

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

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

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

**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 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 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) Sudan  
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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 16/4, 15/21, 16/5, and 18/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged arbitrary closure of several human rights associations**.

The Sudanese Studies Centre (SSC) is a legally registered association promoting dialogue on culture and democracy. ARRY Organisation for Human Rights and Development (ARRY), based in Khartoum, monitors and documents human rights in South Kordofan. The Al Khatim Adlan Centre for Enlightenment and Human Development (KACE) is an association promoting peace, democracy and diversity in the country. The Cultural Forum for Literary Criticism is a network of Sudanese writers.

According to the information received:

On 24 December 2012, the Ministry of Culture and Media, following orders from Information and Culture Ministry, ordered the closure of the Sudanese Studies Centre (SSC) for one year on the grounds that it is engaged in activities

prejudicial to national security. The SSC is a legally registered association promoting human rights and democracy.

It is reported that in reaction to this measure several individuals demonstrated outside Sudan's National Human Rights Commission on 30 December 2012, in an attempt to deliver a memorandum condemning the closure of the SSC. Although the Commission's chairperson was reportedly willing to receive the memorandum, plain-clothed agents from the national security (NISS) surrounded the building and prevented the protesters from entering. One journalist was reportedly beaten and three activists were arrested and released a few hours later. The Commission has reportedly condemned the actions of NISS.

On 31 December 2012, Mr. **Abdalla Abu Alrish**, Executive Director of the SSC, was summoned by NISS, who interrogated him all day before releasing him in the evening and ordering him to return to NISS offices on 1 and 2 January for further questioning.

On the same day, representatives of the Humanitarian Affairs Commission (HAC), a regulatory body governing the work of Sudanese civil society, jointly with armed NISS officers, reportedly entered the offices of ARRY and KACE and ordered their closure, reportedly in accordance with administrative decision no. 20, dated 26 December 2012 and signed by the General Registrar of Organisations. The decision ordered the cancellation of KACE's registration with immediate effect. An inventory of the association's office was recorded and its assets seized.

The authorities did not explain why they decided to close these associations. It is alleged that some Government officials had previously accused civil society groups of being linked to the opposition and working to challenge the regime.

On the same day, the NISS reportedly ordered the Cultural Forum for Literary Criticism to cease all of its activities. Ms. **Zeinab Belil**, chairwoman of the Forum was interrogated about the relationship between the Forum and the Iranian Cultural Chancellery in Khartoum, which funds a literary prize awarded yearly.

On 6 January 2013, a demonstration was organized by the Confederation of Civil Society Organisations and the Campaign for the Defence of the Freedom of Expression and Publishing in front of the Presidential Office to denounce the aforementioned closures. The demonstrators reportedly intended to deliver a letter to the Presidential Office calling for a reversal of the closures, which they deemed unconstitutional, and denouncing acts of harassment against independent civil society actors. The roads surrounding the Presidential Office were reportedly

closed off and only a small delegation of activists was allowed to proceed. The Presidential Office reportedly refused to accept the letter.

It is reported that these measures are part of an on-going campaign aimed at intimidating and silencing independent civil society actors. According to the information received, on 25 December 2012, a presidential decree establishing a committee to examine demands of foreign NGOs to work in Sudan was, in this context, issued. The committee will be headed by a representative of the Defence Ministry and include delegates from the Foreign Ministry, Ministry of Interior, the Darfur Regional Authority, HAC and the NISS. It is reported that such a committee will be entitled to grant or deny registration to foreign NGOs, in contradiction with the best practices identified by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his report A/HRC/20/27, para. 59.

Serious concern is expressed that the closures of the aforementioned associations may be related to their human rights work and may be a direct attempt to silence and intimidate independent civil society actors. Concern is also expressed about allegations of ill-treatment committed by agents of the national security during peaceful demonstrations. Concern is also expressed about the adoption of new legislation that may further curtail the enjoyment of the right to freedom of association.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights (ICCPR), which your Excellency's Government ratified on 18 March 1986, 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."

We would also like to refer appeal to article 22 of the ICCPR, which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that "reminds 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 including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, 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 Special Rapporteur on the rights to freedom of peaceful assembly and of association also refers to paragraph 100 of his first thematic report A/HRC/20/27, in which he 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”.

In relation to the peaceful demonstrations which took place on 30 December 2012 and 6 January 2012, we refer your Excellency's Government to article 21 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "(t)he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others." We also refer to article 2 of the 1979 Code of Conduct for Law Enforcement Officials, which provides that "(i)n the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons”.

In this connection, we would also 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 5 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully;

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join

and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations; and

- 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."

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 be grateful for your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged on behalf of the aforementioned associations and by or on behalf of the individuals subject to ill treatment during the aforementioned peaceful demonstrations?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to any complaint lodged by the associations. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of the legal basis for the closure of the aforementioned associations and explain how these measures comply with international human rights law.
5. Please indicate what measures have been taken to ensure the physical and psychological integrity of those exercising their legitimate right to freedom of peaceful assembly and of association.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report 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 persons and associations 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

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

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