



‘UNINVESTIGATED, UNPUNISHED’

HUMAN RIGHTS VIOLATIONS AGAINST DARFURI STUDENTS IN SUDAN

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First published in January 2017

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: AFR 54/4848/2017

Original language: English

amnesty.org



Cover photo: *Darfuri students protest against unlawful killings in South Kordofan and Darfur outside the UN compound in Khartoum, June 2016. @Darfur Students' Association.*

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GLOSSARY

ACHPR	African Commission on Human and Peoples' Rights
ACJPS	African Centre for Justice and Peace Studies
ACLED	Armed Conflict Location and Event Data Project
AU	African Union
AUHIP	African Union High Level Implementation Panel
CSOS	Civil Society Organizations
DBA	Darfur Bar Association
DDPD	Doha Document for Peace in Darfur
DPA	Darfur Peace Agreement
ICC	International Criminal Court
JEM	Justice and Equality Movement
NCF	National Consensus Forces
NCP	National Congress Party
NCSP	National Council for Strategic Planning
NISS	National Intelligence Security Service
PCP	Popular Congress Party
RSF	Rapid Support Forces
SAF	Sudanese Armed Forces
SLA/AW	Sudan Liberation Army/Abdul Wahid
SLA/MM	Sudan Liberation Army/Minni Minnawi
SPLA/M-N	Sudan People's Liberation Army/Movement-North
SRF	Sudan Revolutionary Front
UNAMID	African Union-United Nations Hybrid Operation in Darfur
UPF	United Popular Front
UPR	Universal Periodic Review

1. EXECUTIVE SUMMARY

The armed conflict in Sudan, particularly the protracted conflict in Darfur that began in 2003, has long been associated with human rights violations. Students from Darfur also experience violations of their human rights throughout Sudan. Over the last few years, Amnesty International has been documenting the targeting by Sudanese security agents of student political activists from Darfur, perceived to be armed group supporters. Thus, the armed conflict has become both an excuse and a mask for human rights violations not only in Darfur, but also in the rest of the country.

The rights being violated include freedom of association, peaceful assembly and freedom of expression, as well as freedom from arbitrary arrest, torture and other ill-treatment, or punishment in detention and unlawful killings. Since the conflict started in Darfur in 2003, the police and the security services have arbitrarily arrested and detained at least 10,000 students from Darfur. In 2015 alone, the police and the security services arbitrarily arrested and detained at least 200 students from Darfur. During the same period, Amnesty International documented at least 13 students from Darfur killed in various universities across Sudan, possibly by police officers, National Intelligence and Security Service (NISS) agents, and/or ruling party affiliated students.

Most of these violations were committed by Sudanese security forces, who repeatedly used excessive force to break up assemblies of Darfuri students, violating their rights to freedom of expression, association and peaceful assembly. Security agents demonstrated bias in their policing of student protests, appearing to target only Darfuri students for arrests, while ruling party affiliated students were not held to account. Ruling party affiliated students also perpetrated abuses against Darfuri students and university professors, including through beatings and threats. Although these are criminal offenses, the state failed to prosecute the ruling party affiliated students who committed these abuses.

This report focuses on human rights violations experienced by students from Darfur since 2014. Amnesty International, between October 2015 and October 2016, conducted 84 interviews, 52 of which were with students from Darfur studying at 14 universities across Sudan. The remaining interviews were conducted with lawyers, human rights defenders, other student activists, political activists, journalists and academics from Sudan. Amnesty International wrote to the Ministry of Higher Education and Scientific Research, the Ministry of Justice and eight universities to solicit their inputs to the report, including on university policies on fee waivers, student activism and the violations of these students' rights to freedom of expression and peaceful assembly. Amnesty International had received no response from these ministries and universities by the time of publication.

This report highlights a number of triggers of violence involving Darfuri students in universities. Among them is the contested issue of fee exemptions for Darfuri students based on various peace agreements including the Doha Document for Peace in Darfur (DDPD) 2011 and the Darfur Peace Agreement (DPA) 2006. In almost all Sudanese universities, there is an annual dispute between Darfuri students and university administrations over the payment of Darfuri students' tuition fees.

In October 2015, for example, at the University of the Holy Quran and Islamic Sciences in Omdurman, a suburb of the capital Khartoum, the Darfur Students' Association organized a sit-in demanding implementation of the fees exemption policy. Students taking part in this sit-in were physically assaulted by students affiliated with the ruling party using iron bars and knives. Dozens of Darfuri students were arrested by the police and the NISS, and four expelled from the university.

October and November 2016 witnessed three fee payment disputes in Omdurman Islamic University, the University of Khartoum and the University of El Fasher respectively.

This annual dispute has resulted in students being expelled from universities or banned from sitting exams for failing to pay fees.

Between 2014 and 2016, at least 70 students from Darfur were expelled from three universities. The University of Bahri in Khartoum North expelled 33 students for protesting to demand fee waivers in December 2014. The Holy Quran and Islamic Sciences University in Omdurman, Khartoum expelled four students, also for protesting to demand fee waivers in December 2015. The University of Zalingei in Central Darfur State expelled 33 students for political activism between November 2015 and March 2016.

Darfuri students have also been suspended from studying or denied their certificates after graduation. When they protest against university policy, they are violently dispersed by the NISS, the police and ruling party affiliated students and, on many occasions, are arrested and subjected to ill-treatment and torture.

Another trigger for violence is the political activities of Darfuri students in relation to the conflict in Darfur. Darfuri students' attempts to discuss the conflict in Darfur through public fora in the universities are regularly violently thwarted by ruling party affiliated students. Senior government officials have also made inflammatory public statements against the political activities of Darfuri students. Many students participating in these public fora are also arrested and subjected to torture and ill-treatment while in custody.

This report presents a number of other examples to highlight the pattern of suppression of Darfuri students' right to freedom of association and peaceful assembly. In April 2015, for example, at the University College of Sharq Al Niel in Khartoum North, the Darfur Students' Association organized a meeting to plan a cultural event. Participants at the meeting were physically assaulted by the ruling party affiliated students, resulting in the death of one student affiliated with the ruling party and the serious injury of five students from Darfur.

This report also highlights incidents of arbitrary arrests and detention as well as torture and ill-treatment committed by the NISS and the police. Many of those arrested were dismissed from the universities, others simply dropped out. In May 2015, two students were arrested for meeting with the United Nations (UN) Special Rapporteur on violence against women, Rashida Manjoo. In November 2015, eight students were arrested for demanding implementation of a fee waiver policy at the University of the Holy Quran and Islamic Sciences in Omdurman. In January 2016, at the University of El Geneina in West Darfur State, two dozen students were arrested for exercising their right to freedom of expression. One student was killed during this incident.

At the University of El Fasher, the capital of North Darfur, 20 students were arrested in April 2015 for protesting against the Sudanese general elections of April 2015. They were subjected to torture and ill-treatment by the police and the NISS. This report also highlights three other cases of student activists subjected to torture and ill-treatment.

Additionally, this report illustrates some cases of unlawful killings, including death in custody, killings by security forces during protests, killings by excessive use of force and killings by pro-government groups. Sudanese human rights defenders and human rights organizations have repeatedly called on the government to investigate these cases and bring perpetrators to justice, but the government has failed to initiate thorough, impartial and independent investigations to date.

The human rights violations experienced by Darfuri students and the range of coercive measures used by the state against them have a nexus to the protracted conflict in Darfur.

Amnesty International calls on the Government of Sudan to ensure student activists are neither arbitrarily arrested or detained, tortured or otherwise ill-treated, nor deprived of their liberty except in accordance with legally established procedures and Sudan's obligations under regional and international human rights law.

Amnesty International calls on the Government of Sudan to launch impartial and effective investigations into all unlawful killings since 2003 in universities across Sudan and publicly publish their findings. The investigations should provide a full accounting of the dead and injured, the circumstances surrounding each incident resulting in death or injury, evidence that indicates the extent to which the security services are implicated, and evidence of any third party responsibility. All suspected perpetrators must be brought to justice in fair trials without recourse to the death penalty.

Amnesty International calls on the Government of Sudan to ensure that all victims of human rights violations, in particular the families of victims of unlawful killings, have the right to effective remedy, including full reparations for harm suffered.

Amnesty International calls on the UN Human Rights Council to apply constant pressure on Sudan to implement all the recommendations it accepted during the Universal Periodic Review (UPR) in May 2016, including respecting the rights to freedom of expression, association and assembly by allowing human rights defenders, students, political dissidents and journalists to express their views freely in line with international human rights law.

Amnesty International calls on the African Commission on Human and Peoples' Rights (ACHPR) to urge the Government of Sudan to implement all previous recommendations made by the ACHPR, including recommendations outlined in its concluding observations of its 12th Extraordinary Session in 2012 as concerns the absolute prohibition of torture, respect for freedom of expression, prison conditions, arbitrary arrest and detention.

2. METHODOLOGY

This report is based on information gathered from a variety of primary and secondary sources, and including two weeks of field research in Cairo, Egypt in November and early December 2015. In Cairo, Amnesty International met refugees from Darfur, most of whom were former students in Sudan. The report primarily focuses on the period from 2014 to 2016.

Amnesty International conducted 84 interviews in the course of the research for this report. 32 were face-to-face interviews in Cairo, Egypt. 29 were telephone interviews and 23 interviews were carried out via email. 52 of those interviewed were students who studied at 14 universities across Sudan. These students came from different parts of Darfur North, South and West, and were members of different ethnic groups. The majority are members of the Darfur Students' Association (a student body that advocates for Darfuri students' rights in all universities). The remaining 32 interviews were conducted with lawyers, human rights defenders, other student activists, political activists, journalists and academics from Sudan.

In April and May 2016, Amnesty International sought further information from eight universities on issues pertinent to the research, including university policies on fee waivers and on student activism. These universities were: the University of the Holy Quran and Islamic Sciences in Omdurman; Al Zaiem Al Azhari University in Khartoum North; Sudan University of Science and Technology in Khartoum; University of Khartoum; University of Zalingei in Central Darfur State; Omdurman Islamic University in Omdurman; El Geneina University in Western Darfur State; and Al-Neelain University in Khartoum. By the time of publication, Amnesty International had received no response from any of these universities.

Amnesty International also communicated with the Ministry of Higher Education and Scientific Research and the Ministry of Justice. The organization sought information from the Ministry of Higher Education on its policy on fee waivers for students from Darfur, its position on student activism and students' right to freedom of expression and peaceful assembly. In June 2016, Amnesty International sought information from the Ministry of Justice on actions taken to: respect, protect and fulfil the right to freedom of expression and association in universities; investigate and ensure accountability for incidents of student killings in universities; and investigate allegations of torture and other ill-treatment of university students in custody and ensure that perpetrators are held to account. By the time of publication, Amnesty International had received no response from these ministries.

This report includes references to a number of unlawful killing cases previously documented and made public by Amnesty International, given that the government has failed to date to investigate these cases and bring perpetrators to justice.

Other secondary information included is from reports and other documentation produced by UN agencies, the Government of Sudan, Sudanese and international non-governmental organizations (NGOs) and the media. Amnesty International consulted documents published by: the UN Office for the Coordination of Humanitarian Affairs (OCHA), the UN High Commissioner for Human Rights; the UN Panel of Experts on Darfur; International Criminal Court (ICC) statements to the UN Security Council on the situation in Darfur; Human Rights Watch; the African Centre for Justice and Peace Studies (ACJPS); the National Council for Strategic Planning (NCSP) in Sudan; and the Government of Sudan during its 2016 Universal Periodic Review (UPR) at the UN Human Rights Council.

Amnesty International has not had access to Sudan to carry out human rights research since 2006. Repeated remote interviews about human rights violations places human rights defenders and student activists at significant risk of retaliation. To mitigate these risks, Amnesty International diversified the sources of our data to confirm its accuracy. Amnesty International also changed some of the names of those referenced in this report to protect their identities.

Amnesty International would like to thank everyone who contributed to this report, in particular the Darfuri asylum seekers and refugees in Egypt and various student groups in Sudan.

3. BACKGROUND

The security and humanitarian situation in Darfur remained dire as the armed conflict entered its fourteenth year in 2017.¹ The government launched a military offensive against the Sudan Liberation Army/Abdul Wahid Al Nur (SLA/AW) in the inner Jebel Marra region in Central Darfur in January 2016. The fighting in Jebel Marra caused the displacement of an estimated 195,000 people, according to UN OCHA.² Hundreds of thousands of civilians have been killed by the violence or by conflict-induced starvation, dehydration and disease.³



Hundreds of women and children seek shelter in a cave from the bombing by government forces outside of the town of Sarong in Jebel Marra in Central Darfur, Sudan, March, 2015. ©Adriane Ohanesian

Amnesty International's recent report on Jebel Marra documented serious violations of international humanitarian and international human rights law by the Sudanese Armed Forces (SAF), including the bombing of civilians and civilian property, the unlawful killing of men, women and children, the abduction and rape of

¹ UN Security Council, Resolution 2296 (2016), S/RES/2296 (2016), available at www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2296.pdf

² UN OCHA, *Jebel Marra Crisis: Fact Sheet*, Issue 8, 1 October 2016, available at http://reliefweb.int/sites/reliefweb.int/files/resources/Jebel_Marra_Crisis_Fact_Sheet_Issue_8_01_Oct_2016.pdf

³ "Darfur deaths 'could be 300,000'", BBC News, 23 April 2008, available at news.bbc.co.uk/2/hi/7361979.stm; O Degomme and D Goha-Sappir "Patterns of Mortality in Darfur Conflict," *The Lancet*, 375, 23 January 2010; E Depoortere et al, "Violence and Mortality in West Darfur, Sudan (2003-4): epidemiological evidence from our surveys," *The Lancet*, 364, 9 October 2004; D Nabarro "Mortality Projects for Darfur," WHO, 15 October 2004; Amnesty International, *Scorched Earth, Poisoned Air: Sudanese government forces ravage Jebel Marra, Darfur* (Index: AFR 54/4877/2016).

women, the forced displacement of civilians and the looting and destruction of civilian property, including the destruction of entire villages.

Amnesty International also documented evidence that suggests the SAF repeatedly used chemical weapons during attacks in Jebel Marra.⁴ Using satellite imagery, more than 200 in-depth interviews with survivors and expert analysis of dozens of images showing babies and young children with terrible injuries, the investigation indicates that at least 30 chemical attacks may have taken place in the Jebel Marra area since January 2016.⁵

The armed opposition groups fighting the SAF in Darfur have splintered since the conflict began, primarily from the Sudan Liberation Movement/Army (SLM/SLA) and the Justice and Equality Movement (JEM). In 2016, there were at least 50 rebel factions in Darfur. According to a Sudanese expert on conflict analysis and resolution, the main causes of this fragmentation are the political alignment along ethnic and tribal lines, the government's successful divide and rule policy and the collapse of various peace agreements, including the DPA in 2010. None of these peace agreements "brought peace or security to Darfur."⁶ In 2011, three armed groups refused to sign the DDPD, instead joining the Sudan Revolutionary Front (SRF) coalition in 2012.⁷ As of late 2016, peace in Darfur and Sudan remains elusive.⁸ Despite countless failures in the Darfur peace process, the government celebrated completion of implementation of the DDPD on 7 September 2016.⁹

The Darfur region remains one of the most violent in the country. Data from the Armed Conflict Location and Event Data Project (ACLED) for 2015 shows that 67% of all violent incidents in Sudan were recorded in Darfur. 807 violent incidents occurred in Darfur, in which at least 2,000 people were killed.¹⁰ The NCSP reported that inter-communal violence in Darfur claimed the lives of over 700 people in 2015.¹¹

In its 2015 report, the UN Panel of Experts on Sudan¹² characterized the government's strategy in Darfur as one of "collective punishment of villages and communities from which the armed opposition groups are believed to come or operate" and "induced or forced displacement of those communities" with "direct engagement, including aerial bombardment, of the [armed rebel] groups when their location can be identified".¹³ In its 2016 report, the Panel of Experts identified 29 out of 42 2015 incidents of international humanitarian law violations committed by the Government of Sudan, its armed forces and allied militia in Darfur.¹⁴ The UN High Commissioner for Human Rights' report on Darfur noted that armed groups and government forces committed violations of international humanitarian law and abuses of international human rights law with impunity.¹⁵

⁴ Amnesty International, *Scorched Earth, Poisoned Air: Sudanese government forces ravage Jebel Marra, Darfur* (Index: AFR 54/4877/2016).

⁵ Amnesty International, *Credible evidence of the use of chemical weapons to kill and maim hundreds of civilians including children in Darfur revealed*, 29 September 2016, <https://www.amnesty.org/en/latest/news/2016/09/sudan-credible-evidence-chemical-weapons-darfur-revealed/>

⁶ Email correspondence with Adeeb Yousif Abdel Alla, PhD candidate, School for Conflict Analysis and Resolution, George Mason University, US, 22 July 2015. See also his paper titled, *Peace Agreement is the Same Game for War and its Escalation in Sudan*, <http://www.beyondintractability.org/casestudy/sudan-peace-agreement-same-game>

⁷ The SRF is a coalition of four armed opposition groups: JEM, SLM/AW, SLM/MM and SPLM-N.

⁸ Since the start of the conflicts in Blue Nile and South Kordofan in 2011, the AUHIP has convened at least 10 official peace talks between the Government of Sudan and the SPLM-N. They all failed to make progress. In 2014, the AUHIP adopted what they called "coordinate one peace process with two tracks" to accommodate Darfur, Blue Nile and South Kordofan and to be integrated into the National Dialogue initiated by the Government of Sudan in January 2014. On 21 March 2016, the armed opposition groups and National Umma Party refused to sign the Roadmap Agreement proposed by the AUHIP, but it was signed by the Government of Sudan.

⁹ Sudan News Agency: *Qatar, Chad and Central Africa Heads of State Attend DDPD Celebration*, 7 September 2016, <http://sudanow.info.sd/qatar-chad-and-central-africa-heads-of-state-attend-ddpd-celebration/>

¹⁰ The Armed Conflict Location and Event Data Project (ACLED), Sudan data, <http://www.acleddata.com/wp-content/uploads/2016/01/Sudan.xlsx>. The ACLED documents and maps a range of acts of violence committed by governments, militias, armed groups as well as in inter-communal clashes and riots.

¹¹ In October 2015, the NCSP reported that tribal conflicts caused the deaths of 754 people in 2015.

¹² The UN Panel of Experts on Sudan monitors the arms embargo on Darfur since 2005. Its 2016 report was blocked by UN Security Council members from being published in March 2016, it was released in September 2016.

¹³ UN Security Council, Letter dated 16 January 2015 from the Vice-Chair of the Committee established pursuant to Resolution 1591 (2005) concerning the Sudan addressed to the President of the UN Security Council, 19 January 2015, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2015_31.pdf

¹⁴ The final report of the UN Panel of Experts on the Sudan established pursuant to Resolution 1591 (2005), 22 September 2016, http://www.un.org/ga/search/view_doc.asp?symbol=S/2016/805, Annex 40, p.182-189.

¹⁵ The UN High Commissioner for Human Rights, *Impunity and Accountability in Darfur for 2014*, August 2015, paragraphs 58 and 62, pages 16-17, <http://www.ohchr.org/Documents/Countries/SD/ImpunityAccountabilityInDarfur2014.pdf>.

3.1 THE INTERNATIONAL CRIMINAL COURT AND ACCOUNTABILITY IN DARFUR

The situation in Darfur was referred to the ICC by the UN Security Council following the report of the UN International Commission of Inquiry on Darfur published in January 2005.¹⁶ The ICC issued warrants of arrest for four Sudanese senior government officials¹⁷ including President Omar al-Bashir, who was indicted by the ICC in March 2009 and charged with five counts of crimes against humanity, two counts of war crimes, and three counts of genocide in Darfur in 2010.

However, nine years have elapsed since the warrants of arrest were issued and they are yet to be executed. Frustrated by Sudan's failure to cooperate with the court and the inaction of UN Security Council members, the ICC Prosecutor, Fatou Bensouda, decided in December 2014 to "hibernate investigative activities in Darfur" as she shifted "resources to other urgent cases".¹⁸ In December 2015, the ICC Prosecutor, in her report to the UN Security Council on the situation in Darfur, reminded them that: "[t]he victims of Darfur have been let down for far too long."¹⁹ In a statement before the UN Security Council on 9 June 2016, the ICC Prosecutor urged the UN Security Council to take strong measures against states, both parties and non-parties to the Rome Statute, who failed to execute the outstanding arrest warrants against President Omar al-Bashir.²⁰

The Sudan government has also failed in its obligation to investigate and ensure accountability for international crimes committed in Darfur. Although the government appointed a Special Prosecutor for Darfur Crimes in 2011 and established the Special Criminal Court on the Events in Darfur in 2005, the Court has only tried minor cases²¹ and failed to prosecute high-ranking officers.²² The UN Panel of Experts reported that names of those suspected of violating international humanitarian law were shared with the Special Prosecutor for Crimes in Darfur and El Fasher police in January 2015, but no action was taken.²³ The former Special Prosecutor for Darfur Crimes, Yasser Ahmed Mohamed, told the ACHPR in May 2015 that 2,000 complaints had been filed by community members against armed groups, 285 of whom were on trial.²⁴ The Special Prosecutor did not report any cases against government-allied militia or the SAF, the NISS and the police for violations of international humanitarian and human rights law in Darfur.²⁵

Sudan's Minister of Justice, Awad Elhassan Elnour Khalifa, asserted during Sudan's UPR on 4 May 2016 at the UN Human Rights Council, that the Special Prosecutor for Darfur investigated 76 cases including murder, crimes against humanity, armed robbery and criminal damages in 2015. He further added: "The cases are

¹⁶ The Commission of Inquiry found that government forces and militias conducted "indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur". Its report also identified a number of senior government officials and military commanders who may be responsible for human rights violations in Darfur. Report of the International Commission of Inquiry on Darfur to the Secretary-General pursuant to UN Security Council Resolution 1564 (2004) of 18 September 2004, S/2005/60, paragraph 3, page 3 and paragraph 1, page 5.

¹⁷ On 27 April 2007, the ICC issued two warrants for the arrest of Ali Muhammad Al Abd-Al-Rahman "Kushayb", alleged leader of the pro-government militia (Janjaweed), and Ahmad Muhammad Harun, former Minister of State for the Interior and current Governor of North Kordofan State. Kushayb was charged with 22 counts of crimes against humanity and 28 counts of war crimes. Harun was charged with 20 counts of crimes against humanity and 22 counts of war crimes. On 1 March 2012, the ICC issued a warrant for the arrest of the former Minister of Defence, Abdel Raheem Muhammad Hussein, the current Governor of Khartoum State. He is charged with 20 counts of crimes against humanity and 21 counts of war crimes.

¹⁸ The Prosecutor of the ICC, Statement to the UN Security Council on the Situation in Darfur, pursuant to UN Security Council Resolution 1593 (2005), 12 December 2014, available at <http://www.icc-cpi.int/iccdocs/otp/stmt-20threport-darfur.pdf>

¹⁹ The ICC, the Twenty-Second Report of the Prosecutor of the ICC to the UN Security Council pursuant to UN Security Council Resolution 1593 (2005), December 2015, available at https://www.icc-cpi.int/iccdocs/otp/OTP-rep-15-12-15_Eng.pdf

²⁰ The ICC, the Twenty-Third Report of the Prosecutor of the ICC to the UN Security Council pursuant to UN Security Council Resolution 1593 (2005), December 2015, available at https://www.icc-cpi.int/iccdocs/otp/OTP-rep-15-12-15_Eng.pdf

²¹ ACJPS, *Special Criminal Court in Darfur sentences three men to death penalty followed by crucifixion*, 24 May 2013, available at <http://www.acjps.org/special-criminal-court-in-darfur-sentences-three-men-to-death-penalty-followed-by-crucifixion/>

²² Human Rights Watch, *Lack of Conviction: The Special Criminal Court on the Events in Darfur*, June 2006, available at <https://www.hrw.org/legacy/backgrounder/ii/sudan0606/sudan0606.pdf>

²³ In Massala, Sambal and Hillar Hager, victims attributed responsibility for IHL violations to armed groups of "Arab" origin. They identified the leaders of the perpetrators to the Special Prosecutor for Crimes in Darfur and El Fasher police station as Badr Abu Kinesh, Musa Neina and Hadu. Badr. Abu Kinesh is allegedly a senior officer in the Border Guards and was also the North Darfur Commissioner for Peace and Security at the time of the incident. The final report of the UN Panel of Experts on the Sudan established pursuant to Resolution 1591 (2005), 22 September 2016, available at http://www.un.org/ga/search/view_doc.asp?symbol=S/2016/805, paragraphs 102-103, page 30.

²⁴ ACHPR, *Report of the joint promotion mission to the Republic of the Sudan, 22-28 May 2015*, available at http://www.achpr.org/files/news/2016/08/d227/sudan_mission_report.pdf, page 41.

²⁵ However, on 18 October 2016, the Special Prosecutor for Crimes in Darfur, Al Fatih Tayfur, announced that 50 members of regular armed forces were found in violation of the law in their "personal capacities." Their immunities were lifted and they are currently being tried, http://www.ashoroog.net/index.php?option=com_content&view=article&id=61548:-50-&catid=32:2008-07-30-07-03-25&Itemid=1163

proceeding, some having been sent for trial and some still being investigated.”²⁶ Amnesty International was unable to find any independent information on these investigations or trials.

3.2 SUPPRESSION OF DARFURI STUDENTS’ ACTIVISM

While violations of international human rights and humanitarian law continue to be committed in Darfur²⁷, students from Darfur have also been unable to fully exercise their human rights in universities across Sudan. Public criticism of Sudanese government policies and practices is repressed by Sudanese security forces and by the NISS in particular.²⁸ University students attempting to protest government policy or practice have been targeted for arrest and their protests have been violently dispersed by the security forces.²⁹ Within the university student population, Darfuri students have been prevented, including violently, from organizing political fora to discuss the conflict in Darfur as well as events to celebrate their cultural heritage. There have been violent confrontations between students affiliated to the ruling party, the National Congress Party (NCP), and Darfuri students when the latter demand implementation of tuition fee waivers agreed to in the DPA and the DDPD. Darfuri students have been subjected to arbitrary detention for exercising their human rights. Darfuri students have also suffered torture and other ill-treatment while in detention.³⁰

According to the Ministry of Higher Education, there are currently 31 public universities, 11 private universities, 54 private colleges and 15 technical colleges in Sudan.³¹ There are an estimated 26,000 students from the Darfur region in these universities, representing 7% of the total number of university students, which is about 360,000.³² According to the Darfuri Students’ Association, 18,000 students from Darfur were enrolled in universities in Khartoum in 2016.³³

Darfuri university students have also been implicated in student-on-student violence, as detailed in section 3.3. One of the main triggers of violence involving Darfuri students in universities is the failure to implement the fee waiver. A 2006 presidential decree based on the DPA and the 2011 DDPD provides for a fee waiver for Darfuri students. The fee waiver was required to ensure the right to education of students from Darfur was not further compromised than it already had been due to the conflict. The DPA emphasizes the “exemption from the payment of school fees for new students of Darfuri origin at all levels”.³⁴ Article 14 of the DDPD states that “all students who are the offspring of IDPs [internally displaced people] and refugees from Darfur states duly admitted by the admission committee to national universities shall be exempted from educational fees for 5 years.”³⁵

The scope and application of the fee waiver is contested. In almost all Sudanese universities, there has been an annual dispute between Darfuri students and university administrations over payment of Darfuri students’ tuition fees. The higher education entities appear to interpret the fee waiver differently than the Darfuri students do³⁶, and there seems to be no common understanding over which fee waiver system, the one outlined by the DPA or the DDPD, takes precedence. Students from Darfur interpret the 2006 presidential decree to waive fees as a blanket fee exemption. Different government institutions interpret the fee waiver in diverse ways, with most seeming to interpret the fee waiver as limited only to Darfuri students from IDP families.³⁷ The Ministry of Higher Education and Scientific Research announced in December 2015 that the academic year 2016-17

²⁶ UPR, Second Cycle Report of Sudan at the Human Rights Council, 4 May 2016, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/025/86/PDF/G1602586.pdf?OpenElement>, paragraph 117.

²⁷ Amnesty international, *We can’t endure anymore: the impact of inter-communal violence on civilians in central Darfur*, 14 March 2014 (Index: AFR 54/002/2014), and Amnesty International, *Scorched Earth, Poisoned Air: Sudanese government forces ravage Jebel Marra, Darfur* (Index: AFR 54/4877/2016).

²⁸ Sudan: *Amnesty international public statement at the 33rd session of the UN Human Rights Council*, 22 September 2016, (Index: AFR 54/4875/2016); Sudan: *Eight students arrested, whereabouts unknown*, 9 May 2016, (Index: AFR 54/3986/2016); Sudan: *Student activists detained without charge*, 20 April 2016, (Index: AFR 54/3861/2016); and Sudan: *Further information: activist pushing for brother’s release detained: Erwa al Sadig Ismael Hamdoun and Emad al Sadig Ismael Hamdoun*, 29 January, 2016, (Index: AFR 54/3321/2016).

²⁹ Sudan: *Students activists detained without charge*, 20 April 2016, (Index: AFR 54/3861/2016).

³⁰ Amnesty International, *Urgent Action, whereabouts of Darfuri students unknown*, 17 November 2015, (Index AFR 54/2754/2015).

³¹ Sudan Ministry of Higher Education, <http://www.mohe.gov.sd>

³² Darfur Regional Authority, *Developing Darfur: a recovery and reconstruction strategy*, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/Darfur%20Development%20Strategy%20%286.3.13%29.pdf>

³³ Email correspondence with a member of Darfuri Students’ Association, 15 January 2016.

³⁴ DPA, available at <http://www.un.org/zh/focus/southern Sudan/pdf/dpa.pdf>

³⁵ DDPD, available at <https://unamid.unmissions.org/Portals/UNAMID/DDPD%20English.pdf>

³⁶ *Al Tareeq* online newspaper, *Higher Education: address the problem of tuition fees for students from Darfur*, 5 December 2015, available at <https://www.altareeq.info/ar/higher-education/>

³⁷ Shorooq net, *Darfur Regional Authority: specific conditions for exempting students from fees*, 27 October 2015, available at http://www.ashorooq.net/index.php?option=com_content&view=article&id=52407&Itemid=24

would be the last year for the fee waiver according to the DDPD.³⁸ Amnesty International was unable to obtain any information from the Sudanese authorities on their future policies or plans in relation to the fee waiver.

The annual dispute between university administrations and Darfuri students has resulted in Darfuri students being expelled from universities or banned from sitting exams for failing to pay fees. Darfuri students have also been suspended from studying or denied their certificates after graduation. Details of some of these incidents are documented in this report.³⁹

THE RIGHT TO EDUCATION

The Sudanese government is bound to respect, protect and fulfil the right to education without discrimination under a number of international and regional human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the African Charter on Human and Peoples' Rights. The ICESCR's Article 13.C notes that "higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education." The African Charter on Human and Peoples' Rights states in Article 17.1 that: "Every individual shall have the right to education."

The UN Committee on Economic, Social and Cultural Rights asserted in General Comment No. 13 that "...education in all its forms and at all levels shall exhibit interrelated and essential features that include availability, accessibility, acceptability and adaptability." The Committee has also held, in paragraph 9 of General Comment 20, that "in order to eliminate substantive discrimination, State parties may be, and in some cases are, under an obligation to adopt special measures to attenuate or suppress conditions that perpetuate discrimination. Such measures are legitimate to the extent that they represent reasonable, objective and proportional means to redress de facto discrimination and are discontinued when substantive equality has been sustainably achieved."

A similar point was made by the South African Constitutional Court in the case of *Government of the Republic of South Africa and Others v Grootboom and Others*.⁴⁰ The Constitutional Court, in holding that the State must implement a reasonable policy to progressively realise economic social and cultural rights, held that "those whose needs are the most urgent and whose ability to enjoy all rights therefore is most in peril, must not be ignored by the measures aimed at achieving realisation of the right."⁴¹

The Darfur Students' Association, one of the most active student bodies in Sudan, has organized sit-ins and pickets to protest against actions taken by university administrations on the fee waiver and held public events to address concerns around implementation of the fee waiver. Often, activities organized by Darfuri students are violently broken up by the NISS and the police, in close co-ordination with students affiliated with the ruling NCP. In 2015, for instance, there were violent incidents between Darfuri and ruling party affiliated students in at least twelve universities across Sudan.⁴²

A second trigger for violence is the political activities of Darfuri students in relation to the conflict in Darfur. Darfuri students' attempts to discuss the conflict in Darfur through public fora in the universities are regularly violently thwarted by ruling party affiliated students. The Darfur Students' Association has also tried to organize protests against the conflict in Darfur on multiple occasions, which have been violently dispersed by the NISS and the police. Many students participating in these protests have been arrested and subjected to torture and ill-treatment while in custody.

Senior government officials have also made public statements against Darfuri students' political activities. For example, in September 2013, following the violent suppression of protests against the government's ending of fuel subsidies, during which around 200 people were killed⁴³, the government branded the protesters,

³⁸ The Ministry of Higher Education and Scientific Research points out that about 4,408 students from Darfur benefited from the fees exemption policy. Ministry of Higher Education, *2016 is the last year for tuition fees exemptions for Darfuri students*, 16 December 2015, available at <http://www.alnilin.com/12738440.htm>

³⁹ See Chapter 4 that addresses suppression of freedom of association and peaceful assembly.

⁴⁰ *Government of the Republic of South Africa v Grootboom*, 1 SA 46 – 2001, available at <http://www.constitutionalcourt.org.za/Archimages/2798.PDF>

⁴¹ As above.

⁴² In 2015, incidents of violence between the students from Darfur and ruling party affiliated students were reported in thirteen universities such as, in Khartoum: Omdurman Al Ahlia University, University of Bahri, University of the Holy Quran and Islamic Sciences, Al-Neelain University Khartoum, Al Zaiem Al Azhari University, University Sharq Al Niel College and Sudan University of Science and Technology, as well as University of El Fasher in North Darfur State, University of Zalingei in Central Darfur State, El Imam El Mahdi University in White Nile State, the University of Sennar in Sennar State, and the University of Dongola in Northern State.

⁴³ Amnesty International, *Excessive and Deadly: The use of force, arbitrary detention and torture against protestors in Sudan* (Index: AFR 54/020/2014).

including Darfuri students, as supporters of armed rebel groups. Two months later, in November 2013, the then Vice-President, Al-Haj Adam Youssef, told NCP-affiliated students that they should ban the activities of Darfuri students. He added: “the state will not allow the tails of the armed groups to operate inside the country.”⁴⁴ Following the death of a Darfuri student during a protest at the University of Khartoum in March 2014, an official from the security co-ordination committee of Khartoum State said: “Any student supporters of the armed movements are prohibited from exercising any activity or gatherings or demonstrations. As they are supporters of movements that [are] waging a war on the government, their activity in Khartoum is an extension of what they do in field of war, looting and burning.” He stressed that “the security services will deal by force [with] and resolve...any activities of any groups that belong to the armed movements.”⁴⁵

3.3 LINK BETWEEN POLITICS AND VIOLENCE IN SUDANESE UNIVERSITIES

Since Sudan’s independence in 1956, Sudanese academic institutions have been seen by Sudanese society as the bastion of freedom of expression. Sudanese universities have been historically known for giving student organizations the space to freely voice their diverse opinions through cultural activities, discussion fora, public rallies and student newspapers.⁴⁶ Student activism was the catalyst for popular political changes in October 1964 and April 1985.⁴⁷

However, in its efforts to dominate the political sphere since 1989, the regime of the current ruling party has gradually dismissed thousands of civil servants, including teachers, judges, engineers, medical doctors, university professors and army officers.⁴⁸ Sudanese universities were not spared in this quest for domination. Today, all university Vice-Chancellors are appointed by the President⁴⁹, assisting in the transformation of these public institutions into political institutions and sacrificing academic independence. Student organizations now mirror Sudan’s political landscape, in particular the ideological divide between Islamists and secular liberals. Violent clashes between student organizations have taken place intermittently over the past 48 years for a variety of reasons. The first recorded violent clash took place in 1968 between



Student forum at the University of Khartoum to address attacks on Darfuri Students, 10 December 2015. @Darfur Students' Association

⁴⁴ Sudan Tribune, Arabic, *Confrontations between the “National” students and sons of Darfur in a number of universities*, 28 November 2013, available at <http://tinyurl.com/go46dsa>

⁴⁵ Sudan Tribune, *Sudanese police uses tear gas to disperse crowds at funeral of University of Khartoum student*, 12 March 2014, available at <http://tinyurl.com/zqbg8sa>.

