

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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March 19, 2018

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Your Excellency:

Re: Detention of Osman Salih, Salih Mahmoud Osman, Amjed Fareed

Lawyers Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders, who campaign internationally for advocacy rights, advocates in danger, and on rule of law issues. We also engage in legal research and education about international human rights law. I am a lawyer and a partner of a law firm in Canada, Cohen Highley LLP, and I am writing to you to ask that you intervene with respect to proceedings involving the above named individuals.

We are writing to protest the ongoing arbitrary detention of Mr. **Osman Salih**, lawyer, Mr. **Salih Mahmoud Osman**, Vice-Chairperson of the Darfur Bar Association and Mr. **Amjed Fareed**, blogger and human rights defender.

On March 11, 2018, Mr. Osman Salih was transferred to the police hospital in Al Obeid due to high blood sugar levels causing stomach problems. His wife was able to visit him, although only in presence of a National Intelligence Security Service (NISS) official who kept them under constant surveillance. It is reported that Mr. Salih is diabetic and was only given access to his medicine after three days in detention.

Mr. Osman Salih had been arrested by the NISS on January 10, 2018 along with seven other individuals present at the Alhuria Square in Al Obeid, North Kordofan during a peaceful protest against the increase in prices of basic commodities. Subsequently, Mr. Salih was brought to the NISS offices in Al Obeid together with the other individuals. The NISS in Al Obeid carried out the arrest.

On January 15, 2018, the security committee of Al Obeid ordered that Mr. Salih be detained under the emergency law for six months and transferred from the NISS offices to Al Obeid prison. Two applications for family visits have been denied.

In addition, Mr. **Salih Mahmoud Osman**, Vice-Chairperson of the Darfur Bar Association and Mr. **Amjed Fareed**, blogger and human rights defender, have been respectively detained since February 1, and January 31, 2018. Yet no information about charges against them has been disclosed to date.

LRWC strongly condemns and reiterates its concerns over the ongoing arbitrary detention of Mr. Salih Mahmoud Osman, Mr. Amjed Fareed and Mr. Osman Salih, and wishes to highlight that this situation significantly enhances their vulnerability to ill-treatment. As a member of the United Nations and a State Party to the *International Covenant on Civil and Political Rights* (ICCPR), Sudan is legally obligated to protect the rights of all people within its territory from, arbitrary arrest and deprivation of liberty contrary to the law. We are aware of no facts or law that could justify the arrests or the detention of **Osman Salih, Salih Mahmoud Osman, or Amjed Fareed**.

The imposition of Emergency Measures does not justify the detention of any of these men. International human rights law permits states to temporarily suspend or derogate from certain rights and obligations guaranteed in the ICCPR in “time of public emergency,” provided that “such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.”¹ The ability of Sudan and other states to deviate from international human rights standards is limited to “the extent strictly required by the exigencies of the situation.”² According to the UN Human Rights Committee, state parties must “provide careful justification not only for their decision to proclaim a state of emergency but also for any specific measures based on such a proclamation.”³ Sudan has not provided such justification for suspension, restriction or derogation of rights guaranteed by the ICCPR.

¹ UN General Assembly, *International Covenant on Civil and Political Rights* (ICCPR), 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, Article 4(1).

² *Ibid.*

³ UN Human Rights Committee (HR Committee), *General Comment 29, States of Emergency (article 4)*, para. 5. [http://www.unhcr.ch/tbs/doc.nsf/0/71eba4be3974b4f7c1256ae200517361/\\$FILE/G0144470.pdf](http://www.unhcr.ch/tbs/doc.nsf/0/71eba4be3974b4f7c1256ae200517361/$FILE/G0144470.pdf)

LRWC urges Sudanese authorities to immediately and unconditionally release them, as their detention is arbitrary and clearly is intended as punishment for their peaceful and legitimate human rights activities. LRWC also urges Sudanese authorities to guarantee their physical and psychological integrity and to respect their right to a fair trial, including unhindered access to their lawyers and families.

In summary, LRWC respectfully requests that Sudanese authorities comply with the ICCPR and:

- (i) guarantee the physical and psychological integrity of Mr. Salih Mahmoud Osman, Mr. Amjed Fareed and Mr. Osman Salih, as well as of all human rights defenders in Sudan;
- (ii) immediately and unconditionally release Mr. Salih Mahmoud Osman, Mr. Amjed Fareed and Mr. Osman Salih, and all detained human rights defenders in Sudan as their arbitrary detention is clearly aimed at punishing them for their legitimate human rights activities;
- (iii) guarantee the right to due process and fair trial of Mr. Salih Mahmoud Osman, Mr. Amjed Fareed and Mr. Osman Salih, including the unhindered access to their lawyers and family, if charges are laid against them;
- (iv) put an end to all forms of harassment, including at the judicial level, against Mr. Osman Salih, Mr. Mohamed Abdallah Aldouma, and all human rights defenders in Sudan so that they are able to carry out their work without hindrance or fear of reprisals;
- (v) conform with the provisions of the ICCPR and the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially Articles 1, 6(c) and 12.2; and,
- (vi) more generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by Sudan.

Your immediate attention to these important matters is requested.

Yours Very Truly,



signature electronically affixed

Joe Hoffer
Sudan Monitor, Lawyers Rights Watch Canada

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