

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Independent Expert on the situation of human rights in the Sudan**

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Excellency,

We have the honour to address you in our capacity as First Vice-Chair of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Independent Expert on the situation of human rights in the Sudan pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, and 30/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged killing of several individuals, including Mr. **Abubakar Hassan** and Mr. **Mohamed al-Sadiq Wayo**, as well as the arrest of various other students in the context of several demonstrations held by students protesting against the sale of the university buildings, including: Mr. **Ahmed Al-Mujtaba**, Mr. **Ahmed Zuhair Dawd**, Mr. **Ibrahim Yahya Omer**, Mr. **Mohamed Adam Shahtallah**, Mr. **Bader Al Deen Salah Mohamed**, Mr. **Mohamed Farouk**, Mr. **Murtada Eltuhami**, Mr. **Ibrahim Abu Samara**, Mr. **Hassan Mahmoud**, Mr. **Nazim Abdelrahim**, Mr. **Ammar Hassan**, Mr. **Mohamed Farouk**, Mr. **Murtada Eltuhami**, Mr. **Ibrahim Abu Samara**, Mr. **Ahmed Al-Mujtaba**, Mr. **Ahmed Zuhair Dawd**, Mr. **Bader Aldeen Salah Mohamed**, Mr. **Wifag Mohamed Altayeb Gorashi**, Mr. **Hussien Yahia Haran**, Mr. **Mudathir Tayseer Mudathir**, Mr. **Hamid Omer Hamid Digno**, Mr. **Mai Adil Ibrahim Karar**, Mr. **Mohamed Mahjoub Otaiba**, and Mr. **Hassan Aldai Mohamed Abdalla**.

According to the information received:

From 11 to 14 April 2016, a wave of student demonstrations, beginning with protests at the University of Khartoum, started over rumors that the main campus would be moved following the sale of campus land to investors.

On 19 April 2016, the National Intelligence and Security Services (NISS) allegedly intercepted a group of students marching peacefully towards the Student Union to submit a list of pro-opposition candidates for student union elections that day. The NISS agents, using AK47 rifles and pistols, supposedly fired into the crowd. Mr. **Abubakar Hassan**, 18 years of age and a first year engineering student at the University of Kordofan in El Obeid, North Kordofan state, was killed by a gunshot wound in the head. Twenty-seven other students were injured, five of them seriously.

In the following days students demonstrated at universities across the country protesting against Mr. Hassan's death and the sale of the university buildings. In this context, five student activists, Mr. **Ahmed Al-Mujtaba**, Mr. **Ahmed Zuhair Dawd**, Mr. **Ibrahim Yahya Omer**, Mr. **Mohamed Adam Shahtallah** and Mr. **Bader Al Deen Salah Mohamed** were allegedly arrested by NISS agents. On 23 April 2016, the NISS supposedly released two of them: Mr. Ibrahim Yahya Omer and Mr. Mohamed Adam Shahtallah without charge. Mr. Bader Al Deen Salah Mohamed was reportedly released but was charged under article 182 'Criminal Damage' of the 1991 Criminal Act.

On that same day, at 2 p.m., dozens of former University of Khartoum students staged a new protest. It was held in solidarity with the previous wave of protests. The NISS allegedly arrested 19 of the protestors (13 females, six males) in front of the university premises. They were supposedly taken to the NISS offices near the Shendi bus station in Khartoum North where they were detained. It appears that all those arrested were released without charge except for six of them. The six protestors are: Mr. **Mohamed Farouk**, 45 years old, civil engineer and the deputy chairperson of Sudanese Alliance Party; Mr. **Murtada Eltuhami**, agricultural engineer and an assistant to the Secretary General of Umma party; Mr. **Ibrahim Abu Samara**, civil engineer and the chairperson of the University of Khartoum Engineering graduates Union; Mr. **Hassan Mahmoud**, civil engineer; Mr. **Nazim Abdelrahim**, civil engineer and Mr. **Ammar Hassan**, civil engineer. They have not been charged or brought before a competent judicial authority.

Mr. Mohamed Farouk, Mr. Murtada Eltuhami, Mr. Ibrahim Abu Samara, Mr. Ahmed Al-Mujtaba, and Mr. Ahmed Zuhair Dawd are reported to still be in detention. Those released reported that they were subjected to torture and ill-treatment during their detention. Mr. Ahmed Zuhair Dawd allegedly suffers from a broken nose.

On 27 April 2016, at around 1 p.m., Mr. **Mohamed al-Sadiq Wayo**, 20 years of age and a second year student at the Faculty of Arts at Omdurman Ahlia University in Khartoum State, was allegedly killed by a gunshot wound in the chest as he was trying to cross the street to flee attacks held by NISS officers, using iron batons. Three other students were supposedly injured during the attack: witnesses reported that the victim was shot by NISS agents after a political forum took place, which had been organized by the Nuba Mountain Students' Association and at which members criticized the killing of Mr. Hassan as well as the forcible dispersal of demonstrations at Khartoum University on 13 April 2016.

