NGO: European Centre for Law and Justice (ECLJ)

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Religious Freedom in Sudan
RELIGIOUS FREEDOM IN SUDAN

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Republic of the Sudan for the 2015 Universal Periodic Review (UPR). These violations primarily stem from President Omar Hassan al-Bashir’s hardline commitment to transform Sudan into a fully Islamic and fully Arabic State in the wake of South Sudan’s secession.

Despite Constitutional Provisions and International Agreements Guaranteeing Freedom of Religion, the Sudanese Government Routinely Favors Islam and Persecutes Christians

2. The Interim National Constitution of Sudan states: “Every person shall have the right to the freedom of religious creed and worship [and] no person shall be coerced to adopt such faith, that he/she does not believe in.” Sudan is also bound by Article 18 of the International Covenant on Civil and Political Rights (ICCPR) and Articles 2 and 8 of the African Charter on Human and Peoples’ Rights, both of which Sudan has ratified without reservations or interpretive declarations. Despite these official commitments to religious freedom, however, the Sudanese government continues to engage in severe and ongoing violations of religious freedom. Under the 1991 Penal Code, apostasy (the crime of leaving Islam) is punishable by death; this law has remained in force and the government has continued to prosecute persons accused of apostasy.

2 Khaled Abdel Aziz, Sudan’s Bashir Sees Islamic Law, Defends Flogging, REUTERS (19 Dec. 2010, at 2:03 PM GMT), http://af.reuters.com/article/topNews/idAFJOE6BI04I20101219 ("If south Sudan secedes, we will change the constitution and at that time there will be no time to speak of diversity of culture and ethnicity. . . . Sharia (Islamic law) and Islam will be the main source for the constitution, Islam the official religion and Arabic the official language").
3 Interim National Constitution of the Republic of Sudan, 6 July 2005, art. 38 [hereinafter Interim Constitution]; see also id. art. 6.

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despite the 2011 UPR Working Group’s recommendations to abolish the law\textsuperscript{8}. The Sudanese government also continues to apply Sharia law to non-Muslims\textsuperscript{9}, in spite of the 2011 Working Group’s recommendations\textsuperscript{10}. Further, the government has prohibited the construction of Christian churches while freely allowing new Muslim mosques to be built and has confiscated and demolished several existing churches\textsuperscript{11}.

**The Sudanese Government Has Banned the Construction of Christian Churches and Has Confiscated and Destroyed Existing Church Properties**

3. On 12 July 2014, the Sudanese Minister of Guidance and Endowments, Shalil Abdullah, re-affirmed an April 2013 decree that the government would no longer issue permits for the construction of new churches in Sudan, claiming there were already enough churches in Sudan to serve the needs of the Christian population\textsuperscript{12}. In addition to prohibiting the construction of new churches, however, the Sudanese government has also systematically confiscated and destroyed the property of existing churches\textsuperscript{13}. On 17 February 2014, a church in Omdurman was demolished without prior notice, and the land confiscated, reportedly because the authorities did “not want any church in [the] area”\textsuperscript{14}. Similarly, on 30 June 2014, a church in Khartoum was “reduced to rubble” by a government force after the authorities sent notice of the scheduled demolition to the church only one day in advance\textsuperscript{15}. In August 2014, the Sudan Pentecostal Church in Khartoum was forcibly closed down and padlocked by the authorities, and the 500-member congregation was forbidden to continue worshipping there\textsuperscript{16}. In November 2014, the Khartoum Bahri Evangelical Church was partly demolished, along with homes on the property belonging to Christians\textsuperscript{17}. A few weeks later, Sudanese police officers raided the same church and proceeded to beat, arrest, and fine 38 Christians who were worshipping there, charging them with “creating a public disturbance”\textsuperscript{18}.


\textsuperscript{9}USCIRF Report, supra note 7 at 65.

\textsuperscript{10}2011 Working Group, supra note 8 ¶¶ 66, 83.31.

\textsuperscript{11}USCIRF Report, supra note 7 at 67.


\textsuperscript{14}Sudanese Authorities Demolish Church Building in Anti-Christian Campaign, MORNING STAR NEWS (20 Feb. 2014), http://mornigstarnews.org/2014/02/sudanese-authorities-demolish-church-building/.


\textsuperscript{17}Tensions High as Church in Sudan Strives to Fend Off Further Demolition, MORNING STAR NEWS (21 Nov. 2014), http://mornigstarnews.org/2014/11/tensions-high-as-church-in-sudan-strives-to-fend-off-demolition/.

4. Sudan’s Interim Constitution states that “[t]he State shall respect the religious rights to: worship or assemble in connection with any religion or belief and to establish and maintain places for these purposes” and to “acquire and possess movable and immovable property”. The Sudanese government has blatantly ignored these provisions of its own constitution by banning the construction of churches and by demolishing existing churches. The Working Group for the 2015 UPR must demand that Sudan cease and desist its confiscation of church properties and allow Christians to build and maintain their places of worship.

