

Mandates of the Working Group on Enforced or Involuntary Disappearances; 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

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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 situation of human rights defenders; the 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 27/1, 25/18, 33/26 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 the enforced disappearances of human rights defenders, Mr. **Hafiz Idris**, following his arrest in Khartoum by the National Intelligence and Security Service of Sudan on 24 November 2016, and Mr. **Ibrahim Adam Mudawi**, following his arrest in Khartoum on 7 December 2016.

Mr. Hafiz Idris is a human rights defender who promotes the rights of internally displaced persons in Sudan and advocates for their well-being.

Mr. Ibrahim Adam Mudawi is a prominent human rights defender known for his role in exposing human rights violations in Darfur. He is the founder and the chairperson of the Sudan Social Development Organization (SUDO), which promotes human rights as well as undertakes humanitarian work, including emergency services in North, South and West Darfur. The organization was closed down in 2006 and has not been permitted to resume its activities despite winning a court action against its closure. Mr. Mudawi received the Front Line Defenders Award for Human Rights Defenders at Risk in 2005. He was a participant in the Sudanese National Dialogue initiative launched in 2016.

According to the information received:

Concerning Mr. Hafiz Idris

On 24 November 2016, at 10 a.m., five plain-clothed members of the Sudanese National Intelligence and Security Service (NISS) allegedly arrested Mr. Hafiz Idris from the house of one of his relatives in Khartoum and forcibly transferred him to an unknown location. During the arrest, members of the NISS covered Mr. Idris's face. He was forcibly transferred to an unknown location.

Mr. Idris lives in Abushouk IDP camp in Al-Fasher, Darfur. He was arrested on his way to Khartoum to receive medical treatment.

Mr. Idris is reportedly held without charges. As of the date of this communication, the fate and whereabouts of Mr. Idris are unknown, a situation which places him at great risk of torture and other ill-treatment.

Concerning Mr. Ibrahim Adam Mudawi

On 7 December, at around 1 p.m., Mr. Mudawi was allegedly arrested on the premises of the campus of the University of Khartoum and was forcibly transferred to an unknown location. Following the arrest, several officials of the NISS conducted a thorough search of Mr. Mudawi's house.

As of the date of this communication, the fate and whereabouts of Mr. Mudawi are unknown, a situation which places him at great risk of torture and other ill-treatment.

Grave concern is expressed about Mr. Idris's and Mr. Mudawi's situation and we cannot dismiss the likelihood that they may have been forcibly disappeared by the Sudanese authorities in relation to their human rights activities.

Further concern is expressed about the fact that, under the 2010 National Security Act, the National Intelligence and Security Service officials may detain suspects for periods of up to a total of four and a half months without judicial supervision, which raises serious questions about its compatibility with Sudan's obligations under international human rights law. It is also of concern that the constitutional amendments passed by the Sudanese Parliament on 5 January 2015 accord sweeping powers to the NISS including unlimited discretion to interfere in political, economic and social issues, which has allegedly been applied increasingly to target human rights defenders.

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.

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 lives, liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 6, 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Sudan in 1986. We would also like to remind your Excellency's Government of the non-derogable right of everyone not to be subjected to torture or cruel, inhuman, or degrading treatment or punishment, guaranteed under article 7 of the ICCPR, as well as the absolute prohibition on acts of torture under article 2 of the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Sudan has signed in 1986.

In relation to the unknown whereabouts of Mr. Idris and Mudawi, we wish to recall 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).

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.

We would finally 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, 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 Mr. Idris and Mr. Mudawi 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 Mr. Idris and Mr. Mudawi. If their fate or whereabouts are unknown to your Excellency's Government, please provide information on the actions taken to investigate the current situation of Mr. Idris and Mr. Mudawi.

3. Please provide details of any specific measures taken by your Excellency's Government to ensure their physical and psychological integrity and well-being, as well as to locate Mr. Idris and Mr. Mudawi and provide that information to their family members, counsel or to any other persons having a legitimate interest in the information.

4. If the persons are detained, please provide the legal grounds of Mr. Idris's and Mr. Mudawi's arrest, and indicate whether they have been provided access to lawyers and any medical care that they may require.

5. Please provide detailed information concerning measures 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 violence, threats or acts of intimidation, harassment or prosecution 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.

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