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USCIRF STATUS: Tier 1 Country of Particular Concern

BOTTOM LINE: Religious freedom in Sudan remains poor due to the government's imposition of a restrictive interpretation of Shari'ah (Islamic law) on Muslims and non-Muslims alike, including use of amputations and floggings for crimes and acts of "indecent" and "immorality." The government continues to make arrests for Christian proselytizing and for the capital offense of apostasy, and governmental and non-governmental attacks against the Christian community continue.

EXECUTIVE SUMMARY

FINDINGS: Systematic, ongoing, and egregious violations of freedom of religion or belief continue in Sudan. Violations include: the criminalization, subject to the death penalty, of apostasy; the efforts by the government in Khartoum to impose its restrictive interpretation of Shari'ah (Islamic law) on Muslims and non-Muslims; the application of the Public Order Act and related laws and use of floggings for undefined acts of "indecent" and "immorality;" attacks and threats against the Christian community; and discrimination against the Christian community.

Based on these concerns, USCIRF again recommends in 2013 that Sudan be named a "country of particular concern," or CPC. The State Department has designated Sudan a CPC since 1999.

USCIRF identified Sudan as the world's most violent abuser of the right to freedom of religion or belief for its actions during the North-South civil war of 1983-2005. While religious freedom conditions greatly improved in South Sudan and improved in Sudan during the Interim Period of the Comprehensive Peace Agreement (CPA) that ended the civil war in January 2005, conditions in Sudan have deteriorated since South Sudan's independence. Religiously-based attacks on the Christian and Nuban communities in the fighting in Southern Kordofan reportedly amount to ethnic cleansing; stoning sentences for adultery and frequent floggings for undefined "indecent or immoral acts have been imposed;" Christian leaders and houses of worship were attacked and threatened; and it is expected that the new constitution will remove religious freedom and human rights protections included in the Interim National Constitution.

PRIORITY RECOMMENDATIONS: In addition to recommending that Sudan continue to be designated a CPC, USCIRF urges the U.S. government to engage at the highest levels to prevent Sudan from moving towards a more repressive state. The U.S. government should build international pressure on Khartoum to allow for international, unrestricted humanitarian access to Southern Kordofan and Blue Nile states, and discourage nations from offering debt relief to Sudan until humanitarian access is opened to all affected persons. With the Khartoum regime considering religious freedom limitations in the new constitution, the State Department should increase efforts to end Khartoum's regressive behavior and insist on a transparent and inclusive drafting process to strengthen human rights, including religious freedom, protections in the new constitution. Finally, the U.S. government should maintain current sanctions on Sudan until the country's religious freedom and human rights record complies with international standards. Additional recommendations for U.S. policy toward Sudan can be found at the end of this chapter.

RELIGIOUS FREEDOM CONDITIONS

Sudan continues to be governed by an amended version the Interim National Constitution (INC) while members of the ruling National Congress Party (NCP) draft a new constitution. President Omar al-Bashir and several NCP leaders increased their rhetoric in this reporting period that the new constitution will be based on the government's interpretation of Shari'ah, despite domestic calls for separation of religion and state and full recognition of religion freedom.

The INC guarantees the freedoms to worship and assemble, establish and maintain places of worship and appropriate charitable or humanitarian institutions, observe days of rest and celebrate holidays and ceremonies, and communicate with co-religionists at both the national and international levels. However, the INC's human rights guarantees are disregarded in practice and are often superseded by other laws, particularly the 1991 Criminal Act. While Christian groups are allowed to engage in humanitarian activities and promote Muslim-Christian cooperation, they are not permitted to proselytize. In contrast, government policies promote conversion to Islam, such as by allowing the use of humanitarian assistance to induce conversion and providing early release to prison inmates who memorize the Qur'an. The government has the right to appoint and dismiss imams in most mosques and to pre-approve the content of locally-printed religious publications. Finally, government security forces monitor the religious activities of Christians and of Muslims belonging to Islamic groups not allied with the government.

OFFICIAL ENFORCEMENT OF THE GOVERNMENT'S INTERPRETATION OF SHARI'AH (ISLAMIC LAW)

All Sudanese, including Christians and followers of traditional African religions, are subject to the government's interpretation of Shari'ah (Islamic law).

Under Article 126 of the 1991 Criminal Act, apostasy from Islam is legally punishable by death. While this punishment has not been carried out in almost two decades, there have been a number of apostasy cases in the past two years. Most recently, on December 10, 2012, Coptic Orthodox priests Rev. Markus Anthony and Rev. Sarbion Hussein and three other Christians were arrested for converting a young Muslim woman to Christianity. The convert fled the country fearing for her life. The Sudanese priests and others were later released.