⁴⁶ Human Rights Watch, *Behind the Red Line: Political Repression in Sudan*, May 1996, paragraph 1, page 160.

⁴⁷ Student activism played a key role in the October 1964 uprising, which overthrew the first military government of Ibrahim Abboud, and in the April 1985 uprising, which overthrew Jafa’ar Nimeiri, the country’s second military government, <http://nvdatabase.swarthmore.edu/content/sudanese-bring-down-dictator-abbud-october-revolution-1964>, and <http://nvdatabase.swarthmore.edu/content/sudanese-students-workers-bring-down-numeiri-dictatorship-1985>

⁴⁸ According to research conducted by a Sudanese journalist, the total number of civil servants pensioned off from 1904 to 1989 had not exceeded 32,419 while, in the ten years from 1989 to 1999, the NIF dismissed nearly 73,640 civil servants. Cited in an article by Al Sir Sid Ahmed, published in *Asharq Al-Awsat newspaper*, 20 May 2001. Gamal Gasim “*Reflecting on Sudan’s Higher Education Revolution under Al-Bashir’s Regime*,” Grand Valley State University, US, 2010, available at <http://www.higheredsig.org/cihe/Number02-15.pdf>.

⁴⁹ The 1990 Higher Education Act, 1990, Article 9(a). The President receives the nomination from the Higher Education Council and makes the appointment.

Islamist and secular students at the University of Khartoum, over a dispute about a traditional Sudanese dance show at the university.⁵⁰

Amnesty International spoke with two Sudanese academics, both of whom asserted the ideological divide between students has changed over the intervening years, from Islamists and secular and communist groups in the 1970s, 1980s and 1990s, to Islamists and students from marginalized areas of Sudan – including, in recent years, students from Darfur. The academics were of the view that this shift coincided with the beginning of the conflict in Darfur in 2003.⁵¹

Attacks on Darfuri students have been documented by national and international human rights organizations and various media outlets inside Sudan.⁵² Most of these reports indicate that the attacks were organized and perpetrated by NISS agents and ruling party affiliated students.⁵³

One Sudanese academic told Amnesty International that ruling party affiliated students, also known as “Jihad Units,” are “part of the militarized units of the NCP, they are above the law and above the university administration”.⁵⁴

Amnesty International has previously documented and reported on violent incidents involving university students. One protest in March 2014 at the University of Khartoum was violently dispersed by a joint force of the police, the NISS and ruling party affiliated students.⁵⁵ **Mohamed Adam Mahmoud**, a University of Khartoum alumnus, participated in the March 2014 protest. He spoke to Amnesty International in November 2015. Mohamed Adam Mahmoud described in detail his experience of how events unfolded:

“In [early] 2014, the government bombarded some areas in Darfur. Students from Darfur were protesting against these atrocities in Darfur in the university... The students were attacked inside the university by the police and the NISS agents, as well the ruling party affiliated students. They entered the university holding iron bars and firearms. I was detained [for a few hours] by them in the university and they beat me while in detention.”⁵⁶

As a result of the violence in the March 2014 protests, the former Vice-Chancellor of the University of Khartoum, Mustafa Hiati, suspended the Jihad Units. However, he rescinded his decision and reinstated them in August 2014 under the Deanship of Student Affairs.⁵⁷

The Students’ Islamic Movement affiliated to the opposition Popular Congress Party (PCP) urged the Sudanese authorities to close down the Jihad Units after its forum was violently disrupted at the Omdurman Islamic University in Khartoum State in early December 2015. It accused the Jihad Units of being the main source of student violence in universities. In a statement issued on 6 December 2015, they blamed ruling party affiliated students for violent assaults that injured nine of its members.⁵⁸

Amar Al Sajad, a senior member of the PCP, told Amnesty International that his son, also a member of the PCP, was detained and badly beaten by ruling party affiliated students in a Jihad Unit at the Sudan University of Science and Technology in early December 2015. Amar Al Sajad tried to lodge a complaint with the university administration but was himself assaulted by 15 ruling party affiliated students at the university gate. Amar Al Sajad said he reported the attack to both the university administration and the Ministry of Higher Education, but both told him that they had no authority over the Jihad Units.⁵⁹ Amar Al Sajad told Amnesty International that he also reported the attack against his son to the police but that, as far as he was aware, they had not taken any action against the attackers.⁶⁰ Amar Al Sajad’s allegations against ruling party affiliated

⁵⁰ The Democratic Front, affiliated to the Sudanese Communist Party, organized a cultural day at the University of Khartoum in 1968 to celebrate Sudan’s cultural diversity. It included a traditional dance from the Kordofan region in western Sudan named *Al Ajako*. The university’s Islamist group physically attacked students attending the day as they considered the dance un-Islamic or “Haram.” Sudan Update, *Education and Art*, n.d, available at <http://www.sudanupdate.org/REPORTS/education/ED-ART.HTM>.

⁵¹ Interviews with academics on 11 January 2016 and 23 February 2016.

⁵² ACJPS, *Call for immediate independent, investigation into student deaths and excessive use of force by Sudanese authorities*, 12 December 2012, available at <http://tinyurl.com/h49tg3v>; ACJPS, *Sudan Human Rights Monitor*, February-March 2012, available at <http://www.africancentreforjustice.org/wp-content/uploads/2012/12/February-March-2012-Monitor.pdf>; and Human Rights Watch, *World Report 2014: Sudan*, available at <https://www.hrw.org/world-report/2014/country-chapters/sudan>.

⁵³ Amnesty International received from the Darfur Students’ Association, on 17 October 2016, a list of students injured during these violent incidents. In 2015 alone, at least 38 students from Darfur were injured during these incidents.

⁵⁴ Interview with Ahmed Hussain Adam, Sudanese academic at Cornell University, London, 11 January 2016.

⁵⁵ Amnesty International, *Excessive and Deadly: The use of force, arbitrary detention and torture against protestors in Sudan* (Index: AFR 54/020/2014).

⁵⁶ Interview with Mohamed Adam Mahmoud, Cairo, 24 November 2015.

⁵⁷ Sudan Tribune, *Opposition member in the National Dialogue conference vows to step up demands to abolish the Jihadi units in the universities*, 11 December 2015, available at <http://tinyurl.com/nfxk3y7>.

⁵⁸ *Al Intibaha* newspaper (Arabic), 6 December 2015, available at <http://tinyurl.com/z8a2ekd>

⁵⁹ Sudan Tribune, *Opposition member in the National Dialogue conference vows to step up demands to abolish the Jihadi units in the universities*, 11 December 2015, available at <http://tinyurl.com/nfxk3y7>.

⁶⁰ Interview with Amar Al Sajaad, by telephone, 24 April 2016.

students are of criminal offences which the police are obliged to investigate and, where there is sufficient evidence, hold the perpetrators to account through criminal processes.

Ruling party affiliated students have also reportedly assaulted university professors. **Hamid Eldood Mahdi**, previously an Associate Professor at Al Neelain University in Khartoum, was physically attacked by a group of ruling party affiliated students, who accused him of supporting and promoting the SPLM/A-N⁶¹ and other political opposition groups. On 18 February 2016, Hamid Eldood Mahdi was stopped by about eight students affiliated with the ruling party when he was leaving the university. They beat him up and threatened to kill him. Hamid said: “*Now, I have stopped going to the university...for the fear of being assassinated.*”⁶² Hamid Eldood Mahdi told Amnesty International he reported the incident to the police on the same day but they did not take any action. Hamid added that, on 21 March, he received a letter from the university suspending him from work as of 20 March 2016, pending investigation into the assault.⁶³ As far as Hamid was aware, no action had been taken against the ruling party affiliated students who attacked him. He decided to leave Sudan in early April 2016.

A Sudanese academic described university student violence as a reflection of the armed conflicts in the country.⁶⁴

⁶¹ SPLM/N, currently fighting the Government of Sudan in Blue Nile and South Kordofan since 2011.

⁶² Email correspondence with Amnesty International received on 23 February 2016.

⁶³ Copy of the letter seen by Amnesty International on 21 March 2016.

⁶⁴ Mohamed Eid Kilase, *Academic Freedom and State Control on Universities: lessons learned from Sudan experiences*, International Journal of Humanities and Social Science 3:10 [Special Issue May 2013], paragraph 2, page 184.

4. SUPPRESSION OF FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

“We live in very tough times here and in Darfur our families are displaced and homeless. When we try to explain such conditions to the students here in Khartoum, who have no idea about what is happening in Darfur, the government supporters attack us. They do not want the people to know what is going on in Darfur.”⁶⁵

Interview with Jalal, via Skype, 11 October 2015

Sudanese civil society organizations (CSOs), academics and students have previously voiced their concerns about the suppression of Darfuri students’ freedom of expression, association and peaceful assembly.⁶⁶ In 2014, 51 Darfuri CSOs jointly and publicly expressed concern in a statement that Darfuri students attempting to exercise their freedom of expression were being targeted by state agents which in many cases resulted in injuries and incarceration. They added that:

“The dehumanization and heavy handed practices against Darfuri students has become normal practice for the regime and law enforcement bodies mandated with the administration of the due process of law.”⁶⁷

One academic, who has been at his university since 2006, including six years as the Dean of Student Affairs, told Amnesty International:

⁶⁵ Interview with Jalal, via Skype, 11 October 2015.

⁶⁶ Joint NGO Letter: Human Rights Situation in Sudan, 3 September 2015, available at <https://www.hrw.org/news/2015/09/03/joint-ngo-letter-human-rights-situation-sudan>.

⁶⁷ 51 Darfuri CSOs statement on the situation of human rights in Sudan, September 2014, available at [http://www.sudanconsortium.org/darfur_consortium_actions/statements/2014/letter-hrcmemberslast1\(1\)\(1\).pdf](http://www.sudanconsortium.org/darfur_consortium_actions/statements/2014/letter-hrcmemberslast1(1)(1).pdf).

“When the Darfuri students protest against the registration procedures or housing, or complain about water or electricity outages...they are...perceived on the basis that they belong to armed groups and not as students presenting their problems.”⁶⁸

Mohamed, a student from Darfur, told Amnesty International: “The regime considers us part of the armed rebel movements and they try by any means to suppress us...It doesn't matter for them if you belong to a political party or not.”⁶⁹

FREEDOM OF EXPRESSION, PEACEFUL ASSEMBLY AND ASSOCIATION

Freedom of expression, peaceful assembly and association are guaranteed by Sudan's Interim National Constitution (INC) and international and regional treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, which Sudan has ratified. This freedom includes the freedom to hold opinions, to receive and express these opinions and information and to gather, organize and hold meetings and demonstrations with others.

Article 27 of the INC affirms Sudan's obligation to respect, protect and fulfil the rights enshrined in the regional and international human rights treaties it has ratified: “All rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan shall be an integral part of this Bill, and international human rights treaties binding on Sudan are an integral part of the Bill of Rights.” It also affirms that “the State shall protect, promote, guarantee and implement this Bill.”

The obligation to respect, protect and fulfil the rights enshrined in the international human rights treaties it has ratified means that:

1. Sudan has an obligation to respect the rights ratified, which requires it to refrain from violating human rights. This is often also called a “negative” obligation, or an obligation not to engage in a particular act or practice.
2. Sudan has an obligation to protect the enjoyment of the rights ratified. Sudan must not only refrain from violating the right, but also protect the individual from a violation of his or her rights by third parties, be they private individuals, or other non-State actors.
3. Sudan must promote or fulfil an individual's rights that is, to take the required steps to create a necessary and conducive environment within which the relevant rights can be fully realized.

Freedom of peaceful assembly is a fundamental right, and should be enjoyed without restriction to the greatest extent possible. Only those restrictions which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others, and are lawful, necessary, and proportionate to the aim pursued, may be applied. Any restrictions are to be the exception rather than the norm, and must not impair the essence of the right.⁷⁰

In any case, regardless of the legality of the assembly, security agents are obliged to facilitate rather than impede the exercise of the right to peaceful assembly. This means that the security agents ought to prioritise peaceful settlement of any dispute between different stakeholders over their right to peaceful assembly. Any decision to disperse the assembly should be taken only as a last resort, and even then, security forces are obliged to avoid any use of force and restrict such use to the minimum level necessary.⁷¹ Sudan has an obligation to take the required steps to create a conducive environment within which the freedoms of expression, association and peaceful assembly can be fully realized.

⁶⁸ Email correspondence with Amnesty International, 29 October 2015.

⁶⁹ Interview with Mohamed, via Skype, 11 October 2015.

⁷⁰ Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies.

⁷¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>.

Amnesty International has previously reported on violations of Darfuri students' freedom of expression and peaceful assembly, including incidents in the University of the Holy Quran and Islamic Sciences in Omdurman, Khartoum State and the University of El Fasher in North Darfur in 2015.⁷²

This report provides further details of violations of Darfuri students' freedom of association and peaceful assembly at two universities in 2015. Darfuri students at the Holy Quran University participating in a sit-in to demand implementation of the fee waiver were assaulted multiple times by those suspected of being ruling party affiliated students. At the University College of Sharq Al Niel, a meeting held by the Darfur Students' Association to organize a cultural event was violently disrupted by alleged ruling party affiliated students. One of the ruling party affiliated students was killed during this incident.

In 2015, Amnesty International received multiple reports of violence between Darfuri and ruling party affiliated students with the support of NISS agents in at least 10 universities across Sudan. The violence in these incidents appeared to have been triggered by Darfuri students' activism around the situation in Darfur, the fee waiver, any political activism, and demands for services.⁷³

4.1 ATTACK ON DARFURI STUDENTS PROTESTING FEE PAYMENT AT THE HOLY QURAN UNIVERSITY

In certain circumstances, special measures may be necessary to ensure that the right to education is enjoyed without discrimination. The fee waiver was a legitimate measure to ensure Darfuri students were not subjected to substantive discrimination. It was intended to reduce the negative impact of the conflict in Darfur on Darfuri students as concerns their right to education. It was also aimed at addressing the historical structural inequality in Sudan which is considered to be a driver of the Darfur conflict.⁷⁴ The fee waiver did indeed enable some Darfuri students to access higher education who may not otherwise have been able to.

However, as indicated earlier, the scope and application of the fee waiver is contested.⁷⁵ A number of universities have not applied the fee waiver to all Darfuri students or have stopped applying it altogether. As a result, many Darfuri students have been unable to register or graduate from universities. Some universities have expelled students and prevented them from completing their education due to non-payment of fees or their activism around the issue. For instance, the Holy Quran and Islamic Sciences University in Omdurman expelled four students for demanding implementation of fee waivers in October 2015. In July 2016, the Omdurman Islamic University administration withheld the examination results of more than 400 Darfuri students for failure to pay tuition fees.⁷⁶ Darfuri students in several universities have protested against the imposition of tuition fees. One such protest at the Holy Quran University in Omdurman is described below.

In October 2015, the Holy Quran University imposed tuition fees for all Darfuri students and applied the imposition retroactively. Darfuri students suddenly had to pay arrears ranging from 2,000 to 3,000 Sudanese pounds (US\$328 to 492) per student. New students were asked to pay 800 Sudanese pounds (US\$131). The Darfur Students' Association's leaders met the Dean of Student Affairs to try to persuade the university to reverse its decision. According to a member of the Darfur Students' Association who was at the meeting, the Dean of Student Affairs told them this was not his responsibility and that they should meet the Chancellor to resolve the issue.⁷⁷ On 12 October 2015, the Dean of Student Affairs issued a statement saying that all students had to pay the arrears and that there was no fee waiver.⁷⁸

⁷² Amnesty International, *State sponsored assault on freedom of expression around elections*, 23 April 2015, <https://www.amnesty.org/en/press-releases/2015/04/sudan-state-sponsored-assault-on-freedom-of-expression-around-elections/>; Amnesty International, *Activists' whereabouts unknown after arrest*, 29 May 2015 (Index: AFR 54/1759/2015); Amnesty International, *Whereabouts of Darfuri students unknown*, 17 November 2015 (Index: AFR 54/2754/2015).

⁷³ In 2015-16, violence took place at the University of Khartoum, Omdurman Al Ahlia University, University of Bahri, Al-Neelain University, Al Zaiem Al Azhari University, and Sudan University of Science and Technology in the capital, as well as El Fasher University in North Darfur State, El Imam El Mahdi University in White Nile State, the University of Sennar in Sennar State, the University of Dongola in Northern State and Al Salam University in West Kordofan State.

⁷⁴ Darfur Joint Assessment Mission (DJAM), *Developing Darfur: a recovery and reconstruction strategy*, 8 July 2013, available at [http://www.darfurconference.com/sites/default/files/files/Darfur%20Development%20Strategy%20\(6.3.13\).pdf](http://www.darfurconference.com/sites/default/files/files/Darfur%20Development%20Strategy%20(6.3.13).pdf), page xvii.

⁷⁵ See page 14 of this report.

⁷⁶ Radio Dabanga, *Omdurman Islamic University withholds Darfuri students' results*, 24 July 2016, available at <https://www.dabangasudan.org/en/all-news/article/omdurman-islamic-university-withholds-darfuri-students-results>.

