

Sudan: Urgent concern for human rights defender on hunger strike over unlawful detention

FEBRUARY 14, 2017

Dr. Mudawi Ibrahim Adam, a prominent Sudanese human rights defender, has been unlawfully detained for over two months, held by the National Intelligence and Security Services (NISS) at Khartoum's Kober Prison without charge or access to legal representation, 39 human rights groups and activists said.

Dr. Mudawi, who was arrested with his driver, Adam El-Sheikh Mukhtar, on December 7, 2016 at the University of Khartoum, has received three brief visits from family members, all of which have been supervised by the NISS. A public statement issued by the family after meeting him on January 27, 2017 stated that he appeared to be in poor health with visible weight loss. They said that the NISS have prevented Dr. Mudawi from receiving essential medication for a pre-existing heart condition. The latest visit, on February 9, followed a week-long hunger strike that continues to date. The family noted that Dr. Mudawi has lost further weight and is extremely fragile with decreasing blood pressure.

Released detainees also reported to Hurriyat and Radio Dabanga that they saw Dr. Mudawi being beaten by NISS officers following the declaration of his first hunger strike.

February 14, 2017 is 70 days since his arrest, and 13 days since Dr. Mudawi resumed a hunger strike to protest his detention without charge or access to legal representation. He originally went on hunger strike on January 22, but ended it on January 27 following a family visit. Dr. Mudawi resumed his hunger strike on February 2 to protest the continued unlawfulness of his detention. He has since been placed into a "punishment cell" with bad ventilation and very hot temperatures, thereby exacerbating his medical concerns. The NISS have furthermore opened proceedings against Dr. Mudawi under Article 133 (Attempted Suicide) as a result of his hunger strike.

The Government of Sudan, under law, is responsible and accountable for the mental and physical integrity of Dr. Mudawi, and over a dozen other detainees who are being held by NISS without charge or access to their families and lawyers. They include human rights defenders Tasneem Ahmed Taha Alzaki and Hafiz Idris. The NISS is known for ill-treatment and torture. Released detainees have reported harsh beatings by officials in Kober prison.

The undersigned organisations and individuals call on the Sudanese authorities to immediately release all detainees or to charge them with an internationally recognised offence, and to ensure their physical and psychological integrity in custody.

The prolonged detention, without access to counsel, of Dr. Mudawi and his colleagues constitutes a clear violation of international human rights norms, which prohibit arbitrary or unlawful detention. Sudan's 2010 National Security Act allows NISS to hold detainees for up to four and a half months without judicial review, in violation of international human rights norms.

Moreover, the abuse of detainees – as documented by these organisations – violates Sudan's obligations under international law and the African Charter on Human and Peoples' Rights, which prohibit torture, cruel, inhuman or degrading punishment and treatment.

The organisations condemn the silencing of political opposition members, activists, and human rights defenders through arbitrary detention, despite constitutional guarantees of the freedom of expression, association, and assembly. The criminalisation and arbitrary detention of human rights defenders is contrary to the protections guaranteed by the UN Declaration on Human Rights Defenders and Sudan's obligations under international and regional human rights law.

The groups call upon the Government of Sudan to grant the aforementioned detainees immediate and unequivocal access to their lawyers and family members, and release them in the absence of valid legal charges consistent with international standards.

The groups also call on Sudan to reform the 2010 National Security Act which grants the NISS wide powers of arrest and detention for up to four and a half months without judicial review, as well as broad powers of search and seizure, permits incommunicado detention without prompt access to a lawyer, and grants immunity to officials.

The groups furthermore call for the investigation and prosecution of those found responsible for ill-treatment and torture. The organisations are unaware of any prosecution of NISS officers despite wide reporting of ill-treatment and torture in NISS facilities. Impunity for such violations remains the norm.

