

A Memorandum

Placed Before the National Commission for Human Rights; Based on the provisions of Articles 9/1/2(a/b/c/d/e/g/i) and (10/1/a) of the National Human Rights Act for the Year 2009 Read in Conjunction with the Child's Act for the Year 2010 Together with the Rules of the Islamic Sharia Law and the Binding international Treaties and Conventions

Subject: Detention of the Child/ Ahmed Abulrahim Abdullah

His Excellency/ the Head and Members of the National Human Rights Commission,

Reference to the subject above, and based on the provisions of articles (10/1/a) and (9/1/2(a/b/c/d/e/g/i)) of the National Human Rights Act for the Year 2009 , together with the Child's Act for the Year 2010 and article 27 of the 2005 National Interim Constitution ; coupled with the articles 5, 9 and 10 of the International Convention on the Civil and Political Rights ; and articles 6 and 7 of the African Charter on the Human Rights and Peoples ; and articles 1,2,3 and 9 of the International Declaration of the Human Rights , we humbly place before you this memorandum on behalf of the detained student named above , and on the basis of the general responsibility enshrined in the provision (1/b) of the Second Chapter of Child's Act for the Year 2010 That reads “ Decent acculturation is a general responsibility ” we solicit your intervention to the National Security Apparatus to secure and maintain the constitutional and legal rights of the detained student , the subject of this memorandum, who was detained in violation to the Constitution and other binding laws and conventions to which Sudan was a signatory , which are now part and parcel of the National law .

The following facts are alluded to:

First: The detained person is a child, of 16 years of age; detained on 31 Jan. 2018 by the Security Apparatus, without providing any justifications .The detained child did not commit any act in violation to the law. The

Child was taken to an unknown place without allowing his family, lawyer or other relatives to visit him or know his whereabouts.

Second: On the basis of the provisions of the National Interim Constitution, and binding treaties and conventions:

- The Second Chapter, General Principles, of the Child Act for the Year 2010, provisions 1/b/c/e and subsequent provisions provided for the protection of the children subject to the national legislations, international treaties and protocols and international rules concerning maternity and childhood. These rules guarantee that a child be allowed to express his /her views freely and be protected against all forms of violence, harm, harassment or inhuman treatment. These rules also stipulate that children be given priority as regards all forms of decisions or procedures that have positive impact on childhood.
- Article (27/3/4) of the Interim Constitution reads “ All rights and freedoms enshrined in the international treaties, conventions and charters on human rights , to which Sudan is a signatory , shall be part and parcel of this document) . Provision (27/4) reads “Legislations shall organize the rights and freedoms embedded in this document and shall not withdraw them or reduce them”.
- The articles and provisions of the International Convention on the Civil and Political Rights stated that all parties shall commit to honor and respect these rights and enable individuals within their regional and territorial jurisdiction to enjoy these rights without discrimination in terms of race, color , sex, . Article 3 of the Convention states that every country , a party of this convention , commits to provide every possible litigation opportunities for every persons whose rights are violated , no matter who committed the violation , be a person or entity acting on official capacity or otherwise. The litigation procedures shall be in a court or judicial authority; and the complainant shall be given every right to defend himself or claim his rights .
- Article 6 of the African Charter for Human Rights and Peoples states “ every individual shall be accorded the right of freedom and personal safety ; and no person shall be denied his/her freedom except in cases to be specified by law beforehand)
- Article 1 of the International Declaration of Human Rights reads “ All people are born free and equal in dignity and rights , and they have brains and conscience and they shall treat each other on

brotherly basis ”. Every human being has the right to enjoy the rights embedded in the Declaration, and nobody shall be apprehended, detained or deported illegally.

Third: Our reasons to decry the detention per se .

- The detained person, the subject of this memorandum, is a child and his detention is against the law. The detention of the child was a result of political manipulation of his family’s surrounding for the purpose of pressuring his family politically. The life of the child was put in danger, and still it is. This is a classic show of manipulation of law for mean political purposes.
- The detention of the child is against Sudan’s obligations and Commitments before the meetings of the 30th session of the Experts Committee on the rights and Child’s welfare of the African Union held in Khartoum in December 2017.

On the basis of the above, we solicit the following from your Excellency:

- 1- Take all appropriate measures to guarantee the constitutional and legal rights for the child/ Ahmed Abulrahim Abdullah, the subject of this memorandum. This entails intervention to the Security Apparatus in order to make the Apparatus authority release the child from detention immediately.
- 2- Take investigations as to the reasons behind the detention of the child on the basis of the law of the land and the international treaties and conventions on human rights and rights of the child.
- 3- Make sure that he will not be re-detained in case that he is released.

Copies to /

- 1- **The National Council for Child Welfare**
- 2- **UNICEF , Sudan Office**
- 3- **African Union/ African Experts Committee on the Rights and Welfare of the Child.**
- 4- **Representative of the UN Secretary General in Sudan**
- 5- **Legal organizations working in Sudan , Diplomatic Missions in Khartoum**

Signatories of this memorandum:

- 1- Sadig Ali Hassan

- 2- Yusuf Adam Bashar
- 3- Taj El din El Siddig Ahmed
- 4- Adam Mohammed Ibrahim Rashid
- 5- Jibreel Hamid Hassabu
- 6- Nasr Eldin Yusuf Daffaalla
- 7- Tarig Ibrahim El Sheikh
- 8- Sara Abdulrahman Dugga
- 9- Nafisa Elnur Hajar
- 10- Azza Mohammed Ahmed
- 11- Mahasin Abdulgagir Awad
- 12- Mustafa Mohammed
- 13- Abdu Ishag
- 14- Medani Abdulrahman

UNITED LAWYERS

An Affiliate of Darfur Bar Association

28 Feb 2018

Khartoum

SUDAN