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REPUBLIC OF SUDAN

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Introduction

1. ADF International is a global alliance-building legal organization that advocates for religious freedom, life, and marriage and family before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name “Alliance Defending Freedom”), ADF International has accreditation with the European Commission and Parliament, the Fundamental Rights Agency of the European Union, the Organization for Security and Co-operation in Europe, and the Organization of American States.
2. This report details Sudan’s egregious violations of the right to freedom of religion, which harm Christians in particular.

(a) Religious Freedom

3. More than 97 percent of Sudan’s 35 million people are Muslim, and the remaining population is Christian, including Orthodox (Coptic, Greek, Ethiopian, and Eritrean), Roman Catholics, Anglicans, Presbyterians, Seventh-day Adventists, Pentecostals, and Evangelicals.¹
4. The U.S. Secretary of State has designated Sudan a Country of Particular Concern since 1999 for its severe religious freedom violations.² Sudan is number 6 on the 2015 World Watch List, which ranks the top 50 countries where Christians are most persecuted.³
5. The 2005 interim constitution guarantees freedom of religion. However, President Omar al-Bashir has indicated his intent to make Sudan a “fully Islamic state operating under the strictest interpretation of Sharia law.”⁴ President Bashir also favours Arabs over Africans, meaning that Christians, who are mostly of African rather than Arab ethnicity, are particular targets of rights violations by the government and by society.⁵ It is often difficult to discern whether discrimination is based on religion, ethnicity, or both.
6. The 1991 Criminal Code is based on the government’s understanding of Sharia law and applies to Muslims and Christians. Possible punishments include the death penalty for apostasy (renouncing Islam), six month prison sentences for blasphemy (insulting any religion or its beliefs), execution by stoning for adultery, amputations for theft, and floggings for other vague and undefined crimes, such as public indecency.⁶
7. In 2011, South Sudan, which is largely Christian, became an independent nation, meaning that Christians remaining in north Sudan form a very small minority.

¹ U.S. STATE DEPT, SUDAN 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT 1 (2014), *available at* <http://www.state.gov/documents/organization/222313.pdf>.

² *Id.* at 9.

³ Open Doors, 2015 World Watch List, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/>.

⁴ Stoyan Zaimov, *Sudan’s President, Who Has Persecuted Christians ‘Under Shariah Law,’ Is on the Run after UN Calls for His Arrest for War Crimes*, CHRISTIAN POST, 15 June 2015, <http://www.christianpost.com/news/sudans-president-who-has-persecuted-christians-under-shariah-law-is-on-the-run-after-un-calls-for-his-arrest-for-war-crimes-140403/>.

⁵ USCIRF, ANNUAL REPORT 2015: SUDAN 65 (2015), *available at* <http://www.uscirf.gov/sites/default/files/Sudan%202015.pdf>.

⁶ The Penal Code 1991 of Sudan, http://www.ecoi.net/file_upload/1329_1202725629_sb106-sud-criminalact1991.pdf.

Specific instances of Discrimination against and Persecution of Christians

8. Christian discrimination and persecution, by the government but also by society and within families, is so common that it is impossible to document all cases. The following are some recent representative examples.
9. The well-known case of Meriam Ibrahim shed light on the persecution of Christians in Sudan and the harsh application of the apostasy law there. Ibrahim was raised as a Christian by her mother but was considered to be Muslim under the government's interpretation of Sharia law because her father, who abandoned the family when she was six years old, was Muslim.⁷ She was given three days to renounce her Christian faith, but she refused. In May 2014, she was sentenced to death by hanging. Because she is married to a Christian man and Islamic law does not recognize marriages of Muslim women to non-Muslim men, she was also charged with adultery and sentenced to 100 lashes. Ibrahim was imprisoned with her toddler son and gave birth while in chains. Sudan revoked her death sentence only due to immense international pressure. Thereafter she was able to move to the United States after intense negotiations. Her lawyers, who are Muslim, are now being threatened.⁸
10. In 2015, South Sudanese Christian pastors Rev. Yat Michael and Rev. Peter Yein Reith of the South Sudan Presbyterian Evangelical Church, were imprisoned in Sudan on charges of espionage, promoting hatred among or against sects, blasphemy, and other charges, yet in reality they were targeted because of their Christian faith.⁹ The charges had varying punishments, including the death penalty. Rev. Michael was preaching at his church when he was arrested, and Rev. Reith was arrested after writing a letter on behalf of their congregation asking where Rev. Michael was being held. In August 2015, they were convicted of lesser charges and released, but were banned from leaving the country on orders from the all-powerful National Intelligence and Security Service before finally being allowed to travel home to South Sudan.¹⁰
11. The government also has demolished or seized many church properties. In February 2015, the police fully seized the Khartoum Bahri Evangelical Church, affiliated with the Sudan Presbyterian Evangelical Church, in a Khartoum suburb and gave it to Muslim investors.¹¹ In late 2014, the police began to demolish some of the buildings and the police arrested nearly 40 people and injured several others, including women, for trying to stop the demolition. They were released after paying \$250 fines. In October 2014 police arrested five church leaders.