⁷⁷ Interview with a member of the Darfur Students' Association, 21 November 2015.

⁷⁸ The Dean of Student Affairs from the Holy Quran University's statement of 12 October 2015, on file with Amnesty International. However, the university's stance on the fee waiver seems to have evolved over time. The Dean of Student Affairs issued another statement on 28 October 2015 stressing the university's commitment to all agreements signed in relation to Darfuri students' fees. The university's statement further elaborates: "That those students in the Darfur Authority's list should pay registration fees only. The



Darfur Students' Association public forum discussing tuition fees in October 2015 at the Holy Quran University @Darfur Students' Association

The Darfur Students' Association issued a statement rejecting the new policy and argued it was a U-turn from the prior commitment made to exempt Darfuri students from paying fees. It also stated it would organize a sit-in protest until the university reinstated the fee waiver. The peaceful sit-in started on 13 October 2015 around 8am, at the university's Al Thoura Block 1 Campus. About 500 students participated. Members of the Darfur Students' Association distributed a statement and delivered some speeches objecting to the imposition of tuition fees. Around noon, the sit-in was attacked by 70 to 100 individuals composed of ruling party affiliated students, the police and NISS agents.⁷⁹ A member of the Darfur Students' Association told Amnesty International:

"On 13 October, we organized a public seminar to discuss the fees problem. A group [of students] belonging to the ruling party [the NCP] attacked our gathering at around 12pm using Molotov cocktails and iron bars, which resulted in the injury of six students."⁸⁰

The students organized another sit-in and public seminar on 25 October 2015 to discuss the issue. Alleged ruling party affiliated students violently disrupted the meeting and the ensuing violence resulted in the injury of 15 students, mostly from Darfur.⁸¹

The following day, on 26 October 2015, the police arrested 12 Darfuri students. Three were released on the same day and nine were detained at Wad Nubawi Police Station in Omdurman. The police charged them

with participating in a "riot," causing "disturbance of public peace" and "public nuisance" under Articles 68, 69, and 77 of the 1991 Criminal Act. These charges carry the punishment of imprisonment and flogging. However, the charges were all dropped in November 2015 for lack of evidence and the nine students were released.⁸²

Hamid, aged 23, was one of the students arrested and detained on 26 October 2015. He told Amnesty International that:

"We were arrested for participating in the sit-in about the registration of the students from Darfur. The police arrested us from inside the university premises. We were beaten and racially insulted and we remained for two hours inside a police van. Then we were taken to Wad Nubawi Police Station in Omdurman. We demanded that those injured should be treated. Our demand was ignored. The bail request by a volunteer lawyer was refused, our families were not allowed to visit us. We were detained in a crowded police cell in very harsh conditions for three days. We were then released on 30 October."⁸³

A member of the Darfur Students' Association's Executive Committee told Amnesty International that two students were expelled from the university on 22 December 2015 and another two suspended for two years. The expelled students were Nofel Mohamed Salih, 2nd year, Arabic Language Faculty, and Hassan Adam Hassan, 4th year, Education Faculty. Briamah Mohamed Ibrahim, 1st year, Arabic Language Faculty, and Mawia Adam, 2nd year, Education Faculty were suspended.⁸⁴ Amnesty International unsuccessfully tried to

rest of the Darfuri students should pay registration fees and tuition fees and the remaining balance in instalments." The Dean of Student Affairs' statement of 28 October 2015, on file with Amnesty International.

⁷⁹ Interview with a member of the Darfur Students Association, by Skype, 5 November 2016.

⁸⁰ Interview with Hassan, student, by Skype, 21 November 2015.

⁸¹ Interview with a committee member of the Darfur Students' Association, 15 November 2015; Amnesty International, *Urgent Action, whereabouts of Darfuri students unknown*, 17 November 2015 (Index: AFR 54/2754/2015).

⁸² Interview with a committee member of the Darfur Students' Association, 26 January 2016; Amnesty International, *Sudan: Further information: eight Darfuri students released*, 27 January 2016 (Index: AFR 54/3258/2016).

⁸³ Interview with Hamid, student, by Skype, 21 November 2015.

⁸⁴ Email correspondence with a member of the Darfur Students' Association, 25 December 2015.

speak to the four students. Amnesty International also wrote, in April and May 2016, to the university about this incident but no response was received before publication. Just before publication, Amnesty International received unverified information that the university may retract its expulsion and suspension decision against the four students.

Amnesty International also wrote to the Holy Quran University in April 2016 and again in May 2016, seeking further information about the university's fee waiver policy, but had received no response by the time of publication.

4.2 INCIDENT AT THE UNIVERSITY COLLEGE OF SHARQ AL NIEL

The Darfur Students' Association organized a meeting to prepare for a cultural day⁸⁵ on 29 April 2015 at the University College of Sharq Al Niel's Economic campus, located in Shambat Al Aradi in North Khartoum (Bahri). The meeting was held following two days of tension between the Darfur Students' Association and ruling party affiliated students over reciprocal pulling down of each other's advertisements and posters. At least 70 Darfur Students' Association members attended the meeting. At 1:30pm, a group of ruling party affiliated students violently disrupted the meeting. During the fighting that ensued, one of the ruling party affiliated students, **Mohamed Awadelkarim**, was stabbed and killed. He was the former Secretary General of the Students' Union and a 2nd year accounting student. At least five Darfuri students were injured. **Mohamed Abdallah Al Baqari**, a Darfuri student, was arrested by the police on 5 May 2015 and charged with murdering Mohamed Awadelkarim.

Jad, who witnessed the incident on 29 April 2015, told Amnesty International:

“Two days before the incident, we had advertised for a meeting inviting the association members to discuss and plan for the Darfur Cultural event. We placed these adverts in the advertisement board near the gate of the campus. However, the adverts were taken down by the ruling party supporters. We placed another advert early in the morning on the day of the meeting [on 29 April]. After two hours, we found that the adverts were taken down. We complained to the university security personnel. They told us to lodge a complaint with the Students' Union. We went to the Union's office. We explained to one Union member what happened to us and we asked him to intervene and protect our advertisements. He promised us this will not happen again and they will resolve the issue... We decided to issue a statement about this incident and inform the students about what happened. After lunchtime, we found that our statement was also ripped from the advertisement board. Instead, an advert belonging to [the Islamic movement] ruling party supporters replaced it. We ripped their advert and we put instead our meeting announcement. The ruling party supporters organized a public event that afternoon and threatened to use violence against our members.”⁸⁶

Another member of the Darfur Students' Association told Amnesty International:

“We advertised for our cultural event inside the university, but our adverts were taken down by the ruling party supporters. In response, we issued a public statement but that was also ripped off.”⁸⁷

Jad further added, explaining what happened during the attack:

“Five minutes after we started our meeting, about 1:30pm, we heard voices shouting ‘Allah Akbar’ [God is Great]. They were about 150 people holding iron bars, cleavers and chains. They beat us. Five of our members were seriously injured. We ran towards the gate. They chased us and shouted racist slurs against us. At that time, five people attacked Mohamed Abdallah Al Baqari, three from the front, two from behind. They hit him with a cleaver

⁸⁵ The Darfur cultural event is an annual two-day event that celebrates Darfuri culture. The first day showcases traditional Darfuri food, wedding ceremonies and dance. In the second day, they present music and songs from Darfur.

⁸⁶ Interview with Jad, member of the Darfur Students' Association at the University College of Sharq Al Niel, by Skype, 7 November 2016.

⁸⁷ Interview with a member of the Darfur Students' Association, by telephone, 23 May 2015.

and iron bars in the head. The victim [Mohamed Awadelkarim] was holding a cleaver and he tried to attack him again. Then Baqari stabbed him with a knife.”⁸⁸

According to an official statement from the police on 29 April 2015 about the incident: "At 3pm, as a result of a dispute between two groups of students at the University College of Sharq Al Niel, one of the two groups attacked the other at the university campus and caused injuries among students and damage to the faculty's property." The statement added: "During the attack, one student named Mohamed Awadelkarim was wounded. He was taken to a hospital where he died of his injuries."⁸⁹ The General Union of Sudanese Students [a pro-government body], also condemned the incident of violence at the university.⁹⁰

Mohamed Abdallah Al Baqari was brought before a judge at the Criminal Court of Khartoum North on 14 May 2015. During the trial of Mohamed Abdallah Al Baqari, the testimony of a police detective at the Criminal Court of Khartoum North in August 2015, narrated:

“That, on the day of the incident at the College, one group [Darfuri students] had put up a banner...another group [ruling party supporters] put up their banners in its place. Then they [Darfuri students] held an emergency meeting in an office, but they were surprised by the entry of another group [ruling party supporters] that ordered them to leave the office and a fight broke out between the victim [Mohamed Awadelkarim] who was carrying a cleaver and hit him [Mohamed Abdallah Al Baqari] on the head. Another beat him with an iron bar. During that, the victim [Mohamed Awadelkarim] was stabbed with a knife and he fell to the ground and died after being taken to hospital.”⁹¹

In November 2015, Al Baqari was found guilty of manslaughter and sentenced to five years' imprisonment and the payment of "blood money" to Mohamed Awadelkarim's family. The court ruled that Al Baqari was defending himself while being attacked by five student members affiliated to the ruling party.⁹² The prosecution appealed against the court sentence and the appeal court sent the case back to the trial court for review. The trial court subsequently found Al Baqari guilty of murder on 23 June 2016 and sentenced him to death by hanging.⁹³ The defence has appealed the death sentence to the Court of Appeal. The Court of Appeal overturned the murder sentence to manslaughter in early December 2016.

The tragic death of Mohammed Awadelkarim triggered violent clashes between Darfuri and ruling party affiliated students in five universities in Khartoum. In the following weeks, 200 students from Darfur were reportedly arrested from universities in Khartoum State by the NISS and the police.⁹⁴ According to the Darfur Bar Association, no investigations into, nor arrests of ruling party supporters' involvement in the incident have taken place.⁹⁵

In May 2015, a number of political and human rights groups issued a statement raising concerns about selective targeting of Darfuri students by the security forces and calling for their protection.⁹⁶

While the government seems to have taken steps to investigate and ensure accountability for the tragic death of a student in this incident, the broader investigations and arrests that followed appeared to disproportionately target one segment of the student population. While Amnesty International is unable to confirm if any ruling party affiliated students were arrested for this violence, all available information suggests that the security

⁸⁸ Interview with Jad, a member of the Darfur Students' Association at the University College of Sharq Al Niel, by Skype, 7 November 2016.

⁸⁹ Sudan Tribune, *Student killed and dozens wounded in a bloody incident at the University College of Sharq Al Niel*, 29 April 2015, available at <http://tinyurl.com/zysdqis>.

⁹⁰ The former chairperson of the General Union of Sudanese Students [a pro-government body], Al Niel Fadil, in early May 2015, described the incident as "a terrorist act" by particular groups, and "aberrant" to the Sudanese universities. The educational institutions are for "scientific knowledge and learning," he asserted. "Such conduct should not be tolerated at the University's campus." *Akhir Lahza* newspaper, *Students Violence Who is responsible?* 3 May 2015, available at <http://akhirilahza.info/akhir/index.php/2011-04-10-12-20-11/50342-2015-05-03-08-54-47.html>

⁹¹ *Al Tayar* newspaper, *The detective reveals dramatic details in the case of the student killed at Sharq Al Niel College*, 27 August 2015, available at <http://www.altayar.sd/play.php?catsmktba=8573>.

⁹² Radio Dabanga, *Mohamed Al Baqari sentenced to five years and payment of blood money*, 9 November 2015, available at <http://tinyurl.com/zehp5zk>.

⁹³ Interview with Adam Baker, Al Baqari's lawyer, by telephone, 9 July 2016.

⁹⁴ Interview with a member of the Darfur Students' Association, by telephone, 23 May 2015; Amnesty International, *Activists' whereabouts unknown after arrest*, 29 May 2015 (Index: AFR 54/1759/2015).

⁹⁵ Interview with Abderhaman Al Gasim, External Relations Secretary, Darfur Bar Association, by telephone, 15 September 2016.

⁹⁶ Sudan Tribune, *Parties and activists warn from the campaigns in Sudanese universities after the killing of student*, 2 May 2015, available at <http://tinyurl.com/qf4tckh>; Radio Dabanga, *The launch of a campaign "We All Darfur" to confront racial incitement against students and the political and civil society groups warns the government*, 3 May 2015, available at <http://tinyurl.com/xfexbd5>.

forces prioritised only Darfuri students for investigation and arrest. The police must investigate and bring criminal charges against all those students involved in incidents of violence, including ruling party affiliated students.

In his 2014 report, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association pointed out that “...**the failure to provide any outlet for politically excluded groups to air their grievances can be counter-productive and carry severe consequences. Further, such restrictions can foster or magnify a culture of silence among the excluded group, putting them at higher risk of violations and abuses that may go unreported, not investigated and unpunished.**”⁹⁷

During Sudan’s UPR in 2011, the government accepted recommendations to respect the rights to freedom of expression, association and assembly and to allow human rights defenders, political dissidents, and journalists to express their views freely in line with international human rights law. However, Sudan has failed to implement the recommendations it accepted.⁹⁸ During Sudan’s UPR on 4 May 2016, Sudan accepted a number of recommendations about the protection of freedoms of expression, association and assembly, and committed itself to amend existing legislation that violates these rights.⁹⁹

⁹⁷ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, UN Doc. A/HRC/26/29, 14 April 2014, paragraph 26.

⁹⁸ *Amnesty International Submission to the UN Universal Periodic Review*, May 2016 (Index: AFR 54/3532/2016).

⁹⁹ UN Human Rights Council, Working Group on the UPR Thirty-Third Session, Geneva, *Report of the Working Group on the Universal Periodic Review, Sudan*, available at <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/33/8/Add.1&Lang=E>

5. ARBITRARY DETENTION, TORTURE AND OTHER ILL- TREATMENT

Abdelmonim Adam Mohamed, a human rights lawyer, was arrested by the NISS following protests at the University of Khartoum in March 2014. Abdelmonim Adam Mohamed told Amnesty International that, during his interrogation at the NISS offices, one NISS agent told him:

“Here there are no lawyers, courts, law or God, only us. We can do what we like to you. If you don’t answer our questions, we will throw you into the sea. Nobody will know what happened to you and no one will ask about you.”¹⁰⁰

The statement above reflects the broad powers of arrest and detention that the NISS enjoys under the National Security Act (NSA) 2010, which allows suspects to be detained for up to four and a half months without judicial review. Article 50 of the NSA stipulates that the NISS can arrest and detain any person for up to 30 days (45 upon renewal) without judicial oversight. The detention can then be extended for up to a total of four and a half months.¹⁰¹ Amnesty International has documented numerous cases where NISS officials have used these powers to arbitrarily arrest and detain individuals, often holding them incommunicado.¹⁰²

Being held without contact with the outside world considerably enhances the detainees’ risk of being subjected to torture, and also constitutes a form of ill-treatment. NISS agents enjoy immunity from prosecution for any act committed in the course of their work, even when human rights violations occur, which has fostered a culture of impunity within the service.¹⁰³ Constitutional amendments to Article 151 passed by Parliament on 5 January 2015 exacerbated the situation. The changes conferred additional powers to the NISS, giving it

¹⁰⁰ Statement by Abdelmonim Adam Mohamed, human rights lawyer, received by Amnesty International on 30 March 2015. He was arrested from 13 March 2014 to 8 April 2014, after the student protest at the University of Khartoum on 11 March 2014. He is currently living outside Sudan.

¹⁰¹ National Security Act, 2010, available at <http://tinyurl.com/jb6xung>.

¹⁰² Amnesty International, *Eight arrested, whereabouts unknown*, 8 August 2016 (Index: AFR 54/4617/2016); Amnesty International, *Three human rights defenders still detained*, 14 July 2016 (Index: AFR 54/4267/2016); Amnesty International, *Eight students arrested, whereabouts unknown*, 9 May 2016 (Index: AFR 54/3986/2016); Amnesty International, *Six protestors detained without charge*, 29 April 2016 (Index: AFR 54/3926/2016); Amnesty International, *Student activists detained without charge*, 20 April 2016 (Index: AFR 54/3861/2016); Amnesty International, *Ten civil society activists harassed by NISS*, 17 March 2016 (Index: AFR 54/3634/2016); Amnesty International, *Whereabouts of Darfuri students unknown*, 17 November 2015 (Index: AFR 54/2754/2015).

¹⁰³ The 2010 National Security Act maintained immunity for NISS members and their associates. Article 52(1) states that any act committed by the NISS while pursuing their duties and with “good intentions” should not be considered a crime. Article 52(3) provides immunity to members of the NISS for all acts committed in the course of their work as long as the immunity was not waived by the NISS Director.

unlimited discretionary powers over political, economic and social issues.¹⁰⁴ The NISS thus operates under a legal framework incompatible with Sudan's regional and international human rights obligations.

During Sudan's UPR in May 2011 and May 2016, Sudan agreed to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), but this commitment has not been fulfilled to date.¹⁰⁵

ARBITRARY DETENTION

Article 9 of the Universal Declaration of Human Rights, Article 9 of the ICCPR, and Article 6 of the African Charter on Human and Peoples' Rights guarantee the right to "liberty and security" of the person.

Article 29 of the 2005 Sudan Interim National Constitution stipulates that "every person has the right to liberty and security of the person; no person shall be subjected to arrest, detention, deprivation or restriction of his/her liberty except for reasons and in accordance with the procedures prescribed by law."

The importance of procedural safeguards during police custody, to protect an individual's rights where they are at the mercy of the state, is reflected in international covenants such as the ICCPR. It has also been enshrined in such instruments as the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the UN Standard Minimum Rules for the Treatment of Prisoners.¹⁰⁶ The ACHPR's guidelines on arrest, police custody, and detention also recognize the importance of custodial safeguards including providing that the maximum period in police custody should be set as not being more than 48 hours in national law unless issued by a competent judicial authority.¹⁰⁷ It also recommends that states put in place procedural and other safeguards to, for instance, limit the use of force against persons in police custody or pre-trial detention.

