

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; 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; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.**

REFERENCE: UA G/SO 218/2 G/SO 217/1 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (53-24)  
SDN 3/2014

26 May 2014

Excellency,

We have the honour to address you in our capacity 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; 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, and 25/13.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the **arrest and incommunicado detention of Mr. Mohamed Salah Mohamed Abdelrhman, intimidation of his family and attack of one of his family members.**

Mr. Mohamed Salah Mohamed Abdelrhman is a student activist who has been actively involved in the mobilization of Sudanese citizens to promote and protect human rights and democracy.

According to the information received:

Following the killing of a student activist during a student demonstration at the University of Khartoum campus on 11 March 2014, Mr. Abdelrhman made a statement at the memorial event where he named the National Intelligence and Security Service (NISS) agents who were responsible for the killing.

Since the memorial event, Mr. Abdelrhman's family home in Khartoum has been closely under surveillance by approximately 10 armed security agents.

Around midnight on 15 March 2014, Mr. Abdelrhman's younger brother was taken by plain-clothed NISS agents a few meters from his home. He was brought to a dark and empty yard where he was severely beaten by the agents who also took his mobile phone. The agents allegedly told him that "this is just a message" and that he and Mohamed "should be careful from the consequences of their actions".

On 20 March 2014, Mr. Abdelrhman was arrested at the Khartoum International Airport before boarding a flight to attend a workshop in Tunisia. He was detained in a very cold cell known as "the fridge" and was denied medical care for his kidney disease. Furthermore, he was not informed of the charges brought against him and was also not allowed to contact his lawyer. He was also denied visits by his family. He was released on 7 April 2014.

On 12 May 2014, Mr. Abdelrhman was re-arrested near the University of Khartoum by plain clothed armed men who introduced themselves as NISS agents. His family has allegedly not been allowed to visit him in detention and has not been informed of his whereabouts, which remain unknown.

Grave concerns are expressed at the allegations regarding the arrest and incommunicado detention of Mr. Abdelrhman, and the lack of information about his current whereabouts. Further concerns are expressed regarding his physical and psychological integrity while in detention.

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. Abdelrhman is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of his liberty, as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

In relation to the alleged actions against Mr. Abdelrhman since his public speech against the NISS at the memorial of a student killed during demonstrations in March 2014, we would like to refer your Excellency's Government to article 19 and 22 of the ICCPR acceded by Sudan on 18 March 1986, which guarantee the right to freedom of expression and the right to peaceful assembly.

In relation to the allegation that Mr. Abdelrhman's fate or whereabouts are currently unknown and that he is kept in an undisclosed location, we would like to bring to your Excellency's Government's attention the rights and obligations set out in the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. In particular, the prohibition to practice, permit or tolerate enforced disappearance (article 2), the obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance (article 3), the right to be held in officially recognised place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention and the

obligation to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest (article 10) and the obligation to maintain in every place of detention an official up-to-date register of detained persons (article 12).

Moreover, 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 article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Sudan signed on 4 June 1986. 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.

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. Finally, 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) /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 Mr. Abdelrahman 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 information on the fate and whereabouts of Mr. Abdelrahman.
2. If the fates and whereabouts of the above mentioned person are unknown, please provide the details on any investigation or other inquiries which may have been carried out and on actions taken to hold accountable those responsible for the disappearance. If no inquiries 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 Mr. Abdelrhman 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 he has had access to family members, legal counsel, and medical personnel.

4. 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.

5. 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.

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

Ariel Dulitzky  
Chair-Rapporteur of the Working Group on Enforced or Involuntary

Frank La Rue  
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

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

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