



## Transcript

# Agents of Fear: Launch of an Amnesty International Report on Sudan

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**John Ryle:**

My name is John Ryle and I teach in America at Bard College and I also run the Rift Valley Institute. I am very happy to be introducing this very important report. I don't think I need to say that Sudan is approaching a crucial moment, a crossroads, and possibly a parting of ways. It's a moment when freedom of speech and information are more valuable than ever, I think, for the Sudanese and for the rest of us, because it is a time when there is going to be intense public debate and controversy. These aspects of basic human freedoms have been affected by the activities of the intelligence services in Sudan.

The National Intelligence and Security Service (NISS) of Sudan is now in the service of an elected government, a government which needs to establish its accountability to its electorate, so I think it's good that we have two prominent Sudanese critics of the government to introduce this report which some of you will have read.

The speakers we have, Ali Agab and Monim Elgak, are probably also known to you. They are very prominent human rights activists. Ali Agab is a human rights lawyer and has now left Sudan. He was the legal aid coordinator for the Khartoum Center for Human Rights and Environmental Development which was closed by HAC, the Humanitarian Aid Commission, last year in March. Since then he's been living in the UK and has been working with the African Centre for Justice and Peace Studies, which is a successor to various human rights organizations dedicated to Sudan.

Monim Elgak is also a human rights defender who left Sudan after being arrested and tortured in 2008, in November. Before that, he worked with international NGOs in Sudan. He is now based in Kampala, and also works in Jubba, in the South. He has, in the course of his continuing campaign against these various abuses of human rights in Sudan, submitted a complaint, I think a first, to the African Commission on Human and People's Rights, which is associated with the African Union.

Most importantly of all, I think, Rania Rajji, who actually wrote the report, and has worked in Lebanon, Yemen and Darfur. She is a recent recruit to Amnesty International but I think you'll agree that this report is an outstanding one in the tradition of Amnesty for standing up for human rights wherever and whenever.

There is one more person who is here in spirit, I think. That is the late Abdelsalam Hassan, who is the dedicatee of this report and who, also, as most of you also know, was tragically murdered. He worked for African

Rights, Justice Africa, and Redress for a long time. I'd like to mention there is a memorial event for him on the 16th of October in the evening, at Conway Hall. More details will be available about that.

**Ali Agab:**

Thank you so much. Thank you for coming and giving us the opportunity to talk about law reform in general in Sudan, and the reform of the Security Forces Act which is, unfortunately, amended to be an unconstitutional act. As you may know, the reform of the Sudanese legislation to be in conformity with the Interim National Constitution (INC) was one of the achievements of the Comprehensive Peace Agreement (CPA) itself. The Interim National Constitution states clearly that the security forces should be reformed and should not have the power to arrest and detain people. The reform of the National Intelligence and Security Service forms an integral part of CPA. It is stated in Articles 150 and 151 that the INC provides for the establishment of the NISS which shall be charged with internal and external security of the country. Its mission, mandate, function, term, and condition of service shall be prescribed by the National Security Act. The NISS established pursuant to articles 151 of the INC shall focus on information gathering, analysis, and advice to the appropriate authorities.

The National Intelligence and Security Service has a wide mandate and broad powers of arrest, according to which it can arrest persons and hold them incommunicado for 4 months without charges. As we know, the former Security Act provided security personnel the ability to arrest people incommunicado for 9 months without charges. This Act was amended in 2010 for the Security Service Act, giving security forces the power to arrest and detain people for 4 and a half months. They just reduced the period of the detention. Because this power is at odds with the Bill of Rights, a number of bodies have expressed concerns over the broad power of the National Intelligence and Security Service, and the compatibility with human rights standards and the rule of law.

The UN Human Rights Committee responsible for monitoring complaints of state parties, such as Sudan, under the International Covenant on Civil and Political Rights, is particularly concerned that the vague and legally undefined concept of 'national security' as applied in Sudan with the provision of Article 9 of the Covenant can be used as basis for arrest and detention of persons without more specific charges, creating an atmosphere of fear and oppression of anyone critical of the government.

The Special Rapporteur for Human Rights in Sudan also documented the practical consequences of these broad powers in her report. She said that there is evidence that the NISS regularly use arbitrary arrests and detention against political dissidents. According to the report, individuals are frequently picked up and detained by unidentified national security forces without being told the reason for their arrest. Detainees have in some instances been held for several months without charge, without access to lawyers or to their families. The locations in which security service detainees are held are frequently unknown and there are allegations of secret detention facilities being maintained in residential buildings and office premises. Members of several different political and opposition groups from around the country, as well as those associated with such groups, have reportedly been held by the national security forces in connection with their public political activities.

One of the major problems with the security forces, not related to the period of the detention, but to the incommunicado nature of the detention, is that there is more room for committing torture. In many instances, the government is telling people that they have no incommunicado detentions, while the experience of my colleagues is that they have been detained and tortured in their premises. They just torture them in their office. It is a room like this, a very nice office, and that is the place for the perpetrators to commit torture.

That is also why the victims of torture live without any evidence. When the security forces arrest anyone, they just pick them from the street, or from their houses and they just put them within the premises of the security forces, so they have no access to lawyers or family, cannot get any evidence, or medical documentation. It is impossible for the victims of torture to make the perpetrator accountable because they are enjoying immunity. The immunity of the security forces personnel cannot be lifted unless the manager of the security forces himself lifts the immunity, and he's never done that in Sudan.

There is also a problem within the courts. It is not part of judges' training in Sudan to establish a private investigation on the allegation of torture. There have been many times when there have been victims of torture who show the judges that they have been subject to torture, and they show the signs of torture in their bodies, but the judge refuses to establish a private investigation on the allegations on the ground that you have to go to an attorney and file a case there. After doing that, they have to prove that there is *prima facie* evidence and, if there is, only then can they bring the case to the judge.

That's not the case within our civil procedures. Whenever there is an allegation, and there is any document that may be fraudulent, the judge, in the civil procedure, has the right to establish private investigation on the issue. So it is very clear that the judges in Sudan are not willing to pursue justice because of a lack of procedures to protect the victims of torture.

Also, we have documentation from a group of experts mandated by the Human Rights Council, as part of its detailed study of Sudanese law and practice, which advised that institutional and legislative reform of the National Intelligence and Security Service be carried out, in accordance be done with the CPA and Interim National Constitution, in particular in regards to the broad power of arrest and detention.

The judicial oversight mechanisms that establish emergency laws should not grant security agencies broad power to arrest and restrict freedom of movement, assembly and expression. The security forces are now working as perpetrators of torture in Sudan. They have the power to close and to arrest and to harass and intimidate journalists in Sudan. They have the power to apply pre-print censorship. The security forces have the discretionary power to sit in the newspaper offices at the last moment before the newspaper goes to print. They have the power to pick articles according to their own power, and to their own conception of what should not be published.

As you know, civil society in Sudan, the NGOs and the activists, exerted effort to bring the national security forces in conformity with every clear provision of the constitution. But unfortunately, the National Congress Party (NCP), using their mechanical majority in the Parliament, just passed this unconstitutional act regardless of the constitutional provision that states clearly that the security forces do not have the power to arrest and detain.

With regards to the accountability of the security forces in Sudan, they are now enjoying the full immunity by this new act. This explains the culture of impunity in Sudan. And, if the security forces situation that I'm describing now applies to Khartoum, you can imagine what the situation in Darfur is like. We have heard about many kinds of violations in Darfur, but they never, the lawyers and victims, they have never been able to bring one of the perpetrators to justice. That explains the full impunity that surrounds the security forces, who are establishing their own state within the Sudanese state. It is very clear in the message sent by Amnesty International asking the international community and the Sudanese to focus on the security forces, because they are the body that is now governing Sudan. Without ending the immunity of the security forces, and without ending the culture of impunity,

which was maintained by the security forces, the coming referendum will not be peaceful and we will surely go back to many kinds of conflicts in Sudan.

### **Monim Elgak:**

Thank you for your time and for coming. I will focus on the specifics of the national security agencies and their practices in violating human rights, and the human rights situation in general. What I'm going to do is to provide the broader context in which the national security forces and the other bodies are functioning in Sudan. In particular I will comment on the current political context, the post-election era, the referendum, and the post-referendum era as the environment in which human rights and democratic rights are either flourishing or being violated.

