

Joint-Statement for arrested and detained Sudanese Lawyer Montaser Abdullah

Lawyers for Lawyers, the International Bar Association's Human Rights Institute, the Institute for the Rule of Law of the International Association of Lawyers, Lawyers Right Watch Canada, the Council of Bars and Law Societies of Europe, the Sudanese Defenders Center for Legal Aid, the International Observatory for Lawyers in Danger, REDRESS and the Law Society of England and Wales express deep concerns over the arbitrary arrest and detention of Sudanese lawyer Montaser Abdullah since 7 September 2024 by the Sudanese Armed Forces.

It is believed that Mr. Abdullah's arrest is linked to his work as the lawyer representing members of the Democratic Forces Coordination, a political coalition which finds amongst its members the Sudanese Congress Party (SCP). Montaser Abdullah has provided legal representation for the SCP for the past three years, notably as a lawyer for their legal committee and taking up human rights and politically sensitive cases through them. Members of the SCP have been investigated by the national prosecutor since at least 31 March 2024. Mr. Abdullah was preparing the defence and collecting further information on the prosecutor's investigation at the time of his arrest.

On 7 September 2024, Mr. Abdullah was arrested by security forces in Port Sudan. He was reportedly taken from his office in the middle of the day and was subsequently detained incommunicado until 3 October 2024, when Mr. Abdullah was brought before the Court of Port Sudan.

On 3 October 2024, Mr. Abdullah was presented before the court of Port Sudan under guard supervision. This has reportedly been done in an attempt to coerce him into testifying against himself, which he refused to do. On 9 October, Mr. Abdullah's closed ones were finally able to meet with him in Port Sudan Prison, for the first time since his disappearance. During this exchange, Mr. Abdullah shared that he had been a victim of gross mistreatment whilst in detention, and he was showing physical signs of abuse. He also reported having been beaten repeatedly since his arrest. Mr. Abdullah is currently being kept in the highest security section of Port Sudan Prison. The undersigned organisations express serious concerns as to the treatment of Mr. Abdullah whilst he remains in detention. A charge against Mr. Abdullah has since been filed for espionage under article 53 of the Sudanese 1991 Criminal Code, raising concerns that his detention is arbitrary.

The Public Prosecution Office (PPO) affirmed that Mr. Abdullah was arrested on 3 October 2024 and his arrest followed legal procedures outlined in the Criminal Procedure Act of 1991. However, Mr. Abdullah's arrest was in violation of article 48 of the Sudanese Advocate Law of 1983 which provides that for a lawyer to be arrested their immunity must first be revoked. This procedure involves the notification of the Bar Union which must revoke this immunity for the arrest to be lawful. However, the prosecutor, in this instance, failed to comply with the requirements of the procedural safeguard. Furthermore, it has been reported that following his arrest, and during his detention, Mr. Abdullah was denied access to his family and to legal representation, restricting his right to a fair trial. Lawyers were also concerned about attempting to locate and represent Mr. Abdullah for fear of being arrested themselves, highlighting the chilling effect of this type of intimidation by the Sudanese Armed Forces.

The undersigned organisations draw attention to the UN Commission on Human Rights' Resolution 2003/32 which reminded all States that incommunicado detention constitutes a form of cruel, inhuman or degrading treatment, possibly amounting to torture. The Commission urged States to respect safeguards pertaining to the liberty, security and dignity of the person. Attention should further be brought to Sudan's international obligations, notably, the prohibition of torture and any inhumane or degrading treatment that is found in the Convention Against Torture, the International Covenant on Civil and Political Rights, and the African Charter on Human and People's Rights, all of which were ratified by Sudan prior to these events.

The situation of lawyers in Sudan is critical. Since the beginning of the war in Sudan in 2023, lawyers have been amongst those most targeted by both the Rapid Support Forces (RSF) and Sudanese Armed Forces (SAF). Lawyers have been thus targeted because of the role that legal professionals previously played in the post-2019 reconciliation and rebuilding of Sudan, as well as their current work to improve accountability. Across the country, these attacks have taken form of enforced disappearances, torture, incommunicado detentions, arbitrary killings, prison sentences of life imprisonment, or the death penalty. On top of these individual attacks, around 500 lawyers' offices have been arbitrarily raided and looted by the RSF since 2023. As a result of this persecution, lawyers were intimidated in pursuing legal actions during the armed conflict, and now are fearful of taking on new clients and otherwise discharging their professional legal duties.

In this context, and in light of such egregious violations, the undersigned organisations seek to remind Sudan of its obligations under Principles 16, 18 and 23 of the United Nations Basic Principles on the Role of Lawyers adopted on 7th September 1990:

Principle 16: Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; [...] and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics.

Principle 18: Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Principle 23: Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

And under the International Covenant on Civil and Political Rights (ICCPR):

Article 9(2): Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

In view of the above, the undersigned organisations call on the Sudanese authorities, specifically the Sudanese Security Forces to:

- Ensure the immediate and unconditional release of Mr. Abdullah, and any other lawyers who are arbitrarily detained or have been prosecuted solely for carrying out their legitimate professional duties as lawyers
- Immediately end torture and other inhumane and degrading treatment and ensure that perpetrators are brought to justice, in trials conforming with international law
- Ensure access to justice and due process for all persons accused of criminal offences
- Immediately end the practice of enforced disappearance and ensure that perpetrators are brought to justice, in trials conforming with international law
- Ensure that sufficient safeguards are in place, both in law and in practice, to guarantee the full independence and safety of lawyers and their effective protection against any form of retaliation in connection with their professional activities
- Refrain from any actions that may constitute harassment, persecution or undue interference in the work of lawyers, including their arrest or criminal prosecution on improper grounds.

On behalf of:

- Lawyers for Lawyers (L4L)
- International Bar Association's Human Rights Institute (IBAHRI)
- UIA-IROL (the Institute for the Rule of Law of the International Association of Lawyers)
- Lawyers Right Watch Canada (LRWC)
- Council of Bars and Law Societies of Europe (CCBE)
- Sudanese Defenders Center for Legal Aid
- International Observatory for Lawyers in Danger (OIAD)
- REDRESS
- Law Society of England and Wales (LSEW)