

SUDAN

The Republic of Sudan is overwhelmingly Muslim (97%), the vast majority of its 35 million population being Sunni of the Maliki School. Tolerance of other religious traditions is quite low, and repressive policies toward minority groups have been tightened under President Omar al-Bashir. Al-Bashir has been in power since 1989, when he led a military coup to topple the democratically elected government at that time.

In 2009, al-Bashir was indicted by the International Criminal Court for conducting a brutal campaign of mass killings, rape, and pillage of civilians in Darfur.

Religion has played a highly-mediatised role in the long civil war between the Khartoum government in the north, which is based on a rigid interpretation of Shari'ah, and secessionist movements in the south, which are largely Christian or follow traditional African religions. The conflict ended when the Republic of South Sudan was created in 2011.

The beleaguered minority religions that still exist in Sudan include indigenous beliefs and various Christian denominations, especially Roman Catholics, Anglicans, Presbyterians, and small groups of various Orthodox communities, some long-established and others more recent migrants. There are also several Evangelical Protestant groups in the country.

Curiously, despite the Sudan's Islamist government, the historical influence of Sufism has had a moderating effect on Islam in the country, making Sudan one of the most tolerant Muslim majority societies in the world.

Protestants in Prison

On 17th December 2015, **Abdulmonem Abdumawla Issa**, a Darfuri student who converted to Christianity, was arrested in Omdurman by agents of the National Intelligence and Security Service (NISS). In September 2016, his trial began. He was accused of seven separate charges, which ranged from spying to funding rebel movements to wage war against the state. Such charges can lead to the death penalty. He is presently at Al-Huda Detention Centre waiting for a court decision.

On 19th December 2015, Rev. **Hassan Abduraheem** (alias **Kodi Taour**), a pastor of the Sudan Church of Christ, was arrested without charges in Omdurman by NISS agents. Details of his legal status and physical condition remained unknown for months until September 2016, when he was at last charged with crimes against national security. He could receive the death penalty if found guilty.¹

¹ Worldwatchmonitor.org, 'Sudan Pastors charged for claiming persecution of Christians'; Christian leader kept in Sudan since December uncharged but incommunicado.

Also in December 2015, **Petr Jašek**, a Czech missionary and filmmaker, was arrested for alleged support to rebel movements in South Kordofan. He has a twenty-year background in the medical field. He made a video about the persecution of Christians. In December 2015, he travelled to Khartoum and met Mr Omer, a friend of Mr. Abduraheem that needed medical treatment. Mr Jašek donated \$5,000 for Mr Omer's medical treatment, which was signed for by Reverend Abduraheem and Mr Abdumawla. The prosecution alleges that the \$5,000 Mr Jašek donated to Mr Omer's treatment was, in reality, support for rebel movements in the South Kordofan, Blue Nile, and Darfur regions.

Mr. Jasek is accused of breaking several sections of Sudan's criminal code: conspiring against the state and espionage against the country (Article 53 and 51 of the Sudan's law), entering and photographing military areas and works, calling for opposition to public authority by use of violence, provoking hatred against or amongst sects, and publishing false news. In addition, he also faces charges of immigrating in illegal ways and conducting voluntary jobs without permission from the authorities under Sudan's immigration and passport laws.

The death penalty is the maximum sentence for waging war against the state and espionage respectively.

On 14th December 2015, **Talahon Nigosi Kassa Ratta** was arrested by the NISS (National Intelligence Services of Sudan) in Khartoum on unknown charges and then released on 10th May 2016. Throughout his detention he was denied access to a lawyer, and as of December 2016, his legal and physical status remained unknown. He is a Christian involved in organising protests against the government interfering with churches.²

On 24th May 2016, Rev. **Kuwa Shamal**, a pastor of the Sudan Church of Christ, was arrested for objecting to the demolition of churches in Khartoum. He had appealed to the authorities to not destroy the church he led in Thiba Al Hamyida, in Khartoum North. It was later razed to the ground after only twenty-four hours verbal notice by local officials.

Shamal's trial opened in September 2016 with accusations of conspiring against the state, espionage against the country, entering and photographing military areas and works, calling for opposition to public authority through the use of violence, provoking hatred against or amongst sects, and publishing false news. In addition, he faced charges of illegal immigration and conducting voluntary jobs without permission from the Sudanese authorities. He was released on 2nd January 2017.³

On 16th March 2016, Pastor **Philemon Hassan** from Khartoum was arrested by the NISS with unknown charges.⁴

² <https://www.worldwatchmonitor.org/2016/02/4295797/>

³ worldwatchmonitor.org, 'Sudan Pastors charged for claiming persecution of Christians'; 'Khartoum re-arrests pastor, holds others pending serious charges.'

⁴ morningstarnews.org, 'Pastor in North Khartoum Sudan Arrested without charges.'

On 18th December 2015, Pastors **Hassan Abdelrahim Kodi** and **Telal Ngosi** were arrested for their involvement in a Christian conference in Addis Ababa. Their location and conditions remain unknown.⁵

On 7th July 2016, **fourteen church members** from Bahri (Khartoum North) were arrested at a church-owned school for protesting the government closure of a school. The school was then sold illegally by a government-appointed church committee. The committee was later ruled against by the Supreme Court, and the fourteen church members were released.⁶

The full list of documented cases of FoRB prisoners is available on the USB key attached to this report and on our website: <http://hrwf.eu/forb/forb-and-blasphemy-prisoners-list/>.

