

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS SPECIAL RAPPOREUR ON HUMAN RIGHTS DEFENDERS, MS REINE ALAPINI-GANSOU

C/o African Commission on Human and Peoples' Rights
31 Bijilo Annex Layout
Kombo North District
Western Region
P.O. Box 673 Banjul
The Gambia
Sent via e-mail: au-banjul@africa-union.org & africancommission@yahoo.com

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS SPECIAL RAPPOREUR ON FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION, MS FAITH PANSY TLAKULA

Election House, 260, Walker Street, Sunnyside
Pretoria, PO Box 7943, Pretoria 0001
South Africa
Sent via e-mail: au-banjul@africa-union.org & africancommission@yahoo.com

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS COMMISSIONER ON THE HUMAN RIGHTS SITUATION IN SUDAN, MR LAWRENCE MUTE

No. 10, Laiboni Close, Nkoroi North Road, Nkoroi
PO Box 557 – 00517
Nairobi, Kenya
Sent via e-mail: au-banjul@africa-union.org & africancommission@yahoo.com

UNITED NATIONS SPECIAL RAPPOREUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS, MR MICHEL FORST

UNITED NATIONS SPECIAL RAPPOREUR ON THE FREEDOM OF EXPRESSION, MR DAVID KAYE

UNITED NATIONS INDEPENDENT EXPERT ON THE SITUATION OF HUMAN RIGHTS IN SUDAN, MR ARISTIDE NONONSI

CHAIR-RAPPOREUR OF THE UNITED NATIONS WORKING GROUP ON ARBITRARY DETENTION, MR MADS ANDENAS

UNITED NATIONS SPECIAL RAPPOREUR ON TORTURE, MR JUAN ERNESTO MENDEZ

c/o Office of the High Commissioner for Human Rights
Palais Wilson, United Nations Office at Geneva
CH1211 Geneva 10
Switzerland
Sent via e-mail: defenders@ohchr.org, freedex@ohchr.org, iesudan@ohchr.org, urgent-action@ohchr.org & wgad@ohchr.org

19 December 2014

Open Letter concerning the arbitrary arrest and incommunicado detentions of Dr Amin Mekki Medani, Mr Farouq Abu Eissa, and Dr Farah Ibrahim Mohamed Alagar by the Government of Sudan

Dear Ms Alapini-Gansou, Ms Tlakula, Mr Mute, Mr Forst, Mr Kaye, Mr Nononsi ,Mr Andenas and Mr Mendez,

The African Centre for Justice and Peace Studies, Bahrain Center for Human Rights, the Cairo Institute for Human Rights Studies, the Darfur Bar Association, the East and Horn of Africa Human Rights Defenders Project, Human Rights Watch, the International Federation for Human Rights, the International Refugee Rights Initiative, Journalists for Human Rights, the Moroccan Human Rights Organisation, REDRESS, the Sudanese Human Rights Monitor and the World Organisation against Torture are writing to urge you to act upon our request to call upon the Government of Sudan to release the human rights lawyer **Dr Amin Mekki Medani** and activists **Mr Farouq Abu Eissa** and **Dr Farah Ibrahim Mohamed Alagar** without charge from Sudanese National Intelligence and Security Services' (NISS) custody. As outlined further below, their detentions are thought to be connected solely to the peaceful expression of their beliefs in favour of democratic principles and peace and security in Sudan, in violation of the lawful exercise of their rights guaranteed under Sudan's Interim National Constitution (INC), the African Charter on Human and Peoples' Rights (ACHPR), and the International Covenant on Civil and Political Rights (ICCPR).

We are sending this letter to you in your capacities as Special Procedure mandate holders as it engages your respective mandates. We are aware of the UN High Commissioner for Human Rights' public statement of 12 December 2014 urging the Government of Sudan to "release the three men in the absence of valid legal charges or promptly charge them with a recognizable offence and bring them before a judge with guarantees of their fair trial rights." Notwithstanding the OHCHR's call, all three men remain in incommunicado detention. They continue being denied visits from their families and lawyers and their continued detention raises serious concerns for their health and safety.

Both Dr Medani and Mr Abu Eissa are in their seventies and have specific medical needs as both are diabetic. Dr Medani has high blood pressure and NISS prevented him from taking his medication with him upon arrest. Mr Eissa suffers from cyanosis. The families of both men have sought to provide them with food, also given their health condition and dietary requirements, but the NISS officials refused to receive it.

Our organisations are unaware of any criminal charges filed against Dr. Medani, Mr. Eissa, or Dr. Alagar as of 18 December 2014.

