

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Independent Expert on the situation of human rights in the Sudan

REFERENCE: AL
SDN 1/2015:

11 March 2015

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Independent Expert on the situation of human rights in the Sudan pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, and 27/29.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the deregistration of fourteen associations in January 2015 including *Mahmoud Mohamed Taha Cultural Centre, National Civic Forum and Sudanese Writers Union*, for contravening the Law on Cultural Groups of 1996 regulating associations.**

The *Mahmoud Mohamed Taha Cultural Centre* is a cultural center opened in 2010, which works in support to cultural diversity, equality and the fostering of a culture of peace and non-violence. The Centre promotes human rights through publication of literature, studies, and research, seminars, cultural fora and conferences.

The *National Civic Forum (NCF)* was established in 2002 in Khartoum; it is a platform for peace and political dialogue on contemporary issues in Sudan. Among other work, *NCF* seeks to build the capacity of civil society organizations through research, training and support of civic education programmes that enhance democratic transformation and social peacebuilding at the community level.

The *Sudanese Writers' Union* is an association which was founded in 1985 in Khartoum. It promotes dialogue and aims to find long-lasting solutions to the conflict in Sudan by promoting freedom of expression and bringing together writers of different cultural groups.

According to information received:

In January 2015, the Registrar of the Cultural Groups of the Ministry of Culture deregistered 14 associations operating legitimately in Sudan for, inter alia, contravening the Law on Cultural Groups of 1996. Amongst them, were the *Mahmoud Mohamed Taha Cultural Centre*, the *National Civic Forum* and the *Sudanese Writers' Union*.

On 18 January 2015, the Sudan National Intelligence and Security Services (NISS) raided the *Mahmoud Mohamed Taha Cultural Centre* and ordered it to suspend its operations. The Centre was reportedly raided while holding a ceremony commemorating the third anniversary of the death of Mahmoud Mohamed Taha, the founder of the opposition Republican Party. Following the raid, the *Mahmoud Mohamed Taha Cultural Centre* was deregistered for contravening the Law on Cultural Groups of 1996.

On 20 January 2015, the Registrar of the Cultural Groups notified the *National Civic Forum* that it had been deregistered for carrying out activities which violated the Law on Cultural Groups of 1996 and the Constitution of Sudan.

On 29 January 2015, the Ministry of Culture notified the *Sudanese Writers' Union* that its license had been revoked for carrying out activities contrary to the association's statute and for violating the Law on cultural groups.

We express serious concern at the drastic decisions to deregister associations carrying out legitimate work in Sudan, which appear to obstruct the exercise of the right to freedom of association. The deregistration of associations prevents them from carrying out their activities; we are hence gravely concerned that these decisions do not meet the criteria of necessity and proportionality of the aim pursued set forth in international human rights law. Moreover, we are concerned that these decisions may contribute to reinforcing a restrictive environment in which members of associations have been operating in Sudan. Finally, we are concerned that the escalating trend of suppression of registered associations in Sudan may have been precipitated by the general elections scheduled in April 2015 in an attempt to silence and intimidate critical voices.

In connection with the above alleged facts and concerns, we would like to refer your Excellency's Government to the relevant principles applicable under **International Law**, attached to this letter.

As 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, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.

2. Please indicate in details the reasons to deregister the three associations mentioned in this communication and how these decisions are compatible with international human rights law and standards.

3. Please provide in details how the Law on Cultural Groups of 1996 regulating associations is compatible with international human rights law and standards. We would be grateful if you could enclose a copy of the law in your reply.

4. Please indicate what measures have been taken to ensure that human rights defenders in Sudan can operate in a safe and enabling environment, without fear of harassment, stigmatization or restrictions of any kind.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders

Aristide Nononsi
Independent Expert on the situation of human rights in the Sudan

Annex
Reference to international human rights law

Concerning the above concerns, the following international human rights standards appear to be relevant:

- The International Covenant on Civil and Political Rights, which your Excellency's Government ratified on 18 March 1986, in particular its articles 19 on the right to freedom of expression and 22 on the right to freedom of association and permissible restrictions.

- 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, in particular its articles 1, 2 and 5.

- The Human rights Council resolution 12/16 which states that "the exercise of the right to freedom of opinion and expression is one of the essential foundations of a democratic society, is enabled by a democratic environment, which offers, inter alia, guarantees for its protection, is essential to full and effective participation in a free and democratic society, and is instrumental to the development and strengthening of effective democratic systems."

- The Human Rights Council resolution 24/5, and in particular operative paragraph 2 which [r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections... and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

- The report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, in which the expert called upon States to ensure that any "[s]uspension or involuntary dissolution of associations (...) be sanctioned by an impartial and independent court in case of a clear and imminent danger resulting in a flagrant violation of domestic laws, in compliance with international human rights law" (A/HRC/20/27, para. 100).