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SUDAN

Key Findings

Religious freedom conditions in Sudan deteriorated in 2015 as government officials stiffened penalties for apostasy and blasphemy and continued to arrest persons accused of apostasy and Christians. The government of Sudan, led by President Omar Hassan al-Bashir, prosecutes individuals for apostasy, imposes a restrictive interpretation of Shari'ah (Islamic law) and applies corresponding *hudood* punishments on Muslims and non-Muslims alike, and represses and marginalizes the country's minority Christian community. In 2016, USCIRF again recommends that Sudan be designated as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA) for engaging in systematic, ongoing, and egregious violations of freedom of religion or belief. The State Department has designated Sudan a CPC since 1999, most recently in July 2014.

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Background

More than 97 percent of the Sudanese population is Muslim. The vast majority of Sudanese Muslims belong to different Sufi orders, although Shi'a and Sunni Muslims who follow the Salafist movement are also present. Christians are estimated at three percent of the population and include Coptic, Greek, Ethiopian, and Eritrean Orthodox; Roman Catholics; Anglicans; Presbyterians; Seventh-day Adventists; Jehovah's Witnesses; and several Pentecostal and Evangelical communities.

Sudan's overall human rights record is poor. President al-Bashir and his National Congress Party (NCP) have ruled with absolute authority for more than 25 years. Freedoms of expression, association and assembly are limited, with routine crackdowns and arrests of journalists, human rights advocates, and demonstrators. The armed conflicts in Darfur, South Kordofan and Blue Nile states continued. All parties to the conflict are responsible for mass displacement, civilian deaths, and other human rights abuses. In areas of conflict, government forces deliberately bombed civilian areas and restricted humanitarian access to civilians. In 2009 and 2010 the International Criminal Court issued arrest warrants for President al-Bashir accusing him of genocide, war crimes, and crimes against humanity in Darfur.

The Interim National Constitution includes religious freedom protections and acknowledges Sudan's international human rights commitments. Article 1 recognizes Sudan as a multi-religious country; article 6 articulates a series of religious freedom rights, including to worship, assemble, establish and maintain places of worship, establish and maintain charitable organizations, teach religion, train and elect religious leaders, observe religious holidays, and communicate with co-religionists; and article 31 prohibits discrimination based on religion. However, article 5 provides that "Islamic sharia and the consensus of the people" shall be the "leading sources" of legislation thereby restricting freedom of religion or belief. In October 2011, President al-Bashir stated publicly that Sudan should adopt a constitution to enshrine Islamic law as the main source of legislation.

Religious freedom also is restricted through the implementation of the 1991 Criminal Code, the 1991 Personal Status Law of Muslims, and state-level "public order" laws. The 1991 Criminal Code imposes the NCP's interpretation of Shari'ah law on Muslims and Christians by permitting: death sentences for apostasy (article

126); death or lashing for adultery (articles 146-147); cross-amputations for theft (articles 171-173); prison sentences, flogging, or fines for blasphemy (article 125); and floggings for undefined “offences of honor, reputation and public morality,” including undefined “indecent or immoral acts” (articles 151-152). Prohibitions and related punishments for “immorality” and “indecent” are implemented through state level Public Order laws and enforcement mechanisms; violations carry a maximum penalty of 40 lashes, a fine, or both.

Government policies and societal pressure promote conversion to Islam. The government is alleged to tolerate the use of humanitarian assistance to induce conversion to Islam; routinely grant permits to construct and operate mosques, often with government funds; and provide Muslims preferential access to government employment and services and favored treatment in court cases against non-Muslims. The Sudanese government prohibits foreign church officials from traveling outside Khartoum and uses school textbooks that negatively stereotype non-Muslims. The Sudanese Minister of Guidance and Religious Endowments announced in July 2014 that the government no longer will issue permits for the building of new churches, alleging that the current number of churches is sufficient for the Christians remaining in Sudan after South Sudan’s 2011 secession. This announcement was especially problematic given that state and non-state actors have confiscated, destroyed, or damaged almost a dozen churches or church properties since 2011. While Sudanese labor laws require employers to give Christian employees two hours off prior to 10 a.m. Sunday for religious purposes, this does not occur in practice. The International Labor Organization reports that Christians are pressured to deny their faith or convert to gain employment.

