

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 situation of human rights defenders; 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 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 situation of human rights defenders; and Independent Expert on the situation of human rights in the Sudan pursuant to Human Rights Council resolutions 24/7, 25/2, 25/18, and 27/29.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of the abduction, arbitrary detention, ill-treatment and interrogation of Ms. Sandra Farouq Kodouda and the arbitrary detention of Mr. Galal Mustafa.**

Ms. **Sandra Farouq Kodouda** is a member of the **Youth Committee against the Building of Dal and Kajabar Dams**. She campaigns on social issues throughout the country and peacefully partook in country-wide anti-austerity demonstrations in September and October 2013. Previously, Ms. Kodouda was briefly detained by the National Intelligence and Security Service (NISS) in July 2012 after she had mobilised support for the release of a youth activist, and again in August 2014 due to her participation in an initiative which raises awareness of oppression against women, and protects women's rights through peaceful protest and reporting.

Mr. **Galal Mustafa** is Chair of the **Committee of Solidarity with Victims of the September Demonstrations**. The committee provides psychological, legal and material support to the families of the victims fallen the different states of Sudan.

According to the information received:

On 12 April 2015, Ms. Sandra Farouq Kodouda was forcibly removed from her car by a group of unidentified men who allegedly refused to show their identification in Omdurman, Khartoum. Ms. Kodouda's family members later found her car abandoned and subsequently filed a criminal case regarding her disappearance at the Omdurman Central Police Station, as well as at the National Intelligence and Security Service (NISS) offices. They were allegedly informed, however, that there was no record of Ms. Kodouda's detention.

On 15 April 2015, Ms. Kodouda was reportedly released and was left on a road in eastern Khartoum. It is reported that she had been beaten, her right shoulder was dislocated and she was suffering from dehydration and low blood sugar.

On 20 April 2015 Ms. Kodouda's mother and Mr. Galal Mustafa, who had publically spoken out against a wave of detentions that had taken place on 12 April 2015, went to the NISS office to follow up on the complaint filed regarding her abduction. Later that day, the NISS reportedly raided Ms. Kadouda's house, and arrested Mr. Mustafa. His family later received a phone call from the NISS headquarters and were asked to bring Mr. Mustafa's clothes and medication to the NISS detention facility.

The same evening, Ms. Kodouda travelled with Mr. Mustafa's family to the NISS detention facility in order to bring his medication to him. When they arrived, Ms. Kodouda was detained and transferred to the Security Prosecution Office. The NISS filed a case against her accusing her of "defamation of the NISS's reputation" and "spreading false information", allegedly as a result of the complaint that had been filed on her behalf when her whereabouts were unknown. She was interrogated for two hours at the Security Prosecution Office before being released on bail on the condition that she would return the following day to continue the interrogation.

On 21 April 2015, following further interrogation, Ms. Kodouda was once again detained. She was moved to the Security Interrogation Building, where she spent the night. Her lawyer noted that the Security Prosecution Office had not respected the terms of her bail and had moved Ms. Kodouda to a different location without officially notifying her lawyer or her family.

On 22 April 2015, she was transported back to the Security Prosecution Office. She was called in for interrogation for several days until she was released on 27 April 2015. The case against her remains open.

On 5 May 2015, Mr. Mustafa's family was allowed to visit him in detention. To date, he remains in detention and has not been formally charged.

Grave concern is expressed at the repeated interrogation, detention and harassment of Ms. Sandra Farouq Kodouda and the arbitrary detention of Mr. Galal Mustafa. Further concern is expressed regarding Mr. Mustafa's physical and psychological integrity. Concern is also expressed that the criminal prosecution of Ms. Kodouda and Mr. Mustafa may be a result of their peaceful and legitimate human rights activities, most notably due to their public criticism of the human rights situation in the country.

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. Galal Mustafa 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.

We would further like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance to the fundamental principles set forth in article 19 of both the UDHR and ICCPR.

We would also like to refer to 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 particular articles 1, 2, 5, 6 and 12.

The full texts of the human rights instruments and standards recalled above are available on 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 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 on the charges brought against Mr. Mustafa.

3. Please provide information concerning the legal grounds for the repeated interrogation and temporary detention of Ms. Kodouda and for the ongoing detention of Mr. Mustafa, including how these measures are compatible with international norms and standards as stated, *inter alia*, in the UDHR and the ICCPR.

4. Please provide information on whether Mr. Mustafa has access to legal counsel and medical personnel in detention.

5. Please kindly indicate what measures have been taken to ensure that human rights defenders in Sudan are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

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.

Seong-Phil Hong
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

Michel Forst
Special Rapporteur on the situation of human rights defenders

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