

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: AFR 54/015/2014

30 June 2014

Sudan: On Omar al-Bashir's 25th year in power, authorities must end restrictions on civil and political rights

On the 25th anniversary of the military coup that brought President Omar al-Bashir to power in Sudan, Amnesty International calls on the Sudanese authorities to reverse the shrinking space allowed for political opposition and freedom of expression. In the past year, several large demonstrations have been met with excessive force and arbitrary arrests by security forces. Other individuals have also been detained and charged under restrictive and discriminatory laws against adultery, apostasy and public decency that should be repealed. President Bashir's announcement in January 2014 that he plans to hold a 'national dialogue' open to all political parties serves as a reminder that the Sudanese authorities must end such restrictions. They must release all those detained without charge and repeal legislation allowing for arbitrary detentions and restrictions on freedom of expression, association and assembly.

The practice of arbitrary detentions against political opposition was exemplified on 17 May 2014 when the former Prime Minister toppled in that 1989 coup, Sadiq Al Mahdi, was arrested and charged with undermining the Constitution. Al Mahdi, now leader of the opposition National Umma Party, was detained after publicly accusing the Rapid Support Forces (RSF), a militia aligned with the government, of human rights abuses against civilians in Darfur. Sadiq Al Mahdi was released after a month in detention, but on 8 June another opposition leader, Ibrahim al-Sheikh, was arrested after he made similar statements about RSF activities. Al-Sheikh, head of the Sudanese Congress Party, now faces charges that could result in the death penalty if he is convicted.

These arrests fit a wider pattern of arbitrary detentions and harassment by the National Intelligence and Security Service (NISS) against perceived opponents of the ruling National Congress Party, including members of the opposition, independent journalists and political demonstrators. In the past year, students and political activists have organized a number of prominent, large-scale demonstrations across Sudan, which have been met with excessive use of force and arbitrary arrests by the NISS and police. On 23 September 2013 at protests in cities around Sudan against cuts to fuel subsidies, security forces used live ammunition against demonstrators killing over 170 people. They also arrested hundreds of activists and instructed the Chief Editors of several Khartoum's newspapers to only publish information on the demonstrations provided to them by the NISS or police. A demonstration at the University of Khartoum on 11 March 2014 in response to increased violence in Darfur was forcibly suppressed by the NISS and police using live ammunition and tear gas. A student, Ali Abakar Musa Idris, died in hospital from gunshot wounds he sustained as the protest was dispersed. In the days following this protest and Ali Abakar Musa Idris' funeral, the NISS carried out a wave of arbitrary arrests across Khartoum of students and activists that participated in the protests.

Sudan's legal framework effectively allows for arbitrary detentions by permitting the NISS to detain individuals without judicial oversight. The 2010 National Security Act (NSA) stipulates that the NISS can arrest and detain any person for up to 30 days, and then extend the detention for up to four and a half months should the Director of the NISS consider it a necessity for the completion of the investigation. Since the NSA does not specify the grounds on which such detentions may be justified, detainees are often held incommunicado, leaving them vulnerable to torture and other ill-treatment. Amnesty International has documented numerous cases of individuals being arrested without being informed of the reason or the charges against them, and being held without access to a lawyer. It is common practice for the NISS to respond to requests for information from family members of those detained by denying the arrest or informing the family that they must wait for 15 days before requesting a visit.

Three of those currently held without charge by the NISS, Mohamed Salah Mohamed Abdelrahman, Moamar Musa Mohamed and Taj Alsir Jaafar have been in detention since 12 May 2014 after the NISS arrested each of them separately outside the University of Khartoum. When two of the activists' families were finally permitted to visit them in detention a month later, they noticed signs of beatings on their bodies. All three activists were involved in protests at the University of Khartoum in response to the killing of Ali Abakar Musa Idris, and Mohamed Salah Mohamed Abdelrahman and Taj Alsir Jaafar have both been detained without charge several times in the past. All three must either be charged with a recognizable offence or released, while Sudan's authorities must respect the right of those critical of the government to freedom of expression, association and assembly and investigate all allegations of torture. The 2010 National Security Act must be repealed, and the NISS reformed to bring it into line with international human rights treaties and standards including the International Covenant on Civil and Political Rights.