In 2012, there were three reported cases of individuals charged with adultery under Article 146 of the Criminal Act. On May 13, Intisar Sharif Abdallah was sentenced to death by stoning for adultery in Omdurman. She was later released and her charges dropped on appeal on July 3. On July 10, Layla Ibrahim Issa Jumul was also sentenced to death by stoning. Jumul remains imprisoned. On August 6, a couple was lashed 100 times for adultery, even though they had a customary marriage license.

Government officials ordered doctors to perform a number of cross-amputations to punish individuals found guilty of armed robbery (*Haraba*). The 1991 Criminal Act Article 168(b) permits cross-amputation for convicted armed robbers when the crime results in grievous injury or involves the robbery of property equivalent to an amount decreed by the judiciary.

The government also enforces religiously-based morality laws related to dress and alcohol consumption and imposes corporal punishments on both non-Muslims and Muslims through a legal regime relating to "public order" offenses. This legal regime comprises the Public Order Police, the Public Order Courts, the Public Order Acts, and sections of the 1991 Criminal Act on "offences of honor, reputation and public morality," including undefined "indecent or immoral acts." Public order violations carry a maximum penalty of 40 lashes through flogging, a fine, or both. Each year, dozens of Muslim and Christian women and girls in Khartoum are flogged for indecent dress in violation of the public order regime. What constitutes indecent dress is not defined in law, but is left to the discretion of arresting officers and prosecuting judges. Under the guise of protecting morality and preventing co-mingling, which is deemed "prostitution," the Public Order laws have also been used against unmarried men and women who share office space and taxi rides or attend parties together. Arrests and punishments under the Public Order laws continued in 2012.

Blasphemy is legally prohibited under Sudan's criminal laws, and blasphemy accusations have been used to intimidate those expressing disfavored views. In January 2012, the government-backed Association of Islamic Scholars and Preachers issued a *fatwa* against former president and National Umma Party leader Sadiq al-Madi after he called for women to be allowed to attend marriage ceremonies as witnesses, participate in funerals, and stand in the same line as men while they prayed. He also said that the head covering is not part of Islam. Islamic leaders who have publicly supported the rebel movement, Sudanese Revolutionary Front, also have been accused of blasphemy.

In 2009, the Minister of Justice approved a set of Coptic laws, provided by the Coptic Church in Cairo, for Copts in Sudan; therefore, all legal proceedings related to Copts, including alcohol-related issues, are to be transferred to church officials for judgment.

ATTACKS ON CHRISTIANS

Attacks on Christians and churches in Sudan continued in 2012. A senior Christian leader from Khartoum told USCIRF in October 2011 that Christians fear for their future and safety in Sudan and that churches are no longer places of sanctuary, but targets of the government.

During an October 2011 trip to Yida refugee camp and Juba, South Sudan, USCIRF staff was told by Nuban refugees that, in the fighting in Southern Kordofan, Sudanese Armed Forces (SAF) and paramilitary soldiers targeted Christians for executions and arrest because of their faith or because, as Christians, they were assumed to be supportive of the opposition Sudan People's Liberation Movement-North. USCIRF staff also received testimony that churches and mosques were bombed and razed in Khartoum's targeted campaign against civilian areas in Southern Kordofan and Blue Niles states. On February 1, 2012, the first day of school, the government bombed Heiban Bible College. While no one was hurt, two buildings were destroyed. Furthermore, Nuban Muslims told USCIRF that because of their ethnic identities and support for the rebel movements, they are viewed as "bad Muslims," and there are reports of arrested individuals being called "kefir." The findings of this trip were reported in a special USCIRF Sudan Policy Focus.

A number of churches were attacked or threatened in this reporting period. The most egregious incident occurred on April 21 in Khartoum, when a 300-person mob destroyed the Gerief West Bible School and damaged the Sudan Presbyterian Evangelical Church and other buildings in the church's compound. While authorities later criticized the attack, police on site did not stop the mob until after the destruction had occurred. Additionally, two other church buildings were

bulldozed in this reporting period, the St. John Episcopal Church of Sudan and a Catholic church building, both located in the Haj Yousif area of Khartoum, and several other churches were threatened with closure.

CITIZENSHIP

Since January 2011, Sudan and South Sudan have been engaged in a series of negotiations over the citizenship and legal status of Southern Sudanese in Sudan and Sudanese in South Sudan. While South Sudan has offered citizenship to Sudanese in their country and government officials have stated that long-standing Sudanese residents are welcomed and would be safe, Sudan has not reciprocated such protections for South Sudanese in their territory. After South Sudan became independent, the government of Sudan declared that all individuals who could access South Sudanese citizenship would lose their Sudanese citizenship on March 1, 2012, and called on them to return to South Sudan. In July 2011, they also fired all Southerners employed with the government. Leading up to and following the March 1 deadline, few Southerners returned to South Sudan. Most Southerners in Sudan are Christian, and Sudanese citizens and government representatives have closed or threatened to close churches on the grounds that they are Southern, not Sudanese. In 2012, several human rights organizations also reported that South Sudanese humanitarian workers employed at Christian organizations were arrested and deported to South Sudan and Southern university students were being prohibited from attending classes or taking exams.

On September 27, Sudan and South Sudan signed an agreement on how to move forward on the question of citizenship rights for Southerners in Sudan and Sudanese in South Sudan. The approximately 500,000 Southerners who did not move to South Sudan by March 1 are currently stateless and vulnerable to deportation, although few deportations have been reported. The agreement calls on each nation to establish a Joint High Level Committee, led by the respective ministries of interior and incorporating other appropriate government officials, to negotiate the status and treatment of nationals in each country. The negotiations are to be focused on providing freedom of residence, movement, economic activity, and property. The agreement further states that such rights are to be consistent with each nation's laws, despite Khartoum's use of national laws to restrict human rights and religious freedom. The agreement, however, does not explicitly provide protection from statelessness and does not include protections for each citizen's human rights, including religious freedom. No further progress on the negotiations has been made since September 27.

U.S. POLICY

The United States is the pivotal international actor in Sudan. U.S. government involvement in the peace negotiations was vital to achieving the CPA and ending the North-South civil war. As a guarantor of the CPA, along with the United Kingdom and Norway, the United States was crucial to bringing about a successful referendum on independence in South Sudan in January 2011, as well as ensuring that its result was recognized by the government of Sudan and the international community.

In 1997, President Bill Clinton utilized the International Emergency Economic Powers Act (IEEPA) to sanction Sudan, finding that "continued support for international terrorism, ongoing efforts to destabilize neighboring governments, and the prevalence of human rights violations, including slavery and the denial of religious freedom, constituted an unusual and extraordinary threat to the national security and foreign policy of the United States." These sanctions imposed a trade embargo on the entire country as well a total asset freeze on the government. Currently, neither country is represented at an ambassadorial level. In August 1998, the United States pulled its Ambassador from Sudan following the U.S. embassy bombings in East Africa by al-Qaeda and

U.S. missile strikes in Khartoum against Osama bin Laden and believed al-Qaeda headquarters. Sudan subsequently pulled its Ambassador from the United States. To date neither position has been refilled. Since 1997, an arms embargo on Sudan and travel bans and asset freezes have been imposed in response to the genocide in Darfur. With the 1999 designation of Sudan as a CPC, the Secretary of State has utilized the International Religious Freedom Act (IRFA) to require U.S. opposition to any loan or other use of funds from international financial institutions to or for Sudan. In an attempt to prevent sanctions from negatively impacting regions in Sudan which have been assailed by Khartoum, U.S. government amendments and orders have attempted to lift the impact of U.S. sanctions on the regional governments of Southern Sudan, Southern Kordofan State, Blue Nile State, Abyei, Darfur, and marginalized areas in and around Khartoum.

In September 2010, the administration announced a series of incentives to encourage Khartoum to implement the CPA's final provisions and bring peace to Darfur. The United States immediately lifted some sanctions on Sudan, including a prohibition on importing agricultural tools. In return for Khartoum's efforts to secure an on-time and credible referendum, respecting its outcome, coming to agreement on post-2011 issues, and bring lasting peace to Darfur, as well as certain measures previously taken to cooperate with U.S. counterterrorism agents, the administration said it would take steps to remove Sudan from the list of state sponsors of terrorism, normalize relations, and help Khartoum seek debt relief. Following Khartoum's recognition of the South's vote for independence in February, Secretary of State Hillary Clinton announced in February 2011 that she was charging the State Department with investigating whether Sudan met the legal requirements to be removed from the state sponsors of terrorism list. However, fighting in Southern Kordofan and Blue Nile states that began in summer 2011 stopped the efforts to remove Sudan from the state sponsors of terrorism list, help with debt relief, or normalize relations.

Throughout the reporting period, the U.S. government continued multilateral and bilateral efforts to bring peace to Southern Kordofan, Blue Nile, Abyei, and Darfur; implement outstanding CPA provisions; and finalize post-2011 negotiations on oil. Secretary of State Clinton's travel to South Sudan in August 2012 was instrumental in moving forward oil negotiations. Additionally, U.S. efforts at the UN Security Council to pass Resolution 2046 threatening sanctions unless progress was made in post-2011 negotiations were vital to the signing of an accord on the citizenship issues on September 27. In the context of the Southern Kordofan and Blue Nile fighting, the U.S. government is the leading advocate for direct talks between the parties to the conflict to end hostilities, reach a political agreement, and permit international, unrestricted humanitarian access to affected populations. The Obama administration also supports the efforts by the African Union High-Level Implementation Panel, led by former South African President Thabo Mbeki, to reach agreement on post-2011 negotiations.

