

Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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

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(Please use this reference in your reply)

28 June 2023

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 51/8, 45/3, 44/5, 52/4 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest and alleged enforced disappearance for 12 days of human rights defender, Mr. **Alaa-eldin Awad Mohamed Nogoud** and arrest and continued enforced disappearance of political activist, Mr. **Mohamed Ali Abdallah Al Jazouli**.

Mr. Alaa-eldin Awad Mohamed Nogoud (also known as Aladdin Awad Muhammed Nuqud), is a Sudanese human rights defender, a medical doctor and organ transplant and hepatobiliary surgeon (member of Royal College of Surgeons in Ireland) and Secretary General of the Sudan Association of Surgeons since 2016. He is a spokesperson for the Sudanese Professionals' Association and a member of the Forces of Freedom and Change-Central Council (FFC-CC). His human rights activities have focused on fighting corruption, advocating for the right to access to healthcare, peacebuilding and labour rights engaging in trade unions.

Mr. Mohamed Ali Abdallah Al Jazouli is the head of the State of Law and Development Party.

According to the information received:

Following the eruption of the armed conflict in Sudan on 15 April 2023, human rights defenders face tremendous challenges in accessing humanitarian resources. Furthermore, their mobility is also constrained to allow them to reach and aid victims of human rights violations in the country in a timely manner. Sudanese human rights defenders who volunteer to support civilians on the ground, as well as those advocating against the war and for an end to the violence, are allegedly subject to threats and reprisals.

Case of Mr. Alaa-eldin Awad Mohamed Nogoud

In the context of the conflict, Mr. Nogoud has continued his work as a medical doctor, often on a voluntary basis, by treating the injured. He has been outspoken in advocating for an end to the fighting in the country and has spoken out against the war on regional, national and international media.

On 26 May 2023, Mr. Nougoud was mentioned in a BBC report. In particular, he was quoted in an article in which information was reported that hospitals in Sudan were being targeted in the conflict.

On 27 May 2023, ten armed men arrived at the home of Mr. Nogoud in Khartoum. They introduced themselves as members of the Sudanese Military Intelligence, which is affiliated with the Sudanese Armed Forces. They searched his house and seized documents, including his passport. They then arrested Mr. Nogoud and took him to an unknown location.

On 8 June 2023, after 12 days during which the fate and whereabouts of the human rights defender were unknown, Mr. Nogoud was released. Mr. Nogoud was allegedly arrested for collaborating with Rapid Support Forces. He was however not charged with any crime. It is reported that no evidence was found on his personal devices and consequently released. However, his passport remains confiscated by the Sudanese Military Intelligence.

Case of Mr. Mohamed Ali Abdallah Al Jazouli

On 17 May 2023, at around 3 p.m., several men, believed to be members of the Rapid Support Forces arrived in a four-wheel drive vehicle at a house belonging to a person associated with Mr. Al Jazouli in Omdurman, Khartoum, an area allegedly under the control of the armed forces. The men searched the house and arrested Mr. Al Jazouli and three other persons. The detainees were taken to an unknown location.

On 23 May 2023, Mr. Al Jazouli appeared in a video clip broadcasted by the Rapid Support Forces. The video allegedly contains a recording of Mr. Al Jazouli with visible injuries, introducing himself as the head of the State of Law and Development Party and the head of the broad Islamic Movement. Mr. Al Jazouli then claims in his confession that he was and is still affiliated to ISIS. He allegedly confesses that he worked to bring down the political agreement concluded between the Sudanese parties and that he was communicating with the military establishment especially with Mr. Abdel Fattah al- Burhan, accusing the army forces, along with Islamist brigades of attacking the Rapid Support Forces. He concluded by calling for an end to incitement rhetoric. The recording is alleged to be extracted under torture.

At the time this communication was sent, the fate and whereabouts of Mr. Al Jazouli and the other three arrested persons remain unknown.

While we do not wish to prejudge the accuracy of these allegations, we are expressing our most serious concern at the alleged enforced disappearance of Mr. Al Jazouli, since his arrest on 17 May 2023. The lack of information about his fate and whereabouts increases the risk that he may be exposed to torture or ill-treatment or to the loss of his life. We are also seriously concerned that the arrest and subsequent enforced disappearance of Mr. Nougoud appears to have been associated with his engagement with the media in the exercise of his freedom of expression. Should the allegations be confirmed, they would violate articles 6, 7, 9, 10, 16, and 19, read alone and in conjunction with article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), which Sudan acceded to on 18 March 1986. These violations would also contravene the protections provided for by the Declaration on the Protection of all Persons from Enforced Disappearance adopted by the General Assembly Resolution 47/133 of 18 December 1992, particularly articles 1, 2, 3, 7, 9, 10, 13, 17 and 19. Furthermore, these violations would be in contravention of articles 1, 2, 3, 13, 17 to 20 and 24 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) ratified by your Excellency's Government on 10 August 2021.

