

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders

REFERENCE: AL
SDN 4/2016:

9 May 2016

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 and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 25/2 and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning travel bans issued against human rights defenders, Ms. **Sawsan Hassan Elshowaya**, Dr. **Muawia Shaddad**, Mr. **Faisal Mohamed Salih** and Mr. **Sidig Yousif**, in alleged reprisal for cooperation with the United Nations human rights mechanisms, namely Universal Periodic Review, and in relation to the exercise of the right to freedom of opinion and expression.

Our Rights Group is a coalition of Sudanese civil society organisations which submitted its report on the human rights situation in Sudan to the United Nations as part of the Universal Periodic Review process. Its members include: Ms. **Sawsan Hassan Elshowaya**, Director of **Asmaa Society for Development**, which aims to raise awareness about gender equality in Sudan through working on capacity-building of women and contributing effectively to democratic transformation in Sudan; Dr. **Muawia Shaddad**, President of **Human Rights and Legal Aid Network (HRLAN)**; and Mr. **Sidig Yousif** President of **Sudanese Solidarity Committee**, both organizations represent families of victims of a 2013 protest, in which more than 700 people were killed after calling for a democratic change in Sudan. Mr. Yousif was the subject of a previous communication sent by Special Procedures dated 17 October 2013 (see A/HRC/25/74, case no. SDN 7/2013). We regret that no response was received from your Government. We continue to express concern at the targeting of the human rights defender.

Mr. Faisal Mohamed Salih is a human rights defender, journalist and Director of **Teebaa**, a non-governmental organisation which organizes training for local journalists. He has written extensively on human rights abuses, government repression in Sudan, and on the promotion of freedom of expression and freedom of the press.

According to the information received concerning:

Ms. Sawsan Hassan Elshowaya and Dr. Muawia Shaddad

On 28 March 2016, Ms. Sawsan Hassan Elshowaya and Dr. Muawia Shaddad were prevented from traveling from Sudan to Geneva, where they were due to participate in meetings related to the second Universal Periodic Review of Sudan, scheduled for May 2016. After having checked in their luggage and presented their passports at the immigration desk, Ms. Elshowaya and Dr. Shaddad were stopped by an officer from the National Intelligence Security Services (NISS), who informed them that they were banned from traveling abroad and confiscated their passports. Ms. Elshowaya and Dr. Shaddad were told to report to the NISS information desk the following day in Khartoum, which they did. They were given an application form to complete in order for their passports to be returned to them. On 12 April 2016, Ms. Elshowaya and Dr. Shaddad's passport were returned, however they were informed there was still a travel ban against them.

Mr. Faisal Mohamed Salih

On 25 March 2016, Mr. Faisal Mohamed Salih was prevented by a NISS officer from leaving Khartoum International Airport for London, his passport was also confiscated. In April 2016, Mr. Salih's passport was returned to him.

Mr. Sidig Yousif

On 23 March 2016, Mr. Sidig Yousif was prevented by a NISS officer from travelling from Khartoum International Airport to Geneva. His passport was confiscated and he was advised to report to NISS headquarters. When he did so, he was informed there was a travel ban against him. This is the fourth occasion in which Mr. Yousif has been subjected to a travel ban. On 16 April 2016, Mr. Yousif's passport was returned to him.

Concern is expressed at the allegations that the travel bans against Ms. Sawsan Hassan Elshowaya and Dr. Muawia Shaddad were in reprisal for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights, namely the Universal Periodic Review. Further concern is expressed at the travel ban against Mr. Faisal Mohamed Salih and Mr. Sidig Yousif, which appears to be in retaliation for their human rights activities and designed to curtail their legitimate exercise of the right to freedom of opinion and expression.

In connection with the above alleged facts and concerns, please refer to the **Reference to International Law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations concerning reprisals.
2. Please provide details of the justification and legal grounds for the travel bans issued for Ms. Sawsan Hassan Elshowaya, Dr. Muawia Shaddad, Mr. Faisal Mohamed Salih and Mr. Sidig Yousif, and please indicate how these measures are compatible with international human rights norms and standards, in particular with the permissible limitations under article 12(3) and 19(2) of the ICCPR
3. Please indicate what measures have been taken to respect and protect Ms. Elshowaya, Dr. Shaddad, Mr. Salih and Mr. Yousif's right to communicate freely and without reprisals with the United Nations, its representatives and mechanisms in the field of human rights, including the Universal Periodic Review.
4. Please provide information about whether any judicial or administrative appeal procedures are available to review the decision of issuing the travel bans.
5. Please indicate what measures have been taken to ensure that human rights defenders in Sudan are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

We would appreciate receiving a response within 60 days.

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.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Michel Forst
Special Rapporteur on the situation of human rights defenders

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

We would like to draw your Excellency's Government's attention to article 12 and 19 of the International Covenant on Civil and Political Rights, ratified by Sudan on 18 March 1986, which provide for the right to liberty of movement, including the right to leave any country, including his/her own; as well as the right to freedom of opinion and expression. Any restrictions to these rights must comply with the provisions of the ICCPR, namely they can only be imposed on legitimate grounds, and must conform to the strict tests of necessity and proportionality. It is not compatible with articles 12(3) and 19(2) to impose travel bans as a measure to silence human rights defenders and their legitimate exercise of the right to freedom of expression.

We would also like to refer to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 6 and 8.

Furthermore, we wish to reiterate that Human Rights Council in its resolutions 12/2 and 24/24 urges Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them. Resolution 24/24 urges States to take all appropriate measures to prevent the occurrence of reprisals, including by adopting and consequently implementing specific legislation and policies and by issuing appropriate guidance to national authorities in order to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal.