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USCIRF Annual Report 2012 - Countries of Particular Concern: Sudan

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; attacks and threats against the Christian community; the application of the Public Order Act and related laws and use of floggings for undefined acts of "indecentcy" and "immorality;" the denial of public religious expression and persuasion of Muslims by non-Muslims, while allowing proselytizing of non-Muslims by Muslims; and the difficulty in obtaining permission to build churches, as compared to government funding of mosque construction.

Based on these concerns, USCIRF again recommends in 2012 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 contested areas during the Interim Period of the Comprehensive Peace Agreement (CPA) that ended the civil war in January 2005, conditions in Sudan deteriorated during the reporting period, especially following South Sudan's vote for, and subsequent, independence. Religiously-based attacks on the Christian community reportedly amounting to ethnic cleansing occurred in the fighting in Southern Kordofan; more than 150 persons were arrested for apostasy and many forced to renounce their faith; Christian leaders and houses of worship were attacked and threatened; and a new constitution is predicted to 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 toward 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 the Interim National Constitution (INC) while members of the ruling National Congress Party (NCP) draft a new constitution. Sudanese President Omar al-Bashir and several NCP leaders have stated repeatedly since the end of 2010 that the new constitution will be based on Shari'ah law and will not include specific provisions recognizing Sudan's religious, ethnic, and linguistic diversity.

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. Apostasy from Islam is legally punishable by death.

Blasphemy is legally prohibited under Sudan's criminal laws, and blasphemy accusations have been used to intimidate those expressing disfavored views. While missionaries are allowed to engage in humanitarian activities and promote Muslim-Christian cooperation, they are not permitted to proselytize within Sudan. Government policies promote conversion to Islam, such as by allegedly 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.

Apostasy Charges and Forced Renunciations of Faith

In 2011, nearly 170 persons were imprisoned and charged with apostasy, a crime punishable by death in Sudan. In the past, suspected converts were subjected to intense scrutiny, intimidation, and sometimes torture by government security personnel. On May 8, Sudanese intelligence officers arrested Hawa Abdulla Muhammad Saleh, a Christian, for apostasy, proselytizing, "Christianization of minors," and other crimes. Upon her arrest, the government posted a picture of Hawa holding a Bible in her hand, putting her life in danger. She was later released and remains in the country. On July 29, 150 people were arrested and 129 were charged with apostasy, disturbance of the public peace, and being a public nuisance. The individuals are members of the Darfur Hausa ethnic group and practice a version of Islam different than the one propagated by the ruling NCP; they follow the Qur'an but not the sunna. The individuals were released in September only after they renounced their faith and agreed to follow the government's interpretation of Islam. On September 8, Suleman Aboulgasim Musa and 17 of his followers were arrested and charged with apostasy. Musa, who believes he is Jesus Christ and a follower of the Prophet Mohammed, and his followers have been practicing their religion since 1981.

Attacks on Christians

Attacks on Christians and churches in Sudan increased in 2011. 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.

In the fighting in Southern Kordofan, USCIRF was told by Nuban refugees during a trip to Yida refugee camp and Juba, South Sudan that 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. SAF and paramilitary soldiers executed seminary student Philip Kalo and two other Christians in early June. Catholic priest Abraham James Lual has been arrested three times since July. He is accused of supporting the opposition and preaching against Islam. There are reports of other Christians being arrested. In addition to the killings and arrests, USCIRF was told that four of the five churches in Kadugli were destroyed by government forces in the fighting. On February 1, 2012, the first day of school, the government bombed Heiban Bible College. While no one was hurt, two buildings were destroyed.

Christian leaders in Khartoum were threatened during this reporting period. On July 18, a group of Muslim extremists attacked the home of Bishop Andudu Adam Elnail, attempting to kill him and two other pastors. When the attackers found no one home, they left a letter warning the pastors of future, similar attacks. In July and August, Christian leaders reported receiving text messages warning that they and their respective churches would be attacked. One text message reportedly stated, "We want this country to be purely an Islamic state, so we must kill the infidels and destroy their churches all over Sudan." Additionally, pastors in Khartoum, including some who fled Southern Kordofan for the capital city, told USCIRF that Muslim extremists came to their houses looking for them. No government action was taken against these attacks or threats.

A number of churches were attacked in this reporting period. On January 15, extremists burned down the Presbyterian Church of the Sudan; another group burned down a church in Omdurman on June 28. A mob attacked the congregation of the Sudanese Church of Christ on Omdurman West on August 5 as congregants attempted to build a church. The mob threw stones at the members of the congregation and said that they did not want Christians in their neighborhood. In October, a religious statue in a Catholic church in Kosti, White Nile state, was defaced. In a meeting with USCIRF in October, Anglican Bishop Ezekiel Kondo said that numerous churches were razed this year. The government has not responded to any of these attacks.

There were threats to additional Christian houses of worship. On September 11, officials from the Ministry of Physical Planning and Public Utilities threatened to demolish the Sudanese Church of Christ, the Episcopal Church of Sudan, and the Roman Catholic Church in Omdurman if the churches continued to conduct services. The officials, who marked the church doors with a red X, said that the churches were operating on government land without permission. In addition to these threats, church leaders report that Ministry of Guidance and Religious Endowment officials have asked them to reveal information about church activities and church members. At the end of the reporting period, no action had been taken against the churches.

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). In meetings in Khartoum in December 2009, both Christians and Muslims told USCIRF that they felt their religious freedoms were infringed upon by the government's imposition of its own particular Islamic ideology on the entire population, including its enforcement of religiously-based morality codes and corporal punishment.