Two South Sudanese Pastors Have Been Falsely Imprisoned for Their Faith

5. On 21 December 2014, Pastor Yat Michael Ruot from Juba, South Sudan, visited the same North Khartoum church from which the 38 Christians had been arrested three weeks earlier to give a sermon of encouragement. After concluding the service, he was arrested by the National Intelligence and Security Service and detained incommunicado in an undisclosed location for several months. Pastor Peter Yen, another pastor from Pastor Michael’s church, visited Khartoum in January and was also arrested after he inquired about Pastor Michael’s arrest.

6. Until 2 March 2015, the pastors were not charged with any crimes and were not permitted any contact with family or defence attorneys. The pastors were eventually charged with espionage, undermining the Constitution, waging war against the State, and blasphemy. According to Amnesty International, the pastors were arrested and charged due solely to peaceful expression of their religious convictions. At the trial, witnesses testified that the charges against the pastors were baseless. On 5 August 2015, after being imprisoned for eight months, a judge

19Interim Constitution, supra note 3, art. 6(a), 6(c) (emphasis added).
22Id.
25Id.
found the pastors guilty of lesser crimes than those charged and ordered their immediate release. The judge concluded that the pastors had already served enough time in prison.

**The 1991 Penal Code Penalises Apostasy and Prescribes the Death Penalty for Those Who Convert from Islam**

7. In spite of the 2011 Working Group’s recommendations to abolish the 1991 Penal Code’s criminalisation of apostasy, the law is still in force and violations of this law are regularly prosecuted by the Sudanese government. The punishment for apostasy is death, unless the person convicted recants his faith in exchange for his release. Over 170 persons have been arrested and charged with apostasy since 2011, and almost all of them have submitted to the government’s intimidation and recanted to save their lives. The authorities intimidate and sometimes torture suspected converts to Christianity, and have threatened to kill Christians who refuse to divulge the names of converts.

8. On 10 December 2012, two priests of the Coptic Orthodox Church were arrested, along with three other Christians, for baptising a young woman who had converted from Islam to Christianity. The priests were detained in an unknown location and were not permitted contact with relatives, while the convert (a Sudanese Arab) fled Sudan in fear for her life, only to be intercepted in Ethiopia by members of the Sudanese Embassy and returned to Khartoum. Although the priests were eventually released, reports are unclear as to the fates of the convert and the other three arrested Christians.

9. Sudan’s apostasy law is not only a violation of basic human rights, it directly contravenes the provisions of the Interim Constitution and international human rights agreements to which Sudan has acceded. Article 38 of the Interim Constitution guarantees that “[e]very person shall have the right to the freedom of religious creed and worship, and to declare his/her religion or creed and manifest the same. . . . [N]o person shall be coerced to adopt such faith, that he/she

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29Ibid.

302011 Working Group, *supra* note 8 ¶¶ 83.31, 83.32.


34USCIRF Report, *supra* note 7 at 66.

35USCIRF Report, *supra* note 7 at 66 (“Suspected converts to Christianity face societal pressures, and government security personnel intimidate and sometimes torture those suspected of conversion”).


39*Did You Know…Sudan*, *supra* note 37.
does not believe in... Additionally, Article 18 of the ICCPR explicitly protects the basic human right to convert from one religion to another, stating that “[e]veryone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice... No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.” Sudan did not express any reservations to any provision of the ICCPR, nor did it issue any interpretative declarations when it acceded to the ICCPR’s authority; thus, it has no excuse for failing to abide by its provisions. Finally, Article 8 of the African Charter on Human and Peoples’ Rights reads: “Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.” The Working Group for the 2015 UPR must urge Sudan to abide by these provisions and abolish the apostasy law.

The Sudanese Authorities Use Harsh Sharia Penalties to Force Islamic Practices on Non-Muslims

10. Sudan’s Penal Code allows corporal punishments to be inflicted for violations of Islamic law, or “Hudud offences.” In June 2015, several young Christian women dressed in trousers and skirts were arrested in Khartoum as they left a church service and were charged under a law prohibiting “indecent dress”: a violation of the broadly-worded and subjectively-applied section 152 of Sudan’s Penal Code. Four of the women were cleared of charges and released, and five were ordered to pay fines; one woman, however, was sentenced to 20 lashes and an additional fine, because the judge felt that the clothing she wore to her trial was also indecent. Because of the broad and vague wording, the indecency law is frequently and arbitrarily applied against women and girls in Sudan, especially Christians and non-Arabs; most cases do not receive widespread media attention, however, because of the social stigma placed on the women involved.

Conclusion

11. Despite nominal commitments to freedom of religion and conscience found in Sudan’s Interim Constitution and in the international human rights agreements to which the country has voluntarily acceded, Sudan continues to be an egregious offender of its citizens’ religious liberty. The Working Group for the 2015 UPR must confront the Sudanese government’s severe and ongoing violations of religious liberty. In 2011, the Working Group recommended that Sudan...
abolish the criminalisation of apostasy, protect religious minorities from discrimination, and cease to apply *Sharia* law to non-Muslims\(^{49}\). Sudan has not heeded any of these recommendations. Therefore, the 2015 Working Group must demand that Sudan cease these violations of religious freedom and must further demand that Sudan cease the confiscation and destruction of churches and allow Christians to freely build new churches in their communities.

\(^{49}\)2011 Working Group, *supra* note 8 ¶¶ 65, 66, 83.31, 83.32, 83.50.