It is still 100 days until the people of South Sudan can exercise their long awaited right of self-determination. A peaceful and on-time referendum on January 9th is surrounded by uncertainty, being behind the schedule with regards to the logistical and technical preparation, and of course by the continuous attempts by the NCP to undermine the exercise of this right. From my personal observation and engagement in South Sudan over the last 2 years I will say that whether through the referendum process or through unilateral declaration of independence, or through any other means, the people of South Sudan are likely to determine their future, living and being as citizens of an independent South Sudan. But practicing this right of self-determination and recognizing its results, particular by the National Congress Party, requires special and particular attention from the different stakeholders by putting in place a wide range of political and human rights, and security measures to mitigate the high potential for eruption of violence.

I have observed factors that can easily trigger conflicts, whether at the polls during referendum, or as a result of issues, arrangements, or implications of the referendums in the other regions in Sudan. These factors do exist and they are likely to continue causing instability in the mid to long-term future of Sudan. But to understand these triggers and causes of instability it is important to remind ourselves of the strategic objectives that the CPA came to achieve. The CPA is, of course, reaching its final destination.

Many actors assume that the CPA is only about the South Sudan referendum or self-determination. Yes, the referendum is the major corner stone of the CPA but it still includes other major processes and milestones, like law reform over five years to transform the country, the democratic transformation that the last election was supposed to achieve, the popular consultation for the

two areas, the referendum and, of course, the CPA to serve as a model for resolving different crises like the one in Darfur. Now we're just a couple of months away from the expiration of the CPA and the Interim Constitution of 2005, and there have been different attempts from the National Congress Party to undermine these agreements, which actually started from the beginning, from the moment it was signed, whether through weak and insincere implementation, or through the continuation of laws and practices that are completely inconsistent with the letter and spirit of the peace agreement.

One example is the election that was just held four or five months ago in April with the support of the international community. This election did not really bring serious attention to the democratization and transformation of the country, as it did not really pay attention to the serious violations of the civil and political right that accompany that process, including the freedom of expression and association. As most of you are aware, that election resulted in an almost complete closure of space for civic and political rights in the country.

Immediately after that election the National Intelligence and Security Services operated a crackdown against human rights defenders, civil society, free media and journalists. Newspapers were closed; journalists were arrested and sentenced for 3 or 5 years just for writing articles. This crackdown, the post election crackdown that is taking place in Sudan, particularly in North Sudan, is similar to other crackdowns, like the one that followed the order of arrest against President al-Bashir. It is likely that after the referendum claiming the independence of South Sudan the crackdown will continue, including the repression of basic freedoms and media freedoms. It will continue the dissemination of culture of hatred and racism. And, of course, it will continue rebuilding and reintroducing of the ideology of political Islam as it was in the early 90s.

The implications of independence of South Sudan, and the complete domination of the National Congress Party over the legislature and executive in North Sudan, is going to replicate, in my opinion, the 1990's experience of exclusion of major political forces, and also of other actors and forces that enter the landscape. All of these forces are going to be excluded from the landscape as it is happening now. This atmosphere of exclusion and polarization, which has put the National Congress Party on one side and all other democratic forces on another side, creating a state of confrontation, is likely to lead to more confrontations immediately after the referendum.

The implications of the referendum and the result of the election are also complicating the popular consultation process in two areas, the Nuba Mountains and the Blue Nile. As you know, popular consultation is the core process in the special protocol that was signed in 2005 as part of the CPA. According to the act of the popular consultation, the elected parliaments of the two states are to decide whether they are satisfied with the implementation of the CPA or not, and, based on that, to have any recommendation for any new constitutional arrangements they need with the central government. And now it is clear that this process, this popular consultation process for the two areas, is not going to take place before the referendum. This fact is going to weaken the situation and the capacity of the citizens of the two areas to practice their civic and political rights through that process.

There are other facts that contribute to this weak position of the two areas. One of them is the failure to achieve the democratic transitions due to the manipulation by the NCP of the whole electoral process. The other factor is the re-empowerment of the National Congress Party by controlling whole state institutions, institutions that are supposed to negotiate any new arrangements, any constitutional arrangements for the two areas.