[Urgent action for Mohamed Salah Mohamed Abdelrahman, Moamar Musa Mohamed and Taj Alsir Jaafar](#)

In addition to political opposition and activists, other groups and individuals exercising their rights to freedom of expression have faced harassment through ill-defined and discriminatory laws to combat public indecency. Under Sudan's Public Order Regime, a woman can be stopped and arrested for wearing trousers or leaving her hair uncovered. Amira Osman Hamed was arrested by Sudan's Public Order Police on 27 August 2013 for refusing to cover her hair with her headscarf. She was charged with 'indecent dress' under Article 152 of Sudan's 1991 Criminal Code, which can carry a sentence of 40 lashes. Although her trial has been delayed since September 2013 due to an appeal by lawyer, her charges have not yet been dropped.

Article 152 prohibits behaviour "contrary to public morality" and "indecent, or immoral dress, which causes annoyance to public feelings." Since it does not specify what is covered by "immoral" or "indecent" dress, it gives the police, prosecution and courts broad discretion to judge whether a person has acted or dressed in an indecent manner. In addition to its vagueness, the law is discriminatory in its application. Although the Public Order Regime applies to both men and women, those sentenced to flogging are overwhelmingly women. It also imposes unreasonable restrictions on the human rights of freedom of peaceful assembly. In 2003 eight women were flogged in public using a wire and plastic whip after picnicking with male friends in public, prompting the African Commission on Human and Peoples' Rights to call for Article 152 to be revised. The authorities must repeal the provisions of the Public Order Regime and drop the charges against Amira Osman Hamed. Sudan should abolish flogging as a punishment, since it violates the prohibition of cruel and degrading treatment and punishment under international human rights law.

[Urgent action for Amira Osman Hamed](#)

The case of **Meriam Yeyha Ibrahim**, a Sudanese Christian woman released from detention after significant international response, further demonstrates the need for Sudan to repeal laws that restrict freedom of expression and association. After being arrested for adultery in August 2013 due to her marriage to a Christian man, she was given the further charge of apostasy in February 2014 after insisting that she has been raised as a Christian. Meriam was sentenced to flogging for adultery and death by hanging for apostasy in May 2014 under Articles 146 and 126 of the 1991 Criminal Code respectively. Although this verdict has since been overturned, these two articles must now be removed from Sudan's criminal code. Article 126 criminalizing apostasy is incompatible with Sudan's obligations under Article 18 of the ICCPR to protect the right to freedom of thought, conscience and religion. Article 146 criminalizing adultery violates the right to freedom of expression and association under Article 22 of the ICCPR and invariably discriminates against women in its enforcement. Sudan should also abolish the death penalty, which Amnesty International considers to be the ultimate cruel, inhuman and degrading punishment and a violation of the right to life.

[Latest update on the case of Meriam Yeyha Ibrahim](#)

In January 2014 President Omar al-Bashir announced plans to achieve peace in Sudan and protect constitutional rights through a 'national dialogue', open to participation by all parties and even armed movements. He followed this up in April 2014 with a promise to release all political detainees. Yet the cases mentioned in this statement represent only a small sample of the restrictions on expression,

association and assembly that people in Sudan continue to face and that will hinder any meaningful attempts for a national dialogue. To prevent further such violations, Sudanese authorities must:

- Repeal the National Security Act;
- Repeal all laws that breach Sudan's international obligations to respect the freedoms of expression, association and assembly, including Articles 126, 146 and 152 of the Criminal Code;
- Immediately and unconditionally release all those whose deprivation of liberty results from the peaceful exercise of their rights to freedom of expression, association and assembly;
- Ensure that Sudanese security services end the practice of arbitrary detentions of activists and investigate all allegations of torture in detention.