

**Mandates of the Special Rapporteur in the field of cultural rights; 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 Special Rapporteur on freedom of religion or belief; and the Independent Expert on the situation of human rights in the Sudan**

REFERENCE:  
UA SDN 2/2017

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur in the field of cultural rights; 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; Special Rapporteur on freedom of religion or belief; and the Independent Expert on the situation of human rights in the Sudan, pursuant to Human Rights Council resolutions 28/9, 25/2, 25/18, 31/16, and 27/29.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning threats against Ms. **Shamael Al-Nur**, a journalist, by radical Islamists.

Ms. Al-Nur is a journalist and human rights defender, and a regular contributor to the independent daily newspaper *El Tayar*, where she often criticizes religious extremism and writes on human rights issues. She has also shared her experience living in the Sudan under Sharia law and how the law application lacks promotion of basic rights.

According to the information received:

On 2 February 2017, Ms. Al-Nur published a column in the independent newspaper *El Tayar*, denouncing the Government's public health care policy. The column, titled 'The Virtue Mania' pointed out the reported fact that less than 3% of the Republic of the Sudan's state budget is allocated to health care and education. In the article, Ms. Al-Nur also stated that Islamic governments seem to be preoccupied by issues of virtue and women's dress codes, more than with issues related to health care and education.

Following the publication of her column, Ms. Al-Nur received threats and verbal attacks from a section of Sudan's hard-line media and from radical Islamists, including threats inciting violence against her and accusations of apostasy. These threats reportedly emanated from public statements made by the editor of the *El-Sina* newspaper, who is also a relative of President Omar Al-Bashir. He likened Ms. Al-Nur to a worm and stated that she had to be prevented from corrupting the country's values.

Additionally, on 16 February 2017, an imam, Mr. [REDACTED], also attacked Ms. Al-Nur in the *El-Sina* newspaper, and urged his followers to 'get up and protect [their] religion'. The imam further stated that what Ms. Al-Nur had written was 'insulting to Islam and Islam's main virtues'. He also filed a court case against Ms. Al-Nur and brought the issue to the attention of the Sudanese press council. The eventual charges may amount to heresy and blasphemy, which carries the death penalty in the Republic of the Sudan. Furthermore, the imam also condemned Ms. Al-Nur in one of his sermons at a Friday prayer gathering in Khartoum.

We express our concerns at the threats and attacks directed against Ms. Shamael Al-Nur, which are directly related to the legitimate exercise of her right to freedom of opinion and expression in the performance of her duties as a journalist, in particular her defence of women's rights and reporting on government activities. Moreover, we express broader concern at the chilling effect this case may have on the exercise of freedom of expression in the Republic of the Sudan, in particular on self-censorship on political, religious and public interest issues, deterring the free exchange of ideas on such matters, impacting the work of human rights defenders and infringing upon the freedom indispensable for creative activity and respect for cultural diversity.

In light of the above-mentioned concerns, we would like to refer your Excellency's Government to take all necessary steps to secure the rights to freedom of thought, conscience, religion or belief and freedom of opinion and expression in accordance with fundamental principles as set forth in articles 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR), and the right to take part in cultural life in accordance to article 15 of the International Covenant on Economic, Social and Cultural Rights, both acceded to by the Republic of the Sudan on 18 March 1986.

In connection to the threats and attacks against Ms. Al-Nur, we make reference to resolution 12/16 of the Human Rights Council, which calls upon States to investigate effectively threats and acts of violence, including terrorist acts, against journalists, and to bring to justice those responsible to combat impunity. We also refer to the latest report of the Special Rapporteur in the field of cultural rights (A/HRC/34/56) warning about the negative impact of fundamentalism and extremism on the exercise of a range of human rights, including the rights to freedom of peaceful assembly and association, to freedom of opinion and expression and the right to take part in cultural life. The report calls upon states to publicly challenge fundamentalist discourses in order to protect internationally guaranteed human rights.

In connection with the sermons by the imam inciting hostility against Ms. Al-Nur and the subsequent case filed against her, accusing her of heresy and blasphemy, we would like to stress that, as stated by the Human Rights Committee, laws limiting the

right to freedom of expression must themselves be compatible with the ICCPR (CCPR/C/GC/34). We stress that the protection of religion itself does not and therefore cannot be used to limit the right to freedom of expression. International human rights law protects individuals from intolerance and violence based on their religion or belief, but it does not protect the religion or belief itself. Criminalization of blasphemy is incompatible with the ICCPR. Furthermore, it is incompatible with article 19 to prevent or punish commentary on religious doctrine or tenets of faith. Any such limitation must be understood in the light of universality of human rights and the principle of non-discrimination.

Moreover, as in accordance with article 20 of the ICCPR, no manifestation of religion or belief may amount to propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

We would like to recall the "Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence" (A/HRC/22/17/Add.4). It clarifies State obligations and other stakeholders' responsibilities under articles 19 and 20 of the ICCPR and sets out a framework of measures via the implementation of legislation, jurisprudence and policies to combat activities that constitute incitement to violence and discrimination on multiple grounds, including religion.

In addition, 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, we would like to draw your Excellency's Government's attention to article 1, 2 and 6 of the Declaration

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

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 Ms. Al-Nur in compliance with international instruments.

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. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please provide information about measures taken to protect the safety and security of Ms. Al-Nur against the threats and attacks against her by identified persons.
3. Please provide information about whether any investigation and criminal prosecution has been undertaken in relation to the threats, including measures taken to bring the alleged perpetrators to justice.
4. Please provide information about measures taken to limit the harmful impact of fundamentalist and extremist ideologies, to respond to threats by those espousing such ideologies, and to strengthen respect for human rights and the expression of diversity and promote understanding, tolerance and gender equality.
5. Please provide information about measures taken to bring the legal provisions criminalizing blasphemy and apostasy into compliance with international human rights law.
6. Please indicate what measures have been taken to ensure that journalists and human rights defenders in the Republic of the 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.

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 responsible of the alleged violations.

We would also like to inform your Excellency's Government that we are intending to publicly express our concerns on the matter in the near future as we are of the view that the information upon which the press release will be based is sufficiently reliable to warrant immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

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.

Karima Bennoune  
Special Rapporteur in the field of cultural rights

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

Ahmed Shaheed  
Special Rapporteur on freedom of religion or belief

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