¹⁰⁴ Amnesty International, *Entrenched Repression: Freedom of Expression and Association under Unprecedented Attack*, 2 April 2015 (Index: AFR 54/1364/2015); Amnesty International, *Three opposition members harassed by NISS*, 17 August 2015 (Index: AFR 54/2271/2015).

¹⁰⁵ Human Rights Council, Sudan UPR, available at http://lib.ohchr.org/HRBodies/UPR/Documents/session11/SD/SudanImplementation_en.pdf.

¹⁰⁶ UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, available at <http://www.un.org/documents/ga/res/43/a43r173.htm>.

¹⁰⁷ Article 7(b)(ii). The maximum duration of police custody, prior to the obligation to bring the arrested person before a judge, shall be set out in national law that prescribes time limits of no more than 48 hours extendable in certain circumstances by a competent judicial authority, consistent with international law and standards.

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Article 5 of the Universal Declaration of Human Rights states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” International human rights law prohibits torture and all other forms of cruel, inhuman or degrading treatment or punishment (“ill-treatment”) in all circumstances. The prohibition of torture and other forms of ill-treatment is a rule of customary international law binding on all states, even those that are not party to the CAT, such as Sudan. The prohibition against torture and other ill-treatment cannot be derogated.

Sudan is additionally bound by Article 5 of the African Charter on Human and Peoples’ Rights and Article 7 of the ICCPR, both of which prohibit torture and other ill-treatment, and Article 10 of the ICCPR which recognizes the right of all persons deprived of their liberty to humane treatment. Both Article 5 of the African Charter on Human and Peoples’ Rights and Article 10 of the ICCPR stress respect for the inherent dignity of human beings. Since 2013, Sudan is also party to the Arab Charter on Human Rights, Article 8 of which states: “No one shall be subjected to physical or psychological torture or to cruel, degrading, humiliating or inhuman treatment.”¹⁰⁸

The prohibition on torture or other forms of ill-treatment or punishment is enshrined in the 2005 Interim Constitution of Sudan. Article 30 of the Bill of Rights guarantees the right of every person to humane conditions of detention, in accordance with Article 10 of the ICCPR. Article 33 of the Bill of Rights also reaffirms the absolute ban on torture and cruel, inhuman and degrading treatment.

Torture is defined as any act through which pain or suffering, whether physical or mental, is intentionally inflicted by a public official or someone acting in an official capacity on a person in order to: obtain information or a confession from him/her or a third person; punish him/her or a third person for what him/her or a third person has done or is suspected of doing; or intimidate or coerce him/her or a third person. It does not include pain or suffering arising from lawful sanctions.¹⁰⁹

The UN Human Rights Committee’s General Comment 20 on torture confirms that even in situations of public emergency such as those referred to in Article 4 of the ICCPR, no derogation from the provisions of Article 7 is allowed. The Committee likewise observes that no justification or extenuating circumstances may be invoked to excuse a violation of Article 7 for any reason, including those based on an order from a superior officer or public authority.¹¹⁰

In 2012, the ACHPR observed that no law criminalizes torture in Sudan.¹¹¹ The ACHPR published its decision on 13 February 2015 on the case of three Sudanese human rights defenders, Monim Elgak, Amir Suliman and the late Osman Hummaida, who were subjected to arbitrary arrest, torture and other ill-treatment by the NISS in November 2008. The ACHPR found Sudan had violated Article 1 of the African Charter on Human and Peoples’ Rights by failing to respect, protect, promote or fulfil the rights in the same. It also found that Sudan was in violation of Articles 5, 6, 9, 10, 12, 15 and 16 of the same. It called on Sudan to investigate and prosecute the security and intelligence officers alleged to be responsible for the arbitrary arrest, torture and other ill-treatment of the three human rights defenders.¹¹² It gave the Government of Sudan 180 days to inform it of measures taken to implement its decision. Sudan had not responded to the ACHPR as of December 2016.

The section below highlights a number of incidents of arrests, arbitrary detention, torture and ill-treatment involving Darfuri students.

¹⁰⁸ League of Arab States, Arab Charter on Human Rights, available at <http://hrlibrary.umn.edu/instree/loas2005.html>

¹⁰⁹ The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

¹¹⁰ The Human Rights Committee, *CCPR General Comment Number 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)*, 10 March 1992, available at <http://www.refworld.org/docid/453883fb0.html> \\kenbo-vs-dc1ro\user#ahmed.elzobier\Desktop\453883fb0.pdf

¹¹¹ ACHPR, *Concluding Observations and Recommendations on the 4th and 5th Periodic Report of the Republic of Sudan*, available at [51st Ordinary Session, 18 April - 2 May 2012](http://www.achpr.org/files/sessions/15th-eo/communications/379.09/achpr15eos_decision_379_09_eng.pdf).

¹¹² ACHPR, *Communication 379/09 – Monim Elgak, Osman Hummaida and Amir Suliman (represented by FIDH and OMCT) v Sudan*, 14 March 2014, available at http://www.achpr.org/files/sessions/15th-eo/communications/379.09/achpr15eos_decision_379_09_eng.pdf.

5.1 ARBITRARY ARREST, ILL-TREATMENT AND UNLAWFUL KILLING AT THE UNIVERSITY OF EL GENEINA

On 31 January 2016, the NISS and ruling party affiliated students violently disrupted a public seminar at El Geneina University organized by a student organization from the opposition United Popular Front (UPF). This is a student organization present in Sudanese universities affiliated to the SLM/AW. During this incident, a number of students were seriously injured and one student, Salah al Din Qamar Ibrahim, was killed (see Chapter 6 for more details). Information gathered by Amnesty International indicates that gathering was not sanctioned by the university administration and ruling party affiliated students were acting alongside the NISS agents to violently disrupt the gathering.

On 28 January 2016, the UPF announced its intention to hold a political forum on 31 January 2016 to discuss the situation in Jebel Marra, where a government offensive against the SLA/AW was underway.¹¹³ Two days after the announcement and the day before the proposed event, on 30 January 2016, the University Student Affairs office issued a statement prohibiting any political activities such as public discussion fora at the university, citing insecurity in the region.¹¹⁴ The UPF ignored the prohibition and went ahead with the political forum on 31 January 2016.

Abdel, a student who was at the political forum, told Amnesty International:

“The forum started and two speakers addressed the gathering. But before the second speaker finished his speech, the forum was attacked...[S]uddenly a group of people, ruling party affiliated students and the NISS agents in plain clothes, entered the university’s campus. This took place at 4pm. They were carrying machine guns, knives and iron bars. They started to beat anyone at the forum. Some of the NISS agents stood at the university main gate, with the help of the ruling party affiliated students, identified some students and arrested them. I was arrested at the university and beaten by the agents.”¹¹⁵

The ACJPS reported that everyone arrested was beaten with “water pipes and metal bars” at the NISS offices in El Geneina.¹¹⁶ Abdel further told Amnesty International:

“In total, 25-27 students were arrested and taken to the NISS headquarters in El Geneina. We were...[badly] beaten. They took our personal details, recorded our voices [in order to identify those who talk to the media], took photographs, confiscated mobile phones and other personal items. In the interrogations, they asked us about our political affiliations and tribal identity. They specifically focused on three tribes namely the Fur, Masalit, and Zaghawa. They also focused on UPF affiliation. This harsh treatment lasted for three days then we were all, apart from two, released without charges.”¹¹⁷

Amnesty International received reports from human rights monitors in the area confirming that the students were released without any charges, except for two students, **Abdel Hakam Mubarak Al Khair** and **Nasr Eldin Mohamed Atim**, who were released on bail pending trial after one week. The two were charged with “causing intentional wounds” and “providing false information.”¹¹⁸ All charges against one student, Nasr Eldin Mohamed Atim were subsequently dismissed by a court in El Geneina for lack of evidence.¹¹⁹ Abdel Hakam Mubarak Al Khair was sentenced to one year in prison.¹²⁰

¹¹³ Amnesty International, *Scorched Earth, Poisoned Air: Sudanese government forces ravage Jebel Marra, Darfur* (Index: AFR 54/4877/2016).

¹¹⁴ Copy of the statement by the University Students’ Affairs office seen by Amnesty International.

¹¹⁵ Interview with Abdel, student at El Geneina University, via Skype, 10 February 2016 and 22 April 2016.

¹¹⁶ ACJPS, *West Darfur: One student dead after heavy beatings and serious concern for safety of another student detained incommunicado at security offices*, 8 February 2016, available at <http://www.acjps.org/west-darfur-one-student-dead-after-heavy-beatings-and-serious-concern-for-safety-of-another-student-detained-incommunicado-at-security-offices/>

¹¹⁷ Interview with Abdel, via Skype, El Geneina, 10 February 2016.

¹¹⁸ Articles 139 and 97 of the Sudan Criminal Act, 1991.

¹¹⁹ Interview with a human rights defender, via telephone, El Geneina, 5 August 2016.

¹²⁰ Interview with a human rights defender, via telephone, El Geneina, 9 November 2016.

5.2 HOLY QURAN AND ISLAMIC SCIENCES UNIVERSITY IN OMDURMAN – INCIDENT OF ARREST AND TORTURE

On 11 November 2015, a fire destroyed many offices in the administration block of the Holy Quran University. The university administration and the Ministry of Interior issued statements the following day blaming Darfuri students for setting fire to the building.¹²¹

The Darfur Students' Association denied the allegations in a statement issued on 15 November 2015 and accused the government of the “*systematic targeting of Darfuri students to prevent them from exercising their right to education*”.¹²² Following investigations, the NISS arrested eight students from the Holy Quran University in Omdurman on 14 November 2015.¹²³ The students were charged with criminal damage¹²⁴ in early December 2015, which attracts a penalty of up to five years in prison. Charges against six of the eight students were later withdrawn on 22 December 2015, and they were released shortly thereafter. The two remaining students, Naser Aldeen Mukhtar Mohamed and Mosaab Osman Al Amodi, were released on 23 December 2015 on bail pending trial.¹²⁵

The students arrested on 14 November 2015 reported they had been severely beaten while in the custody of the NISS.¹²⁶ Salih, one of the students arrested, told Amnesty International about his ordeal:

“I was in my apartment in Khartoum, around 12pm on Saturday, 14 November. Around 25 armed men kicked in the apartment door and stormed in shouting my name. They were from the NISS. We were five people inside the apartment at the time. They had a photo of me with them. The arresting unit was headed by a Lieutenant Colonel. Under his instruction, they beat me and kicked me in the head and all over my body. This lasted for about 30 minutes. Then they handcuffed me and took me and my other colleagues [four students] in a white Toyota pick-up with tinted windows to the NISS's headquarters in Khartoum North. Inside the NISS, we were made to stand up in a yard and raise our hands and face the wall. They continued beating me all over my body with a black plastic water pipe. After that, I was taken inside to an office where there were five officers. They told me that they recorded a conversation with my mother. They threatened me that they will hurt her and my brother if I did not cooperate with them. They wanted to know what my relation was with the armed rebel movements in Darfur, who funds and supports us? They accused me of burning the university building. They told me that they can kill me and no one will know about it. I was racially insulted and they told me that we, Darfuri people, are malevolent people and Abeed [slaves]. Then, they took me to the fourth floor. I was tortured by another NISS agent from the afternoon till 3am. I was kicked and whipped mercilessly on my bare back and my feet.”¹²⁷

¹²¹ Sudan Tribune, *a Molotov cocktail attack caused a massive fire at a university in Khartoum*, 11 November 2015, available at <http://tinyurl.com/pjo6bt9>

¹²² Sahafa Arabia, *A statement from Darfur Students' Association about the incident at the Holy Quran University*, 16 November 2015, available at <http://www.sahafaharabiah.net/news2188402.html>

¹²³ Interview with a member of the Darfur Students' Association, by telephone, 15 November 2015; Amnesty International, *Sudan: Whereabouts of Darfuri students unknown* (Index: AFR 54/2754/2015) <http://tinyurl.com/qH4pw8>.

¹²⁴ Article 182 of the Sudan Criminal Code 1991; Amnesty International, *Sudan: Further information: Eight Darfuri students released*, 27 January 2016 (Index: AFR 54/3258/2016).

¹²⁵ Amnesty International, *Sudan: Further information: Eight Darfuri students released*, 27 January 2016 (Index: AFR 54/3258/2016).

¹²⁶ A number of other students arrested in the same period informed Amnesty International that they were subjected to similar treatment.

¹²⁷ Interview with Salih, via Skype, 31 December 2015.



Scars on Salih's back. He was flogged during his detention at NISS offices in November 2015. @Private

Since their release, Salih says that he and his colleagues have found it difficult to attend university because they have been under surveillance and threatened with re-arrest by the NISS agents.

On 30 November 2015, the leaders of the National Consensus Forces (NCF), a coalition of 17 opposition political parties, organized a protest in Khartoum in response to the NISS arrests of the students suspected of setting fire to the Holy Quran University administration buildings. During the protest, the NCF leaders submitted a memorandum to the Ministry of Justice, which highlighted their concerns about the suppression of Darfuri students, especially at the Holy Quran University. One of the NCF delegates told Amnesty International how they were prevented by the NISS agents from entering the Ministry: *“We decided to read the memo to the media outside the Ministry’s offices, but the NISS agents grasped the memo, ripped it up and verbally abused us.”*¹²⁸ The NCF members managed to submit another copy of the memo to the Ministry of Justice.¹²⁹ The memo demanded: the immediate release of all arrested and detained students from Darfur; the establishment of a committee of inquiry into human rights violations against Darfuri students; that perpetrators are brought to justice; and that Darfuri students are allowed to enrol in the universities without fees payment and are allowed to return to their accommodation.¹³⁰

5.3 STUDENTS ARBITRARILY ARRESTED AND BEATEN FOR MEETING WITH A UN OFFICIAL IN KHARTOUM

Amnesty International spoke with Fadi, a student from the Sudan University of Science and Technology, who described his experience of arbitrary arrest and detention by the NISS agents. Fadi and three other Darfuri students (one male and two female) had an appointment with the UN Special Rapporteur on violence against women, Rashida Manjoo, on 16 May 2015 during her visit to Sudan. They arrived at the meeting venue, the Corinthia Hotel in Khartoum, at around noon. They intended to raise their concerns around human rights

¹²⁸ Interview with Sediég Yousif, member of NCF representing the Sudanese Communist Party, by telephone, 28 March 2016.

¹²⁹ The Media Committee, the National Consensus Forces, 30 November 2015, available at <http://www.alrakoba.net/news-action-show-id-217216.htm>.

¹³⁰ *Hurriyat* online newspaper, *The Text of the National Consensus Forces Memo*, 1 December 2015, available at <http://www.hurriyatsudan.com/?p=192733>.

violations experienced by Darfuri students. They also wanted to bring to her attention allegations that the National Students Welfare Fund (NSWF) and the University of Khartoum administration had forcibly evicted Darfuri students from their “Al Zahra complex” dormitory.¹³¹

Fadi told Amnesty International that, a few minutes after they had arrived, the NISS agents came to the reception area of the hotel. The students could see the NISS agents and felt afraid. They told the UN Special Rapporteur’s assistant about their fears and asked to discontinue the meeting, after which they decided to leave the hotel. Two NISS agents followed the students out of the hotel, prompting them to turn back where they told the UN Special Rapporteur, who had just arrived from another meeting, what had happened. At this point, 12 more NISS agents arrived at the hotel. Fadi told Amnesty International:

“The agents told [the UN Special Rapporteur] that she was a foreigner and she had no right to interfere in security matters. They began to push us around. She showed them her UN ID. She was also nearly beaten. She called for protection from the UN. The security wanted to take the girls [I was with] as well, but the Special Rapporteur refused their request. They [female students] stayed with her. We were taken to the security office in Al Niel Street. They beat us in the car, they insulted us and said that we were rebel supporters, that we had come here to [their] “land” to insult [them]. Another one said ‘this is not your home.’ Another one tried to understand what happened. He told me that they received reports that two rebel group members were inside the hotel wielding knives and threatening people.”¹³²

Fadi further told Amnesty International the NISS agents accused the students of being spies and reporting to foreigners about internal Sudanese issues. They took Fadi and his fellow male student to Khartoum North Police Station and accused them of espionage against the country. Fadi said they were put in separate cells but interrogated together on four separate occasions about their political affiliation, ethnicity and the universities they attended. The interrogation lasted until 9.30pm. They were threatened during the interrogation. Fadi said that one agent told them that: “the UN Rapporteur does not live in Sudan, after she leaves, you will have a hard time.” They were released without charge that night after some lawyers, who had heard about the incident, intervened.

Amnesty International wrote to the UN Special Rapporteur seeking further information about the incident. In an email dated 2 April 2016, Rashida Manjoo told Amnesty International: “Please note that the four students met with my assistant, at their request, to share information. Due to schedule clashes, I was not in the hotel when the meeting commenced, but I was a witness to the attempted arrest of the students.”¹³³ In her report, the UN Special Rapporteur noted that, due to “the fear of reprisals by women’s rights activists and organizations, this resulted in many organizations choosing not to meet with the Special Rapporteur.”¹³⁴

5.4 ILL-TREATMENT AND TORTURE IN DETENTION FOR STUDENTS AT THE UNIVERSITY OF EL FASHER

On 14 April 2015 at El Fasher University in North Darfur State, hundreds of students took to the streets after attending a public forum organized by opposition political organizations in the university, which called for the boycott of the presidential elections and for regime change.¹³⁵ The police and NISS agents used tear gas and fired into the air to disperse the protesters who were largely peaceful. They arrested at least 20 students using excessive force. Amnesty International spoke to four of the students arrested, all of whom reported being beaten over their heads and bodies with rubber hoses and plastic pipes.

