

**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; the Special Rapporteur on the situation of human rights defenders; the Independent Expert on the situation of human rights in the Sudan; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: AL  
SDN 2/2015:

27 April 2015

Excellency,

We have the honour to address you in our capacities as Chair-Rapporteur 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; Special Rapporteur on the situation of human rights defenders; Independent Expert on the situation of human rights in the Sudan; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, 25/18, 27/29, 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 arrest, detention and charges against Mr. **Adil Bakheit**.

Mr. Adil Bakheit is a member of the Board of Trustees of the Sudanese Human Right Monitor (SHRM). The SHRM is a member of the Confederation of Sudanese Civil Society Organizations, working to monitor violations of human rights in Sudan. Mr. Bakheit is also a member of the Secretariat General of the Sudanese Congress Party. He is also an independent trainer of journalists and human rights defenders who collaborates with several independent civil society organizations in Sudan. As a trainer and a human rights defender, he played a prominent role in the 2010 elections as well as in the 2011 referendum observations.

According to the information received:

On 26 March 2015, the Sudan's National Intelligence and Security Service (NISS) raided the Tracks Training Centre in Khartoum, while Mr. Adil Bakheit was conducting a human rights workshop. During the raid, Mr. Bakheit's laptop and documents were confiscated. Three members of the Centre's staff were interrogated in connection with the raid.

On 16 April 2015 at 11 a.m., Mr. Bakheit was arrested by the NISS while he was attending a workshop at the Tracks Training Centre in Khartoum. He was subsequently detained at Al Awasad Police Station.

On the same day, the State Security Prosecution Office pressed charges against Mr. Bakheit for his alleged violations to the 1991 Criminal Act. His offenses include “criminal conspiracy” (article 21), “calling for opposition to public authority through the use of violence or criminal force” (article 63), “publication of false news” (article 66), “offences against the State undermining the constitutional system” (article 50), “waging war against the State” (article 51), and “impersonating a public servant” (article 93). The penalty for some of these offenses may lead to life imprisonment or death penalty.

Mr. Bakheit is diabetic and requires access to medical care and a proper diet. It is reported that he sleeps on the floor and shares a cell with at least ten other persons.

Grave concern is expressed about the physical and psychological integrity of Mr. Bakheit, in particular as to whether he is given appropriate care as required by his medical condition. Additional concern is expressed at the allegations regarding charges brought against Mr. Bakheit, which may be due to his human rights activities. In addition, concern is raised at increasing reports pointing at harassment and criminal prosecution of human rights defenders in Sudan for exercising their peaceful and legitimate human rights activities.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion on whether or not the detention of Mr. Bakheit is arbitrary, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal as set forth in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), ratified by Sudan on 18 march 1986.

Moreover, the above alleged facts appear to be in contravention with the rights to freedom of opinion and expression and to freedom of peaceful association as set forth in the ICCPR and with the principles 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, also known as the UN Declaration on Human Rights Defenders.

In relation to the detention conditions and treatment reportedly imposed on Mr. Bakheit, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Sudan signed on 4 Jun 1986. The Committee against Torture and the Human

Rights Committee have consistently found that conditions of detention can amount to inhuman and degrading treatment. With regards to the allegations that Mr. Bakheit sleeps on the floor and shares a cell with others persons, we would like to draw the attention of your Excellency's Government to The Standard Minimum Rules for the Treatment of Prisoners (approved by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977), which provide, inter alia, for appropriate accommodation (Rules 9 through 16), and for a separation of prisoners that takes into account the legal reason for their detention (Rule 8).

Finally, with regards to the possible sentences amounting to life imprisonment or death penalty, we would like to refer to the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/67/279), in which retentionist States are called upon to rigorously observe the restrictions and conditions imposed by ICCPR and CAT.

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 Government to safeguard the rights of the above-mentioned person(s) 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. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and detention of Mr. Bakheit and how these measures are compatible with international norms and standards.
3. Please provide information on whether Mr. Bakheit has had access to family members, legal counsel, and medical personnel in detention.
4. Please indicate what measures have been taken to ensure the physical and psychological integrity of Mr. Bakheit while in detention and to ensure that he receives the medication and the diet that he requires.
5. Please provide information about what measures have been taken to ensure that human rights defenders in Sudan can carry out their peaceful and legitimate activities without fear of harassment or prosecution.

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.

We undertake to ensure that your Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

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

Mads Andenas  
Chair-Rapporteur of the Working Group on Arbitrary Detention

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Aristide Nononsi  
Independent Expert on the situation of human rights in the Sudan

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment