

Sudan - Lawyers Mossaad Mohamed Ali, Rasha Souraj, Ebtisam Alsemani, Najat Dafaalla and Mohamed Badawi

On May 15, 2006, officers from the National Security Bureau (NSB) in Nyala, Southern Darfur, summoned for questioning lawyer Mossaad Mohamed Ali, Coordinator of the Amel Centre in Nyala. Mr. Ali was detained for thirteen hours without being questioned or charged with an offence. The next morning, Mr. Ali was summoned to the security offices, where he remained in detention until May 20, 2006. He was denied access to his family and to legal counsel. Security officers denied the United Nations Mission in Sudan (UNMIS) an opportunity to meet with him. No reason was given as to why Mr. Ali was summoned, arrested and held incommunicado.

On July 27, 2006, Mr. Ali, and volunteer lawyers at the Amel Centre, Ms. Rasha Souraj and Ms. Ebtisam Alsemani, received a letter from the NSB notifying them that the Attorney General had filed a case against them for “offences against the State”. The defendants were accused of sending false reports and of disclosing information of a military nature, and they were warned that their case had been given to the police and that they would likely be arrested following a police investigation.

On August 1, 2006, Mr. Ali and volunteer lawyer at the Amel Centre, Ms. Najat DafaAlla, reported to the security offices. They were separated and interrogated by a police officer about the events in Otash camp, a camp for internally displaced people. They were accused of spreading false information and of being a threat to public security. It is believed that they were being investigated for their work in defending the rights of five individuals from the Otash camp, who were detained after participating in a demonstration against the Darfur Peace Agreement, on May 30, and 31, 2006. Lawyers applied for the release of the detainees unless there was a valid charge against them. Prior to being released, Mr. Ali and Ms. DafaAlla were told that the police would evaluate the facts and would refer their case to the Attorney General in order to move the case before the courts.

On September 9, 2006, lawyer Mohamed Badawi, Coordinator of the Amel Centre in El Fashir, was summoned by the NSB, where he reported and was released after three hours. Similar incidents occurred on the following day. Prior to being released, without being charged, he was interrogated by security officers about the Amel Centre’s activities and about the Centre’s relationship with international organisations and with the Communist Party.

The Law Society sent letters to the His Excellency Lieutenant General Omar Hassan al-Bashir, President of the Republic of Sudan and Chief of State, Mr. Al Zubeir Beshir Taha, Minister of the Interior, Mr. Mustafa Lam Akol Ajawin, Minister of Foreign Affairs, Dr. Abdelmuneim Osman Mohamed Taha, Rapporteur, Advisory Council for Human Rights, His Excellency Salva Kiir Mayardit, First Vice-President, People’s Palace, His Excellency Ali Osman Mohamed Taha, Vice-President, People’s Palace, Mr. Ali Mohamed Osman Yassin, Minister of Justice and Attorney General, Ministry of Justice, and Dr. Faiza Hassan Taha, Ambassador of the Republic of Sudan to Canada. The Law Society also sent

copies of the letter to the Sudan bar association informing it of the actions taken by the Law Society and asking for its collaboration in exchanging information about the case.

Intervention letter

[Date]

[Proposed recipients:

President of the Republic of Sudan

Minister of the Interior of Sudan

Minister of Foreign Affairs of Sudan

Rapporteur, Advisory Council for Human Rights in Sudan

First Vice-President, People's Palace

Vice-President, People's Palace

Minister of Justice and Attorney General, Ministry of Justice in Sudan

Ambassador of the Republic of Sudan in Canada

Bar association in Sudan

Dear [title]:

Re: Lawyers-Mossaad Mohamed Ali; Rasha Souraj, Ebtisam Alsemani, Najat DafaAlla, and Mohamed Badawi.

The Law Society of Upper Canada is the governing body for some 36,000 lawyers in the Province of Ontario, Canada. Our mandate is to govern the legal profession in the public interest. Fundamental to our system of democracy in Canada is the maintenance of an independent bar. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

In this regard the governing board of the Law Society of Upper Canada, on the recommendation of its Human Rights Monitoring Group, has requested that I write to you to express our deep concern over the news that human rights lawyers affiliated with the Amel Centre for the Treatment and Rehabilitation of Victims of Torture providing legal assistance to victims of torture, sexual violence, and to those at risk of cruel, inhuman and degrading punishment have been targeted. The Law Society expresses its concern that lawyers Mossaad Mohamed Ali, Rasha Souraj, Ebtisam Alsemani, Najat DafaAlla, and Mohamed Badawi are being arrested, interrogated, at times held without charge and intimidated. Between May and September 2006 these lawyers have, in various forms, been summoned, detained and questioned without being charged with an offence. They have been denied access to their families, to legal counsel and to audiences with officials from organizations such as the United Nations Mission in Sudan. No reasons have been given as to their arrests.

The Law Society of Upper Canada is also concerned over reports that all of the accusations against the lawyers have been made after they, in their professional capacity, have submitted applications requesting information on individuals being detained at internal displacement camps who have not been charged with a valid offence. This is of concern to the Law Society because it appears that all the lawyers at the Amel Centre for the

Treatment and Rehabilitation of Victims of Torture have been prevented from discharging their legitimate professional duties.

The United Nation's Basic Principles on the Role of Lawyers declare as follows:

- Principle 16, states that lawyers should be able to perform their professional obligations without intimidation, hindrance, harassment or improper interference;
- Principle 17, states that where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities;
- Principle 18, states that lawyers should not be identified with their clients or their clients' causes as a result of their work; and
- Principle 20, guarantees lawyers civil and penal immunity for statements made in good faith in oral or written submissions.

It is our hope that the government of Sudan will,

1. guarantee under all circumstances the physical and psychological integrity of Mossaad Mohamed Al, Rasha Souraj, Ebtisam Alsemani, Najat DafaAlla, and Mohamed Badawi, as well as of all members of the Amel Centre for the Treatment and Rehabilitation of Victims of Torture;
2. put an end to all acts of harassment and intimidation against human rights defenders in Sudan;
3. conform with the provisions of the United Nation's Basic Principles on the Role of Lawyers, adopted by the General Assembly in September 1990, and in particular with principles 16, 17, 18 and 20 regarding guarantees for the functioning of lawyers so that all lawyers are granted the freedom to effectively carry out their work.
4. more generally, ensure that in all circumstances respect for human rights and fundamental freedoms in Sudan is in accordance with its national laws, the National Interim Constitution (2005) and international human rights standards.

Sincerely,

Gavin MacKenzie
Treasurer