The popular consultation process is no longer in the interest of the people of the two areas and definitely represents one of the major flash points post-referendum. Conducting elections in Darfur, having elections before settling the situation in the region, is definitely sending another negative signal to the internally displaced people (IDP) and to the movements in that region. Also, the preoccupation with the South Sudan referendum is putting the Darfur region in a new setting, increasing voices for self-determination in Darfur, and increasing voices for changing the existing framework, which does not meet or express legitimizing demands of that area. And now there is a new Darfur strategy presented by the NCP after the elections which is, for many people, just a security solution, adding to the other security solutions that have been implemented by the NCP for the last 7 years, leading to the genocide and the war crimes and the crimes against humanity. Another dangerous feature of this strategy is the dismantling of the IDP camps that you are following in the news.

My last point is that it is in the interest of everyone for there to be a stable, friendly and viable South Sudan to emerge from the referendum process. It is in the interest of international actors, regional actors, the democrats in the North, and the Darfuri people. But the emerging of a new South Sudan is definitely surrounded by many triggers for conflicts and violence, whether



about the post-referendum issues that the two parties are negotiating, or about the border areas. Layers of violence exist, North or South, fuelled in the North by the NCP, or through politicized ethnic relationships.

How to handle the emerging legal framework for South Sudan is very important for all democrats, for international actors, and for the North, in particular with regards to media laws, civil society law and the Security Act. A strong and capable civil society and media in South Sudan is quite important in creating the checks and balances required for having a democratic environment there.

### **Rania Rajji:**

So the report covers [the period] between May 2008 and July 2010. The reason why we chose to cover this period is because it falls after the Omdurman attack, which is the attack that the Justice and Equality Movement (JEM) launched on Khartoum. The Justice and Equality Movement is a Darfur-based armed opposition group. Although the attack was stopped within 2 hours we saw that around 1,000 Darfuris were arrested by the National Intelligence and Security Service in the Sudanese capital following the attack. We were able to document, basically, systematic torture among the detainees there. They were elderly, they were young men from Darfur, but there were also women and children. The youngest was a 9-month old child.

What this attack demonstrates is that in every single turning point in the history of Sudan, the national security forces have played a major role in maintaining the government in power, in maintaining the ruling party in power. This is why the report calls for reform because, on the longer run, it is the NISS today that maintains this government in place. What we see is a culture of violations.

How does this culture of violation manifest itself? First of all through systematic torture. The NISS have the power to torture— and they use it. They have developed through the years new methods of torture. The report sheds light on psychological torture. We see how there is a more subtle way that is used, for instance, among women human rights defenders through means of harassments, how there are new techniques that come up every time we get new testimonies. We have people who are shown pictures of a young man who was killed in detention by the national security as a method of threat. We have people having statements signed saying they have borrowed money from the government. We have people having their pictures

taken while they are naked. So the methods of the NISS have been ranging in terms of their form and their targets.

There is a climate of fear that is created in Khartoum, and in the rest of Sudan. It is mainly operated through the public order regime and allows the police to arrest and detain people based on the way they are dressed or behave in public. This is often used to intimidate NGO workers, to intimidate NGOs. We have seen this specifically in Darfur. There are several ways to intimidate. The major one, which was used after the election, was the criminalization of the freedom of expression. Even when pre-print censorship is not applied, there are still enough constraints for journalists in Sudan not to be able to freely exercise basic journalism. There are enough constraints for them to have individual responsibility through the codes of journalist honour and through forms that the government has forced all journalists to fill out, giving personal details of their banking accounts, their families, and where they reside in Khartoum.

There are also restrictions on civil society. In Darfur we have seen that NGOs that work on sexual violence issues face further limits than other NGOs operating in the Western state— and that was before the expulsion of the humanitarian NGOs. What is most dangerous in this culture of violations is that not only powers are provided by NISS— but also immunities. This leads to a culture of impunity. The culture of impunity comes by force of law for two reasons: firstly, because they have immunity and, secondly, because the courts are not being vocal and independent as they are supposed to be in cases of torture, in cases where there are violations by the NISS that go against the Sudanese law. We have seen, for instance, lawyers taking appeals against the pre-print censorship acts by the NISS. These appeals were rejected by the Constitutional Court, which did not deem this [pre-print censorship] as a violation of freedom of expression in Sudan. There are enough cases to cite that show that the Constitutional Court has caused stagnation in the system in Sudan. There are instances where cases are forced to be taken to the African Commission because there are no means in Sudan right now to give justice to people who have suffered from human rights violations.

