

November 4, 1991

# **SUDAN**

## **SUDANESE HUMAN RIGHTS ORGANIZATIONS**

**Before the military coup of June 1989, in which Lt-Gen Omer al Bashir seized power, Sudan had an active human rights community. The Sudan Bar Association and the Sudan Human Rights Organization were the two most prominent independent organizations actively campaigning for human rights. There were other smaller organizations, such as the Sudan branch of Amnesty International, the Sudanese Amputees Union, and a number of independent human rights activists -- including academics and journalists -- who publicized human rights violations.**

**Today the story is very different. Every single Sudanese human rights activist is either detained, restricted and silenced, or has been driven into exile. None of the independent organizations exist.**

The government of Omer al Bashir has consistently objected to international coverage of its appalling human rights record. This has gone beyond mere rebuttals to include the setting up of some ostensibly "human rights" organizations, to defend its record and give it a gloss of respectability. These include a government-appointed "Bar Association" and, more recently, an officially-sponsored "Sudan Human Rights Organization." Neither of these organizations is independent of the government. Nor is their objective the monitoring and publicizing of human rights concerns.

There is a long-term shift in the government strategy for pursuing its political aims, from the use of arbitrary violence against suspected opponents towards the creation and use of institutions for greater social and political control. The setting up of the "Sudan Human Rights Organization", three months after a much-publicized "amnesty" for political opponents (in which about 240 of the 300 government's political prisoners were released) is part of this attempt to don a mantle of greater respectability.

Africa Watch calls upon the Sudan Government to show the sincerity of its public commitment to human rights by reinstating the independent Sudan Bar Association, the legitimate Sudan Human Rights Organization and other groups, returning their assets, releasing and lifting restrictions on their members, and allowing an open and unrestrained debate of the human rights problems of Sudan both inside and outside the country.

## **The Sudan Bar Association**

The Sudan Bar Association was originally formed under Anglo-Egyptian colonial rule; it took on its present constitution at the time of independence.

During the 16-year rule of President Jaafar Nimeiri, the Sudan Bar Association was active primarily in three areas: the protection of basic human rights and freedoms, defense of the supremacy of the rule of law, and the promotion of the status of the profession.

One of the SBA's chief actions was appealing to the High Court disputing the constitutionality of certain laws. For example, the SBA appealed against a law which gave the government the right to evict residents from an area required for a public building, on the grounds that the powers were granted without judicial supervision and hence amounted to a license to use violence.

A particularly important decision by the SBA was to contest the constitutionality of the special courts set up under the State Security Act of 1973, on the grounds that these courts violated the guarantee of a fair trial, since they did not allow any right of appeal. Government-appointed judges dismissed the case on a trivial technicality: they argued that the appeal was brought against the courts themselves, not the law mandating them.

In 1985, the SBA protested against the charges of apostasy brought against Ustaz Mahmoud Mohamed Taha, leader of the Republican Brothers, and a group of Sudanese Baathists. Mahmoud Taha refused to recognize the court before which he was tried, and so declined to use the SBA defense counsel. Instead, the SBA wrote an open letter to President Nimeiri declaring that the trial of Mahmoud Taha was a flagrant breach of fundamental judicial principles. In the case of the Baathists the SBA defense counsel succeeded in getting the charge changed to a lesser offence.

Other activities by the SBA included writing open letters to the President protesting against detentions without trial and other human rights abuses, holding public meetings on issues connected with human rights, supporting judges' strikes against interference by the legislature, and assisting in the formation of the trade union forum which led the non-violent popular uprising against the rule of President Nimeiri in April 1985.

During the transitional and parliamentary period (1985-9), the Sudan Bar Association was particularly active in opposing the imposition of an Islamic penal code, which it considered to be contrary to fundamental human rights. The SBA led a campaign of opposition to a proposed Islamic penal code in 1988, which forced the then-government of Sadiq el Mahdi to suspend the introduction of the new code. The SBA drew up its own draft penal code, which is consonant with internationally-recognized standards of human rights.

