

# 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 9, 2017

HE Omar Hassan Ahmadal-Bashir  
Office of the President  
People's Palace  
PO Box 281  
Khartoum, Sudan

Your Excellency:

**Re: Continuing Arbitrary Pre-trial Detention of Tasneem Ahmed Taha El Zaki and Nura Obeid Osman**

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Lawyers Rights Watch Canada (LRWC) is a committee of lawyers, students and academics 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.

**Tasneem Ahmed Taha El Zaki (Ms. El Zaki), human rights lawyer and Nura Obeid Osman (Ms. Osman), accountant** have been detained since 27 December 2016 by the Sudanese Intelligence and Security Service (NISS) without charge and without disclosure of the reasons for their detention. Over three months of detention Ms. El Zaki's father, despite repeated requests, has only been permitted two visits and a similar circumstance has occurred with Ms. Osman.

The ongoing detention of these two women contravenes the internationally accepted presumption in favour of pre-trial release based on:

- The right to be presumed innocent;
- The right to liberty and security of the person;
- The right to a fair trial; and
- The right to full equality before the law.

These fundamental rights are enshrined in the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights* (ICCPR), s. 9(3) and the *African Charter on Human and Peoples' Rights* (Banjul Charter), s. 6. These are just three of internationally recognized and accepted instruments which recognize the presumption of pre-trial release and the right of women to be treated equally before the law. As a party to the ICCPR (18 March

1986) and the Banjul Charter (18 February 1986) Sudan has a duty to ensure that pre-trial detention is only used in situations where a court has determined that detention is both reasonable and necessary to prevent a risk established by evidence of flight, interference with evidence or recurrence and detention is the only measure to prevent such established risk(s). In the situations of Ms El Zaki and Ms Osman, there has been no such determinations by a court. Their detention is therefore in contravention of the ICCPR and the Banjul Charter and arbitrary. .

### **Intervention and Action Requested:**

LRWC urges the authorities of Sudan to:

1. Immediately arrange for the unconditional release of Ms. El Zaki and Ms. Osman pending any judicial or administrative proceedings at which their attendance may be required, since their ongoing detention is in violation of their fundamental rights as enshrined in the *Universal Declaration of Human Rights*, the ICCPR and the Banjul Charter;
2. Intervene with the NISS for the purpose of securing the detained women's release;
3. Pending their release, permit members of Ms. El Zaki and Ms. Osman's family and legal representatives an opportunity to visit with them;
4. Provide Ms. El Zaki and Ms. Osman with particulars of the reasons for their initial detention and details of the reasons for any requirement that they attend at future judicial or administrative proceedings at which their attendance may be required;
5. Direct personnel of the NISS and any other state actors who are responsible for the continued detention of Ms. El Zaki and Ms. Osman to provide reasons for their detention and to release them from detention pending the commencement of any proceedings at which their attendance is required;
6. Put an end to any kind of harassment, including at the judicial level, against them, as well as against all human rights defenders in Sudan, and ensure in all circumstances that they are able to carry out their activities without hindrances;
7. Direct personnel of the NISS and any other state actors who are responsible for the continued detention of Ms. El Zaki and Ms. Osman to accept and conform to the principles set out above and enshrined in the *Universal Declaration of Human Rights*, *ICCPR* and the Banjul Charter;
8. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Sudan.

Thank you, in advance, for your consideration of our requests for intervention and action.

Yours Very Truly,



Joe Hoffer  
Sudan Monitor, Lawyers Rights Watch Canada

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