among the sizable population of political prisoners. According to the State Department, "Although most prisoners were allowed visitors, there were a few reports of prisoners held incommunicado, mostly trade unionists and Communists considered by the authorities to be troublemakers."²⁵

During October, as the number of detainees at Kober Prison increased dramatically, most unionists were held in a special section of the prison, and as a rule, they were denied any visits. An anonymous Africa Watch informant, who was held at Kober, described the previously empty section of the prison which was used to hold the unionists, and which was named Mudiriya, as follows:

Trade Unionists were kept there [and] conditions were terrible at Mudiriya, which consists of three big rooms. There is no light, no shade from the burning sun during the day, and no cooling fans, so the heat is stifling, and it is full of mosquitos. Trade unionists were not permitted family visits.²⁶

According to the same testimony, Mahjoub Sid Ahmed, a trade unionist with the Electricians Union, had a heart attack while at Kober Prison. Mahjoub Sid Ahmed suffers from a serious heart condition, and at the time of the coup was due to have a bypass operation. However, he was arrested on July 29, 1990.²⁷ Mahjoub was driven from Kober to a military hospital, but was denied medical treatment until the following day.²⁸ He was subsequently released,

²⁵ State Department Country Reports for 1989, January 1990, p. 357.

²⁶ Denying "the Honor of Living", p. 42.

²⁷ "Political Detainees in Sudan," *News From Africa Watch*, October 27, 1990.

uncharged, due to his poor health.

There are also consistent reports of severe physical abuse, such as: beatings, kicking, electric shocks, burning with cigarettes, and forced immersions in ice-cold water.

Conditions of Detention at Shalla Prison:

²⁸ Denying "the Honor of Living", p. 42.

Because of the mass arrests in aftermath of the Doctors' Strike in November, Kober Prison, already terribly overcrowded, could not hold any more people, and many detained unionists were transferred to Shalla Prison, 500 miles away from Khartoum near al Fashir in Darfur Province. Among the unionists held at Shalla, as of March 1990, were: seven doctors, including Dr. Najib Najm el Din, the Secretary of the Doctors Union, detained on August 4; eight engineers, including Hussein Abdel Gadir Shaglaban, the General Secretary of the Engineers Union, detained on July 28, and Ahmed Mohamed Salih, the President of the Engineers Union, also detained on 29 July; and Jalal el Din Mohamed Sayed, the Deputy Secretary of the Bar Association, detained on July 29.²⁹

Shalla Prison is the second high-security prison in Sudan, and conditions here are much worse than at Kober. Sanitation and the provision of other basic services are primitive. Africa Watch has recently received two documents which describe conditions at Shalla Prison. In a letter smuggled to a relative outside of Sudan, an anonymous detainee at Shalla, who was arrested in 1989 and originally held at Kober, describes the conditions as follows:

We arrived at this place [Shalla] early morning of the 16th February 1990, and since then we have been subjected to conditions which are ... beyond my ability to describe. Poor meals, bad and filthy water, contaminated and dirty buildings. Two medium size wards for all this number [of prisoners], with two small rooms with holes dug in the ground to be used as toilets! No matter how poor the meals are these so-called toilets flood with waste - which is actually the whole meal. I don't think any one of us digests 1% of what he eats! The only possible and available drainage system is to bring some prisoners twice a day to carry a few bucketfuls of it and throw it in the desert not far away. In such circumstances I think you agree with me that speaking about environmental health becomes a very highly sophisticated mental exercise. ...

I have heard about ... concentration camps but none of them is like this. I wish I had the talent [for describing it better], I would have produced a bestseller. ...

We are not allowed to contact anybody. Our families are not allowed to visit us, as you know, even if they are allowed, whose family can afford the plane fare from Khartoum to al Fashir. And if they could, how could they travel from al Fashir to Shalla, and where to stay?

