

**Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 27/1, 24/6, 25/18, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary arrest and incommunicado detention of **Dr. Amin Mekki Medani and Mr. Farouk Abu Eissa**.

Dr. Amin Mekki Medani is a human rights lawyer. He is the President of Sudan's Confederation of Civil Society Organisations and the former President of the Sudan Human Rights Monitor (SHRM).

Mr. Farouk Abu Eissa is the chairman of the Sudanese opposition umbrella group: the National Consensus Forces (NCF).

According to the information received:

On 3 December 2014, Dr. Amin Mekki Medani and Mr. Farouk Abu Eissa signed the "Sudan Call: A Political Declaration on the Establishment of a State of Citizenship and Democracy", together with two other signatories, during a

meeting in Addis Ababa, Ethiopia. This Declaration calls for an end to conflict and repression and political change in Sudan. It also commits the co-signatories to work towards the end of the conflicts raging in different regions of Sudan and towards legal, institutional and economic reforms.

Dr. Medani and Mr. Eissa returned to Khartoum from Addis Ababa on 4 and on 5 December 2014, respectively.

At approximately 11 p.m. on 6 December 2014, seven plain-clothes men in a pick-up truck came to Dr. Medani's home in Khartoum and arrested him. It is unknown whether a warrant was presented for his arrest. The men are believed to be members of Sudan's National and Intelligence Security Service (NISS). Dr. Medani suffers from heart problems and has high blood pressure, for which he has prescribed medication. He is also diabetic and follows a strict dietary regime. During his arrest, he was allegedly informed that there was no need for him to bring his medication with him and that he would return home soon.

After he did not return home following his arrest, his family went to the NISS reception office in Khartoum at the Airport Street to deliver his medication, however, it is not clear whether he has received it. Since his arrest, his fate and whereabouts are unknown and his family and lawyer have not been able to see him.

The same night, Mr. Eissa was arrested at his home in Khartoum by seven plain-clothes men. It is unknown whether a warrant was presented for his arrest. Mr. Eissa suffers from stenosis, high blood pressure and diabetes, for which he takes regular medication. During his arrest, he was not able to take all of his medication with him. The following day, his family went to the NISS office in Khartoum to deliver his medication, however, it is not clear whether Mr. Eissa has received it. Allegedly, his family was informed that they are not allowed to see him.

While we do not wish to prejudge the accuracy of these allegations, grave concerns are expressed regarding the alleged arbitrary arrest and incommunicado detention of Dr. Amin Mekki Medani and Mr. Farouk Abu Eissa, and the lack of information about their current fate and whereabouts. Further serious concerns are expressed regarding their health whilst in detention, given their serious medical condition and the allegations that they do not have access to their medication in detention.

While we do not wish to express an opinion on whether or not the detention of Dr. Amin Mekki Medani and Mr. Farouk Abu Eissa is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of their liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR).

In relation to the allegations according to which the fate and whereabouts of Dr. Amin Mekki Medani and Mr. Farouk Abu Eissa are currently unknown, we would like to bring to your Excellency's Government's attention the United Nations Declaration on the Protection of All Persons from Enforced Disappearance which sets out necessary protection by the State, and in particular articles 2, 3, 6, 7, 10 and 12. We would also like to remind your Excellency's Government, that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture or other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment in contravention with articles 1 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), signed by Sudan on 4 June 1986.

We would like to bring to the attention of your Excellency's Government that should the sources submit the allegations concerning of Dr. Amin Mekki Medani and Mr. Farouk Abu Eissa as a case to the Working Group on Enforced or Involuntary Disappearances, they will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

In relation to the allegations according to which Dr. Amin Mekki Medani and Mr. Farouk Abu Eissa do not have access to their medication in detention despite their serious medical condition, we would to bring to your Excellency's Government's attention the United Nations Standard Minimum Rules for the Treatment of Prisoners. Rule 22(2) provides that, "(s)ick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers. Furthermore, Rule 25(1) provides that, "(t)he medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed" (approved by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977).

Furthermore, these allegations appear to contravene the prime responsibility and duty of the State to protect, promote and implement all human rights and fundamental freedoms set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, in particular articles 1, 2 and 12. We would also like to refer to Human Rights Council Resolution 22/6, which explicitly indicates that domestic law and administrative provisions, and their application, should facilitate the work of human rights defenders, including by avoiding their criminalization or stigmatization, or by imposing any impediments, obstructions or restrictions to their work.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

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 international instruments.

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:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide information on the fate and whereabouts of Dr. Amin Mekki Medani and Mr. Farouk Abu Eissa. If their fate and whereabouts are unknown, please provide the details on any investigation or other queries which may have been carried out. If no queries have taken place, or if they have been inconclusive, please explain why.
3. Please provide information concerning the legal grounds for the arrest and detention of Dr. Amin Mekki Medani and Mr. Farouk Abu Eissa and how these measures are compatible with international norms and standards as stated, *inter alia*, in the UDHR and the ICCPR. Please provide information on whether they have had access to family members, legal counsel, and medical personnel.
4. More specifically, please provide information about the health condition of Dr. Amin Mekki Medani and Mr. Farouk Abu Eissa, and indicate whether or not they have access to the necessary medical attention and treatment, including adequate medicines.
5. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and student activists, can operate in a safe and enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.
6. Please provide detailed information concerning measures which are taken to prevent human rights violations being perpetrated by members of the security forces, particularly members of the military intelligence services.

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.

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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Chair-Rapporteur of the Working Group on Arbitrary Detention

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Chair-Rapporteur of the Working Group on Enforced or Involuntary  
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