

DECISION No. 5/1992 (SUDAN)*

Communication addressed to the Government of the Sudan on 6 December 1991.

Concerning: Yousif Hussein Mohammed (or Ahmed), Siddig Yousif Ibrahim, Mukhtar Abdallah, Abu Bakr El Amin, Sid Ahmed El Hussein and Gassim Mohammed Salih on the one hand and the Sudan on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it (E/CN.4/1992/20, chapter II), and in order to carry out

* By note dated 7 December 1992, addressed to the Centre for Human Rights, the Permanent Mission of the Republic of the Sudan to the United Nations Office at Geneva informed the Working Group that "with regard to Decision No. 5/1992, Mr. Youssif Hussein Ibrahim has been released pursuant to Presidential Decree No. 335/92".

its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with appreciation the information forwarded by the Government concerned in respect of the cases in question within 90 days of the transmittal of the letter by the Working Group.

3. (Same as in Decision No. 1/1992.)

4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government of the Sudan. The Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, in the context of the allegations made and the response of the Government thereto.

5. It was alleged in the communication that was transmitted to the Government that:

(a) the following four Sudanese citizens were held for more than a year without charge or trial and are said to be still in detention: Yousif Hussein Mohammed (or Ahmed), a geologist and leading functionary of the Communist Party, arrested in 1989; Siddig Yousif Ibrahim, engineer, arrested in January 1990; Mukhtar Abdallah, textile worker, trade union leader and activist, arrested in July 1990; Abu Bakr El Amin, journalist, arrested in November 1990;

(b) Sid Ahmed El Hussein, Deputy General Secretary of the Democratic Unionist Party and former Deputy Prime Minister, arrested in September 1990, apparently for being involved in an alleged coup d'état, and Gassim Mohammed Salih, advocate, arrested in July 1990 and still detained at Security Headquarters. Reportedly, no charges have been brought against them.

6. In its reply to that communication, dated 24 January 1992, the Government affirmed that Yousif Hussein Ahmed, Siddig Yousif Ibrahim, Mukhtar Abdallah and Abu Bakr El Amin were all awaiting trial following charges against them in the Khartoum Police Department, and that Sid Ahmed El Hussein and Gassim Mohamed Salih were released immediately following the completion of their investigations.

7. In conformity with its methods of work, the Working Group transmitted the information supplied by the Government to the source from which the communication was received, with a request for comments or additional information. The source claimed the following: Yousif Hussein Mohammed El Amin, Mukhtar Abdallah and Abu Bakr El Amin have been held for periods ranging from 18 months to two years; they were arrested in November 1989 (except for Yousif Hussein Mohammed El Amin, whose date of arrest was reported as 13 December 1989); all of them were arrested without judicial warrants by the security forces and they have never been charged during their long detention. The four detainees (the three above-mentioned and Siddig Yousif Ibrahim) were subjected to torture in private detention centres, the so-called ghost houses, for several weeks before being transferred to the regular

Kober prison in Khartoum North; Abu Bakr El-Amin was released in February 1992. The source also confirmed that Sid Ahmed El Hussein and Gassim Mohammed Salih had been released.

8. As regards the cases of Sid Ahmed El Hussein and Gassim Mohammed Salih, the Working Group took note with appreciation of the information provided to it by the Government of the Sudan, and confirmed by the source, that these persons were released. The Working Group also took note of the information provided to it by the source regarding the release of Abu Bakr El Amin. None the less, in view of the special circumstances of the cases as described above and in keeping with paragraph 14 (a) of its methods of work, which provides: "If the person has been released, for whatever reason, since the Working Group took up the case, the case is filed; nevertheless, the Working Group reserves the right to decide, on a case-by-case basis, whether or not the deprivation of liberty was arbitrary, notwithstanding the release of the persons concerned." The Working Group therefore considers that it may take a decision on whether or not the deprivation of liberty of Abu Bakr El Amin, Sid Ahmed El Hussein and Gassim Mohammed Salih was arbitrary.

9. The Working Group considers the reply provided by the Sudanese authorities as incomplete and insufficient, as it fails to challenge the allegations regarding the violation of international norms with respect to the right to a fair trial and the allegation that the detainees have been deprived of their liberty as a result of the exercise of their rights and freedoms protected by the international legal instruments.

10. In the light of the above, the Working Group decides:

(a) The detention of Yousif Hussein Mohammed (or Ahmed), Siddig Yousif Ibrahim and Mukhtar Abdallah is declared to be arbitrary, being in contravention of articles 9, 10 and 11 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights to which the Sudan is a party, and falling within categories II and III of the principles applicable in the consideration of the cases submitted to the Working Group;

(b) In view of the reported release of Abu Bakr El Amin, Sid Ahmed El Hussein and Gassim Mohammed Salih, their cases are filed. Nevertheless, the Working Group decides that their detention had an arbitrary character:

- (i) In the case of Abu Bakr El Amin, his detention was arbitrary, being in contravention of articles 9, 10 and 11 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights, and falling within category III of the principles applicable in the consideration of the cases submitted to the Working Group;
- (ii) In the case of Sid Ahmed El Hussein, his detention was arbitrary, being in contravention of articles 9, 10, 11, 19 and 20 of the Universal Declaration of Human Rights and articles 9, 14, 19 and 21 of the International Covenant on

Civil and Political Rights, and falling within categories II and III of the principles applicable in the consideration of the cases submitted to the Working Group;

- (iii) In the case of Gassim Mohammed Salih, his detention was arbitrary, being in contravention of articles 9, 10 and 11 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights, and falling within category III of the principles applicable in the consideration of the cases submitted to the Working Group.

11. Consequent upon its decision declaring the detention of Yousif Hussein Mohammed (or Ahmed), Siddig Yousif Ibrahim, Mukhtar Abdallah, Abu Bakr El Amin, Sid Ahmed El Hussein and Gassim Mohammed Salih to be arbitrary, and taking into account the release of the last three persons, the Working Group requests the Government of the Sudan to take the necessary steps to remedy the situation in order to bring it into conformity with the norms and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.