On seizing power, the military government of Lt-Gen Omer al Bashir immediately dissolved all non-religious organizations in Sudan. The Sudan Bar Association was one of those closed. Its assets were confiscated, and leading members detained or placed under restriction orders. These included:

- \* Dr Amin Mekki Medani: detained and kept in Port Sudan prison between September 1990 and October 1990.
- \* Sadiq el Shami: detained three times since August 1989. On one occasion he was severely ill while in prison and the provision of medical treatment was delayed.
- \* Ishaq Shadad, Secretary-General of the SBA.
- \* Jalal el Din Mohamed Sayed, Deputy General-Secretary of the SBA.
- \* Mustafa Abdel Gadir.
- \* Kamal al Gizouli.
- \* Sayed Issa.
- \* Mutassim Ibrahim Sudani.
- \* Farouk el Bereir.
- \* Hassan Hussein Mohamed.

All have since been released, but live under the constant implicit threat of detention again.

The SBA however continued to be active on human rights issues. In August 1989, it was signatory to a memorandum to the government protesting the violation of trade union rights, the summary dismissal of judges, and the dissolution of legally-established organizations, including the Bar Association itself. Shortly afterwards, the SBA protested the establishment of special tribunals staffed by military officers to try a wide range of offenses. In December 1989, two leading members of the Bar Association offered to defend four doctors and members of the Doctors' Union who were brought before a special tribunal charged with "waging war against the state," for having decided to start a non-violent strike in protest at the dissolution of the Doctors' Union and government policies which were adversely affecting the standards of health care.

In recognition of its "extraordinary contribution to the causes of human rights, the rule of law and promotion of access to justice," the American Bar Association honored the Sudan Bar Association with one of its first International Human Rights Awards in 1991. The prize was collected by Dr Amin Mekki Medani on behalf of the SBA at a ceremony in Atlanta, Georgia on August 13, 1991.

## **The Government-Appointed "Bar Association"**

In September 1989, the Sudan Government issued a decree to appoint "Steering Committees" to manage the assets of the dissolved trade unions and professional associations, and to represent the interests of the members, until a new trade union law was passed. These steering committees remain in place until today. One of the dissolved organizations which was replaced by a steering committee was the Sudan Bar Association.

The government appointed Mohamed Ziyada Hamur as Chairman of the new "Bar Association." In June 1990, Mohamed Hamur attempted to rebut allegations of the abuse of the rights of detainees. According to the Sudan News Agency, he:

expressed readiness ... to receive any person who was politically arrested and tortured in prison and will give him a chance to choose any lawyer to defend him.... he said that not one of the political detainees has presented an application in this regard, affirming that rumors of torturing political detainees were "baseless."<sup>1</sup>

Mohamed Hamur's rebuttal is thoroughly unconvincing. It ignores the fact that a number of political detainees had formally complained to President al Bashir of torture, and that copies of their letters of complaint which had been sent to the Arab Lawyers' Union in Cairo had been published. The existence of a widespread, consistent and continuing pattern of abuse of political detainees has been well documented by human rights organizations.<sup>2</sup> Some of those subjected to maltreatment in Sudan's prisons included members of the legitimate Sudan Bar Association. Mohamed Hamur cannot have been unaware of these charges, and his denial merely illustrates that his concern was not the defense of internationally-recognized standards of human rights and jurisprudence, but political defense of the government which appointed him.

Other members of the so-called "Bar Association" appointed by Gen Omer al Bashir include Ali al Nasri and Amin Banani Niu. They are either members or sympathizers of the National Islamic Front (NIF), the fundamentalist political organization associated with the current military government. A central plank of the NIF's political program is the imposition of Islamic law, a policy opposed by the legitimate Sudan Bar Association. In March 1991, the government introduced a new Islamic penal code, and the appointed "Bar Association" did not object.

The government's organization has failed to gain any international recognition.

On May 17, 1990, the Arab Lawyers Union, meeting in Algiers, voted to expel the

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<sup>1</sup> Quoted in: BBC, *Summary of World Broadcasts*, ME/0794, June 19, 1990.

<sup>2</sup> See, *inter alia*, *News from Africa Watch*, "Inside al Bashir's Prisons," 8 February 1991.

government-appointed "lawyers' steering committee" from its meeting, in view of the continuing human rights abuses in Sudan. The Sudan government delegation led by Amin Banani Niu and Mohamed Ziyada Hamur refused to leave the hall, tried to interrupt the ALU chairman's speech and shouted slogans against Egypt. Amin Banani was reported to have picked up a chair to strike the Egyptian lawyer Mohamed Rizig, who objected to their verbal attacks on the Egyptian government.

