



TRACKS trial continues as detainees near their 6th month of detention

(17 November 2016) Three leading civil society activists will soon reach their sixth month of detention on baseless charges related solely to their work and affiliation with the Centre for Training and Human Development (TRACKS), a Khartoum-based organisation that provides training on a variety of topics from information technology to human rights. The detainees - TRACKS Director Khalafalla al Afif Mukhtar, together with trainer Midhat Afif al-Deen Hamdan, and the director of another organisation, Alzarqaa Organisation for Rural Development, Mustafa Adam – face charges together with seven other activists affiliated with TRACKS in two overlapping criminal cases. Six members of the group, including the three detainees, are currently standing trial.

Our organisations have serious concerns that not only are the charges baseless but that the court proceedings have not met international and regional human rights standards on the right to a fair trial, including the right to a public hearing. The defendants have not been provided with a written list of the charges they face, or been given copies of the evidence for the crimes alleged in order to prepare a defence for court sessions. A number of civil society activists, including journalists, have been obstructed from attending the trial by court police and subjected to harassment and intimidation, including having their photos taken during court sessions. On 13 October, a US diplomat was prevented by court police from attending a court session, and on 20 October, two journalists were prevented from attending a session. Journalist Ibrahim al-Safi was stopped at the entrance to the courthouse by court police, grabbed by the collar, and pulled into an office for questioning. Two plain-clothed NISS officers confiscated journalist Adil Color's press card and forced him to leave the court session. He was told to return after the court session for questioning, but did not do so due to fear of arrest. In addition, plain-clothed security officials, some armed, have also attended the sessions, sitting amongst activists.

The activists face a number of criminal charges, including those concerning crimes against the state charges which carry the death penalty, under articles 50 (undermining the constitutional system), 51 (waging war against the state), 53 (espionage), and 65 (criminal and terrorist organisations) of Sudan's 1991 Criminal Act. Mustafa Adam and Midhat Afif al-Deen Hamdan also face charges which carry up to seven years imprisonment or a fine under article 14 of the 2007 Information Crimes Law, which pertains to storing and promoting indecent digital content. The defendants have been accused of being responsible for the International Criminal Court (ICC) indictment against President Omar al Bashir and the application of US sanctions against Sudan, despite both events taking place years before the establishment of TRACKS in 2013. It has also been alleged that TRACKS has been conducting work on behalf of and has a fiscal relationship with Al-Khatim Adlan Centre for Enlightenment & Human Development (KACE), a pro-democracy NGO that also works to promote multiculturalism in Sudan, which was closed by the Sudanese authorities in 2012. KACE is now registered in Uganda.

"The right to a fair trial has been undermined: the Prosecution has failed to provide written confirmation of the names of the accused or charges brought against them or evidence for the legal basis of the charges, undermining the ability of the accused to prepare a defense. Proceedings have been repeatedly postponed, prolonging the detention of the three men", said Dr. Al-Baqir al-Afif Mukhtar, Executive Director of KACE. Dr. Al-Baqir, who is the brother of TRACKS Director Khalafalla al Afif Mukhtar, has also been charged in the case but is outside of the country.

The defense lawyers have not been granted copies of the documents and digital material, presented by the Government, as evidence of crimes against the state in advance of the court hearings. This included evidence of human rights activities carried out by staff and affiliates of TRACKs, such as a list of names of monitors belonging to a “crisis network”, the transcript of a conversation in a Whatsapp group called “human rights defenders” concerning the current civil and political rights situation in the country, and a report concerning the alleged torture and extrajudicial killing of a human rights defender. Evidence presented to the court also included reports published by other organisations, such as a 2015 report on trafficking by Human Rights Watch, and an award-winning documentary film, “[Beats of the Antonov](#)”, about the impact of war on the people of the Blue Nile and Nuba Mountains in Sudan, that were found on lap-tops seized [during a raid on TRACKs in 2016](#). Prosecutors have alleged the film was produced by the rebel Justice and Equality Movement, an armed opposition group.

Contrary to the NISS’ claims that all evidence presented was seized during raids on TRACKs offices, a number of items presented as evidence to the court on 20 October were in fact confiscated during raids on the home of TRACKs director Khalafalla al Afif Mukhtar and the homes of three of his relatives on 11 June 2016.

Grant contracts between KACE and grant-making bodies, seized during a raid on the family home of KACE Director Dr. Al-Baqir al-Afif Mukhtar in Khartoum, have been presented to the court to support allegations that TRACKs is carrying out the work of KACE. However, no evidence showing a financial relationship between KACE and TRACKs has been presented.

“The practice of issuing criminal charges against activists and human rights defenders has become an established tool to silence dialogue about human rights and civil society. The evidence presented is unconvincing as to how the work of TRACKs staff and affiliates constitute crimes against the state. The government must guarantee their right to an impartial, independent, and competent tribunal and guarantee their procedural rights at all times, or immediately release them and allow TRACKs to resume its work without interference”, said Abdelrahman Gasim of the Darfur Bar Association.

Photographs obtained from personal social media accounts belonging to TRACKs staff members, showing friends and family not on trial, have also been presented to the court. There is no indication of why these photos were shown and how they relate to the criminal charges but it is believed by some activists to be an attempt to intimidate the individuals involved and, as some of the photographs show the women without headscarves and in the company of men, to encourage the judges to view the defendants and their families as improper and immoral. The judge in the case thereafter ordered the prosecutor to only present relevant evidence.

“This apparent campaign against TRACKs represents the latest threat to the rapidly deteriorating space for civil society in Sudan, and a trial against civil society and the human rights movement itself”, said Andie Lambe, Executive Director of the International Refugee Rights Initiative.

Civil society organisations and groups are routinely threatened with closure, and activists, human rights defenders, and journalists have faced harassment, intimidation, and criminal charges levied by the state for their affiliation with Sudan’s civil society movement and for their human rights work.

“Khalafalla al Afif Mukhtar, Midhat Afif al-Deen Hamdan, and Mustafa Adam spent 86 days without charge in NISS detention in inhumane conditions during the investigation of the Office of the Prosecutor for State Security in Khartoum. Charges were not pressed until 15 August 2016 when the group was transferred to Al Huda Prison”, said Monim Elgak, Executive Director of Sudan Democracy First Group. “These sweeping powers to hold detainees for up to four and a half months without charge or judicial review, granted under the 2010 National Security Act have been repeatedly used to arbitrarily detain civil society activists”.

“We are deeply concerned that the staff and affiliates of TRACKs have been 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.”

We encourage supporters to follow the Facebook page called **Justicefortracks** and follow **@TrackSudan** on Twitter. Updates on the case will use the hashtag **#SudanCivilSociety**.

The next court proceedings will take place at **Central Khartoum Courthouse on Thursday, 17 November 2016. Court proceedings are taking place every Thursday.**

Contacts

The African Center for Justice and Peace Studies (ACJPS): In Kampala, Mossaad Mohamed Ali (English, Arabic, Swedish): +256 779584542; or Emily Cody, (English): +256 788695068, info@acjps.org.

Al-Khatim Adlan Center for Enlightenment (KACE): In Kampala, Dr. Al-Baqir al-Afif Mukhtar (English, Arabic): +256702770385.