In particular, we would like to remind your Excellency's Government that the prohibition of enforced disappearance is absolute and has attained the status of *jus cogens*. Moreover, enforced disappearance is prohibited also under customary international humanitarian law.

We would like to remind your Excellency's Government that enforced disappearance is in itself a crime (and, under certain circumstances, it may amount to a crime against humanity) and a violation of multiple human rights, including the prohibition of torture or other cruel, inhuman or degrading treatment or punishment. The Committee against Torture¹ and the Human Rights Committee² have concluded that enforced disappearances may amount to torture and other forms of ill-treatment both with regard to the disappeared and with regard to their family members, due to the anguish and uncertainty concerning the fate and whereabouts of loved-ones. The absolute and non-derogable prohibition of enforced disappearance and of torture and other ill-treatment are codified in articles 2 and 7 of the Declaration; article 1 of the ICPPED, and in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Sudan ratified on 10 August 2021. These prohibitions are also applicable whether there is a threat of war, a state of war, internal political instability, or any other public emergency, we wish to reiterate that no circumstances whatsoever may be invoked to justify enforced disappearances.

We also make reference to the study of the Working Group on Enforced or Involuntary Disappearances on enforced disappearance and economic, social and

¹ See, for example, conclusions and recommendations on the second periodic report of Algeria (A/52/44, para. 79), on the initial report of Namibia (A/52/44, para. 247) and on the initial report of Sri Lanka (A/53/44, paras. 249 and 251).

² CCPR/C/50/D/440/1990 (24 March 1994), para. 5.4.

cultural rights (A/HRC/30/38/Add. 5), in particular, paragraphs 33-37 which highlight the chilling effect of the disappearance of human rights defenders and emphasises that States are called to, “ensur[e] the existence of and respect for cultural diversity and the existence of space where multiple opinions, positions and interpretations of history can find their expression in the public sphere diminishes the level of vulnerability of those questioning in one way or another mainstream ideas and positions, and so prevents against targeting of human rights defender” (para. 49).

We further wish to refer to article 9 of the ICCPR, which provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. In this regard, we wish to emphasize that in accordance with the jurisprudence of the Working Group on Arbitrary Detention, enforced disappearances constitute a particularly aggravated form of arbitrary detention. Further, as stated in the jurisprudence of the Working Group on Arbitrary Detention and in General comment no. 35, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression, is arbitrary.

As this communication relates to human rights defenders, we deem appropriate to remind you of the important and legitimate role that human rights defenders play and the protection they are entitled to by international law. We wish to highlight in particular the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms also known as the Declaration on Human Rights Defenders, and which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has the primary responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

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

We are issuing this appeal in order to safeguard the rights of abovementioned individuals from irreparable harm and without prejudicing any eventual legal determination. In particular, with regard to Mr. Al Jazouli, we call on your Excellency’s Government to establish his fate and whereabouts without delay and to adopt all measures to avoid any irreparable harm to his personal integrity and life.

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 detailed information about the factual and legal grounds for the arrest and detention of Mr. Alaa-eldin Awad Mohamed Nogoud

and how these measures are compatible with international norms and standards.

3. Please provide information on the steps taken by the relevant authorities to investigate the allegation of enforced disappearance of Mr. Mohamed Ali Abdallah Al Jazouli and to search for him in order to clarify his fate and whereabouts and to ensure the protection of his human rights including, most notably, his rights to life, liberty, personal security, and integrity.
4. Please provide detailed information on healthcare services provided to Mr. Mohamed Ali Abdallah Al Jazouli during his detention, and on the overall detention conditions in which he has been held.
5. Please provide the details and, where available, the results of any investigation and judicial or other inquiries which may have been carried out, or which are foreseen to bring the perpetrators to justice and to ensure the provision of remedies, concerning the arrest and subsequent enforced disappearance of Mr. Alaa-eldin Awad Mohamed Nogoud. If no such enquiries have been conducted, please explain why, and how this is compatible with the international human rights obligations of Sudan.
6. Please provide information on the steps taken to ensure that all human rights defenders in Sudan can carry out their legitimate human rights work in a safe environment, including in exercising their rights to freedom of opinion and expression as well as their right to freedom of assembly and association. in times of crises, free from any form of threats, harassment, detention or ill-treatment, or any other form of restrictions.

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.

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

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should

be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Matthew Gillett

Vice-Chair on communications of the Working Group on Arbitrary Detention

Aua Baldé

Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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