The American Bar Association implicitly refused to recognize the legitimacy of the Sudan Government "Bar Association" when it awarded the International Human Rights prize to Dr Amin Mekki Medani of the legitimate Sudan Bar Association in August 1991.

## **The Sudan Human Rights Organization**

The Sudan Human Rights Organization (SHRO) was founded in 1984 and officially registered in 1985. Its chairman is Professor Mohamed Omer Bashir, a leading academic at the University of Khartoum who has a long history of campaigning for peace and human rights in Sudan. 600 members in Sudan were registered. Prominent members include:

- \* Mirghani al Nasri, member of the State Council;
- \* Abdalla al Hassan, chairman of the Bar Association;
- \* Sadiq el Shami, a human rights advocate;
- \* Dr Ali Suleiman Fadalla, Dean of the Faculty of Law, University of Khartoum;
- \* Dr Ahmed Siraj, a psychiatrist and a member of the Doctors' Union;
- \* Dr Fatma Babiker Mahmoud, lecturer in the Faculty of Economic and Social Studies, University of Khartoum;
- \* Dr Amin Mekki Medani, Bar Association;
- \* Dr Peter Nyot Kok, Faculty of Law

The SHRO operated from the University of Khartoum and the offices of the Sudan Bar Association. Its activities included:

- \* Drawing up the Sudan Charter on Human Rights;
- \* Requesting a review and removal of the 1983 Penal Code;
- \* Successfully campaigning for Sudan to accede to international human rights instruments;
- \* Defending the freedom of the press;
- \* Defending an independent investigation into the ed Dai'en massacre by Dr Ushari Mahmoud.

On June 30, 1989, the SHRO was dissolved along with all other independent non-religious human rights organizations, and its assets frozen. Prof Mohamed Omer Bashir was questioned by the security forces, his contract at the University of Khartoum was not extended, and he was prevented from leaving the country to attend a conference on Sudanese studies in Durham, UK, in

April 1991.

In June 1990, the SHRO responded to a government invitation for non-governmental organizations to re-register, and wrote requesting permission to resume its activities. The government did not reply to the letter.

In July 1991 the Sudan Government set up a "Sudan Human Rights Organization." The Chairman of the Organization is Prof. Muddathir Abdel Rahim, a lecturer at the University of Khartoum, former Vice-Chancellor of Omdurman Islamic University appointed under the present government, and current member of the government's advisory Political Committee. Prof Muddathir is a supporter of the government's political aims. Other members include Ali al Nasri, but the identities of all the eight members of the board and 32 members of the council have not been divulged. The stated aims of the organization included protecting the reputation of Sudan, fending off attacks on the Sudanese government and way of life by the western media and western organizations, and refuting unfounded allegations concerning Sudan.

Because it was only created recently, the organization has yet to make significant public statements. However, because all the members are government appointees, and the political sympathies of those who are known are with the government and NIF, it is unlikely to be a body willing to criticize the government.

The government's response to criticism from international human rights organizations has been consistently hostile. In January 1990, it responded to the publication of lists of political detainees with the accusation that they could only have been produced by "a Zionist spy with an inherited [sic] hatred of Sudan." In April 1991, it attacked the *Sudan Update* newsletter, which has no editorial line and publishes information on Sudan already made public by a variety of sources, and regularly reproduces the government's own statements. In July 1991, it responded to criticism contained in a report from Amnesty International with a remarkable diatribe, in which it condemned the report for having failed to detail abuses in Israel and the United States, and accused the organization of being a "political arm" of western countries.

The Sudan government's own human rights reporting leaves much to be desired. In February 1991, it belatedly issued a brief report to the United Nations under article 40 of the International Covenant on Civil and Political Rights. In 18 paragraphs, the report merely dealt with the provisions of the current State of Emergency, noting in paragraph 12 that "the operative constitutional decrees do not contain any provisions protecting the rights referred to in the International Covenant on Civil and Political Rights." It attempted to justify this derogation from the requirements of the Covenant by reference to the civil war in the south and "lawlessness" in the north.