What is the way forward? The report details some recommendations which I hope you will be able to read. But what you are seeing is that there are a lot of trainings being offered to the NISS, for instance, and there is a lot of training being offered to the security forces in the South of Sudan. Training needs to come with monitoring. The international community has the obligation to monitor the actions and how the NISS in Sudan uses these

powers that are given to them. There is attention to mainstream human rights in all the peace negotiations that are coming. We are coming to the referendum, which is undoubtedly the greatest turning point in the history of Sudan, without attention to what is going on in Darfur, where the humanitarian crisis or human rights crisis are deteriorating. There is no prospect for peace without looking at these violations and at the whole law reform that has to come with them.

## QUESTION AND ANSWER SESSION

### Question:

I am the Deputy Head of Mission of Sudan here in London. There are so many points that have been raised by the speakers. It is only fair to be asked to be given the time to respond to some of them since no one from the government was invited to participate in this panel.

To start with, it is common knowledge that after the 2005 Peace Agreement Sudan has witnessed a major transformation in every aspect. To try to deny this fact is just something that is not objective or fair. The security and intelligence forces themselves have been reformed and now the SPLM, the former rebel movement, is part of the NISS of Sudan. To say that the Security Forces Act is unconstitutional is not true. It is true that the constitution provides that the intelligence service should focus on information gathering, but of course it doesn't say that it should exclusively focus in information gathering. I am not aware of any intelligence service in the world that it is only focused on intelligence information gathering. There must be some degree of law enforcement as well, in every intelligence service around the world. So this is not something peculiar to Sudan.

Also, to try to mix immunity and impunity is baseless as far as Sudan is concerned. The immunity which is being enjoyed by the NISS is the immunity given to any law enforcement agent around the world while they are exercising their duties. But they still can be tried. It is only fair to respond to some of these points for the benefit of those who are attending.

On the Omdurman attack: the attack was a declaration of war. It was a state of war declared by the JEM against the government. What happened during these two hours, which Amnesty International is defending... I don't think anyone can expect you to welcome with flowers people who are carrying arms against you. So it is obvious that this is taken out of context here.

On the freedom of the press: In Sudan now there is no censorship with regards to the press. Those who read Arabic and who can access the newspapers on the internet can see for themselves what is being published in this media, all kinds of opposition articles and criticism of the government.

My last point is that it is becoming very fashionable for every organization or every person who writes or authors a report [to criticize] Sudan. That will secure more publicity and attention from the media. Unfortunately now it's not about facts and objectivity of what's going on in Sudan. I am afraid you are

misleading people around the world about what is really taking place in Sudan right now. I invite everyone to go and see for themselves what is going on in Sudan and they can see for themselves what is the difference between what they've been hearing and what's going on.

**John Ryle:**

Thank you very much. I am sure there are many people here who would like to take up that invitation. Could we address some of those points in as economical a way as possible. The first is that the government was not invited to participate in the study. The second is that the SPLM is part of the government and therefore also involved in the NISS. The third point is that the Act is not unconstitutional. The other points are that the intelligence service is legitimately involved in law enforcement, that immunity is not the same as impunity, that the Omdurman attack was a state of war, that there is no censorship in Sudan, and that attacking Sudan is too fashionable. If you'd like to take some of those most quickly then we'll have time for more questions.

**Ali Agab:**

With regard to the position of the SPLM on the Security Act, they made a very clear statement that they are not part of this process, of passing this legislation. They also stated very clearly that they refuse to give the security forces the power to arrest and to detain, and they have made it very clear that it is unconstitutional and they are not a part of that. That's very clear and that's a statement made publicly by the SPLM. For the Act not being a constitutional act, it is very clear since the constitution is saying something and you are passing an act that does not consider that provision. It is very clear. But using your own mechanic majority in parliament to pass it is something different. The immunity enjoyed by the security forces is full immunity, because we never hear that the manager of the security lifts the immunity of a single person in Sudan. If you have one case, you can show that it is full immunity enjoyed by the security forces of Sudan.