The arbitrary arrest and incommunicado detention of Dr. Medani, Mr. Eissa, and Dr. Alagar by the Government of Sudan is in violation of their right to liberty, freedom of expression, and the rights and freedoms guaranteed to human rights defenders. The circumstances of their detention also raise concerns over the right to be free from ill-treatment or torture. In light of the urgency of the situation, we respectfully request you to urgently undertake the following actions:

1. Publicly call upon the Government of Sudan to immediately release Dr Amin Mekki Medani, Mr Eissa, and Dr Alagar in the absence of valid charges against them, to disclose their whereabouts and grant access to their family members and a lawyer of choosing, to guarantee their safety, and to grant them any medical assistance they may require.
2. Publicly call upon the Government of Sudan to unconditionally guarantee Dr Medani, Mr Eissa, and Dr Alagar's rights under the ACHPR and ICCPR.
3. Publicly declare that the detentions constitute a violation of the right to freedom of expression, as protected by Article 9 of the ACHPR, Article 19 of the ICCPR and Article 19 of the UDHR, and the protection enjoyed by detainees as set out in the UN Declaration on Human Rights Defenders.

Please do not hesitate to contact us if you have any questions or if we can provide you with any additional information you may need.

Yours sincerely,

African Centre for Justice and Peace Studies
Bahrain Center for Human Rights
Cairo Institute for Human Rights Studies
Darfur Bar Association
East and Horn of Africa Human Rights Defenders Project
Human Rights Watch
International Federation for Human Rights (FIDH)
International Refugee Rights Initiative
Journalists for Human Rights
Moroccan Human Rights Organisation
REDRESS
Sudanese Human Rights Monitor
World Organisation against Torture (OMCT)

Background

Just before midnight on 6 December 2014, the Government of Sudan's NISS arrested two prominent public figures on their return from political negotiations held in Addis Ababa between Sudanese political and armed opposition groups. A large number of personnel from the NISS, arriving in six vehicles, arrested **Dr Amin Mekki Medani**, (m), 75 years of age, and **Mr Farouq Abu Eissa**, (m), 78 years of age, from their homes in Khartoum. Although their families were not informed of the reasons for the arrests, the men were detained after signing the "Sudan Call" on 3 December in Addis Ababa.

The "Sudan Call" is a declaration that commits signatories to work towards the end of the conflicts raging in different regions of Sudan. The document also pledges to work towards legal, institutional and economic reforms. Dr Amin Mekki Medani signed the document on behalf of a group of civil society actors. Mr Farouq Abu Eissa signed on behalf of the Sudanese National Consensus Forces – an umbrella of political opposition parties – in his capacity as Chairperson of that group.

In the early hours of Sunday, 7 December, **Dr Farah Ibrahim Mohamed Alagar**, (m), 60 years of age, was arrested by the NISS from his home in Alfitihab neighbourhood of Omdurman. Dr Alagar had also attended the Sudan Call negotiations in Addis Ababa but had not signed the resulting document.

Around 10 members of the NISS reportedly arrived at his home at 1am and took him to their offices in Khartoum Bahri without providing reasons for his arrest.

These arrests come following a pattern of detentions – and prosecutions - that appear aimed at silencing any form of criticism of the policies of the ruling party. The past six months have seen scores of political and youth activists, as well as prominent human rights defenders, detained. These cases raise serious concerns about increasing restrictions on freedom of expression, association and assembly in Sudan.

Dr Medani is a prolific member of the Sudanese human rights movement. He was the Chairperson of the organisation Sudanese Human Rights Monitor, FIDH member organisation in the country, and is currently an Executive Board member of over six non-governmental human rights organizations and legal associations. Dr Medani has also worked for various international organisations including as the head of the OHCHR in the West Bank, Gaza and Croatia and as a legal adviser to the Special Representative of the U.N. Secretary-General in Iraq and Afghanistan.

Mr Farouq Abu Eissa is the Chairperson of the National Consensus Forces, an umbrella of political opposition groups in Sudan, and has a long history of political activism. He has been one of the most preeminent voices in calls by Sudan's opposition parties for democratic transformation in Sudan. He is the former Secretary General of the Arab Lawyers' Union and the National Democratic Alliance.

Dr Alagar is a retired officer from the Sudan Armed Forces and was formally the chairperson of the National Congress Party (NCP) in Blue Nile state. He was dismissed from the ruling party in December 2012, reportedly because he expressed views diverging from the official NCP line, including on the possibility of power sharing in Blue Nile state between the NCP and Sudan Peoples' Liberation Movement-North (SPLM-N). He was later engaged in April 2014 as an independent conflict resolution expert by the SPLM-N to attend ongoing peace talks in Addis between the SPLM-N and the Government of Sudan.