U.S. government assistance programs in Sudan support conflict mitigation efforts, democracy promotion, and emergency food aid and relief supplies. The United States remains the world's largest donor of food assistance to Sudan, providing needed aid, either directly or through third parties, to persons from Darfur, Abyei, Southern Kordofan, and Blue Nile. The U.S. government continues to support programs promoting broad participation in the CPA-mandated popular consultation in Southern Kordofan and Blue Nile, and a new Sudanese constitution.

RECOMMENDATIONS

USCIRF recommends that Sudan continue to be designated a CPC, and urges the U.S. government to remain engaged at the highest levels in bringing about a just and lasting peace for all of Sudan. With the Bashir regime taking steps that would move Sudan toward a more repressive state, the State Department should increase efforts to encourage reforms and discourage regressive behavior. The normalization of relations with Sudan and any considerations of lifting U.S. sanctions must be preceded by concrete action and demonstrated progress by Khartoum in

implementing peace agreements, ending abuses of religious freedom and related human rights, and cooperating with efforts to protect civilians. USCIRF also recommends that the U.S. government require full implementation of the remaining unresolved issues in the CPA.

I. STRENGTHEN RELIGIOUS FREEDOM AND RELATED HUMAN RIGHTS PROTECTIONS

The U.S. government should:

- Require, before the United States will normalize relations or lift the IRFA and IEEPA sanctions, that the government of Sudan abides by international standards of freedom of religion or belief, including repealing the apostasy law, public order regime, and laws and practices which discriminate against non-Muslim minorities;
- Urge the government of Sudan to hold a transparent and inclusive national drafting process with civil society leaders and representatives of all relevant political parties to ensure that Sudan's new constitution includes protections for freedom of religion or belief, respect for international commitments to human rights, and recognition of Sudan as a multi-religious, multi-ethnic, and multi-cultural nation; and support indigenous efforts to influence the process positively;
- Ensure protections for Southern Sudanese in Sudan who lost their citizenship on March 1, 2012 by holding the government of Sudan to its international commitments to protect human rights and prevent statelessness by not forcibly repatriating Southerners to South Sudan or denying them religious rights or opportunities to work or attend school;
- Increase attention to the stalled citizenship negotiations, urge the Joint High Level Committee on Nationals to immediately meet, and provide support to the Committee to ensure that the final laws on the status and treatment of nationals in each country reflect commitments to protect against statelessness and fully respect universal human rights, including religious freedom;
- Expand efforts to ensure that the new constitution includes provisions protecting internationally-guaranteed human rights, including by working to educate relevant parties to a constitutional drafting process about international human rights standards, including regarding freedom of religion or belief;
- Encourage and support civil society groups to monitor implementation of the public order regime and advocate for its repeal;
- Strengthen partnerships with and pressure on countries with economic interests in Sudan, such as China and Qatar, to use their influence in Sudan for full implementation of UN Security Council Resolution 2046 and to resolve long-standing political conflicts in the country to ensure long-term stability; and
- Urge the government in Khartoum to cooperate fully with international mechanisms on human rights issues, including by inviting further visits by the UN Special Rapporteur on Freedom of Religion or Belief, the Independent Expert on the Situation of Human Rights in Sudan, and the UN Working Group on Arbitrary Detention.

II. ADDRESS HUMAN RIGHTS ABUSES AND THE HUMANITARIAN SITUATION IN SOUTHERN KORDOFAN AND BLUE NILE

The U.S. government should:

- Work with partners on the UN Security Council to undertake a trip to the region to support the work of the United Nations, African Union, League of Arab States, and the African Union High Implementation Panel during their negotiations with the government of Sudan and SPLM-N concerning humanitarian operations, cessation of hostilities, and a political solution to the fighting in Southern Kordofan and Blue Nile states;
- Press the government of Sudan to stop targeting individuals in the conflict zone in Southern Kordofan and Blue Nile based on their religion or perceived religious affiliation;
- Support an independent international inquiry into reported violations of international human rights and humanitarian law and bring perpetrators to account;
- Impose financial and other sanctions on officials responsible for human rights abuses in Southern Kordofan and Blue Nile, and work with our allies to do the same; and
- Urge allies to refrain from providing economic assistance and debt relief to the government of Sudan until it allows unrestricted humanitarian assistance to persons in Southern Kordofan and Blue Nile, ends hostilities, and abides by its international commitments to universal human rights.

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