**Monim Elgak:**

After my personal experience of arrest and torture and interrogation by the national security I wrote an open letter to the former head of the NISS detailing how there is no difference between my own personal experience in 2008 and the experience of Professor Farouk Mohammed Ibrahim who wrote

a similar letter of his arrest and torture in the early 90s, and the experience of the wife of Abuzar al-Amin, the journalist, who is now in prison because of writing an article, being sentenced for 5 years. In that letter I stressed that the regime of the NCP, as extension of the National Islamic Front, is ruling by security and the security is the body that is actually contributing to event of the JEM attack in Omdurman. [The attack] was not countered by the Sudanese Army, it was countered by the national security, and the same national security is now being mainstreamed into all state institutions, for example being part of leading the negotiations on the post-referendum arrangements— and you can understand what kinds of signals of violence and conflict are sent if the national security is the one to lead these kinds of negotiations.

### **Rania Rajji:**

If I could add two small details, one regarding the Omdurman attack. The report is an interesting illustration because we covered the violations that occurred following the attack, once the attack had been stopped by the Sudanese forces. So the kinds of violations that we were reporting are the ones that happened while in detention, the ones committed by the national security forces. One of the very interesting aspects is the creation of the Counter Terrorism Courts, which are special courts for trials of alleged JEM members, and the fact that the Constitutional Court keeps referring to a state of emergency, and excusing the exceptional circumstances of the JEM attack, when indeed there was no state of emergency declared. So there is always a difference between the political context and what was really happening, and the fact that there was no implementation of a state of emergency to explain any of the acts.

And regarding your question on the freedom of expression: the only illustration I can think of is Abuzar's case. He and his colleagues are basically charged for having written an article. They are still in prison. They have been sentenced to 5 and 3 years so I cannot personally attest to freedom of expression in Sudan until they are released.

### **Question:**

I am the former Sudan Programme officer at the National Endowment for Democracy in Washington and now here in London. As a former copy editor volunteer at the *Khartoum Monitor* I do have to say there was censorship right before 5 o'clock, right before we went to press. An extra point to reinforce. My

question is to Monim. We've had many conversations about civil society in the North and one of the concerns I noticed this past April, when we went to observe the election, is that many of our partners were saying that a lot of donors are pulling out and they are going to pull out right after the referendum in January. And civil society has always played an active role in obviously addressing human rights issues and being the first to let the international community know what is happening in the North. What are your thoughts on civil society in the North and what is going to happen after the referendum?

**Monim Elgak:**

As I mentioned, with regards to the crackdown against civil society and against the human rights movement in general, this is not a new phenomena. It started immediately after the military coup of the National Islamic Front. During the whole decade of the 90s, civil society and human rights activists, along with other political activists, and political parties, had to flee the country. They had to work from exile, to document the different violations. And all of you are aware of the black record of the human rights situation in Sudan during that era. After the CPA, when the margin of freedom that was open, people came back to the country. They worked with different activists. A lot of activities have been conducted with regards to the Bill of Rights with the CPA, the Bill of Rights that has never seen the light, from 2005. NCP continued, up until four months ago, trying to reject the forming of the Human Rights Commission. We have a law there but it has never been implemented. After the indictment of President al-Bashir, there was a serious attack against civil society and the closure of the three major human rights organization. That is putting the human rights movement and civil society in, really, a very difficult situation. And now, after the elections, with the current crackdown that is happening, most of the human rights defenders had to leave the country, some of them going down to the South Sudan, where there is a relatively open environment compared to Khartoum. I'm afraid we are witnessing a new era similar to the 90s, where defenders and activists find themselves outside the country trying to protect and defend human rights situations.

**Question:**

I am the Media Counsellor at the Embassy of Sudan. I have got 3 quick questions. The first is to John Ryle, as a respected academic. If I may ask you, there was an attack at World Trade Centre and Britain, also as a democracy, had troubles in Northern Ireland. In both cases, we still have

Guantanamo Bay, and have had many reports of injustices in Northern Ireland, which were exposed by the great British democracy. How does Sudan compare as a country under siege, being attacked?

The second question is to my colleague and countryman Ali Agab. Many Sudanese were interned in Guantanamo Bay for many years. I am not aware that your organization has campaigned for their release. The answer is very simple: if you campaign for their release, the American funds financing your organization will be very difficult to come by. I apologize for saying this, but this is just my suggestion.

The third question is for Rania Rajji. The report is about Sudan, democracy and the security services in Sudan, and of course about President al-Bashir. Are you aware of what your former boss, Claudio Cordone, said in May this year that international justice is politicized and that the powerful shelter their friends, like Israel for example, from international justice in the case of Gaza, and that there is a justice gap?