The arrested students were subsequently charged with: calling for opposition to public authority by use of violence or criminal force; disturbance of public peace; rioting; obstructing a public servant from performing

¹³¹ On 27 September 2014, the NSWF issued a warning to female students, mostly from Darfur, resident at Al Zahra complex to evacuate the building. The NSWF warning stated that any student not studying at the University of Khartoum should leave the premises within one week. The NSWF claimed it carried out an assessment of the building with an engineering team, which concluded there were structural defects to the building. The students staged protests against the NSWF’s decision. The Sudanese authority decided to evacuate the dorm on 5 October 2014, arrested about 17 students and evicted 70. Amnesty International does not have sufficient information to assess whether the evictions were forced.

¹³² Interview with Fadi, via Skype, 11 October 2015.

¹³³ UN Special Rapporteur on violence against women, Rashida Manjoo, email to Amnesty International, 2 April 2016.

¹³⁴ Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to the Sudan, 18 April 2016, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/O79/16/PDF/G16O7916.pdf?OpenElement>

¹³⁵ Amnesty International, *State Sponsored Assault on Freedom of Expression around Elections*, 23 April 2015, <https://www.amnesty.org/en/press-releases/2015/04/sudan-state-sponsored-assault-on-freedom-of-expression-around-elections/>

the duties of his office; and criminal damage.¹³⁶ A lawyer working on the case told Amnesty International that the students were detained at the NISS detention centre in Shala Prison awaiting trial. Human rights monitors who saw the students said they showed signs of severe beating and that their clothes were stained with blood on the first day of detention.¹³⁷ The students interviewed by Amnesty all reported being severely beaten and subjected to verbal abuse during arrest as well as by prison officers while in detention – treatment which amounts to torture.

Salim, one of the students arrested, told Amnesty International about his arrest and detention:

“I was pushed inside the vehicle. All seven...[police officers] on board spat at my face...I was bleeding as a result of a head injury and my shirt was blood-soaked...I spent nine days at Shala Prison as well. At Shala Prison, they shaved my head, telling us ‘you are Tora Bora [rebels]; they are providing you with support to attack people.’ Then we were sent to cells holding 160 inmates. The first day, however, we spent the night in dark and narrow cells that looked like bathrooms.”¹³⁸

Wasil, aged 27, was also arrested. He told Amnesty International about the circumstances of his arrest:

“I was arrested on 14 April 2015, on the day of the demonstration that called for bringing down the regime. I was then at the Faculty of Education where I had breakfast and went to the resource faculty. As I found the situation to be quite volatile there, I decided to go back to the dormitory but the police intercepted my way with their vehicle. They [the police] subjected me to brutal beating and verbal abuse. Some were armed and the campus security also took part in beating me all over my body with rubber hoses.”¹³⁹

Wasil was taken to Shala Prison. He said: *“We found the [prison] guards waiting for us. They beat us using whips and rubber hoses, kicked us all and forcefully shaved our heads.”*

Eisa, a 26-year-old student, told Amnesty International:

“I was arrested on campus on 14 April 2015, the day of the demonstration. I was arrested at 12pm while trying to leave the Faculty of Education...Police were already positioned on campus next to the Education Faculty activity centre, while the [UNAMID peacekeeping]¹⁴⁰ vehicles were outside the campus, looking at us without taking any action. They [the NISS agents] beat me on the head with rubber hoses and canes and kicked me as well.”¹⁴¹

Eisa was transferred to Shala Prison in El Fasher. He described the situation in the prison:

“The next day they transferred us to Shala Prison where they received us with awful insults, poured water on us and kicked us. They were all police and military personnel. They soon sent us to our respective cells at [around] 1pm or 2pm...I was beaten on my ribs and I am still in pain as a result of the beating with canes and kicking with boots.”¹⁴²

All the students were released 10 days after their arrest, on bail pending trial. In August 2015, the trial court stayed legal proceedings against the students as the complainant [the police] failed to appear in court several times. Since then, no new legal action has been taken against them.¹⁴³

¹³⁶ Amnesty International, *State Sponsored Assault on Freedom of Expression around Elections*, 23 April 2015, <https://www.amnesty.org/en/press-releases/2015/04/sudan-state-sponsored-assault-on-freedom-of-expression-around-elections/>

¹³⁷ Sudan Development Organization-UK (SUDO-UK), *Brutal Attack by the Riot Police and the NISS on Al-Fashir University Students*, 14 and 15 April 2015, 17 April 2015.

¹³⁸ Email correspondence with Salim, El Fasher, 5 September 2015.

¹³⁹ Email correspondence with Wasil, El Fasher, 5 September 2015.

¹⁴⁰ The government of North Darfur State has accused UNAMID of providing support to the students who staged anti-election protests at El Fasher University. The head of the UNAMID sector in North Darfur, Mohamed El Swaiffy, denied the allegation. Sudan Tribune, *N. Darfur accuses UNAMID of attempting to support anti-election protests*, 16 April 2015, available at <http://www.sudantribune.com/spip.php?article54645>

¹⁴¹ Email correspondence with Eisa, El Fasher, 5 September 2015.

¹⁴² Email correspondence with Eisa, El Fasher, 5 September 2015.

¹⁴³ Interview with a lawyer in El Fasher, by telephone, 11 and 14 November 2016.

5.5 ARRESTED AND TORTURED FOR ADVOCATING FOR STUDENTS' HOUSING

In 2014, Salma, a 27-year-old student activist, was a member of the Darfur Girl Students at the Al Zahra Complex.¹⁴⁴ The Al Zahra Complex houses mainly female university students from all universities within Khartoum. At the time, she was campaigning for decent accommodation for female Darfuri students. Salma had been arrested at least four times by the NISS since 2011 and released each time without any charges. On 5 October 2014, Salma was arrested at the Al Zahra Complex after protesting against evictions from the complex by the National Students Welfare Fund and the University of Khartoum administration.¹⁴⁵ She was severely beaten by NISS agents in front of other students. She told Amnesty International:

“They grabbed me and started beating me with their fists, slapped me on my face, beat me with their sticks and water hoses. The security officers dragged me and pulled off my Toub [traditional Sudanese dress], while they were dragging me. I was resisting them, my pyjama [underdress] was torn and I was almost naked, then the security officers handcuffed me and threw me into a small black car.”¹⁴⁶

Salma told Amnesty International how, in her first two days at the NISS office, she was verbally abused, slapped in the face, kicked and hit with the butt of a gun on her head during her arrest and interrogation. She was also beaten with batons in other parts of her body and electrocuted.¹⁴⁷ Her hip was dislocated as a result of the beatings. She was taken for interrogation four times, blindfolded and shackled. The treatment Salma experienced while in detention, also documented by Human Rights Watch,¹⁴⁸ amounts to torture.

Salma also told Amnesty International about how she was drugged and then raped inside the NISS's offices in Khartoum North in early October 2014:



Salma says she was electrocuted while in detention. Electrocution marks on her left hand. @Private

“I have been asked about people, from different political parties. I answered all the questions with ‘I don’t know them.’ Then they ordered me to drink a juice on the table. I refused to drink it. Then one of the officers asked about my name. I said ‘Salma.’ He told me: ‘your name is not Salma’...then one of the officers grabbed me, another officer took the juice and poured it into my face. I don’t know what it contained, I just woke up and I found myself laying on the bed naked. All the four security officers were there looking at me, and then one of them showed me a video clip of them raping me. I can’t remember how long this incident lasted, but I saw the video and the four officers took turns and raped me. Now I can recognize all of them if I saw them in the street.”¹⁴⁹

Salma was released in November 2014, after spending one month in detention. She decided to leave Sudan and seek asylum in another country in 2015.

¹⁴⁴ Al Zahra Complex, formerly known as the “barracks,” is located on the banks of the Blue Nile and was used to house British soldiers during the colonial period. It was transformed into a students’ residence after independence in 1956.

¹⁴⁵ Amnesty International was unable to ascertain whether the evictions were forced.

¹⁴⁶ Interview with Salma, by telephone, 17 August 2015.

¹⁴⁷ Interview with Salma, by telephone, 28 March 2016.

¹⁴⁸ Human Rights Watch, “Good Girls Don’t Protest:” *Repression and Abuse of Women Human Rights Defenders, Activists, and Protesters in Sudan*, 23 March 2016, available at https://www.hrw.org/sites/default/files/report_pdf/sudan0316web.pdf, pages 24-25.

¹⁴⁹ Interview with Salma, by telephone, 17 August 2015 and 1 December 2015.

5.6 DETAINED AND TORTURED FOR HIS STUDENT ACTIVISM

Ibrahim Salih Haroon, a 30-year-old former student from the Sudan University of Science and Technology, was studying Accounting at the Faculty of Commerce Study. He was the President of the Darfur Students' Association between 2005 and 2006 and the General Secretary from 2006 to 2007. Ibrahim was arrested by the NISS on five separate occasions while he was at the university (in 2003, 2007, 2008, and in March and September 2014). Ibrahim Salih Haroon told Amnesty International that, while he was in detention, security agents subjected him to racial abuse and severe beatings, which amount to torture. He was kept in solitary confinement for 10 days.

Ibrahim Salih Haroon told Amnesty International how he was forced to provide a blood sample: *"When I was detained by the NISS, on the first day after my interrogation, they took a blood sample from me by medical staff working inside NISS premises. The blood result was clean. After ten days, I was asked by an NISS officer to give another blood sample, I refused. The NISS agents threatened and beat me. I was forced to give the blood sample [without explanation as to why they wanted the blood sample]."*¹⁵⁰ Ibrahim Salih Haroon believes that during his detention in March/April 2014, NISS agents deliberately infected him with the Hepatitis B virus.

After his release on 9 April 2014, he went for a medical check-up and the doctor told him he was infected with the Hepatitis B virus.¹⁵¹ After his release from his fifth arrest in October 2014, his movement was monitored and Ibrahim said he received threatening phone calls from NISS agents. Ibrahim decided to flee and seek asylum in Egypt in February 2015. At the time of writing, Ibrahim was receiving medical treatment in Egypt for Hepatitis B.¹⁵² Ibrahim Salih Haroon described to Amnesty International his experience during his last arrest and detention in September 2014:

"From 20 September to 6 October 2014, I was held near Comboni School in downtown Khartoum. I was arrested on 20 September during a meeting to commemorate the September 2013 victims.¹⁵³ We were taken to the NISS office at 57 Street, Al Amarat in Khartoum. NISS agents racially abused me [and two others] because of my tribal identity [being from Darfur]. We were beaten. They told me that today they will teach me a lesson: 'you embassies' spy'. After midnight, I was taken away from other detainees. They ordered me to take my clothes off, I refused. Four security agents started to kick me, they electrocuted and sprayed cold water on me. They took turns torturing me until the morning. I spent three days at NISS office in 57 Street. Then I was transferred to solitary confinement at the NISS office in Khartoum North. They threatened me that they would kill me if I did not change my opinion on the regime."¹⁵⁴

Ibrahim Salih Haroon also told Amnesty International that he had been unable to get his graduation certificate from the Sudan University of Science and Technology since 2008, despite fully paying his tuition fees and successfully finalising his course.

Amnesty International wrote to the Sudan University of Science and Technology in April and followed up in May 2016, seeking further information on Ibrahim's claims. But by the time of publication, Amnesty International had not received any response.

¹⁵⁰ Interview with Ibrahim Salih Haroon, by telephone, 13 September 2016.

¹⁵¹ Copy of medical report on file with Amnesty International.

¹⁵² Interview with Ibrahim Salih Haroon, by telephone, 17 April 2015.

¹⁵³ Following the government's cut in fuel subsidies, protests erupted on 23 September 2013 across the country. The security forces killed at least 200 people. The demonstrations were the biggest since the 1989 coup. Amnesty International, *Excessive and Deadly: The use of force, arbitrary detention and torture against protestors in Sudan* (Index: AFR 54/020/2014).

¹⁵⁴ Interview with Ibrahim Salih Haroon, by telephone, 17 April 2015.

ALI OMAR MOUSA HASSABA-ALLAH AND ABDULMONEM ABDUMAWLA ISSA ABDUMAWLA: HELD INCOMMUNICADO AND TORTURED BY THE NISS

Ali Omar Mousa Hassaba-Allah is a 23-year-old student from the Fur tribe, enrolled at the Omdurman Islamic University, Faculty of Education, Department of Biology and Chemistry. His family lives in Ottash IDP camp near Nyala, South Darfur. On 9 December 2013, Ali was attacked by a group of students affiliated to the ruling party after attending a seminar organized by Darfuri students at Al Zaiem Al Azhari University in Khartoum North.

Around 3pm on 9 December 2013, while Ali and another 50 Darfuri students were leaving the university after the seminar, a group of students shouting “God is great” suddenly attacked them near the university’s gate. They threw Molotov cocktails (petrol bombs) at the Darfuri students. Ali was hit by a Molotov cocktail and his face, neck, chest and hands were severely burned. He was taken to Omdurman Teaching Hospital and received medical attention.¹⁵⁵ Human rights monitors familiar with the case also reported that Ali suffered from paralysis in some of his limbs. After the incident, he went to his family in Ottash IDP camp to receive local (herbal) treatment as he could not afford to pay for medical care in a hospital. However, a few months later, Ali’s health deteriorated and some family members and IDP camp residents took him to Nyala Hospital. The doctors referred him to Khartoum, but he was unable to pay for the transfer and remained in the camp for a few weeks until his family was able to take him to Khartoum for further treatment.¹⁵⁶

In Khartoum, a doctor concluded that Ali’s burns to his upper body were at “40%...deep dermal to full thickness burn.”¹⁵⁷ Ali was bedridden, needing surgery to restore the damaged tissue and nerves.¹⁵⁸ Ali has undergone six surgeries over the past two years for his condition.

Ali was also arrested on 18 December 2015 and was questioned repeatedly about the source of the money used to cover the costs of his medical treatment. According to the ACJPS, NISS officers arrested Ali in Khartoum in December 2015. He was staying with relatives at the time of his arrest.¹⁵⁹ Despite Ali’s medical condition, he did not receive the required medical care while in detention. He was subjected to ill-treatment, including verbal and psychological abuse by NISS agents while in custody for six months at the NISS detention centre near to Shendi Bus Station in Khartoum North. However, he was released without charge on 28 May 2016. Amnesty International was informed that Ali is still in need of another two surgeries to fully recover and return to his studies, which he had suspended since December 2013.¹⁶⁰

Ali’s best friend, **Abdulmonem Abdumawla Issa Abdumawla**, a graduate of the Engineering Faculty at the University of Khartoum, was also arrested by the NISS on 18 December 2015. Abdulmonem provided support to Ali while he was undergoing medical treatment in Khartoum.

He was transferred on 5 August 2016 to Al Huda Prison in Omdurman where he was charged with four offences under the 1991 Criminal Law’s Article 21 on “joint criminal act,” Article 53 on “espionage,” which carries the death penalty, Article 64 on “agitating hatred between sects”, and Article 66 on “the spreading of false information.”

A human rights defender spoke to some people released from NISS detention in April 2016. They said they had seen Abdulmonem in the NISS detention centre in Bahri near the Shendi Bus Station and that his body showed clear signs of beatings.¹⁶¹ His trial with three other defendants was still ongoing at the time of writing of this report.¹⁶² According to a defense lawyer, the arrest, detention and trial of these four men, in addition to support of Ali, is hinged on suspicion that they are trying to encourage Muslims to convert to Christianity and are publicly speaking out against the ill-treatment of Christians in Sudan.¹⁶³

¹⁵⁵ Interview with Nadir, by telephone, 12 November 2016.

¹⁵⁶ Email correspondence from a Sudanese human rights defender, 10 March 2016.

¹⁵⁷ Copy of the medical report dated 28 May 2014 from Dr Osama Murtada Ahmed, Consultant, Plastic and Reconstructive Surgery, Khartoum seen by Amnesty International.

¹⁵⁸ Email correspondence from a Sudanese human rights defender, 10 March 2016.

¹⁵⁹ ACJPS, *Immediate safety concern for two Darfuris detained incommunicado for seven weeks in Khartoum*, 10 February 2016, available at <http://www.acjps.org/immediate-safety-concern-for-two-darfuris-detained-incommunicado-for-seven-weeks-in-khartoum/>

¹⁶⁰ Interview with Nadir, by telephone, 12 November 2016.

¹⁶¹ Email correspondence from a Sudanese human rights defender, 27 April 2016.

¹⁶² Amnesty International, *Four prisoners of conscience on trial*, 17 November 2016 (Index: AFR 54/5146/2016); email correspondence from a Sudanese human rights defender, 5 August 2016; and Human Rights and Development Organization (HUDO), updates on trial of pastors and activist, available at <http://hudocentre.org/h-r-monitoring/appeals/>

¹⁶³ Interview with Mohaned Mustafa, defense lawyer for Hassan A Kodi, Kuwa Shamal A Zumam, Petr Jezek and Abdulmonem Abdumawla, by telephone, 16 November 2016.

6. FAILURE TO INVESTIGATE UNLAWFUL KILLINGS

Since the beginning of the conflict in Darfur in 2003, Amnesty International has documented the killing of at least 13 students from Darfur in various universities across Sudan, by police officers, NISS agents and/or ruling party affiliated students.¹⁶⁴ These deaths include cases of death in custody, extra-judicial executions, killings as a result of the use of excessive or lethal force and other killings.¹⁶⁵ Despite repeated calls by national and international human rights organizations, the Government of Sudan has failed to investigate most of these cases and bring perpetrators to justice.¹⁶⁶ Amnesty International sought further information on these cases, including whether the Ministry of Justice had carried out investigations through its letters to the Ministry of Justice in June 2016 but did not receive any response. This report highlights some examples for purposes of emphasizing failure to investigate.

