

ICTUR

International Centre for Trade Union Rights
Centro Internacional para los Derechos Sindicales
Centre International pour les Droits Syndicaux

Attn: Mr. President Omar Hassan Ahmadal-Bashir, Office of the President, People's Palace, Fax: +24 9183783223

17 November 2016

Your Excellency,

The International Centre for Trade Union Rights is gravely concerned by a series of arrests of dozens of doctors, some of whom remain in detention and whose whereabouts are unknown. ICTUR is gravely concerned for their safety and security, and notes that Amnesty International has issued a call for their release which describes the arrested doctors as 'at risk of torture and other ill-treatment'. ICTUR understands that the arrests follow a series of strike actions by doctors demanding improvements to their pay and conditions, better protection for the security of doctors while carrying out their work, and improvements to social and medical rights, including the provision of equipment and emergency services in 22 hospitals, and the provision of free treatment for the critically ill and for children under five years old.

We are informed that the first 8-day strike was held from 6 October, and that the doctors suspended the strike on 13 October for one week after meeting with the vice-president and the minister for health. The Sudan Doctors Union reported that the government agreed to fulfill these demands, but subsequently complained that the government failed to implement its commitments. 29 doctors were arrested on 29 October, two days after a call was issued to re-commence strike action on 1 November. The leader of the Sudan Doctors' Union, Ahmed El Sheikh, was among those arrested. Most were released later that day, but ten were re-arrested over the following week: Abdallah Gorushi, Ahmad Alabwabi, Hasan Karar, Husam Alamin, Jihad Abdel Monim, Mohamed Abdullatif, Mohamed Bashir Hilali, Mohamed Elmujtaba, Nasir Shaga Nasir and Omar Ahmad Saleh were arrested again between 30 October and 6 November. ICTUR understands that these doctors remain in detention. Their whereabouts have not been publicly disclosed, and there is international concern for their safety and security.

We note Amnesty International's concern surrounding the powers of the National Intelligence Service (NISS), and their concern around 'an intensified NISS crackdown on the activities of political, students, civil society and trade union activists'. As Amnesty observed '[t]he NISS maintains broad powers of arrest and detention under the National Security Act 2010, which allows suspects to be detained for up to four-and-a-half months without judicial review. NISS officials often use these powers to arbitrarily arrest and detain individuals, and many have been subjected to torture and other forms of ill-treatment. Under the same Act, NISS agents are provided with protection from prosecution for any act committed in the course of their work, which has resulted in a pervasive culture of impunity. The constitutional amendments passed by Parliament on 5 January 2015 that accorded sweeping powers to the NISS have exacerbated the situation by providing it with unlimited discretion to interfere in political, economic and social issues'.

ICTUR shares Amnesty's profound concern for the powers granted under this Act and for the implementation in practice, particularly in relation to their deployment against trade unionists and other social activists. ICTUR questions the basis for these arrests and observes that Sudan is a member of the International Labour Organisation and as such is obligated to respect the principles of freedom of association, which position was re-stated ... [continued]

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... under the ILO Declaration of Fundamental Principles of 1998. ICTUR further observes that Sudan has ratified ILO Convention No. 98 on Collective Bargaining and Protection of the Right to Organise, and, under the terms of that instrument, must respect trade union rights and promote measures to facilitate the negotiated settlement of disputes, which requires that '[m]utual respect for the commitment undertaken in collective agreements is an important element of the right to bargain collectively and should be upheld' (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, para. 940) and that '[f]ailure to implement a collective agreement, even on a temporary basis, violates the right to bargain collectively, as well as the principle of bargaining in good faith (*ILO Digest*, para. 943).

Further, as the ILO's Committee on Freedom of Association (CFA) has made clear, the arrest and sentencing of trade unionists 'may constitute a serious interference with trade union rights, and a violation of the principles enshrined in the United Nations International Covenant on Civil and Political Rights, unless attended by appropriate judicial safeguards' (paras. 72, 75, 93, 97, 106, 109). It is 'incumbent upon the government' to show that the arrest, detention and sentencing of a trade union official are 'in no way occasioned by the trade union activities of the individual concerned' (*ILO Digest*, para. 94). The detention of trade unionists for reasons connected with their activities in defence of the interests of workers 'constitutes a serious interference with civil liberties in general and with trade union rights in particular' (*Digest*, para. 64). We observe further that the International Covenant on Social, Economic and Cultural Rights, which the Republic of Sudan has ratified, contains specific protection for freedom of association and for the right to strike (ICESCR, Article 8).

ICTUR calls upon the authorities to release the detained leaders immediately, or at the very least to make their whereabouts known and to ensure that they are provided with access to legal counsel and that their detention is in compliance with international human rights standards. ICTUR further calls for the authorities to return to negotiations and to respect the principles under ILO Convention 98 in working towards the adoption and implementation of a collectively agreed outcome that respects trade union rights and civil liberties of those concerned.

ICTUR is the publisher of the respected journal, *International Union Rights*, with readers in more than 100 countries worldwide. This incident will be reported in the pages of *IUR* journal.

ICTUR calls on the government to:

- immediately and unconditionally release the ten doctors [Abdallah Gorushi, 28, Ahmad Alabwabi,43, Hasan Karar,30, Husam Alamin,27, Jihad Abdel Monim, 29, Mohamed Abdullatif,29, Mohamed Bashir Hilali, Mohamed Elmujtaba,28, Nasir Shaga Nasir,30, and Omar Ahmad Saleh,29] from detention
- take all measures necessary to end acts of harassment, including at the judicial level, against all trade unionists and human rights defenders
- comply with the fundamental principles of freedom of association, including all international instruments ratified by the Republic of Sudan protecting freedom of association and freedom of assembly (including the International Covenant on Civil and Political Rights and the International Covenant on Social, Cultural, and Economic Rights), by ensuring that trade unionists and others are able to organise peaceful assemblies and collective bargaining without hindrance or fear of reprisal

Yours sincerely,

Daniel Blackburn, Director, ICTUR

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