⁷ *Sudanese Authorities Finally Allow Meriam Ibrahim to Leave Country*, MORNING STAR NEWS, 24 July 2014, <http://morningstarnews.org/2014/07/sudanese-authorities-finally-allow-meriam-ibrahim-to-leave-country/>.

⁸ *Attorneys for Meriam Ibrahim Banned from Leaving Sudan*, MORNING STAR NEWS, 19 Sept. 2014, <http://morningstarnews.org/2014/09/attorneys-for-meriam-ibrahim-banned-from-leaving-sudan/>.

⁹ *Attorneys for South Sudanese Pastors Facing Execution Make Final Appeal for Justice*, MORNING STAR NEWS, 24 July 2015, <http://morningstarnews.org/2015/07/attorneys-for-south-sudanese-pastors-facing-execution-make-final-appeal-for-justice/>.

¹⁰ *Freed Pastors Arrive Home from Sudan after Ordeal of False Charges, Travel Ban*, MORNING STAR NEWS, 19 Aug. 2015, <http://morningstarnews.org/2015/08/freed-pastors-arrive-home-from-sudan-after-ordeal-of-false-charges-travel-ban/>.

¹¹ *Sudan Helps Muslim Investors Take Over Last Piece of Church Land*, MORNING STAR NEWS, 18 Feb. 2015, <http://morningstarnews.org/2015/02/sudan-helps-muslim-investors-take-over-last-piece-of-church-land/>.

12. On 1 July 2014, more than 70 government officials destroyed the 600-member Sudanese Church of Christ in North Khartoum, despite pleas from the church.¹² Town planners forced Christians to move to a different area, north Omduman, where there is no church in which they can worship.
13. On 17 February 2014, the police destroyed a 300-member Sudan Church of Christ church in Khartoum with bulldozers and no prior warning.¹³ The police claimed it was because the church was in a Muslim area.
14. On 24 August 2014, government agents padlocked a 500-member Sudan Pentecostal Church in Khartoum.¹⁴ The church believes the government may sell the property. Agents have also threatened church pastors with arrest.
15. On 17 April 2013, a government minister announced that no permits would be issued for the construction of new churches because there are too many churches in Sudan for the remaining Christians.¹⁵ Another government minister reaffirmed this on 12 July 2014.¹⁶ Sudan Council of Churches secretary-general Reverend Kori El Ramli disagreed, saying that there is a need for more churches due to growth in the numbers of Christians.
16. El Ramli shared that intelligence agents accused the Council of Churches of evangelizing after interrupting their workshop at the University of Sudan in July 2014.¹⁷
17. The Roman Catholic Church has reported that since the creation of South Sudan their bishops and priests in Sudan are not considered citizens and are unable to possess passports.¹⁸ In the Archdiocese of Khartoum, only six of the almost 40 priests are considered Sudanese citizens. If the others leave the country, such as to visit family in South Sudan, they are unable to return. Protestant and Roman Catholic leaders are considered missionaries on visa permits. The government's excuse is that most Christians moved to South Sudan, so there is no need for priests and Christian leadership. The Roman Catholic Church believes the government wants to seize Church properties in Sudan. The intelligence service has detained and interrogated priests and forced Western missionaries to leave the country. Many South Sudanese Christians are deported, with little notice to leave the country.¹⁹
18. In 2013, around 200 Christian foreigners were deported with no legal proceedings, according to Nabeel Adeeb, a Christian Sudanese human rights lawyer.²⁰
19. On 25 June 2015, twelve Christian women from Nuba Mountains were arrested after leaving El Izba Baptist Church in Khartoum.²¹ They were forced to strip after they

¹² *Meriam's case highlights plight of Sudan's Christians*, WORLD WATCH MONITOR, 16 July 2014, https://www.worldwatchmonitor.org/2014/07/article_3221521.html/.

¹³ *Id.*

¹⁴ *Sudan Shatters 500-Member Church in Khartoum*, MORNING STAR NEWS, 3 Sept. 2014, <http://morningstarnews.org/2014/09/sudan-shatters-500-member-church-in-khartoum/>.

¹⁵ Christian Solidarity Worldwide, *Sudan No New Church Licenses to Be Issued*, 18 Apr. 2013, <http://www.csw.org.uk/2013/04/18/news/1438/article.htm>.

¹⁶ WORLD WATCH MONITOR, *supra* note 12.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Sudan Intensifies Arrests, Deportations of Christians*, MORNING STAR NEWS, 30 Apr. 2013, <http://morningstarnews.org/2013/04/christians-targeted-in-sudans-crackdown-on-south-sudanese/>.

²⁰ Nima Elbagir, *Sudan's Christians 'don't feel safe in prayer' after apostasy death sentence*, CNN, 4 June 2014, <http://www.cnn.com/2014/06/04/world/africa/sudan-apostasy-christian-fears>.

