



16 September 2015

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Copy to: Special Rapporteur against torture and other cruel, inhuman or degrading treatment or punishment, Working Group on Arbitrary Detention, Special Rapporteur on the promotion and the protection of the right to freedom of opinion and expression.

URGENT APPEAL

Re: Sudan – Enforced Disappearance of a Political Activist

Alk ref: 2015-378

Sudan ratified the ICCPR on 18 March 1986.

Mr Chairman, distinguished members of the Working Group,

We write to bring to your attention the case of Mr Babacar Moussa Issa, a member of the Arab Socialist Ba'ath Party who was arrested by the Sudanese National Intelligence and Security Services (NISS) on 27 August 2015 and is disappeared since. His family learned from other detainees that he was subjected to torture while in secret detention but they have not been able to visit him so far. They fear that he could be ill-treated again while being detained by the NISS. We refer to:

Mr Babacar Moussa **Issa** (بابكر موسى عيسى), 56-year-old (born in 1959 in South Kordofan). He is an engineer and member of the original Sudanese Arab Socialist Ba'ath Party¹. He used to live in Salha neighbourhood of Omdurman, Khartoum State. He is married.

Arrest and disappearance

On 27 August 2015, the engineering office of Mr Issa, located in downtown Khartoum near the Cinema Coliseum, was raided by members of the NISS in civilian clothes who arrested him and brought him to an unknown location. Following his arrest, his office was closed and has been continuously guarded by the NISS.

Unaware of his whereabouts, his family learned from detainees who contacted the Ba'ath party that Mr Issa was detained inside the NISS building on 57th Street Amara'at

¹ The original Sudanese faction of the Ba'ath party is opposing the current government of Omar Al Bashir while another faction, created in 2002, is supporting it.

neighbourhood, Khartoum city. They also testified that Mr Issa had been subjected to particularly harsh kinds of torture in front of them for three consecutive days, probably in retaliation for his political affiliations. His family tried to visit him at the NISS building but they were denied entrance to the facility. As a consequence, they remain unaware of his fate and exact whereabouts. Indeed, they were informed by detainees that Mr Issa had been transferred to another detention centre but they have not been able to confirm this information, nor his lawyer, because the authorities continue to deny Mr Issa's detention.

His family fears that he could be subjected to torture inside this new detention centre, the NISS being notorious for such practice against political opponents, which is favoured by the security apparatus's impunity that prevails in the country. In fact, several detainees have reported having been tortured in Sudan² while the Sudanese National Security Act of 2010 provides immunity to the NISS in case of abuses committed during their duties.³ Additionally, the NISS can detain individuals for 45 consecutive days without charges and for more than four months without any judicial supervision, which exacerbates the risk that Mr Issa could be tortured while being secretly detained. Finally, the vague text of the Evidence Act of 1994 gives the possibility for courts to accept confessions that could have been obtained under duress.⁴

Requests

In light of the above information, we solicit your urgent intervention with the Sudanese authorities to ask them to immediately release Mr Issa or at the very least to put him under the protection of the law and authorise his family and his lawyer to visit him.

If Mr Issa confirms the reports of torture, the authorities should open thorough and impartial investigations into them and bring the perpetrators to justice while offering him a fair compensation.

The Sudanese authorities should be reminded of their international obligations and put an end to the practice of enforced disappearances as well as the arbitrary detention and torture of political activists.

Thank you for your consideration of this matter. Please do not hesitate to contact us if we can be of any assistance.

Yours faithfully,

Mr Mourad Dhina,
Executive Director, Alkarama


Khalid Amar,
Program Manager, Arab Coalition for Sudan

Enclosed
1. WGEID Form

² African Centre for Justice and Peace Studies, Excessive force, mass arbitrary detentions, ill-treatment and torture used to crack down on popular protests in Sudan, July 2012.

³ Article 52 of the National Security Act of 2010.

⁴ Working Group on Arbitrary Detention, Opinion n°38/2008 (Sudan), 24 November 2008, A/HRC/13/30/Add.1, page 170, para.16.