RIGHT TO LIFE

The Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions in 2014 noted: “The right to life is often described as a fundamental human right; a right without which all other rights would be devoid of meaning.” The right is recognized in a variety of widely ratified global and regional treaties and other instruments. Article 6(1) of the ICCPR provides that “every human being has the inherent right to life [which] right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹⁶⁷

The Special Rapporteur has also stated that: “The right to life is the precondition for the full realization of human dignity and the effective exercise of all human rights...The protection of the right to life is not merely a matter of domestic concern; the equal protection of all lives is central to the international human rights system.”¹⁶⁸

According to the UN Human Rights Committee’s General Comment No. 36 (2015): “State parties have the duty to respect the right to life and refrain from engaging in conduct resulting in deprivation of lives. When taking lawful measures that may nonetheless result in deprivation of life, such as police raids targeting violent criminals or military operations during armed conflicts, state authorities must adequately plan their actions and introduce appropriate safeguards in order to minimize the risk posed to human life. They must also take all suitable measures, which can reasonably be expected from them, to protect the right to life of individuals against deprivations caused by persons or entities not acting on behalf of the State.”¹⁶⁹

Article 4 of the African Charter on Human and Peoples’ Rights guarantees the right to life and provides that: “Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.”¹⁷⁰

The right to life is reaffirmed by the 2005 Interim National Constitution of Sudan under Article 28 of the Bill of Rights which stipulates that: “Every human being has the inherent right to life, dignity and the

integrity of his/her person, which shall be protected by law; no one shall arbitrarily be deprived of his/her life.”

Sudan has an obligation to ensure there is an appropriate accountability framework to ensure the prompt, independent and effective investigation and prosecution of all incidents of unlawful killings, including those by security services. Under international law, law enforcement officials must carry out their duties with full respect for the right to life. In Sudan, the security forces and police must comply with human rights safeguards as set out in the UN Code of Conduct for Law Enforcement Officials (1979) and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990). According to the UN Basic Principle 4, “law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.”¹⁷¹



Salah al Din Qamar Ibrahim, a 4th year economics student at the University of El Geneina, died on 2 February 2016 as a result of injuries sustained during a violent disruption, by the NISS and ruling party affiliated students, of a public seminar organized by the UPF at the university on 31 January 2016 (as discussed in chapter 5). Abdel, who saw what happened to Salah al Din Qamar Ibrahim, told Amnesty International:

“Salah was attacked by the NISS agents near the university main gate. He was hit in the head with an iron bar and rifle butt and fell down. The NISS agents continued beating him while he was on the ground.”¹⁷²

A human rights defender who also witnessed the incident told Amnesty International that: “*Salah was attacked by a group of plainclothes agents from the NISS around 12pm in the university. After beating him, they threw Salah on the back of a Toyota pickup truck. Then after one hour, the NISS agents dumped his body near the family’s home.*”¹⁷³ The family took him to the hospital, where he died two days later without ever regaining consciousness.¹⁷⁴ According to human rights defenders in El Geneina who monitored the case, the police closed the investigation, saying the cause or circumstances of Salah’s death were unknown. Amnesty International was informed by a human rights monitor that the family were not taking further action to bring Salah’s killers to justice.¹⁷⁵

¹⁶⁴ The names of Darfuri students killed since 2003. **Mohamed Moussa Abdallah Bahr El Din**, University of Khartoum, 10 February 2010; **Abdalla Mohamdein Edris**, 29, University of Zalingei, 1 December 2010; **Abdel Haliem al Radi**, University of Zalingei, 1 December 2010; **Jamal Adam Mustafa**, University of El Fasher, 16 March 2011; **Hafiz Hussien Ibrahim Angabo**, in his mid-twenties, University of Daleng, 18 June 2011; **Ikhlas Yousif Adam**, aged 24, University of Zalingei, 25 October 2011; **Abdel Hakiem Abdalla Musa**, 24, Omdurman Islamic University, 4 April 2012; **Mohamed Younis Niel Hamid**, Faculty of Agriculture, University of Al Jazeera, 6 December 2012; **Adil Mohamed Ahmed**, Faculty of Agriculture, University of Al Jazeera, 6 December 2012; **Alsadig Yagoub Abdalla**, Faculty of Agriculture, University of Al Jazeera, 6 December 2012; **Mohamed Suleiman Ibrahim**, 20, University of Nyala, 26 February 2014; **Ali Abaker Mussa Idris**, University of Khartoum, 11 March 2014; and **Salah al Din Qamar Ibrahim**, University of El Geneina, 2 February 2016.

¹⁶⁵ Amnesty International has also previously documented unlawful killings of Darfuri students. See *Excessive and Deadly: The use of force, arbitrary detention and torture against protestors in Sudan* (Index: AFR 54/020/2014).

¹⁶⁶ ACJPS, *West Darfur: One student dead after heavy beatings and serious concern for safety of another student detained incommunicado at security offices*, 8 February 2016, available at <http://www.acjps.org/west-darfur-one-student-dead-after-heavy-beatings-and-serious-concern-for-safety-of-another-student-detained-incommunicado-at-security-offices/>; *Open letter from 39 NGOs and individuals concerning excessive use of force by Sudanese authorities*, 3 May 2016, available at <https://www.hrw.org/news/2016/05/03/open-letter-39-ngos-and-individuals-concerning-excessive-use-force-sudanese>.

¹⁶⁷ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, UN DOC. A/HRC/26/36, 1 April 2014, paragraph 42.

¹⁶⁸ Special Rapporteur on extrajudicial, summary or arbitrary executions, Report to the General Assembly, 9 August 2012, A/67/275, paragraphs 11-12.

¹⁶⁹ Human Rights Committee, Draft General Comment Number 36 - Article 6: Right to life, [CCPR/C/GC/R.36](https://www.unhcr.org/refugees/cpr/cpr36.html), 2 September 2015, paragraph 11.

¹⁷⁰ African Charter on Human and Peoples' Rights, available at <http://www.achpr.org/instruments/achpr/#a4>

¹⁷¹ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>.

¹⁷² Interview with Abdel, via Skype, El Geneina, 10 February 2016.

¹⁷³ Interview with a human rights defender, via telephone, El Geneina, 9 November 2016.

¹⁷⁴ Interview with Abdel, via Skype, El Geneina, 10 February 2016.

¹⁷⁵ Email correspondence, 12 March 2016 and 9 November 2016.

Since January 2016, two students have been killed, in addition to Salah al Din Qamar Ibrahim, whose case is detailed above. One is **Abubakar Hassan Mohamed Taha**, an 18-year-old student at the University of Kordofan in El Obeid, who died of a gunshot wound to the head in April 2016. He was amongst a group of students who were marching peacefully towards the office of the Students Union to submit their list of pro-opposition candidates for Student Union elections due to be held that day, when NISS agents intercepted them and started shooting in an attempt to prevent them from taking part in the elections.¹⁷⁶ On 20 April 2016, Amnesty International called on the Sudanese government to promptly conduct an independent, impartial and effective investigation into the cause of death of Abubakar Hassan Mohamed Taha and bring the perpetrators to justice.¹⁷⁷ On 27 April 2016, **Mohamad Al Sadiq Yoyo**, a 20-year-old student at the Omdurman Al Ahlia University in Khartoum State, was shot dead by suspected NISS agents.¹⁷⁸ The incident took place after a public forum organized by the Nuba Mountains Students' Association was attacked by students affiliated to the ruling party and the NISS.¹⁷⁹ According to the autopsy report seen by Amnesty International, Mohamad was shot in the left side of his chest adjacent to his heart.¹⁸⁰ According to information available to Amnesty International, as of December 2016, no steps had yet been taken to initiate an investigation into his death and prosecute those responsible.

The death of these students sparked countrywide student protests.¹⁸¹ The Assistant to the President, Ibrahim Mahmoud Hamid, in a statement on 28 April 2016, blamed opposition parties and armed groups for the violence at the universities and the deaths of Mohamad Al Sadiq Yoyo and Abubakar Hassan Mohamed Taha. He said that: "the armed movements and some opposition parties attempt to create instability in the universities and encourage armed violence among students." He further added that: "the defeat of [rebel] movements that reject peace at the hands of the armed forces, compel them to undermine the stability of the university."¹⁸²

The National Committee for Solidarity with the Families of Martyrs and Wounded, a Sudanese organization, issued a statement on 28 April 2016 claiming that 23 students had been unlawfully killed since 1989. Darfuri students comprised 56% of the students killed.¹⁸³ In its statement, the National Committee claimed the deaths resulted from gunshot wounds, knife wounds [stabblings], deaths in NISS custody or injuries sustained while in detention. Some cases highlighted by the National Committee have also been documented by Amnesty International in 1990, the Report of the UN Special Rapporteur of Sudan in 1995, and Human Rights Watch in 1996.¹⁸⁴



Ali Abaker Mussa Idris. @Private

Amnesty International has also previously documented the unlawful killing of **Ali Abaker Mussa Idris**, an economics student at the University of Khartoum, originally from South Darfur, in September 2014. He died from gunshot wounds sustained when the security services opened fire during a demonstration at the university on 11 March 2014. The demonstration took place immediately after the conclusion of a public forum organized by the Darfur Students' Association concerning escalating violence in South Darfur. The students marched towards the university gate. The police and the NISS came and used tear gas and live ammunition to disperse the protesters, resulting in Ali's death.¹⁸⁵ Amnesty International is unaware of investigations in relation to his death.

¹⁷⁶ Interview with a human rights defender, El Obeid, via Skype, 19 April 2016.

¹⁷⁷ Amnesty International, *Government must investigate brutal killing of 18-year-old university student by intelligence agents*, 20 April 2016, <https://www.amnesty.org/nz/sudan-government-must-investigate-brutal-killing-18-year-old-university-student-intelligence-agents>

¹⁷⁸ Interview with a human rights defender, Khartoum, 28 April 2016.

¹⁷⁹ SUDO-UK, *Human rights abuses in Sudan over the month of April 2016*, 17 June 2016, available at <http://www.sudouk.org/updates/posts/human-rights-abuses-in-sudan-over-the-month-of-april-2016/>

¹⁸⁰ Amnesty International, *Six protestors detained without charge* (Index: AFR 54/3926/2016); interview with a human rights defender, Khartoum, 28 April 2016.

¹⁸¹ Sudan Tribune, *University student killed by government supporters in Khartoum*, 27 April 2016, available at <http://sudantribune.com/spip.php?article58786>

¹⁸² Ashorooq Network, *The government accuses the movements of trying to transfer violence to the universities*, 28 April 2016, available at <http://tinyurl.com/hv3l5k2>

¹⁸³ Email correspondence with a Sudanese human rights defender, 1 May 2016.

¹⁸⁴ Amnesty International, *Appeals on behalf of imprisoned academics*, November 1990 (Index: AFR 54/11/1990); Report of the Special Rapporteur of Sudan, *Situation of human rights in Sudan*, October 1995, available at <http://www.un.org/documents/ga/docs/50/plenary/a50-569.htm>; Human Rights Watch, *Behind the Red Line: Political Repression in Sudan*, May 1996.

¹⁸⁵ Amnesty International, *Excessive and Deadly: The use of force, arbitrary detention and torture against protestors in Sudan* (Index: AFR 54/020/2014).

In 2012 and 2014, Amnesty International and ACJPS have previously documented the unlawful killings of four Darfuri students at the University of Al Jazeera.

The Darfur Students' Association organized a sit-in, protesting the refusal by the University of Al Jazeera in Al Jazeera State, to register Darfuri students until they had paid fees arrears. On 6 December 2012, ruling party affiliated students armed with metal bars violently disrupted the sit-in, causing fighting to ensue between students at the sit-in and ruling party affiliated students. The NISS and police then entered the university's campus to stop the fighting and disperse the students. They fired teargas and beat the students with batons.¹⁸⁶ That same day, two bodies, identified as Darfuri students Adil Mohamed Ahmed and Mohamed Younis, were found in the canal near the Al Jazeera University buildings.

The corpses of two other students, Alsadig Yagoub Abdallah and Nouman Ahmed Koreishi, were found in the same canal the following day, on 7 December 2012.¹⁸⁷

In relation to the deaths of these four students, on 1 June 2016, the General Counsel of the Ministry of Justice, Mohammed Ahmed Ali, announced during a press conference in Khartoum, that investigations into the 2012 killings at the University of Al Jazeera found police officers were involved in the killing of these students and their immunity had been lifted so that they could stand trial. The General Counsel added, however, that the families had chosen not to pursue prosecution and instead accepted blood money and therefore, the case file was closed.¹⁸⁸

A member of the Darfur Students' Association at the University of Al Jazeera spoke with the families after the General Counsel's announcement. He told Amnesty International: "The families had no information about the investigation process. The families were pressured by the NISS to accept the blood money of about 100,000 Sudanese pounds (US\$16,400). The investigation's findings were not publicly released. According to the official medical report, the cause of death was drowning."¹⁸⁹ Amnesty International could not independently verify the alleged pressure on the victims' families, but confirmed that no prosecutions had commenced of any police officer suspected of these killings.

The provision of blood money in lieu of prosecution, four years after the unlawful killing, is inconsistent with Sudan's obligations as a party to the ICCPR, to ensure appropriate procedures and measures that provide fair, effective and prompt access to justice and adequate, effective and prompt reparation for the harm suffered.¹⁹⁰

Hafiz Hussein Ibrahim Angabo was a student at the University of Dalen, originally from Kass, a town in South Darfur State. According to the Darfur Bar Association, Hafiz was abducted from the street in the District of Mayo in Khartoum near his home on the morning of 17 June 2011. His body was found the following morning on a road near his home. Hafiz was a 4th year student at the University of Dalanj, College of Education, in South Kordofan. On 16 June 2011, the day before his abduction, he had participated in a public event organized by the UPF at the University of Khartoum on the situation in Darfur. According to the Darfur Bar Association, Hafiz was buried the same day he was found.¹⁹¹ His family reportedly requested all those attending the funeral to let the matter rest and not take any legal action.¹⁹² As of November 2016, no investigation had been conducted into his death. However, the family received blood money in 2011.¹⁹³

¹⁸⁶ ACJPS, *Call for an immediate and independent investigation into student deaths and excessive use of force by Sudanese authorities*, 10 December 2012, available at <http://tinyurl.com/h49tg3v>; Amnesty International, *Excessive and Deadly: The use of force, arbitrary detention and torture against protestors in Sudan* (Index: AFR 54/020/2014).

¹⁸⁷ Amnesty International, *Excessive and Deadly: The use of force, arbitrary detention and torture against protestors in Sudan* (AFR 54/020/2014).

¹⁸⁸ *Altaghyeer* online newspaper (Arabic), *Ministry of Justice: Investigation proved the police involvement in killing of the University of Al Jazeera students*, 2 June 2016, available at <http://tinyurl.com/zwwujxg>

¹⁸⁹ Interview with a member of the Darfur Students' Association from the University of Al Jazeera, by telephone, 27 June 2016.

¹⁹⁰ UN General Assembly: *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>

¹⁹¹ Email correspondence with a lawyer from the Darfur Bar Association, 11 November 2016.

¹⁹² Sudan Nile, *Darfur Bar Association: On the murder of the student Hafiz Hussein Ibrahim Angabo*, 18 June 2011, available at [http://sudanfile.com/index.php?option=com_content&view=article&id=29019:b\\$A-a2C&catid=37&Itemid=63](http://sudanfile.com/index.php?option=com_content&view=article&id=29019:b$A-a2C&catid=37&Itemid=63).

¹⁹³ A lawyer from the Darfur Bar Association told Amnesty International: "In the case of Hafiz Hussein Ibrahim Angabo we issued a report of this incident published in *Ajrass Al Huria* newspaper [shut down in July 2011]. The Director General of Police in a press conference requested that we should apologize or face criminal proceedings. He reported the newspaper and us to the police, but the father of the deceased entered into a settlement with the police and received blood money and left us and the journalist to face a series of criminal charges, including lying, defamation and breach of public peace. Now five years have passed these criminal charges have neither been dropped or taken to court."



Mohamed Moussa Abdallah
Bahr El Din. @Private

Amnesty International has also previously documented the unlawful killing of **Mohamed Moussa Abdallah Bahr El Din**, originally from North Darfur State, and studied at the University of Khartoum's Department of Education. According to witness accounts, he was seized by NISS agents in front of the university on 10 February 2010. The following day, 11 February 2010, his body was found in a street of Khartoum bearing marks of torture, including large bruises, cuts on different parts of his body, and burns on the palms of his hands and soles of his feet. Although the NISS tried to deliver his body for burial without an autopsy, the family insisted on a post-mortem.¹⁹⁴ According to the information available to Amnesty International as of November 2016, no steps have yet been taken to investigate his death and prosecute those responsible.¹⁹⁵

Amnesty International has been unable to obtain any information, apart from the recent press announcement by the General Counsel¹⁹⁶ that indicates the Sudanese authorities have investigated these killings or commenced prosecutions for the same. This failure to ensure prompt, independent and effective investigations and, where there is sufficient evidence of criminal responsibility, prosecutions of perpetrators, violates its obligation to ensure respect for the right to life and provide effective remedies to victims and their families. This also undermines access to justice and contributes to a culture of impunity within the security services.¹⁹⁷

The cases above, in which students from Darfur were either killed in unclear circumstances or during protests, demonstrate the Sudanese government's failure to address allegations of unlawful use of force against protesting students from Darfur and allegations that state agents and supporters are targeting students from Darfur. This failure is not a one-off occurrence - it is systematic. In some of these cases, Amnesty International has written to the Government of Sudan, requesting information on the status of investigations, but Amnesty International has consistently received no response.

Amnesty International is also concerned that the provision of blood money in lieu of prosecutions for unlawful killings, including extrajudicial executions and murder, is inconsistent with Sudan's obligations to ensure adequate, effective, prompt and appropriate remedies, including reparations, as well as with the obligation to ensure fair, effective and prompt access to justice. The payment of blood money should not prevent investigations into all allegations of human rights violations and abuses and, where there is reasonable suspicion of criminal responsibility, the prosecution and punishment of those responsible.

¹⁹⁴ Amnesty International, *Agents of fear: the National Security service in Sudan*, July 2010 (Index: AFR 54/010/2010).

¹⁹⁵ Interview with a lawyer working on the case from the Darfur Bar Association, by telephone, 11 November 2016.

