

Mandates of 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 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 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 and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 27/1, 33/9 and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of arbitrary arrest and enforced disappearance of ten Sudanese doctors** namely, **Abdallah Gorushi** (عبدالله قرشي), 28 years, **Ahmad Alabwabi** (أحمد الأبوابي), 43 years, **Hasan Karar** (حسن كرار), 30 years, **Husam Alamin** (حسام الامين), 27 years, **Jihad Abdel Monim** (جهاد عبدالمنعم), 29 years, **Mohamed Abdullatif** (محمد عبداللطيف), 29 years, **Mohamed Bashir Hilali** (محمد بشير هلال), 28 years, **Mohamed Elmujtaba** (محمد المجتبي), 28 years, **Nasir Shaga Nasir** (ناصر شقا ناصر), 30 years, and **Omar Ahmad Saleh** (عمر احمد صالح), 29 years, by the Sudanese National Intelligence Service (NISS) between 30 October and 6 November. Among the ten doctors, seven were allegedly arrested in Khartoum, two others in Al Obied city, North Kordofan, and the last one in River Nile State.

According to the information received:

Between 30 October and 6 November, the ten above mentioned doctors were arbitrarily detained after the Sudan Doctors Central Committee announced a 48 hour nationwide strike in hospitals on 27 October 2016. The strike was called to demand that the government improve the overall health service in the country and honour a number of commitments made to doctors following a meeting with the vice-president and the Minister for Health, on 13 October 2016. This was the second doctors' strike after a countrywide strike on 6 October which lasted eight days.

The ten doctors were part of a group of 29 doctors arrested by the NISS on 29 October. On the same day, 19 doctors were released after being questioned by the NISS for several hours about their role and activities in relation to the strike and about their political affiliations. It is further alleged that the freed doctors are now

required to report every day to the NISS offices from 8am to 10pm. The ten other doctors have reportedly not been seen since then.

The strike on 1 November took place in 60 hospitals across the country. The Minister for Health reportedly described the strike in a public statement on 1 November as irresponsible and said that the government would deal with it decisively.

No acknowledgement by Sudanese authorities of the doctors' arrest has been made so far, nor have any details of their fate and whereabouts or of any on-going investigations regarding their enforced disappearance been provided to their families.

Grave concern is expressed about their abduction and their physical and mental integrity as their fate and whereabouts are currently unknown, a situation which places them at great risk of torture and other ill-treatment.

Furthermore, concern is expressed about the fact that, under the 2010 National Security Act, National Intelligence and Security Services officials may detain suspects for periods of up to a total of four and a half months without judicial supervision. In addition, it is also of concern that the constitutional amendments passed by Parliament on 5 January 2015, accord sweeping powers to the NISS and provide it with unlimited discretion to interfere in political, economic and social issues.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to these issues brought forth by the situation described above.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the individuals named above 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. In addition, we would like to refer your Excellency's Government to principle 7 of the Basic Principles on the Role of Lawyers according to which, all arrested, detained or imprisoned persons shall have access to lawyer within 48 hours of detention.

In relation to the allegation that the fate and whereabouts of the ten doctors are currently unknown, we would also like to draw attention to 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 an officially recognized 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). We wish also to recall that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7).

Moreover, we would 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 this context, 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 the Government of Sudan signed on 04 June 1986.

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, 6 and 12.

We would further like to recall General Assembly resolution 69/132, which notes that attacking, threatening or otherwise preventing medical and health personnel from fulfilling their medical duties undermines their physical safety and this impedes the attainment of the right to the enjoyment of the highest attainable standard of health. The resolution calls on States to respect and protect the medical profession and health personnel.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org / www.wgeid.org or can be provided upon request.

We would also like to bring to the attention of your Excellency's Government that should sources submit the allegations of enforced disappearance mentioned in this communication as cases 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 a separate correspondence.

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 Abdallah Gorushi, Ahmad Alabwabi, Hasan Karar, Husam Alamin, Jihad Abdel Monim, Mohamed Abdullatif, Mohamed Bashir Hilali, Mohamed Elmujtaba, Nasir Shaga Nasir, and Omar Ahmad Saleh 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 comment which you may have on the above mentioned allegations.
2. Please provide information on the fate or whereabouts of the ten above mentioned individuals.
3. Please indicate what measures are taken to ensure that accurate information on the detention of persons deprived of liberty and their place or places of detention, including transfers, are made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information.
4. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please provide information relative to the measures taken to ensure the physical and mental integrity of Abdallah Gorushi, Ahmad Alabwabi, Hasan Karar, Husam Alamin, Jihad Abdel Monim, Mohamed Abdullatif, Mohamed Bashir Hilali, Mohamed Elmujtaba, Nasir Shaga Nasir, and Omar Ahmad Saleh.

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. In particular, we urge that the fate and whereabouts of Abdallah Gorushi, Ahmad Alabwabi, Hasan Karar, Husam Alamin, Jihad Abdel Monim, Mohamed Abdullatif, Mohamed Bashir Hilali and, Mohamed Elmujtaba, Nasir Shaga Nasir, and Omar Ahmad Saleh be immediately clarified and their families notified.

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.

Houria Es-Slami
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