These statements are wholly incompatible with respect for basic human rights. The Chairman of the Human Rights Committee, Mr Fausto Pocar, noted that "the Convention had to be

applied as a whole and no derogation was permitted."<sup>3</sup>

Defending the report in Geneva, Prof. Abdel Sami Omer, Minister in Charge of Human Rights and Special Advisor to the government Political Committee, argued that human rights in Sudan were markedly improving. He claimed, incorrectly, that all political detainees had been released, and defended the prohibition on apostasy in the 1991 penal code by comparing it with the crime of treason. The International League for Human Rights commented: "[his] robust defense is so littered with inaccuracies, that had it not been presented by the Government's highest-ranking human rights official at the highest international body concerned with human rights, we would not address it here."<sup>4</sup>

The blatant failure of the government to accord with the basic reporting requirements of the UN displays its contempt for internationally-accepted standards of human rights.

Such a history ensures that no government-appointed body in Sudan is likely to survive criticism of the government's human rights record.

There are fears that the government-sponsored Sudan Human Rights Organization will be blessed by the government as the successor to the dissolved SHRO. One consequence of this is that the frozen assets of the SHRO, which were raised by public subscription and donations from individuals and international human rights organizations will be appropriated by the new Organization.

The legitimate Sudan Human Rights Organization may have been banned, but it remains active. Following consultations with members of the board in exile, the SHRO was re-launched in London on October 2, 1991. London will be the provisional headquarters, and it is planned to open branches in other countries as appropriate. The President is Dr Amin Mekki Medani, the Alternate President is Dr Abdel Wahab Sinada, and the Secretary-General Dr Yasin Miheisi.

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<sup>3</sup> United Nations, Press Release, "Human Rights Committee Completes Consideration of the Report of Sudan," July 10, 1991.

<sup>4</sup> The International League for Human Rights, "Sudan's Human Rights Record: Comments on the First Report of Sudan to the Human Rights Committee, July 1991," New York.

## **Other Human Rights Organizations**

The Sudan Amputees Organization was set up following the imposition of Islamic law by then-President Nimeiri in 1983, in order to provide support for those who had had a hand or foot amputated after being convicted of theft, and were thus unable to support themselves. This organization was dissolved in June 1989 and a prominent member, Gordon Micah Kur, was detained without charge. Gordon Micah Kur remains in detention at the time of writing.

The Sudan Legal Aid association was also closed down at the time of the coup.

## **Independent Human Rights Activists**

Several prominent independent human rights activists have been detained and harassed by the present Sudan Government. They include:

- \* Dr Ushari Mahmoud, a former lecturer in linguistics at the University of Khartoum. Dr Ushari is co-author of a booklet detailing the results of an investigation into a massacre of Dinka people from southern Sudan in the town of ed Dai'en in 1987 and the enslavement of Dinka children in the same area, which implicated the government in both abuses. He was detained between July 1989 and April 1991, and remains under restriction orders.
- \* Siddiq el Zeilai, a journalist working for the newspaper *al Maidan*, the mouthpiece of the Sudan Communist Party, was detained while investigating abuses committed by government-sponsored militias in Darfur in August 1989. He remains in detention, and has not been charged.

## **Conclusion**

The Sudan Government is currently engaged in an attempt to improve its reputation concerning human rights. This attempt does not, however, include a serious attempt to bring Sudan's record into line with internationally-recognized standards. Instead, it is increasingly using institutional methods for repression, and is disseminating propaganda about its allegedly-improving human rights record. The government-appointed "Bar Association" and the "Human Rights Organization" are central elements to this propaganda. Neither institution has the slightest degree of legitimacy. Only when the legitimate Sudan Bar Association and Sudan Human Rights Organization are restored, together with other human rights organizations, and Sudanese citizens are free to investigate, publicize and lobby on behalf of human rights concerns, can there again be a recognizable human rights community in Sudan.

## **Africa Watch's Recommendations**

Africa Watch calls upon the Sudan Government to:

- \* Reestablish the legitimate Sudan Bar Association, the legitimate Sudan Human Rights Organization, and all other human rights organizations in Sudan, allow their elected leadership to carry on their duties without restriction, and return their assets.
- \* Release from detention and restriction orders all human rights activists.

We encourage individuals and institutions to write to the members and representatives of the Sudan Government listed below, in support of these recommendations.

### **Please address appeals to:**

His Excellency President Omar Hassan al Bashir  
Head of State, Defense Minister and Commander-in-Chief  
The People's Palace  
PO Box 281  
Khartoum  
Sudan

His Excellency Mr el Rashid Abu Shama  
Ambassador  
Embassy of the Republic of Sudan  
3 Cleveland Row,  
St James's  
London SW1A 1DD

His Excellency Mr Abdalla Ahmed Abdalla  
Ambassador  
Embassy of the Republic of Sudan  
2210 Massachusetts Avenue, NW  
Washington DC, 20008

Africa Watch is a non-governmental organization created in May 1988 to monitor human rights practices in Africa and to promote respect for internationally recognized standards. Its Chairman is William Carmichael and Alice Brown is Vice-Chair. Its Executive Director is Rakiya Omaar; its Associate Director is Alex de Waal; Janet Fleischman and Karen Sorensen are Research Associates, and Ben Penglase and Urmi Shah are Associates.

Africa Watch is part of Human Rights Watch, an organization that also comprises Americas Watch, Asia Watch, Helsinki Watch and Middle East Watch. The Chairman of Human Rights Watch is William Carmichael and the Vice-Chair is Alice Brown. Aryeh Neier is Executive Director of Human Rights Watch, the Deputy Director is Kenneth Roth, Holly Burkhalter is Washington Director, and Susan Osnos is Press Director.

# **SUDAN HUMAN RIGHTS ORGANIZATION**

## **LONDON DECLARATION**

The Council of the Sudan Human Rights Organization, which is forced by current events in Sudan to operate from London, takes this opportunity to announce the recommencement of its activities to the Sudanese people and to the international community.

Sudan is going through a profound crisis as a result of the military coup which toppled the democratically-elected government in June 1989. The National Islamic Front seized power and proclaimed a state of emergency across the entire country. Political organizations, trade unions and civic associations have been banned.

The people of Sudan have been deprived of their human rights, a denial which has been detrimental to the goal of national unity. The only recourse is for the government to restore all fundamental rights and freedoms to citizens of our country, and to provide sufficient financial support to enable full participation in the democratic process of Sudan by all of its people.

It is with this in mind that the SHRO declares its relaunching and its activities. Our mandate, in accordance with the statute of November 1985, under which the Organization was registered, is to concentrate our efforts to defend human rights in Sudan.

The SHRO condemns the military regime in Sudan in its attempts to mislead the international community and obscure its human rights violations by appointing NIF sympathisers to a parallel organization with the stated objective of fending off attacks by western government and media against Sudan's human rights record.

Systematic abuses of human rights have stripped the regime of any veneer of legitimacy it might have accorded itself. Prisons, detention centres and safe houses are full of human rights activists. Dr Ahmed Osman Siraj, a trustee of the SHRO, is one of them. The SHRO vigorously condemns the detention and harassment of human rights campaigners, and demands their immediate and unconditional release.

Furthermore, the SHRO demands:

- \* That it be unbanned, and that its members be allowed to continue their activities unmolested.
- \* That the regime repeal all extraordinary decrees, laws, courts and procedures

arising from the state of emergency, as unconstitutional.

- \* That the regime close down all irregular detention centres and subject its prison system to the authority of an independent judiciary. Internationally recognized standards are to be enforced in the prisons and detainees and prisoners are to be guaranteed their constitutional rights.
- \* That the regime respect due process of law in the treatment of detainees; they are to be given access to legal counsel and to adequate means of legal defence.
- \* That the regime passes legislation banning physical and psychological torture. The cruel, inhuman and degrading treatment currently meted out to detainees must be outlawed with immediate effect, and those responsible made accountable for their actions.
- \* That the ban on societies, trade unions and political parties be lifted, that the right of organization and freedom of association be guaranteed, and democracy and fundamental freedoms be restored.
- \* That the regime work constructively to stop the civil war in the south of Sudan, and immediately stop operations against ethnic minorities in Darfur and Kordofan, and bring those responsible to trial.

The SHRO appeals to the international community to actively participate in the salvation of the Sudanese people, who are undergoing the most serious crises and national calamities. It would like to express its gratitude for the noble efforts of the international, regional, Arab and African human rights organizations, including: Africa Watch, Amnesty International, Sudan Update, Sudan Monitor, Arab Lawyers Union, Arab Human Rights Organization, International Centre for Trade Union Rights, Lawyers Committee for Human Rights, and others. We call upon these organizations to double their efforts and escalate their campaigns against violations of human rights in Sudan. We call upon all governments of the world to press hard for the protection of human rights in Sudan and to put this issue as a priority in international bodies and their regional and bilateral meetings.

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