

Mandates of 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

Ref.: UA SDN 1/2025
(Please use this reference in your reply)

23 May 2025

Excellency,

We have the honour to address you in our capacity as 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 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 **long-term detention or death sentence facing Mr. Montaser Abdullah and his poor detention conditions.**

Mr. Montaser Abdullah is a lawyer and human rights defender, whose work has centred on offering legal assistance on gender-based violence and delivering legal support to survivors of such crimes. He was also the legal representative of the team defending 17 members of the Tagadom Coordination Committee, including its chair, former Prime Minister Dr. Abdallah Hamdok.

Mr. Abdullah was the subject of communication [AL SDN 4/2024](#) sent on 25 November 2024. We regret that no response has been received from your Excellency's Government yet.

Concerns regarding the arrest and alleged arbitrary detention of human rights defenders were also raised in several previous communications sent to your Excellency's Government by special procedures mandate holders, including [SDN 1/2023](#), [SDN 3/2022](#), [SDN 2/2022](#), and [SDN 4/2021](#). We regret that no response has been received from your Excellency's Government on these concerns.

Background information regarding the case of Mr. Abdullah:

Mr. Abdullah lead the team that defends the 17 members of the Tagadom Coordination Committee, including its chair, former Prime Minister Dr. Abdalla Hamdok, against accusations by the National Committee for Investigating Crimes and Violation of National Laws and International Humanitarian Law. The indictées were accused of undermining the constitutional order, waging war against the state, crimes against humanity, genocide and war crimes in accordance with the Sudanese Criminal Act of 1991. The charges also include "terrorist crimes, running terrorist organizations and seizing aircraft" under the Counter-Terrorism Law of 2001. Some of these offenses carry the death penalty as punishment.

On 5 September 2024, Mr. Abdullah was arrested and taken to the Security Cell premises without the presentation of any arrest warrant. He was released and instructed to return on 7 September 2024. On 7 September 2024, Mr. Abdullah

was taken into custody. During his detention, he was reportedly forced by the authorities to waive his right to immunity as a lawyer while acting in his professional capacity. He remained in detention without interrogation and was held incommunicado until 3 October 2024.

On 3 October 2024, Mr. Abdullah was brought before a judge of the Criminal Court of the Red Sea State's judiciary in Port Sudan. Mr. Abdullah was charged under article 53 of the Sudanese Criminal Act of 1991, related to espionage and collaboration with a foreign state or its agents. Sentencing under article 53 can lead to life imprisonment or the death penalty, depending on the gravity of the offence. Mr. Abdullah refused to confess, claiming that he had not committed a crime.

Following this, Mr. Abdullah was transferred to Port Sudan Central Prison, where he is currently detained. Mr. Abdullah has reportedly been held alongside five other individuals in a cell measuring 2 by 2 meters. He has reportedly not been permitted to leave this cell, even to use the toilet. Furthermore, Mr. Abdullah has reportedly endured continuous beatings at the hands of the prison authorities. He has been forced to remain unclothed inside the cell.

According to the additional information received:

On 21 April 2025, the first court hearing in the case of Mr. Abdullah was held. The military authorities have charged him under article 53 of Sudan's Criminal Act of 1991, and articles 5 and 6 of the Counter-Terrorism Law, all of which carry the death penalty, life imprisonment or a minimum 20-year prison sentence. He is also charged under articles 9, 17, 24, 26, and 27 of the Cybercrimes Act.

Mr. Abdullah has recently been allowed to meet with his lawyer and his family members.

Without wishing to prejudge the accuracy of the information received, we express serious concern at the alleged arbitrary detention of Mr. Abdullah and at the charges he is facing. There are serious concerns that such actions may be in retaliation for the legitimate human rights activities of Mr. Abdullah as a defence lawyer and human rights defender.

We wish to recall that according to international standards, States must guarantee that those who practice law can do so free from intimidation, obstacles, harassment, or interference. The free exercise of the legal profession contributes to ensuring access to justice, oversight of state power, protection of due process and judicial guarantees.

According to the UN Basic Principles on the Role of Lawyers, governments have the duty to ensure that legal professionals are able to perform all of their functions without intimidation, hindrance, harassment or improper interference, including threats of prosecution or administrative, economic or other sanctions for any action taken in accordance with their recognized professional duties, standards and ethics (principles 16 and 17).

We would like to remind your Excellency's government of article 6(2) of the International Covenant on Civil and Political Rights (ICCPR), which Sudan has acceded to on 18 March 1986, and which provides that countries which have not abolished the death penalty may only impose it for the most serious crimes. This provision has consistently been interpreted by the Human Rights Committee to mean that the death sentence may only be imposed in respect of intentional killing. Moreover, article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty provides that capital punishment may only be carried out following a legal process which gives all possible safeguards to ensure a fair trial. Only full respect for stringent due process guarantees distinguishes capital punishment from an arbitrary execution.

In addition, we would like to refer your Excellency's Government to articles 7, 9, 10 and 19 of the ICCPR, which prohibits torture and other cruel, inhuman or degrading treatment or punishment and provide that persons deprived of their liberty are to be treated with dignity and humanity, as well as liberty from arbitrary arrest and detention, and the right to freedom of opinion and expression.

We also refer to articles 1, 2, and 16 of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT), ratified by Sudan in 2021 and recall that attached to the prohibition on torture and other cruel, inhuman or degrading treatment or punishment are obligations to criminalize and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute suspects, to punish those responsible and to provide remedies to victims. Victims are to be protected from reprisals or intimidation during said investigations and they have an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible.

We would also like to refer to the Basic Principles for the Treatment of Prisoners, adopted without vote by the General Assembly resolution 45/111 on 14 December 1990, which provides that all prisoners shall be treated with the respect due to their inherent dignity and value as human beings (principle 1). It also states that prisoners shall have access to health services available in the country without discrimination on the grounds of their legal situation (principle 9).

We would equally like to refer to rule 1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), which provides that all prisoners shall be treated with the respect due to their inherent dignity and value as human beings. Under the rule 24(f), the provision of health care for prisoners is a State's responsibility, free of charge, without discrimination and at the same level as the health care services provided in the community.

Finally, we would like to refer to the fundamental principles set forth in 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, we would like to refer to articles 1 and 2 of the Declaration, 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 a prime 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.

In view of the urgency of the matter, we would appreciate a response as soon as possible on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Montaser Abdullah 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 also 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, notably the factual and legal grounds for the arrest and detention of Mr. Montaser Abdullah and how these measures are compatible with applicable international norms and standards. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the applicable legal provisions and the measures taken to ensure full respect for international human rights law and fair trial and due process guarantees.
3. Please provide detailed information on the treatment of Mr. Abdullah in prison, including the overall detention conditions in which he has been held, and whether there has been any investigation and/or prosecution opened with regard to this and the allegations of torture and/or other cruel, inhuman or degrading treatment or punishment, and the outcomes of any such proceedings.

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

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 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.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment