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**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Independent Expert on the situation of human rights in the Sudan; and the Special Rapporteur on violence against women, its causes and consequences**

REFERENCE: UA G/SO 214 (67-17) G/SO 214 (107-9) Sudan G/SO 214 (89-15)  
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Independent Expert on the situation of human rights in the Sudan; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 16/4, 16/5, 18/16, and 16/7.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding **alleged acts of intimidation against human rights defender Ms. Nazik Kabalo as a result of her cooperation with the African Commission on Human and People's Rights.**

Ms. Nazik Kabalo is the Program Manager of Arry Organization, a non-governmental organization established in 2011 and dedicated to the promotion and protection of human rights, peace building and development in Sudan, particularly in areas such as Blue Nile, Darfur and the Nuba Mountains. Ms. Kabalo is also the Coordinator of the Sudanese Women Human Rights Defenders Project, an initiative aimed at advocating for and supporting women human rights defenders in Sudan.

According to the information received:

On 10 October 2012, Ms. Nazik Kabalo participated as a panelist in a side event focused on sexual violence in situations of conflict in Africa, held during the 52nd Session of the African Commission for Human and People's Rights, which took place in Yamoussoukro, Cote d'Ivoire from 9-22 October 2012. During the event,

Ms. Kabalo provided a presentation on the situation of women's rights in Sudan. It is reported that five representatives of the Sudanese Government were also present at the side event.

Following the event, a representative of the Sudanese Ministry of Defence, who was allegedly carrying a dictaphone and had recorded the event, reportedly approached Ms. Kabalo and stated that the information she had provided was inaccurate and misrepresentative. It is reported that the representative subsequently informed other participants of the event that he would sue Ms. Kabalo. It is further alleged that the representative requested the registry of participants from the moderator of the event and indicated his concerns to the moderator relating to Ms. Kabalo's presentation.

According to the information transmitted, another participant at the event, who did not identify himself, also complained to the moderator that Ms. Kabalo's presentation was inaccurate, in particular concerning the information provided on cases of rape in Darfur. The participant reportedly stated that the above mentioned representative of the Ministry of Defence of Sudan was at that moment speaking to the Sudanese Government by phone, and that defamation charges may be brought against Ms. Kabalo.

It is reported that on 11 October 2012, Ms. Kabalo brought the alleged acts of intimidation to the attention of the African Commission on Human and People's Rights.

Grave concern is expressed at the alleged acts of intimidation against Ms. Nazik Kabalo, and that these acts may be related to the aforementioned persons' participation and cooperation with the 52nd Session of the African Commission for Human and People's Rights (ACHPR). Serious concern is further expressed at the allegation that at least one of the perpetrators of these acts was a representative of the Sudanese Government.

Concern is also expressed for the integrity of other Sudanese participants of the ACPHR Session, and that acts of intimidation may also be taken against them.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's attention to the right to physical and mental integrity of the above-mentioned person.

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime

responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.
- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.
- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Regarding the right to access and communicate with international bodies, we would draw the attention of your Excellency's Government article 5, paragraph c) of the Declaration which states that in order to promote and defend human rights and freedoms fundamental everyone has the right, individually or collectively, both nationally and internationally, "c) to communicate with non-governmental or intergovernmental organizations." Similarly, Article 9, paragraph 4, states that "(a) (...) everyone has the right, individually or collectively, in conformity with applicable international instruments and procedures, to unhindered access to and communication with international bodies

with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms."

Furthermore, we would like to bring to your Excellency's attention Article 4 (o & p) of the United Nations Declaration on the Elimination of Violence against Women which notes that States should recognize the important role of the women's movement and non-governmental organizations, and should facilitate and enhance their work and cooperate with them at local, national and regional levels.

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victim?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries, carried out in relation to this case, in particular the allegation that the mentioned acts of intimidation were carried out by representatives of the Sudanese Government. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the details of measures that have been taken, if any, to prevent the targeting of human rights defenders, in particular women human rights defenders and those human rights defenders who work on issues in conflict areas such as the Nuba Mountains and Darfur.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned person are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

Mashood Baderin  
Independent Expert on the situation of human rights in the Sudan

Rashida Manjoo  
Special Rapporteur on violence against women, its causes and consequences