

Mandates of the Working Group on Arbitrary Detention; the Independent Expert on the situation of human rights in the Sudan; 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 SDN 6/2017

19 October 2017

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Independent Expert on the situation of human rights in the Sudan; 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 33/30, 34/5, 27/29 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged torture of Mr. **Mohammad Sayyed Ahmad Al-Qasem** and Mr. **Imam Hasan Taha Al-Waleed**, Sudanese nationals and human rights defenders.

Mr. Mohammad Sayyed Ahmad Al-Qasem and Mr. Imam Hasan Taha Al-Waleed are Sudanese human rights defenders, accountants and were working in the Kingdom of Saudi Arabia. Both men are founding members of the group "Abna' Al-Sahafa" (Citizens of Al-Sahafa) in Khartoum. The group is currently providing assistance and basic services to Sudanese people in need. Following their departure from the Sudan to the Kingdom of Saudi Arabia in 1998 and 2013, respectively, both human rights defenders continued active collaboration with "Citizens of Al-Sahafa" by providing logistic and financial support to persons in need of medicine and medical treatment in the Sudan. Both individuals have been actively promoting the rights of Sudanese people through social media.

According to the information received:

At the beginning of 2017, Mr. Al-Qasem and Mr. Al-Waleed were arrested and detained by Saudi Arabia State Security forces following a request from the Sudanese Embassy in Riyadh. Both men had previously openly criticised the Sudanese government on social media and supported a campaign of stay-at-home strikes in Sudan, known as "Civil Disobedience", to protest against austerity measures and soaring medicine prices.

On 10 July 2017, they were extradited by Saudi Arabia to Sudan. They were allegedly handed over directly to the Sudanese authorities.

Both individuals were immediately arrested. They were not charged with any recognizable offence nor were they brought before a judicial authority.

It was further reported that on their first day in detention, they were beaten and tortured.

As of the date of this communication, Mr. Al-Waleed has been released but Mr. Al-Qasem remains in custody.

We express our concern at the allegations that Mr. Al-Qasem and Mr. Al-Waleed were taken into custody upon their arrival in Sudan, and that they were tortured by Sudanese security personnel, and that Mr. Al-Qasem continues to be in detention.

While we do not wish to prejudge the accuracy of these allegations, the treatment to which Mr. Al-Qasem and Mr. Al-Waleed were allegedly subjected, if confirmed, would be in contravention to the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment as codified in Article 5 of the Universal Declaration of Human Rights, Article 7 of the International Covenant on Civil and Political Rights (ICCPR) which was ratified by the State of the Sudan on 18 March 1986, and Articles 2 and 4 of the Convention against torture (CAT) that the State of the Sudan signed on 4 June 1986.

In addition, without expressing at this stage an opinion as to whether the detention of the above-mentioned persons is arbitrary or not, we appeal to your Excellency's Government to take the necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and, if Mr. Al-Qasem is to remain in detention, that he be granted fair trial proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights, and articles 9 and 14 of the ICCPR.

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 steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons 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 any information of the factual and legal grounds for the request of extradition of Mr. Al-Qasem and Mr. Al-Waleed, and their subsequent

arrest and detention upon arrival in Sudan. Please indicate how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR, ratified by the Sudan.

3. Please provide information on the measures taken to protect the liberty, security and physical and psychological integrity of Mr. Al-Qasem and Mr. Al-Waleed.
4. Please provide details, and where available, the results of any investigation, medical examination, and judicial or other inquiries conducted into the allegations of Mr. Al-Qasem's and Mr. Al-Waleed's torture, and how these acts, if confirmed, are compatible with the universal prohibition of torture as enshrined in the CAT, which was signed by the Sudan. In the event that the acts of torture have been established, please provide information about the action taken against the perpetrators, including the full details of any penal, disciplinary or administrative sanction taken.
5. Please indicate any remedial action taken vis à vis Mr. Mohammad Sayyed Ahmad Al-Qasem and Mr. Imam Hasan Taha Al-Waleed.
6. Please kindly indicate what measures have been taken to ensure that human rights defenders in the 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 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.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

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

Michel Forst
Special Rapporteur on the situation of human rights defenders

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
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