

THE OBSERVATORY – JOINT PRESS RELEASE

SUDAN: TRACKs-affiliated rights defenders sentenced, fined and finally released after ten months of arbitrary detention

Paris-Geneva-Kampala, March 8, 2017 – After twenty-four court sessions, the Khartoum Central Criminal Court sentenced human rights defenders Khalafalla Al-Afif Mukhtar, Midhat A. Hamdan and Mustafa Adam to one-year imprisonment and a fine. The three men were released on time served after paying their fines. The court decision exposes the shrinking space in which Sudanese civil society operates, the Observatory for the Protection of Human Rights Defenders (an FIDH-OMCT partnership) and the African Centre for Justice and Peace Studies (ACJPS) said today.

On March 5, 2017, Judge Osama Ahmed Abdullah of the Khartoum Central Criminal Court convicted TRACKs¹ Director **Khalafalla Al-Afif Mukhtar** and TRACKs trainer **Midhat A. Hamdan** of dissemination of false information (Article 66 of the Criminal Code) and possession of immoral material (Article 14 of the Sudan Information Crimes Law of 2007) and Director of Zarqa Organisation for Rural Development (ZORD) **Mustafa Adam** of espionage (Article 53 of the Criminal Code). The three were sentenced to the same punishment: one-year imprisonment and a fine of 50,000 SDG (approx. 7,376 Euros) each. Detained since May 2016, the three men were released the following day from Al-Huda prison in Omdurman after their fines were fully paid.

“Although we welcome the long-awaited release of Khalafalla Al-Afif Mukhtar, Midhat A. Hamdan and Mustafa Adam, we strongly condemn their conviction and the punitive fines handed down and reiterate that they should never have been prosecuted in the first place”, said Alice Mogwe, FIDH Secretary General. **“Furthermore, the court order to legally confiscate the equipment seized by the National Intelligence and Security Services (NISS) during its raid of TRACKs’ premises because these allegedly constitute a danger to the State is very worrisome”.**

The three men originally faced charges together with seven other activists affiliated with TRACKs in two overlapping criminal cases. The 2016 trial targeted three other human rights defenders affiliated to TRACKs apart from Mr. Mukhtar, Mr. Hamdan, and Mr. Adam. The three others were not detained throughout the course of the trial, and the charges against them were eventually dropped in January 2017. The trial proceedings were marked by serious concerns not only regarding the baselessness of the leveled charges, but also the non-compliance with international and regional human rights standards on the right to a fair trial, including the right to a public hearing. The defendants were not given a written list of the charges they face, or copies of the evidence for the alleged crimes in order to prepare a defence for court sessions. A number of civil society activists, including journalists, were obstructed from attending the trial by court police and subjected to harassment and intimidation, including having their photos taken during court sessions.

“We are deeply concerned that the staff and affiliates of TRACKs were targeted for their peaceful engagement in civil society efforts to promote human rights”, said Mossaad Mohamed Ali, Executive Director of the African Centre for Justice and Peace Studies. **“The presentation of evidence of peaceful human activities in support of serious criminal charges highlights the dire situation faced by Sudanese civil society and human rights defenders today.”**

¹ TRACKs is a Sudanese NGO providing training on various topics relating to human rights and information technology. See The Observatory Urgent Appeal SDN 001 / 1016 / OBS 084.6, published on January 20, 2017.

On August 25, 2016, the detention of Mr. Mukhtar, Mr. Hamdan, and Mr. Adam was found to be arbitrary by the UN Working Group on Arbitrary Detention (WGAD)², due to the non-observance of international norms related to the right to a fair trial.

“Defending human rights is not a crime. This trial was marred by irregularities since the very beginning and this sentence exposes the failure of Sudanese judicial authorities to effectively protect human rights standards in the country. Moreover, the fact that the three were not released months ago, in line with the UNWGD opinion, tells a lot about the real aim of their detention”, concluded Gerald Staberock, OMCT Secretary General.

The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by FIDH and the World Organisation Against Torture (OMCT). The objective of this programme is to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.

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² See Opinions adopted by the UNWGD at its 76th session, 22-26 August 2016 available at: <http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session76/34-2016.pdf>