In addition, after the student protests, the Council of Deans of the University of Khartoum reportedly indefinitely suspended the studies. The Council of Deans also expelled 17 students. Six permanently and another 11 were suspended for two years. Among them, there were a number of student activists who were being detained.

On 5 May 2016, the NISS supposedly raided the office of human rights lawyer Mr. **Nabil Adib**. A number of armed men in plainclothes raided the office, ransacked Nabil's office, seized a number of files and beat and shouted at the students present in the office. They later supposedly arrested Mr. **Bader Aldeen Salah Mohamed**, 25 years old, a student in the Faculty of Economics; Mr. **Wifag Mohamed Altayeb Gorashi**, 24 years old, a student in the Faculty of Art; Mr. **Hussien Yahia Haran**, 30 years old, a student in the Faculty of Science; Mr. **Mudathir Tayseer Mudathir**, 25 years old, a student in the Faculty of Science; Mr. **Hamid Omer Hamid Digno**, 28 years old, a student in the Faculty of Engineering; Mr. **Mai Adil Ibrahim Karar**, 24 years old, a student in the Faculty of Engineering; Mr. **Mohamed Mahjoub Otaiba**, 23 years old, a student in the Faculty of Law; and Mr. **Hassan Aldai Mohamed Abdalla**, 24 years old, a student in the Faculty of Law. The eight students, who were allegedly recently expelled and suspended from the University of Khartoum, were in this office seeking legal assistance from Mr. Nabil Adib to challenge their expulsion and suspension from the university. They are reported to remain in detention. The office secretary and another employee were also allegedly arrested, but they were released on the same day.

The recent killings form part of a larger pattern of use of violence to suppress freedom of expression, association, and assembly across the country. On 10 January 2016, at least seven people, including one child, were allegedly killed when security forces fired live ammunitions at a crowd of protestors outside the West Darfur state governor's office. The crowd had gathered to demand protection after the nearby village of Mouli was looted and burned to the ground. The following day, three people were supposedly killed and seven others sustained gunshot wounds when security forces again fired live ammunition at the funeral of the deceased.

We express grave concern about the allegations of killings in the context of peaceful protests, as well the physical and psychological integrity of the above mentioned individuals remaining in detention and the fact that the grounds for their arrest and detention does not appear to comply with international human rights law and standards. We express further concern that the arrests and detentions may be linked to the activities of student activists. Finally, we express concern at the serious allegations regarding the curtailment of the freedom of peaceful assembly and freedom of expression in Sudan.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the above-mentioned persons is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights, and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

Moreover, we would like to refer your Excellency's Government to the article 19 and 21 of the ICCPR acceded by Sudan on 18 March 1986, guaranteeing the rights to freedom of expression and peaceful assembly.

We would also like to refer to the principles enunciated by Human Rights Council Resolution 24/5, and in particular operative paragraph 2, which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

We would further like to refer to the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association that underlines that States have positive obligations “to establish and maintain an enabling environment” and “to actively protect peaceful assemblies.” (A/HRC/20/27, Para. 33 and 63).

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, as it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged on behalf of the aforementioned individuals?
3. Please provide the details, and where available, the results of any investigation and judicial or other inquiry undertaken in relation to these allegations. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide information about the directives issued by the Government to law-enforcement personnel concerning the precise circumstances in which the use of lethal force is authorized, and indicate how these directives comply with the international human rights obligations of Sudan under the ICCPR, as well as the requirements of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
5. Please provide information concerning the legal grounds for the arrest and detention of the above-mentioned individuals and how these measures are compatible with international norms and standards.
6. Please provide information on whether individuals who remain in detention: Mr. Ahmed Al-Mujtaba, Mr. Ahmed Zuhair Dawd, Mr. Mohamed Farouk, Mr. Murtada Eltuhami, Mr. Ibrahim Abu Samara, Mr. Ahmed Al-Mujtaba, Mr. Ahmed Zuhair Dawd, Mr. Bader Aldeen Salah Mohamed, Mr. Wifag Mohamed Altayeb Gorashi, Mr. Hussien Yahia Haran, Mr. Mudathir Tayseer Mudathir, Mr. Hamid Omer Hamid Digno, Mr. Mai Adil Ibrahim Karar, Mr. Mohamed Mahjoub Otaiba, and Mr. Hassan Aldai Mohamed Abdalla, have access to family members, legal counsel, and medical personnel.
7. Please provide information about the legal grounds for the raiding of the legal office of Mr. Nabil Adib, the seizing of office files, and the arrest of his employees, and explain how this is compatible with international legal norms. Please provide information about whether any of the seized items have been returned and whether any compensation has been granted.
8. Please explain what measures have been taken to ensure that peaceful protestors in Sudan can carry out their peaceful and legitimate activities and express and protest freely without fear of harassment, stigmatization or criminalization of any kind.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Please also note that after having transmitted an urgent appeal to your Excellency's Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. This urgent appeal which is of a purely humanitarian nature in no way prejudices any opinion the Working Group may render. Your Excellency's Government is required to respond separately for the urgent action procedure and the regular procedure.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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First Vice-Chair on behalf of the Working Group on Arbitrary Detention

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