The government enforces religiously-based morality laws and imposes corporal punishments on both non-Muslims and Muslims through the Public Order Regime. This 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. According to the African Centre for Justice and Peace Studies (ACJPS), indecency charges relating to dress or the brewing or selling of alcohol are used primarily against poor Southern Sudanese women, the vast majority of the female inmate population in Khartoum. The public order laws also are used to discriminate against women of all classes, including the requirement that all women wear the *hijab* and wide restrictions on women's economic activities, including the limitation on work hours for women in Darfur. 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. These arrests often target the government's political opponents. In 2011, a number of Muslims and Christians arrested for consuming alcohol were sentenced to 80 lashes, more than what is specified in the law.

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.

Citizenship

In the lead-up to the referendum, inflammatory statements from NCP that Southerners would lose access to services and rights should the South gain independence led hundreds of thousands of Southerners to leave the North and repatriate to the South; thousands continue to return to South Sudan. After South Sudan's independence, Southerners were fired from government and military jobs and Khartoum announced that because Southerners could access South Sudan citizenship, they would be stripped of their Sudanese citizenship on April 9, 2012. To remain in Sudan, the Southerners will have to be granted residency or find a job that will allow them to secure a permit. At the time of this writing, 700,000 Southerners remain in Sudan, almost all of whom will be stripped of their legal status in April.

Other Religious Freedom Violations

Muslims have also been victims of religious freedom violations. Khartoum has targeted both churches and mosques in its bombing campaign of the Nuba Mountains, at times during services. On December 3, the 600-year-old Sheikh Idris Wad Al-Rabab shrine, a symbol of Sufism in Sudan, was set on fire. In January 2012, the 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 headcovering is not part of Islam.

Although the government routinely grants permits to construct and operate mosques and supports mosque construction with government funds, only three churches have been granted permits for new construction since 1975, all during the CPA period. Churches built without official permission, by owners who register land for personal rather than church use, exist at the authorities' sufferance. Even legally recognized church-owned properties are vulnerable to official harassment as noted above.

Muslims receive preferential access to limited government services and preferential treatment in court cases involving Muslims against non-Muslims. Christians told USCIRF during its December 2009 trip to Khartoum that foreign church officials are not permitted outside of Khartoum, that except for a Christmas Day broadcast, the state media denies Christians air time, and that Christians are denied educational opportunities and employment services when administrators discover their religious background. In addition, school textbooks negatively stereotype non-Muslims and ignore their contributions to the country.

U.S. Policy

The United States is the pivotal international actor in Sudan. U.S. 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 U.S. government 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 as a total asset freeze on the government. 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 Country of Particular Concern (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 she was charging the State Department with investigating whether Sudan met the legal requirements to remove Sudan from the state sponsors of terrorism list; no such removal has occurred.

The administration currently has three senior diplomats appointed to further U.S. policy in Sudan. In September 2011, former Special Assistant to the President and Senior Director for African Affairs on the White House National Security Staff Mary Yates was appointed Interim Charge d'Affaires at the U.S. Embassy in Khartoum. In March 2011, Ambassador Princeton Lyman was named Special Envoy to Sudan, having served previously as a senior advisor to former Special Envoy to Sudan Major General J. Scott Gration. In December 2010, Ambassador Dane Smith was announced as a senior advisor on Darfur to increase efforts to bring peace to that region.

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. In the context of the Southern Kordofan and Blue Nile fighting, President Obama and senior officials spoke out against reports of ethnic cleansing; called on the parties to the conflict to end hostilities, reach a political agreement, and permit international, unrestricted humanitarian access to affected populations, and urged allies to undertake similar outreach efforts to Khartoum to address the humanitarian situation in the two states; urged independent investigations of human rights violations in the two states; and called on the Sudanese Armed Forces to end aerial bombardments. The Obama administration also supported 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, particularly oil revenue sharing between Sudan and South Sudan.

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.

U.S. government officials in Khartoum and Juba regularly meet with religious leaders and Northern and Southern government officials to discuss religious freedom in Sudan as well as promote respect for religious freedom and implementation of religious freedom provisions in the CPA and the constitutions.

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.

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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 abide 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 that the government of Sudan hold a transparent and inclusive national drafting process 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;
- support the re-creation of an independent Commission for the Rights of Non-Muslims in the National Capital that has the capacity to protect, monitor, and investigate human rights abuses and to promote respect for internationally-recognized standards on freedom of religion or belief and related human rights;
- ensure protections for Southern Sudanese in Sudan who are scheduled to lose their citizenship by holding the government of Sudan to its commitments to protect international human rights and prevent statelessness by not forcibly repatriating Southerners to South Sudan as they seek Sudanese residency or stay permits or until they are assisted in their return to the South;
- urge the government in Khartoum to cooperate fully with international mechanisms on human rights issues, 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; and
- use bilateral and multilateral diplomacy to ensure that Sudanese authorities cooperate fully with the International Criminal Court.

II. Address Human Rights Abuses and the Humanitarian Situation in Southern Kordofan and Blue Nile

The U.S. government should:

- build international pressure on the government of Sudan to allow unrestricted, international humanitarian assistance to all areas in the two states and fund operations to support affected persons;
- 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.

III. Insist on Full CPA implementation

The U.S. government should:

- work with the CPA signatories, in coordination with international partners, to implement the remaining CPA provisions, including reaching agreement on post-2011 negotiations, holding the Abyei referendum and the popular consultations in Southern Kordofan State in a free, fair, and credible manner; and demarcating the North-South border.

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