¹⁹⁶ Ashorooq Network, *The government accuses the movements of trying to transfer violence to the universities*, 28 April 2016, available at <http://tinyurl.com/hv3l5k2>

¹⁹⁷ The requirement to provide an "effective remedy" is found in many human rights conventions, including the ICCPR. For example, under Article 2(2), a State party undertakes to: "adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant", and Article 2(3)(a) further provides that State parties must ensure that people whose rights are violated have an "effective remedy." Complaints should be determined by "competent judicial, administrative or legislative authorities", available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

7. ACCOUNTABILITY AND JUSTICE

Sudan has an obligation to respect, protect and fulfil the commitments in the human rights treaties it has ratified. Sudan has a positive obligation to ensure the legal framework enables the realisation of human rights. This means that Sudan should not institute legislation which undermines, hinders or negates the realisation of these rights. The continued existence, for example, of legislation which confers broad discretionary powers to state agents, while guaranteeing impunity for violations, is inconsistent with Sudan's regional and international obligations. In addition, Sudan has an obligation to protect human rights by ensuring that corrective action is taken when human rights are abused by either state agents or by non-state actors. It has an obligation to ensure prompt and credible investigations and that perpetrators are brought to account through appropriate judicial processes. It also has an obligation to ensure that everyone under its jurisdiction is afforded equal protection under the law.

Despite numerous reports on and evidence of arbitrary arrests, excessive and unlawful use of force, unlawful killings, torture and other ill-treatment by security forces or police, the Sudanese government does not appear to have: conducted prompt, independent and effective investigations into the reports; brought charges to bear against those reasonably suspected of criminal responsibility; or prosecuted them in criminal trials. It also does not appear to have taken any positive action to prevent further human rights violations such as reforms to the national security agency, the police and policing practice.

Instead, the legal framework governing the security services guarantees impunity for human rights violations, thereby institutionalising policing practices detrimental to human rights. Sudanese laws that govern the armed forces, the police and the NISS all contain provisions conferring immunity on perpetrators of human rights violations.¹⁹⁸ The National Security Act 2010¹⁹⁹, the Police Act, and the Armed Forces Act all include immunities for acts committed "in good faith" and "in the course of duty." Immunities can only be waived by the relevant governing bodies of the Ministry of Interior, Defence, or the Director of the NISS.²⁰⁰

The Government of Sudan "has repeatedly stated the immunities are 'procedural rather than substantive' and that the practice is to waive a person's immunity whenever there is *prima facie* evidence to justify the laying of charges against the person."²⁰¹ Sudan's Constitutional Court has also held that immunities provided for NISS personnel are not in conflict with the Constitution.²⁰² However, the Minister of Justice, Awad Elhassan Elnour

¹⁹⁸ REDRESS: *Human Rights Concerns and Barriers to Justice in Sudan: national, regional and international perspectives, a compilation of Sudan Law Reform Advocacy Briefings*, February 2014, available at <http://www.redress.org/downloads/country-reports/140228HumanRightsConcernFINAL.pdf>

¹⁹⁹ Article 52, National Security Act, 2010, available at <http://tinyurl.com/jb6xung>

²⁰⁰ Article 52(1) states any act committed by the NISS while pursuing their duties with "good intentions" should not be considered a crime. The Police Act 2008 also includes immunities. Article 45(1) states actions of a police officer do not constitute crimes if they take place while he is performing his duties or as a result of official orders. Article 45(2) further prevents initiation of criminal proceedings against a member of the police, if the Police Legal Affairs Unit decides the crime was committed in the course of official duties, he should not be tried, save for special permission being issued by the Minister of Interior or his delegate.

²⁰¹ See above, page 24. Also see Sudan's response to the UN Human Rights Committee on ICCPR, *Replies of the Sudan to the list of issues*, 12 May 2014, available at

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSDN%2fQ%2f4%2fAdd.1&Lang=en, paragraph.3, page 2.

²⁰² Dr Farouk Mohamed Ibrahim, Associate Professor, Faculty of Science, University of Khartoum in 1986. He was detained on 30 November 1989 and tortured. Ibrahim lodged a complaint on 29 January 1990 addressed to the President and other concerned government officials. He requested to be released and asked the authorities to fully investigate to hold perpetrators accountable for crimes committed against him. No investigation was opened. He was released on 23 February 1990. The Constitutional Court of

Khalifa, on 29 June 2015, acknowledged the immunities granted for members of the regular forces [armed forces, police and the NISS] “represent [an] impediment to justice.”²⁰³ Despite this acknowledgement, neither the Minister, nor other relevant ministries, have taken any action to remedy the problem, and security agents continue to perpetrate human rights violations with impunity.

The provisions providing immunity make it impossible for members of the public to enforce their right to an effective remedy for human rights violations perpetrated by the security forces. They are unable to pursue criminal and civil procedures against any member of the security forces. The National Security Act, in particular, has created a culture of impunity in which NISS agents can commit human rights violations without any judicial oversight or accountability. The constitutional amendments passed by Parliament on 5 January 2015 that accorded sweeping powers to the NISS have exacerbated the situation.²⁰⁴

Sudan has an obligation under regional and international law to “prevent, investigate and punish acts which impair any of the rights recognized under international human rights law. Moreover, if possible, it must attempt to restore the right violated and provide appropriate compensation for resulting damage”.²⁰⁵ Legal provisions that create immunities for state actors, whether substantive or procedural, have the effect of impeding the state in implementing its legal obligation to promptly investigate and prosecute those reasonably suspected of criminal responsibility for human rights violations. At a practical level, purportedly procedural bars to investigations are *de facto* substantive bars to prosecution in which these immunities are never waived. Sudan has used immunities under domestic law to prevent investigations and prosecutions of those suspected of human rights violations – this is itself a violation of regional and international law.

Many regional and international bodies have observed the impact of guaranteeing impunity on Sudan’s ability to respect, protect and fulfil its international human rights obligations. The ACHPR, for example, has noted that Sudan’s legal system does not provide effective remedies for victims of human rights violations.²⁰⁶ The UN Human Rights Committee has also observed that, in cases of refusal to lift immunities, no “transparent and effective remedies are available to challenge inaction or refusal”.²⁰⁷ REDRESS has observed these immunities are incompatible with the Bill of Rights and the international standards that form an integral part of Sudan’s 2005 Interim National Constitution.²⁰⁸ These immunities hinder equal and effective access to justice and reparation for harm suffered which violates the victims’ rights to remedy under Sudan’s national, regional and international obligations.

In the few instances where public inquiries into human rights violations were undertaken, the investigations were insufficient and no state security agents were held accountable.²⁰⁹

Victims of human rights violations in Sudan rarely lodge complaints against police or security officers.²¹⁰ Two lawyers separately told Amnesty International that the main reason for this is that victims fear retaliation from security agents and do not trust the legal system to protect them. They are also put off by the complex procedures for reporting police or NISS officers and their guaranteed immunities.²¹¹ A student from Darfur told Amnesty International:

Sudan dismissed Dr Farouk Mohamed Ibrahim’s case in 2008, based on the Criminal Procedure Act 1991, statute of limitations and immunity. On behalf of Dr Ibrahim, REDRESS lodged a complaint with the ACHPR in 2010. REDRESS on behalf of *Dr. Farouk Mohamed Ibrahim v. Sudan*, available at <http://www.redress.org/case-docket/redress-on-behalf-of-dr-farouk-mohamed-ibrahim-v-sudan>

²⁰³ The Minister of Justice’s statement to Parliament acknowledged immunities represent an obstacle to justice, reported by Radio Dabanga, 1 July 2015, available at <http://tinyurl.com/z4xsiqk>

²⁰⁴ Amnesty International, *Sudanese National Intelligence Service empowered to violate human rights*, available at <http://www.amnesty.org/en/articles/blogs/2015/03/sudanese-national-intelligence-service-empowered-to-violate-human-rights/>

²⁰⁵ ACHPR 245/02 : Zimbabwe Human Rights NGO Forum v Zimbabwe.

²⁰⁶ ACHPR, Monim Elgak, Osman Hummeida and Amir Suliman (represented by OMCT and FIDH) v. Sudan, Communication 379/09, Admissibility Decision, August 2012.

²⁰⁷ Concluding observations of the UN Human Rights Committee: Sudan, UN Doc. CCPR/C/SDN/CO/3/CRP.1, 26 July 2007, paragraph 9.

²⁰⁸ REDRESS, *Police Forces Act Falls Short Of The Bill Of Rights*, 8 June 2008, available at http://www.redress.org/downloads/country-reports/08-06-13%20P%20R_Police_Act_English%20Press%20Release%20-%2017%20June.pdf

²⁰⁹ For instance, after the September/October 2013 protests in which security officers responded with force killing over 200 protestors, three committees were set up by the State Governor for Khartoum and Minister for Justice to investigate and establish liability for deaths and injuries sustained by protestors. Their findings have still not been made public and no officer is known to have been held accountable; Amnesty International, *Excessive and Deadly: The use of force, arbitrary detention and torture against protesters in Sudan* (Index: AFR54/02/2014).

²¹⁰ During its 2014 ICCPR review, Sudan provided a list of criminal charges against NISS members from 2007 to 2011, including 35 criminal court cases related to junior ranking officers who committed criminal offences and 21 cases in front of the NISS Court. However, none of the cases related to lifting immunity for human rights violations. For more information, see: http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SDN/INT_CCPR_ADR_SDN_14900_E.pdf

²¹¹ Interview with two Sudanese lawyers, by telephone, 10 July 2016.

“Yes, we made many complaints about violations and torture to the Darfur Regional Authority, parliamentary and legislative members. We know it was futile. Nevertheless, we want to let them know about the violations that students are facing in the universities.”²¹²

In the past few years, several intergovernmental organizations, national and international human rights organizations have urged the Sudanese authorities to repeal articles that guarantee immunity from prosecution for NISS agents and investigate and prosecute human rights violations.²¹³ The UN Human Rights Committee, in its concluding observations on Sudan’s ICCPR review in 2014, stated that: “The State party should abolish those provisions that grant immunity from criminal prosecution to the police, the armed forces and the national security forces.”²¹⁴ Similar recommendations were made by the UN High Commissioner for Human Rights in 2015²¹⁵, the ACHPR in 2012²¹⁶, and other national and international human rights organizations.²¹⁷ Most recently, the UN Human Rights Council, in its final report on Sudan’s UPR in 2016, recommended that Sudan remove immunities accorded to national security agents.²¹⁸

²¹² Email correspondence with Majid, Khartoum, 10 July 2016.

²¹³ Darfur: *The Quest for Peace, Justice and Reconciliation, Report of the African Union High-Level Panel on Darfur (AUPD)*, PSC/AHG/2 (CCVII), 29 October 2009, paragraph 25(c) and (d); pages 56-63, paragraphs 215-238; and page 91, 92, paragraph 336.

²¹⁴ ICCPR, Concluding observations on the fourth periodic report of the Sudan Committee, *CCPR/C/SDN/CO/4*, 14 August 2014, paragraph 17.

²¹⁵ UN High Commissioner for Human Rights, *Impunity and Accountability in Darfur for 2014 report*, August 2015, paragraph 85, page 22.

²¹⁶ ACHPR, *Sudan: 4th and 5th Periodic Reports, 2008-2012*, available at <http://www.achpr.org/states/sudan/reports/4thand5th-2008-2012/>

²¹⁷ Joint NGO Letter: *Human Rights Situation in Sudan*, 3 September 2015, available at <https://www.hrw.org/news/2015/09/03/joint-ngo-letter-human-rights-situation-sudan>; Amnesty International, *Agents of Fear: the National Security Service in Sudan* (Index: AFR 54/010/2010).

²¹⁸ Human Rights Council, Working Group on the UPR Thirty-third session, Geneva, *Report of the Working Group on the Universal Periodic Review, Sudan*.

8. CONCLUSION

This report documents human rights violations experienced by students from Darfur in Sudan. These violations include suppression of freedom of expression, association and peaceful assembly; arbitrary arrests; torture and other ill-treatment in detention; and unlawful killings.

The report highlights that a key trigger for violence affecting Darfuri university students in universities is non- or partial implementation of the fees waiver. In almost all Sudanese universities, there is an annual dispute between Darfuri students and university administrations over the payment of tuition fees by Darfuri students. The annual dispute between the university administration and the Darfuri students has resulted in the students being expelled from universities or banned from sitting exams for failing to pay fees. Darfuri students have also been suspended from studying or denied their certificates after graduation. Darfuri students peacefully protesting against university fees policy have been dispersed by force by the NISS, the police and ruling party affiliated students. State security agents have used excessive and unlawful force to disperse protests leading to the injury and death of protesters. They have also been arrested and subjected to ill-treatment and torture while in custody.

A second trigger for violence affecting Darfuri students is the political activities of Darfuri students in relation to the conflict in Darfur. Darfuri students' attempts to discuss the conflict in Darfur through public fora in universities have been violently thwarted by ruling party affiliated students. Darfuri students participating in these fora have additionally been arrested and subjected to torture and ill-treatment while in custody.

The report demonstrates a failure on the part of the Government of Sudan, over a prolonged period, to investigate, prosecute and punish allegations of unlawful killings including death in custody, extrajudicial executions by the security forces, killings from lethal force during protests and killings by ruling party affiliated student groups, the NISS and the police. The Government of Sudan has failed to investigate most of these cases and bring perpetrators to justice.

This report also points to the Sudan government's failure to ensure that Darfuri students experiencing human rights violations have access to effective remedies. NISS agents enjoy immunity from prosecution for any acts committed in the course of their work, even when human rights violations occur, which has fostered a culture of impunity within the NISS.

9. RECOMMENDATIONS

The individuals interviewed for this report said they wanted: the human rights violations and abuses committed by NISS agents and ruling party affiliated students to stop; full implementation of the fees waiver as stipulated in the DDPD and the DPA; and to be treated without discrimination based on their ethnicity, language and political affiliation.

TO THE MINISTRY OF JUSTICE

- Ensure student activists are not arbitrarily arrested or detained, tortured or otherwise ill-treated, and that no one is deprived of their liberty, except in accordance with legally established procedures and in accordance with Sudan's obligations under regional and international human rights law;
- Ensure all persons taken into custody are given prompt access to a lawyer of their choice, their family and all medical treatment they may require, and are brought to court within a reasonable period of time, in line with regional and international standards;
- Amend the 2010 National Security Act to ensure institutional and behavioural reform of the NISS, remove its powers of arrest and detention, and establish a judicial oversight mechanism;
- Remove all immunities provided to members of the NISS under Article 52 of the 2010 National Security Act;
- Prohibit torture and other ill-treatment in national legislation and in practice, and incorporate the crime of torture in national legislation, in line with regional and international standards;
- Investigate all allegations of torture, ill-treatment and death in detention and take steps to bring suspected perpetrators to justice in fair trials without recourse to the death penalty;
- Launch impartial and effective investigations into all unlawful killings that have occurred since 2003 in Sudanese universities and publicly publish their findings. The investigations should provide a full accounting of the dead and injured, the circumstances surrounding each death or injury, and evidence that indicates the extent to which the security services and third parties were implicated. The investigations should result in suspected perpetrators being brought to justice in fair trials without recourse to the death penalty;
- Ensure all victims and their families have the right to effective remedy, including full reparations for the harm suffered.

TO THE MINISTRY OF HIGHER EDUCATION

- Ensure universities take measures to protect all students from violence and guarantee the students' right to freedom of assembly and association.

TO THE UN HUMAN RIGHTS COUNCIL

- Establish a Special Rapporteur on the situation of human rights in Sudan under item 4, with a mandate to monitor and publicly report on violations of human rights and international humanitarian law in all parts of Sudan, and mandate the Special Rapporteur to report periodically to the Human Rights Council and the General Assembly;
- Urge Sudan to implement all the recommendations it accepted during its 2016 UPR, including to respect the rights to freedom of expression, association and assembly.

TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

- Urge the Government of Sudan to immediately end the use of unnecessary and excessive force against protesters and to investigate and hold accountable those responsible for unlawful killings and other human rights violations that occur during such protests;
- Urge the Government of Sudan to revise the National Security Act and the Police Act to limit the extensive powers granted to the NISS and police officers and repeal Article 52(3) of the National Security Act 2010 and Article 45(1) of the Police Act 2008 providing members of the NISS, the police and their associates with immunity from criminal and civil procedures;
- Urge the Government of Sudan to adhere to ACHPR's Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa;
- Urge the Government of Sudan to submit all its outstanding reports on implementation of the African Charter on Human and Peoples' Rights, including outlining measures it has taken to ensure full respect of the rights to life, education, freedom of expression, association and peaceful assembly for Darfuri students;
- Urge the Government of Sudan to implement all previous ACHPR recommendations, including those contained in the concluding observations adopted at its 12th Extraordinary Session in 2012 on the prohibition of torture, respect for freedom of expression, prison conditions and arbitrary arrest and detention.

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UNINVESTIGATED, UNPUNISHED

HUMAN RIGHTS VIOLATIONS AGAINST DARFURI STUDENTS IN SUDAN

This report documents human rights violations experienced by students from Darfur in Sudan since 2014. These violations include suppression of freedom of expression, association and peaceful assembly; arbitrary arrests; torture and other ill-treatment in detention; and unlawful killings.

Since the conflict started in Darfur in 2003, the police and the security services have arbitrarily arrested and detained at least 10,000 students from Darfur. During the same period, Amnesty International documented at least 13 students from Darfur killed in various universities across Sudan, possibly by police officers, National Intelligence and Security Service (NISS) agents and/or ruling party affiliated students.

Amnesty International calls on the Government of Sudan to ensure student activists are neither arbitrarily arrested or detained, tortured or otherwise ill-treated, nor deprived of their liberty except in accordance with legally established procedures and Sudan's obligations under regional and international human rights law.

Amnesty International calls on the Government of Sudan to launch impartial and effective investigations into all unlawful killings since 2003 in universities and publicly publish their findings.

Amnesty International calls on the Government of Sudan to ensure that all victims of human rights violations, in particular the families of victims of unlawful killings, have the right to effective remedy, including full reparations for harm suffered.