



Seeking Reparation for Torture Survivors



PRESS STATEMENT

Khartoum and London, 18 JUNE 2008

POLICE FORCES ACT FALLS SHORT OF THE BILL OF RIGHTS

Sudanese and international human rights organisations today expressed their concern that the Police Forces Act adopted by parliament on the 16th of June is incompatible with the Sudanese Bill of Rights and Sudan's obligations under international law.

The Khartoum Centre for Human Rights and Environmental Development (KCHRED) and international human rights NGO REDRESS, said it was encouraging that the Government of Sudan had prepared a Bill on the Police Forces. The Bill provided a unique opportunity to ensure that the police "discharge its duties with impartiality and integrity in compliance with the law and the nationally and internationally accepted standards" (article 148 of the Interim National Constitution) and "respect and promote human rights" (section 5 (b) of the Act).

However, KCHRED and REDRESS are concerned that provisions relating to immunities and police courts in the adopted Act fall short of enshrining the rule of law and ensuring human rights protection.

Section 45 (1) of the Act grants immunity to members of the Police Forces for acts done in the course of their work. Such immunity is incompatible with the Bill of Rights and the international standards that form an integral part of the Interim National Constitution.

'The immunity provisions contribute to impunity and make it difficult if not impossible for victims of police violation to exercise their right to an effective remedy', stated REDRESS' Sudan Advisor, Abdelsalam Hassan Abdelsalam. 'There is no need for such immunities, even considering the principle that police members should carry out their duties without fear of false accusations and unwarranted prosecution.'

Sudanese law already has provisions that protect police officers against false accusation and does not incriminate acts that were committed in pursuit of the lawful exercise of police duties, even including the use of deadly force (sections 11 and 114 of the Criminal Act 1991 respectively).

‘The removal of immunities will not impact adversely on the work of the police,’ said Amir Mohamed Suliman, Chairperson of KCHRED. ***‘On the contrary, it will lead to greater transparency, accountability and respect for the rule law. It will surely enhance public confidence and trust in the police force,’*** he said.

Chapter 9 of the Police Forces Act provides for the creation of police courts. These courts will be part of the Police Forces and not subject to external judicial review. The courts have jurisdiction over any criminal offences committed by members of the Police Forces, except for Hudud and Quisas crimes. Trials against police officers for most crimes, including violations such as torture will, therefore, be heard before courts that are not independent.

Mr. Suliman stated that ***‘Such courts do not constitute an adequate mechanism to provide an effective remedy for victims of police violations. The system of police courts also raises concerns about its compatibility with the constitutional right to a fair trial of the parties before it, whether they are members of the Police Forces or not.’***

KCHRED and REDRESS urge the Government of Sudan and all those who are concerned about the rule of law and the harmonisation of Sudanese laws to exert all efforts to amend the relevant provisions in the Police Forces Act. ***‘Immunity provisions should be removed and ordinary criminal courts should be vested with the exclusive power to hear criminal trials against police officers,’*** said Abdelsalam Hassan.

[ends]

For further information, please contact:

Ms. Ishraga Adam, Project Coordinator; KCHRED, Amarat, St 59, Khartoum, Sudan, Email: ishragha_adam@yahoo.com, Mobile: + 249 9 122 341652.

Note:

REDRESS and KCHRED implement a Criminal Law Reform Project in Sudan. The Project aims to advance the process of bringing Sudanese law in conformity with the National Interim Constitution and international standards as stated in article 27 of the Bill of Rights. [www.redress.org]