

URGENT ACTION

DETAINED OPPOSITION ACTIVIST DENIED LAWYER VISITS

Nabil Mohamed El-Niwari, a Sudanese political activist and member of the opposition party Sudan Congress, was arrested by the Sudanese National Intelligence and Security Services (NISS) in Khartoum on 5 September. He is currently being held without charge at the NISS detention centre at Kober Prison in Khartoum North. He has been denied access to a lawyer and is at risk of torture and other ill-treatment while in detention.

Nabil Mohamed El-Niwari, a 57-year-old electrical engineer, and father of three, is a Sudanese –Irish national. He is the External Relation Secretary of the Sudan Congress Party in the United Kingdom and Ireland. A family member told Amnesty International that Nabil Mohamed El-Niwari was arrested and detained for 10 hours on 29 August by the NISS. They questioned him about his activities as a member of the Sudan Congress Party. Nabil Mohamed El-Niwari's arrest on 29 August occurred just after he had attended the last session of the trial against Asim Omar Hassan, a 23 year old first-year student at the University of Khartoum, who is also a member of the Sudan Congress party. Asim Omar Hassan was on trial accused of killing a police officer in May 2016. The court found Asim Omar Hassan guilty of murder and he risks the death penalty. Asim Omar Hassan is awaiting a final decision on his sentence on 24 September.

After his release, Nabil Mohamed El-Niwari continued to receive telephone calls on a daily basis from NISS agents requesting him to report to their office even during the Eid-Al-Adha holiday (from 31 August to 4 September). On 5 September, Nabil Mohamed El-Niwari went to NISS office in Khartoum, where he was re-arrested and detained at the NISS detention centre at Kober Prison. A family member told Amnesty International that he had only been allowed a 30 minute visit by his wife at the NISS headquarters in Khartoum North on 13 September, but had not been allowed access to his lawyer. He is at risk of torture and other ill-treatment while in detention. Amnesty International has documented several cases of torture and other ill-treatment of detainees by NISS agents while in custody.

Amnesty International considers Nabil Mohamed El-Niwari a prisoner of conscience, detained solely on the basis of the peaceful exercise of his right to freedom of expression.

Please write immediately in Arabic, English or your own language:

- Urging the Sudanese authorities to immediately and unconditionally release Nabil Mohamed El-Niwari, as he is being held solely for peacefully exercising his right to freedom of expression;
- Urging them to ensure that, pending his release, he is not subjected to torture and other ill-treatment while in detention;
- Calling on them to ensure that, pending his release, Nabil Mohamed El-Niwari is granted regular access to his family and a lawyer of his choice.

PLEASE SEND APPEALS BEFORE 27 OCTOBER 2017 TO:

President

HE Omar Hassan Ahmad al-Bashir
Office of the President
People's Palace
PO Box 281
Khartoum, Sudan

Salutation: Your Excellency

Minister for Justice

Idris Ibrahim Jameel
Ministry of Justice
PO Box 302
Al Nil Avenue
Khartoum, Sudan

Salutation: Your Excellency

And copies to

Minister for Interior

Hamed al-Mannan
Ministry of Interior
PO Box 873
Khartoum, Sudan

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR MOHAMMED ABDALLA ALI ELTOM
Embassy of the Republic of the Sudan, 3 Cleveland Row St James's SW1A 1DD, 020 7839 8080, info@sudan-embassy.co.uk

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Amnesty International has received numerous reports of a continuous NISS crackdown on the activities of political activists' and members of the opposition party, Sudan Congress Party. Since November 2016, at least a dozen members of Sudan Congress Party were detained by NISS for few weeks before being released without charge. They were held solely for peacefully exercising their right to freedom of expression and association. Amnesty International documented a number of cases where members of the Sudan Congress Party had been subjected by NISS agents to torture and other ill-treatment during their detention. Victims of torture in Sudan have little, if any, recourse to justice and some are even punished for trying to seek justice.

The NISS maintains broad powers of arrest and detention under the National Security Act 2010 (NSA), which allows suspects to be detained for up to four-and-a-half months without judicial review. NISS officials often use these powers to arbitrarily arrest and detain individuals, many of whom are then subjected to torture and other ill-treatment. Under the same Act, NISS agents are provided with protection from prosecution for any act committed in the course of their work, which has resulted in a pervasive culture of impunity. The constitutional amendment to Article 151 (NSA) passed on 5 January 2015 that expanded the mandate of the NISS has exacerbated the situation. The amendment transformed the NISS from an intelligence agency focused on information gathering, analysis and advice, to a fully-fledged security agency with a broad mandate to exercise a mix of functions usually carried out by the armed forces or law enforcement agencies. It gave the NISS unlimited discretion to decide what constitutes a political, economic or social threat and how to respond to such threats. Neither the NSA nor the revised Article 151 explicitly or implicitly require the NISS to abide by relevant international, regional and domestic law in the operation of its duties.

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