²¹ Ruth Gledhill, *Sudan: Two Christian women found guilty of public indecency*, CHRISTIAN TODAY, 17 July 2015, <http://www.christiantoday.com/article/sudan.two.christian.women.found.guilty.of.public.indecency/59361.htm>.

were arrested. Ten women were charged with “public indecency” under Article 152 of the Criminal Code because of their clothing. Two of the ten were convicted in July after separate trials in which the judge did not allow the women’s lawyers to defend them and they had no due process. The women were each sentenced to a fine of 500 Sudanese Pounds, and one was sentenced to two months’ imprisonment if she could not pay the fine. In August, three were found guilty and fined 50 Sudanese Pounds, and four were found innocent.²²

20. On 7 July 2015, three Christian minors were arrested for theft and forced to stay in an adult prison for three days until they paid bail. There was no evidence for the charges.
21. In June 2014, 40 Nuba Christians were arrested after a wedding, where they sang Christian worship songs in Arabic, and 34 were released without being charged.²³ Four men and two women were held overnight, and one of the women was gang-raped by police.
22. Converts from Islam to Christianity are persecuted by the government, society, and family, and often must flee the country.²⁴
23. According to Nuba Reports, the Sudanese Air Force has dropped more than 3000 bombs on civilian targets in the Nuba Mountains since April 2012.²⁵ These areas have large numbers of people of African ethnicity, but also Christians, causing concern that the government is trying to eliminate all Christians.²⁶

Analysis

24. These laws unquestionably violate international human rights law on the freedom of religion and freedom of expression.
25. Article 18 of the International Covenant on Civil and Political Rights (ICCPR) protects the right to freedom of thought, conscience and religion. This includes the freedom to have and adopt—that is, change—one’s beliefs, as well as the freedom to worship in community with others. It also includes, in conjunction with article 18’s protection of the freedom of expression, the freedom to discuss, evaluate, and criticize the beliefs of other religions.
26. Sudan’s apostasy law is completely incompatible with the right to freedom of religion. Every person should be able to choose his religion freely, not under the threat of the death penalty.

²² Christian Solidarity Worldwide, *Sudan Three Christian Women Fined for Indecent Dress*, 12 Aug. 2015, <http://www.csw.org.uk/2015/08/12/press/2733/article.htm>.

²³ *Attorneys for Meriam Ibrahim Banned from Leaving Sudan*, MORNING STAR NEWS, 19 Sept. 2014, <http://morningstarnews.org/2014/09/attorneys-for-meriam-ibrahim-banned-from-leaving-sudan/>.

²⁴ See, e.g., *Human Rights Defender in Sudan without Home, Country after Muslim Extremist Gun Attack*, MORNING STAR NEWS, 29 Oct. 2014, <http://morningstarnews.org/2014/10/human-rights-defender-in-sudan-without-home-country-after-muslim-extremist-gun-attack/>; *Sudan Tracking Down Converts from Islam in Purge of Christianity*, MORNING STAR NEWS, 12 July 2013, <http://morningstarnews.org/2013/07/sudan-tracking-down-converts-from-islam-in-purge-of-christianity/>; *Sudan Arrests Coptic Priests for Baptizing Convert*, MORNING STAR NEWS, 28 Dec. 2012, <http://morningstarnews.org/2012/12/sudan-arrests-coptic-priests-for-baptizing-convert/>.

²⁵ Nuba Reports, <http://nubareports.org/>.

²⁶ Christian Solidarity Worldwide, Sudan, http://www.csw.org.uk/our_work_profile_sudan.htm.

27. Sudan's repeated seizure of churches deprives Christians of their right to worship in community with other Christians.
28. Sudan's apostasy and blasphemy laws also violate the right to freedom of expression outlined in article 19 of the ICCPR. The Human Rights Committee has stressed in its General Comment No. 34 on the right to freedom of expression that blasphemy laws are incompatible with the ICCPR.
29. Sudan's persecution of religious and ethnic minorities also violates ICCPR articles 26, which guarantees equal protection of the law, and 27, which guarantees the right of ethnic, religious, and linguistic minorities "to profess and practise their own religion." It also violates articles 2 and 5 of the International Covenant on the Elimination of Racial Discrimination.

(b) Recommendations

30. Given Sudan's egregious violations of the right to freedom of religion, ADF International recommends the following:
 - Recognize and reaffirm the commitments Sudan has made to protect the freedom of religion and freedom of expression in international human rights treaties, in particular the International Covenant on Civil and Political Rights;
 - Base the constitution on principles recognized in international human rights treaties, including the freedom of religion, and not on sharia law;
 - End the imposition of Sharia law on non-Muslims;
 - Abolish the crimes of apostasy and blasphemy, as well as vague and undefined offenses included in the Criminal Code.
 - Cease the seizure and demolition of Christian churches;
 - Allow the issuance of new permits for the construction of Christian churches;
 - Cease the deportation of Christians and allow Christians to possess passports;
 - Release Pastors Michael and Reith, due to the spurious nature of the charges against them; and
 - Cease the systematic bombing of civilians in the Nuba Mountains.



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