

<p>Permanent Mission of The Republic of the SUDAN To U.N. Office, Geneva</p>	<p>بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ</p> 	<p>البعثة الدائمة لجمهورية السودان جنيف</p>
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Ref: N/92/13

Geneva, 15 March 2013

Dear Madam,

With reference to your letter Ref: ALG/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) Sudan SDN 2/2013, dated 17th January 2013, regarding the communication from Special Procedures Joint Allegation, the government of Sudan would like to respond as follows:-

a. General Comments

1. The government would like at the outset to affirm its commitment to the promotion and protection of the human rights for all Sudanese citizens in their individual capacity as well as civil society organizations, conscious that it is the prime responsibility of the state.
2. The freedom of association and peaceful assembly, and the right to freedom of opinion and expression are well stated in the Sudan National Interim Constitution (NIC) of 2005, namely Articles 39 and 40.
3. There are many national monitoring mechanisms to recourse to and as stated in NIC any aggrieved person or organization can access these, including, but not limited to, the National Human Rights Commission.
4. The government of Sudan believes that the distinguished mandate holders may be aware that in all countries of the world, non-governmental organizations do not work in a vacuum, there has to be a regulatory legislation applicable to all.
5. As rightly, cited by the mandate holders that Sudan is under an obligation to respect its obligation under international treaties, namely freedom of association and peaceful assembly as well as freedom of opinion as we have already sited in (2) above. These rights in accordance with international treaty and national laws should be exercised taking into consideration national security and public order.

Specific Response

Having stated the above, we would like to respond to the specific cases in the letter as follows:-

1. The Sudanese Studies Centre (SSC) has been suspended for one year upon a Minister of Culture and Information Decree, due to its violation of the Cultural Associations Act

1996 namely Section 22. This administrative decree can be challenged in a court of law in Sudan.

2. The demonstration in front of the National Human Rights Commission was not prevented because the protesters wanted to deliver a memorandum, since a lot of complaints either from individuals or institutions are usually submitted to the NHRC without intervention from the authorities, but as rightly stated in the urgent appeal, the protesters were demonstrating in front of the Office without following the rules and regulations that govern this matter as stipulated for by the law.
3. To summon someone by the authorities to investigate him on specific issue is the right legal process to be taken in order to clarify any allegations.
4. Regarding KACE, the Humanitarian Commissioner issued an administrative Decree No 85/2012 on November 14th, 2012 establishing a committee to review KACE activities in accordance with the Humanitarian Aid Act 2006.
5. This Committee visited the Centre and upon review of all the concerned documents in the presence of KACE representative. The following violations of the above mentioned legislation was, *inter alia*, found:
 - a. KACE received funds that were not declared to the Humanitarian Aid Commission as stipulated for in Section 7(1) of the Humanitarian and Voluntary Aid Act.
 - b. KACE clandestinely established a branch headed by the same director in Uganda without having the permissions required by the law.
6. KACE representative was duly informed by the committee with the above mentioned violations prior to the issuance of the decree and did not deny or contest these accusations.
7. Following the committee's report, the Humanitarian Aid Commission, Registrar General for Voluntary Organisations issued Decree N°. 20/2012 dated December 26th 2012, by which he revoked the KACE registration.
8. KACE then formed a defence team lead by advocate Amin Makki Madani and others, who lodged an appeal in accordance with Sudan legislations submitted to the Humanitarian Aid Commissioner dated January 3rd 2013.
9. The Humanitarian Aid Commissioner rejected the appeal reasoning and confirmed the Registrar General's Decree on January 6th, 2013.
10. In accordance with the Administrative Act 2005 it is open to KACE now to peruse a legal case against that decree in accordance with due process of law in the courts.
11. As for as ARRY is concerned the records indicates that it is not registered in Sudan. As such they should fulfil the registration requirements prior to having any activities in Sudan.

12. It is not true that, the authorities closed these organizations because they are challenging the regime. There more than 4000 registered NGOs working on different human rights issues in Sudan. Further there are also more the 60 registered political parties working in Sudan. It is also not true that the closure did not specify the reason; the closure was because of violation of the law, it was explained to them and they did appeal these decrees.
13. It should also be noted by the mandate holders that any one objecting to the decision has the right to appeal to the administrative authorities (as was done by KACE), as well as the right to recourse to the courts.
14. The main purpose of the demonstration in front of the Presidential Palace was to deliver a letter calling for the revision of the closure which they deem unconstitutionally of the aforementioned decrees. The authorities received representations of the demonstrators. Although the right channel provided by the law is the Constitutional Court.
15. Although the urgent appeal is discussing issues related to national NGOs, it is all of sudden that it starts bringing issues of registration of foreign NGOs, without going into the relevancy or irrelevancy of this point, we would like to say that, all these issues are well regulated by the law, and no mechanism whatsoever will act contrary to the laws in force. It is also to affirm that no discussion at the national level as to the adoption of new legislation that curtail the enjoyment of the right to freedom of association, since as we mentioned before this right is well protected under the NIC and the law will be considered as unconstitutional.
16. The Sudan government reiterates its commitment and obligations under all cited treaties and resolutions.

Finally, Sudan government would like to assure you that, it is responsibility and intention to ensure the enjoyment of all its citizens of human rights, but we also stress that these rights are enshrined in the Constitution and protected by the law.

Please accept, Sir, the assurance of my highest consideration.



Abdelrahman Dhirar
Ambassador
Permanent Representative

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