Religious Freedom Conditions 2015–2016

Criminalization of Apostasy and Blasphemy

Article 126 of the Criminal Code makes conversion from Islam a crime punishable by death. In February 2015, the National Assembly amended article 126 to provide that persons accused of apostasy who recant can still be punished with up to five years’ imprisonment.

During the reporting period, the Sudanese government continued to prosecute those accused of apostasy.

On November 3, security officers arrested 27 Quranists, including two imams and three children, at a mosque in Mayo, Khartoum. On December 10, the government charged 25 of them with apostasy for not recognizing the *hadith*. The individuals were released on bail on December 14. On February 9, the Sudanese government stayed all charges. The government also charged two additional individuals with apostasy: Imam Al-Dirdiri Abd al-Rahman was indicted on September 8 for praying to someone other than God during Friday prayers; and a Christian convert was reported to authorities by his father in July. Both cases are ongoing.

In February 2015, the National Assembly increased penalties for blasphemy under article 125 of the Criminal Code. Per the amended article, blasphemy is extended to include public criticism of the Prophet Mohamed, his household, his friends or Abu Bakr, Omer, Osman or Ali in particular, and his wife Aisha. The expanded definition of blasphemy is believed to target Shi’a Muslims. In 2014, Sudan started distancing itself from Iran and strengthened its relationship with Saudi Arabia, and the government closed the Iranian Cultural Center, claiming that it was spreading Shi’a Islam.

Application of Shari’ah Law Provisions

The government continued to apply Shari’ah-based morality provisions of the 1991 Criminal Code and corresponding state-level Public Order laws. Every year, hundreds of Christian and Muslim women are fined or flogged for violating article 152 of the Criminal Code by wearing “indecent” dress. What constitutes indecent dress is not defined by law, but is left to the discretion

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of Public Order police and judges. The vast majority of women prosecuted under the Public Order regime come from marginalized communities and receive summary

trials, with no legal representation. As such, their cases are rarely reported in the media.

The June 25, 2015 arrest of 13 female students between the ages of 17 and 23 for “indecentcy” was the most high profile public order case of the year. Two of the students were released four hours after their arrest and 10 others were released on bail on June 27. On August 16, Ferdous Al Toum was sentenced to 20 lashings and fined 500 Sudanese pounds. After international condemnation, all charges against Al Toum and the other 12 students were dropped.

Destruction and Confiscation of Churches

Since 2011, Sudan’s minority Christian community has endured arrests for proselytization, attacks on religious buildings, closure of churches and Christian educational institutions, and confiscation of religious literature.

The trials against Bahri Evangelical Church Reverends Yat Michael Rout and Peter Yein Reith concluded on August 6, 2015 when they were convicted of minor offences and released from prison on time served. Rev. Michael had been arrested in December 2014 and Rev. Reith one month later after protesting the Sudanese government’s efforts to confiscate Bahri Evangelical Presbyterian Church property. Rev. Michael was convicted of breaching public peace and Rev. Reith of inciting hatred. The more serious charges were dropped, including: undermining the constitutional system; espionage;

In 2014, the Bahri Evangelical Church entered into a legal battle to maintain ownership of the church property and land. On August 31, 2015, an Administrative Court of Appeal ruled that Sudanese government efforts to impose an administrative committee on the church were unconstitutional.

On October 17, an Evangelical Lutheran Church in Gadaref was destroyed in an arson attack, and a second one in Omdurman was demolished on October 21. Sudanese authorities in Omdurman had informed Evangelical Lutheran Church officials that their church would not be demolished for development projects.

On December 13 and 18, respectively, the NISS arrested Revs. Telahoon Nogosi Kassa Rata and Hassan Abduraheem Kodi Taour. At the time of this writing, neither has been charged with an offense and both were denied access to a lawyer and family.