British academic Tara McCormack has said Amnesty International in taking this stance is naïve. I think she was very generous to Amnesty. We are very sad Amnesty has changed from an organization that did not use to take part in other people's campaigns. This was law for Amnesty International and Amnesty upheld it for many years. Now Amnesty runs behind other people's campaigns like Save Darfur Coalition in the United States and others, and this diminishes the status and tarnishes the reputation of Amnesty which used to be quite high. Amnesty defended some people in previous reports and they are now in positions of responsibility. They are now ministers in Sudan. Amnesty defended some people in Sudan and they are no longer in hiding. Members of the Communist Party have got their own headquarters now, and their own newspaper that is being published. Mahdi, you campaigned for his release, he has now got his political party and his headquarters and he is one of the leaders of the opposition.

### **John Ryle:**

Thank you. I don't wish to insert myself into this debate but I will answer your question quickly. Of course I wouldn't dream of defending Guantanamo Bay nor would I dream of defending the injustices committed by the British government during the course of the war in Northern Ireland. I am very happy that Guantanamo Bay is on its way to being closed and I hope the peace in Northern Ireland, which is the land of my forebears, endures for a long time.



And I hope the same for Sudan, the closure of places of illegal detention and enduring peace.

**Ali Agab:**

I am happy to defend human rights everywhere but that was not part of my mandate when I was working in the Khartoum Center which was closed by the government of Sudan. I think you can also ask why you didn't call for the opening, or at least compensation, for why they just closed the organization. The security officers just raided the offices, the same day of the indictment of President al-Bashir, without obtaining even a judiciary order. They just raided the offices and took the documents, the computers, and everything. So I think the question is not relevant and I'm sorry for asking you this question. But that was not part of my mandate at that time.

**Rania Rajji:**

Regarding the statements by Claudio Cordone, unfortunately I haven't heard them because Sudan has been keeping me busy of late. At Amnesty we base our reports on our findings. The International Criminal Court case is a very interesting example because, unlike in the global campaigns, we have, on the genocide position for instance, based [our report] on research missions which were done in 2004 and repeated since then. Amnesty has always said there have been war crimes and crimes against humanity committed in Darfur as we were able to document, but we have never taken a position on the genocide charges and have left it to the International Criminal Court because it is not within our sphere to interfere with the matter of international justice.

As for our campaigns for individuals, we tend to campaign for any individual who suffers from torture or any human rights violation, regardless of whom he is and what he stands for. The latest case is for Hassan al-Turabi, for whom we released two urgent actions in the past two years.

**Question:**

I work for the Open Society Initiative for Eastern Africa. I just wanted to ask a more forward-looking question. We've heard a lot about the past. The report focuses on the last 2 and half years, but my question is particularly for people who are not Sudanese necessarily and are thinking of what they can do institutionally and individually in order to actually support the cause of human

rights and also peace in Sudan over the next year, which is obviously going to be extremely critical and quite dangerous. What can be done?

**John Ryle:**

I am going to make that the last question and I am going to ask each of the speakers to reply and sum up quickly.

**Rania Rajji:**

From my end I would like to focus on law reform and its importance. This was the pillar to the Comprehensive Peace Agreement, the pillar that was not achieved according to what was meant to be. All the violations and the immunities that exist today are due to this lack of law reform. We can see this on the Present Publications Act in the same way. These gaps have allowed human rights violation to continue. We hope that the law reform in the future, whether for the South or for the North, will really focus on human rights and their respect.

**Ali Agab:**

It is very hard now to call for the amendment of the security forces, because the same people who we are going to ask to amend the security forces, are the people who passed it. But let us call for the international obligation of Sudan not to apply torture by the officers who are supposed to protect and defend the Sudanese people.

**Monim Elgak:**

It is in the interest of all [actors], international, Sudanese, democrats in the North, and Darfuris, that South Sudan be stable and open and accommodating. Any emerging legal framework or new constitution for North Sudan needs to be more accommodating and more open for basic freedoms and human rights. It is quite important to put in measures that can prevent the eruptions of conflicts in Sudan.

**John Ryle:**

Thank you speaker, Ali Agab. Thank you, Monim Elgak. Thank you, Rania Rajji. Thank you, Chatham House. Thank you, your Excellency, for your questions, and the rest of you, also, thank you for coming.