Another document, a letter of protest dated March 17 1990, submitted by 71 detainees at Shalla Prison including the unionists mentioned above, protested the continued detention of

²⁹ "Sudan: Lest They Forget... Letters From Shalla Prison," *News From Africa Watch*, May 8, 1990.

political prisoners at Shalla and the RCC government's continued attempt to deny their existence:

While investigations of official enquiries [into torture and ill-treatment] were carried out with respect to some of our number, most of our cases have not been considered, and no charges have been presented. Therefore our detention violates all human rights conventions, agreements, and charters which the Sudan Government has signed and should be obliged to respect.

In addition to that, we have been transferred to Shalla Prison, without the least respect for human rights, and without any prior notice to us or to our families. The main objective of this move is to effect complete isolation upon us, and thereby do additional harm to our families by making them worry and suffer, searching for us and tracing our whereabouts, and to place upon them the burden of following our news and situation, which violates all traditions. We need not mention that our families suffer and face severe economic and financial problems due to the fact that all detainees have been dismissed from their jobs. All of them are without a source of income.

We resent your continual efforts to deny the existence of political detainees in Sudan. ... We are in Shalla Prison and that is a matter of fact, which you know as well as we do ourselves.³⁰

As stated above, the detention of unionists at Shalla Prison has been a tremendous source of hardship for the families of the detainees. Not only is Shalla in a remote region, but there is no reliable public transport between the two cities. In November, the families of some of the detained trade unionists nevertheless made the arduous trip from Khartoum to Shalla, only to be denied permission to visit the prison.³¹

Africa Watch has also learned that one of the detained doctors at Shalla prison suffers from serious health problems and has been denied medical attention. Dr. el Sheikh Kineish has suffered from a heart condition for some time. He has had two heart attacks, and is due for a by-pass operation, but because of his detention at Shalla, the operation will not be possible.

³⁰ "Sudan: Lest They Forget... Letters From Shalla Prison," *News From Africa Watch*, May 8, 1990.

³¹ Denying "the Honor of Living", p. 39.

Conclusion:

In January and February 1990, a number of political detainees were released from Kober Prison. The RCC government now argues that it is not holding any "political prisoners." In particular, it claims that trade unionists are not "political prisoners." However, as of March 1990, Africa Watch knew of well over 100 trade unionists who remained in detention.³² By May 1990, Africa Watch estimated that at least 200 unionists were detained.

Regardless of the manner in which the government chooses to classify detained unionists, virtually all remain imprisoned without charge or trial. If the RCC is detaining these unionists because of reasons not pertaining to their union activities, they should be charged with recognizable criminal offenses, or released. Detention of trade unionists is contrary to the freedom of association, and constitutes a severe restriction on the exercise of trade union activities. According to the International Labor Organization (ILO): "The arrest - even if only briefly - of trade union leaders and trade unionists for exercising legitimate trade union activities constitutes a violation of the principles of freedom of association."³³

However, this is not the only violation of international trade union rights, or indeed of basic human rights, by the RCC government. The government has closed union offices and confiscated their property, a violation of the right to adequate protection for union property and a further restriction on the freedom of association. Dismissals for union activity, which number in the thousands, violate the right to be free from prejudice in employment due to trade union membership or legitimate trade union activities. Finally, the decision to outlaw strikes and punish strikers with sentences up to the death penalty, deprives trade unionists of the recourse to strike action, which the ILO has stated is "one of the essential means of action that should be available to workers and their organisations to further and defend their economic and social interests."³⁴ The fact that severe sentences were handed down to Dr. Mamoun Mohamed Hussein and Dr. Sayed Mohamed Abdullah by special courts, which do not follow the standards of a fair and impartial trial and which can be used against trade unionists in the future, further concerns Africa Watch.

³² Denying "the Honor of Living", p. 49.

³³ "Freedom of Association, a Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the International Labor Organization", Third Edition, p. 22.

³⁴ 270th Report of the Committee on the Freedom of Association, ILO, p. 113.