Background

Dr. Mudawi was arrested by NISS on December 7, 2016 from the University of Khartoum with his long-time driver, Adam El Sheikh Mukhtar. NISS did not notify Dr. Mudawi's family that he was in

custody until one week after his arrest. Nora Abaid, an accountant at Dr. Mudawi's engineering company, Lambda Engineering, is also detained. She was detained on December 12, 2016 by plain-clothes NISS officers in an unmarked car. She has received one family visit, following which there were concerns over her psychological well-being.

NISS officials interrogated the three detainees twice during the initial week of their respective detentions and have not questioned them since. The reason for their arrest and detention remains unclear.

On January 13, 2017, two of Dr. Mudawi's brothers were allowed a very short meeting supervised by the NISS. Family again visited Dr. Mudawi on January 27 and persuaded him to temporarily abandon his hunger strike for the benefit of his health and to allow the family to make representations on his behalf to national institutions. Dr. Mudawi agreed, though stated he would commence an open-ended hunger strike on February 2 unless the authorities issued formal charges or released him. The deadline has passed and Dr. Mudawi has started his second hunger strike. Dr. Mudawi suffers from a long-standing heart condition thereby increasing the risks and dangers associated with a hunger strike. The family were allowed access again on February 9, one week after the commencement of his hunger strike. They noted he was incredibly weak and was consequently visited by a prison doctor on February 5. The doctor took his blood pressure, which was low and decreasing. The family have demanded that Dr. Mudawi be granted access to his own doctor.

Former detainees' report that Dr. Mudawi has suffered torture at the hands of security officials. A source reports that Dr. Mudawi was chained to a cooling system in an isolated part of Kober Prison, his hands and feet bound together, and beaten by members of the security forces over several days. Individuals reported that Dr. Mudawi was beaten on January 22 and 23.

Please follow this link for further background: [Prominent Human Rights Defender Detained Incommunicado](#).

Contact

Human Rights Watch (HRW): Jehanne Henry (English, French): +1 917 443 2724, henryj@hrw.org.

The African Centre for Justice and Peace Studies (ACJPS): Mossaad Mohamed Ali (English, Arabic, Swedish): +256 779584542; or Emily Cody, (English): +256 788695068, info@acjps.org.

Co-signatories:

- Act for Sudan
- African Centre for Justice and Peace Studies (ACJPS)
- Alkarama Foundation
- Al-Khatim Adlan Centre for Enlightenment and Human Development (KACE)
- Arab Coalition for Sudan (ACS)
- Association for Human Rights in Ethiopia (AHRE)
- Cairo Institute for Human Rights Studies (CIHRS)
- Darfur Bar Association (DBA)
- Darfur Relief and Documentation Centre (DRDC)
- DefendDefenders (the East and Horn of Africa Human Rights Defenders Project)
- Democratic Thought Project
- Enough Project
- Face Past for Future Foundation (FP4F)
- FIDH, within the framework of the Observatory for Protection of Human Rights Defenders
- Front Line Defenders (FLD)
- Human Rights and Development Organization (HUDO)
- Human Rights Watch (HRW)
- Humanitarian Aid Relief Trust (HART)
- Hurriyat Sudan
- International Justice Project (ICJ)
- International Refugee Rights Initiative (IRRI)
- Investors Against Genocide
- Journalists for Human Rights (JHR)
- Massachusetts Coalition to Save Darfur
- National Coalition of Human Rights Defenders Uganda
- Pan African Human Rights Defenders Network
- PAX for Peace
- South Sudan Human Rights Defenders' Network (SSHRDN)
- Southern African Human Rights Defenders Network
- Sudan Democracy First Group (SDFG)
- Sudan Human Rights Initiative (SHRI)
- Sudan Rights Group (Huqooq)
- Sudan Unlimited
- SUDO (UK)

- World Organisation Against Torture (OMCT), within the framework of the Observatory for Protection of Human Rights Defenders
- Ahmed Isam Aldin – Visual Artist, Art Vs War
- Asha Khalil El-Karib, Women Rights Defender
- Baroness Caroline Cox, House of Lords
- Majid Maali, Human Rights Lawyer, East and Horn of Africa Human Rights Defenders Project