U.S. Policy

The United States remains a pivotal international actor in Sudan. U.S. government involvement was vital to achieving the Comprehensive Peace Agreement (CPA) that ended the North-South civil war and to bringing about the referendum on South Sudan’s independence, as well as ensuring that its result was recognized. The U.S. government continues multilateral and bilateral efforts to bring peace to Southern Kordofan, Blue Nile, and Darfur, including supporting African Union peace talks.

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inducing another person to commit an offense; self-defense; and blasphemy. The charge of undermining the constitutional system carries the death penalty. Revs. Michael and Reith returned to South Sudan following their release. On November 19, the Criminal Court of Appeal in Khartoum decided to re-open the case following reports that the National Intelligence Security Services (NISS) had new evidence against them, and issued arrest warrants for the pastors on November 30.

In 1997, then-President Bill Clinton utilized the International Emergency Economic Powers Act (IEEPA) to sanction Sudan, based on its support for international terrorism, efforts to destabilize neighboring governments, and prevalent human rights and religious freedom violations. These sanctions imposed a trade embargo on the country and a total asset freeze on the government. Since 1997, an arms embargo, 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 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 under assault by the government, the sanctions have been amended to allow for increased humanitarian activities in Southern Kordofan State, Blue Nile State, Abyei, Darfur, and marginalized areas in and around Khartoum. In February 2015, the United States allowed the exportation throughout Sudan of communication hardware and software, including computers, smartphones, radios, digital cameras, and related items, as part of a “commitment to promote freedom of expression through access to communications tools.”

Neither country has had an ambassador in country since the late 1990s, after the U.S. Embassy bombings in East Africa and U.S. airstrikes against al-Qaeda sites in Khartoum. However, successive U.S. administrations have appointed special envoys to Sudan. The current U.S. Special Envoy to Sudan and South Sudan is Donald E. Booth.

During the reporting period, senior State Department officials raised the issue of Sudan’s CPC status and concerns about the country’s religious freedom record with Sudanese officials. This engagement continues an increase of U.S. government attention to Sudan’s violations of freedom of religion or belief since the 2014 case of Meriam Ibrahim. These issues were raised during visits to Sudan by U.S. Deputy Assistant Secretary of State for Democracy, Human Rights and Labor Steve Feldstein and Ambassador-at-Large for International Religious Freedom David N. Saperstein.

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.

Recommendations

With the al-Bashir regime taking steps that would move Sudan toward a more repressive state, the U.S. government should increase efforts to encourage reforms and

discourage deteriorating behavior. The normalization of relations with Sudan and any lifting of U.S. sanctions must be preceded by demonstrated, concrete progress by Khartoum in implementing peace agreements, ending abuses of religious freedom and related human rights, and cooperating with efforts to protect civilians. In addition to recommending that Sudan continue to be designated a CPC, USCIRF recommends the U.S. government should:

- Seek to enter into an agreement with the government of Sudan which would set forth commitments the government would undertake to address policies leading to violations of religious freedom, including but not limited to the following:
- End prosecutions and punishments for apostasy;
- Maintain all of the provisions respecting the country’s international human rights commitments and guaranteeing freedom of religion or belief currently in the interim constitution;
- Lift government prohibitions on church construction, issue permits for the building of new churches, and create a legal mechanism to provide compensation for destroyed churches and address future destructions if necessary;
- Create a Commission on the Rights of Non-Muslims to ensure and advocate religious freedom protections for non-Muslims in Sudan;
- Repeal or revise all articles in the 1991 Criminal Code which violate Sudan’s international commitments to freedom of religion or belief and related human rights; and
- Hold accountable any person who engages in violations of freedom of religion or belief, including attacking houses of worship, attacking or discriminating against any person because of his or her religious affiliation, and prohibiting any person from fully exercising his or her religious freedom.
- Work to ensure that Sudan’s future 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;

- Continue to support dialogue efforts with civil society and faith-based leaders and representatives of all relevant political parties; educate relevant parties to the national dialogue about international human rights standards, including freedom of religion or belief; and work with opposition parties and civil society to resolve internal disputes related to freedom of religion or belief; 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.