

DECISION No. 13/1996 (SUDAN)

Communication addressed to the Government of the Sudan on 3 October 1995.

Concerning: Tebira Indris Habani, Ali al-Umda Abdel Majid, Abdel Rasoul al-Nour, Fadal Allah Burma, Abdel Mahmoud Haj Salih, Sarra Nuqd Allah, Dr. Abdel Nabi Ali Ahmed, Dr. Ali Hasan Taj al-Din, Abdel Mahmoud Abu, Tirab Tendle, Hussein Adam Salama, Abdallah Musa, Haj Musa Abd al-Rahim, Ali el-Khattib, Suliman Khalaf Allah, Abdul Rahman al-Amin, Sa'eed Ashaiqir, Faqiri Abdallah, Galal Ismail, Khalil Osman Khalil, Mahjoub al-Zubair, Immad Ali Dahab, Mahir Mekki, Muatasim Siam, Hassan Hussain and Abdul Azim Abdallah, on the one hand and the Republic of the Sudan, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the revised methods of work adopted by it and in order to carry out 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 seven of the cases in question within 90 days of the transmittal of the letter by the Working Group. However, as regards the other 19 persons the Working Group notes with concern that till date no information has been forwarded by the Government. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of each of the cases of alleged arbitrary detention brought to its knowledge.
3. (Same text as para. 3 of Decision No. 35/1995.)
4. In the light of the allegations made the Working Group welcomes the cooperation of the Government of the Sudan regarding seven of the persons in question. The Working Group would also have welcomed the cooperation of the Government as regards the other 19 persons concerned. The Working Group transmitted the reply provided by the Government to the source but, to date, the latter has not provided the Working Group with its comments. The Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, in the context of the allegations made and the response of the Government thereto.
5. In rendering its decision, the Working Group, in a spirit of cooperation and coordination, has also taken into account the report of the Special Rapporteur of the Commission on Human Rights, Mr. G. Biro, pursuant to Commission resolution 1995/77.
6. According to the communication submitted by the source, a summary of which was forwarded to the Government: Since the detention, in mid-May 1995, of Mr. Sadiq al-Mahdi, leader of the Umma Party and the last elected Prime Minister of Sudan, more than one hundred suspected political opponents

were detained, allegedly without charge or trial. Fifty-five of these detainees were reported to have been transferred on 26 May 1995 from Kober Prison to the prisons of Obied, Kostî and Medeni. According to the source the detentions took place in Khartoum, Kostî and Qadarif. Those detained included the following: Tebira Indris Habani (ex MP), Ali al-Umda Abdel Majid (ex MP), Abdel Rasoul al-Nour (former Governor of Kordfan), Fadal Allah Burma (former State Minister for Defence), Abdel Mahmoud Haj Salih (ex MP and former Attorney General), Sarra Nuqd Allah (University Lecturer and Secretary of Women's Affairs in the Umma Party), Dr. Abdel Nabi Ali Ahmed (former Governor of Dar Fur), Dr. Ali Hasan Taj al-Din (former member of the State's Supreme Council), Abdel Mahmoud Abu (Secretary General of ASPC), Tirab Tendle (prominent member of Ansar Sect), Hussein Adam Salama (Secretary of the Umma Party Headquarters).

7. According to the reports, a new wave of detentions took place at the end of May, principally of members of the Communist Party, trade unionists, and members of the Umma Party and Ansar Sect. According to the source, at least 21 persons have been arrested in that wave of detentions, which was taking place mainly in Khartoum and Port Sudan. Those detained reportedly included the following: Abdallah Musa (trade unionist), Haj Musa Abd al-Rahim (trade unionist), Ali el-Khattib (trade unionist), Suliman Khalaf Allah (engineer), Abdul Rahman al-Amin (director of an insurance company), Saa'eed Ashaiqir (teacher), Faqiri Abdallah (employee of the Sudan Ports Corporation), Galal Ismail (businessman), Khalil Osman Khalil (businessman), Mahjoub al-Zubair (worker, trade unionist), Immad Ali Dahab (director of Bohain Hotel), Mahir Mekki (employee of the Sudan Ports Corporation, and journalist), Muatasim Siam (engineer), Hassan Hussain (merchant and football coach), Abdul Azim Abdallah (employee of the Sudan Ports Corporation).

8. It was alleged that these detentions were arbitrary because they were based solely on the political opinions of the detainees, and that none of them has been charged or tried.

9. According to the Government's reply of 10 October 1995, seven of the persons in question, Tebira Indris Habani, Ali al-Umda Abdel Majid, Fadal Allah Burma, Dr. Abdel Nabi Ali Ahmed, Abdel Mahmoud Abu, Tirab Tendle and Hussein Adam Salama, were amnestied and released on 14 August 1995. As regards the other 19 persons concerned, the Government did not provide any information.

10. It appears from the allegations as described above, which, it may be recalled, have not been refuted by the Government despite the fact that it was given an opportunity to do so, that the other above-named 19 persons were, on the one hand, arrested and then detained without charge or trial, in violation of their right to fair trial guaranteed by article 10 of the Universal Declaration of Human Rights and by articles 9.2, 9.3, 9.4, 9.5 and 14.3 (a) and (c) of the International Covenant on Civil and Political Rights, and that the non-observance of these international standards is of such gravity that it confers on the deprivation of liberty an arbitrary character. On the other hand, that these persons are being detained solely on the grounds of having freely exercised their right to freedom of opinion and expression guaranteed by article 19 of the Universal Declaration of Human Rights and by article 19 of the International Covenant on Civil and Political Rights.

11. In the light of the above the Working Group decides:

(a) Having examined the available information and without prejudging the nature of the detention, the Working Group decides to file the cases of Tebira Indris Habani, Ali al-Umda Abdel Majid, Fadal Allah Burma, Dr. Abdel Nabi Ali Ahmed, Abdel Mahmoud Abu, Tirab Tendle and Hussein Adam Salama in terms of paragraph 14.1 (a) of its revised methods of work.

(b) The detention of Abdel Rasoul al-Nour, Abdel Mahmoud Haj Salih, Sarra Nuqd Allah, Dr. Ali Hasan Taj al-Din, Abdallah Musa, Haj Musa Abd al-Rahim, Ali el-Khattib, Suliman Khalaf Allah, Abdul Rahman al-Amin, Sa'eed Ashaiqir, Faqiri Abdallah, Galal Ismail, Khalil Osman Khalil, Mahjoub al-Zubair, Immad Ali Dahab, Mahir Mekki, Muatasim Siam, Hassan Hussain and Abdul Azim Abdallah, is declared to be arbitrary being in contravention of articles 10 and 19 of the Universal Declaration of Human Rights, and articles 9.2, 9.3, 9.4, 9.5, 14.3 (a) and (c) and 19 of the International Covenant on Civil and Political Rights, to which the Republic of 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.

12. Consequent upon the decision of the Working Group declaring the detention of the 19 persons mentioned above in paragraph 11 (b) to be arbitrary, 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 provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 23 May 1996.