Laws Used to Criminalize Religious Activities

The 2005 Comprehensive Peace Agreement ended Sudan's civil war and called for an Interim National Constitution for Sudan. Its opening articles laud the diverse nature of the Sudanese nation, declaring it to be 'an all-embracing homeland where religions and cultures are sources of strength, harmony, and inspiration' (Article 3). The Constitution also prohibits any coercion in respect to religious beliefs or practices: 'No person shall be coerced to adopt such faith that he/she does not believe in, nor to practice rites or services to which he/she does not voluntarily consent' (Article 38).

However, these provisions run counter to any honest assessment of the freedom of religion or belief in Sudan today. The Interim Constitution remains in force at the present time, and there is scant hope that a new one would bring improvements for Sudan's besieged minorities. In 2011, President al-Bashir assured the country that the new Constitution would be an Islamic one and that Shari'a would be the chief source of legislation in Sudan's future.

The Criminal Act of 1991 remains one of the most important sources of Sudanese law, including provisions that regulate individual and collective religious life. Portions of this act are derived from a particularly strict interpretation of Shari'a.⁷

Article 125 addresses public expressions that are considered abusive or injurious toward 'any religion or its beliefs or sacred symbols.' Those ruled in violation of this article of the law are subject to six months in prison and up to forty lashes.

Article 126 punishes the offense of apostasy (*riddah*) with death. Apostasy is defined in the law as whenever someone 'propagates the renunciation of Islam or publicly renounces it by explicit words or an act of definitive indication.' Those accused of *riddah* shall be given a time to recant their renunciation of Islam, as determined by the court. If they refuse to recant, they are executed.

⁵ allafrika.com/stories, Sudan: Location of Sudanese Pastors 'Unknown After Arrest

⁶ Bosnewslife.com, 'Sudan Detains 14 Evangelical Christians in Latest Crackdown.'

⁷ Ecoi.net; 'In The Name of God The Compassionate the Merciful, the Penal Code 1991.'

National Standards for Detention Conditions

The Bill of Rights is part of the Constitution and obliges the Government of Sudan to safeguard people's liberty, ensure the right to life and dignity, guarantee security and freedom from torture, the right to litigation and a fair trial, and prohibit arbitrary arrests.⁸

In 2010, Sudan adopted a new National Security Act that grants immunity for officials (NSA 2010, Article 52), tolerates incommunicado detentions and gives the NISS wide authority on arrests and detentions (Article 25; Article 49 and Article 50).⁹ The NISS has power of arrest for up to four and an half months without judicial review, months beyond the international standards.

The NSA guarantees its citizens 'human dignity, honour and fundamental freedoms' (Article 49 (1)(d)) which should be in principle implemented also in situations of detention. This is supported by NSA Article 51 on the rights of the arrested, detainee and person in custody. Within this legal framework, detainees should be kept informed about reasons and developments of their arrest (Article 51(1)), should be able to communicate with their family, (Article 51 (2), 'be treated in a manner safeguarding his/her dignity,' and 'not be physically or morally hurt' during the time in custody (Article 51(3)).¹⁰

In 2015, eighteen articles from the 2005 Interim National Constitution were amended to strengthen the authority of the Sudanese government, give more power to the NISS, and upgrade its armed forces.

The 1991 Criminal Code and Public Order are based upon an interpretation of Shari'a¹¹ that is widely viewed as being in violation of the country's international treaty obligations that prohibit cruel, inhuman, or degrading treatment. Indeed, in accordance with Islamic law, the code supports cruel physical punishments. However, the Criminal Procedure Code of the same year gives the detainee rights to inform the family and to have a lawyer (Article 83(3)) as well as be provided with appropriate medical care (Article 83(1)). Even still, these are hardly implemented because the laws are not clearly framed.¹²

Finally, the definition of torture provided in Article 115(2) of the 1991 Criminal Act is not adequate in respect to international standards.

International Reports on Prison Conditions in Sudan

⁸ The Interim National Constitution Of The Republic Of The Sudan, 2005. <file:///C:/Users/HRWF%20TEST/Downloads/Sudan%20Interim%20National%20Constitution%20-2005.pdf>

⁹ African Center for Justice and Peace Studies, 'Submission to 109th Session of the UN Human Rights Committee', Geneva 2013. www.acjps.org

¹⁰ 'National Security Act', 2010, Sudan UNMIS unofficial English translation, <http://www.pclrs.com/>

¹¹ Upr-info.org, 'Submission for the UN Universal Periodic Review (UPR) of Sudan', March 2016.

¹² Redress.org, 'Priorities for Criminal Law reform in Sudan: Substance and Process.'

Almost no official information has been released by the Sudanese government on detention conditions. However, independent sources repeatedly report violations of various sorts: arbitrary detention, extrajudicial killings, acts of torture, cruel and inhuman punishments, harsh prison conditions, incommunicado detention as well as prolonged pretrial detention, rape, and beatings.¹³ Prison conditions in Sudan remain punishing, intimidating, and overcrowded. In some regions, persons are held in remote sites and centers in prison-like conditions.

Health care is inadequate, and access to medical support is often denied. Deaths in prison due to acts of torture, harsh conditions, and negligence have been reported. Deaths while in police custody are seldom investigated and hardly ever prosecuted. Former detainees report both physical and psychological torture by the NISS and other official forces.

Arbitrary arrests remain a common practice. Authorities may release prisoners when the detention period expires but take them into custody the day after for an additional period. Political opponents and opposition sympathizers were arbitrarily detained by NISS. Access to NISS or other's detention facilities is often denied or restricted to international witnesses.

On 13-16 April 2015, national elections were held in Sudan, during which the NISS arrested and detained numerous political activists, opposition members, and students. These were also victims of harsh treatment and beating. Three members of the Sudanese Congress Party were sentenced one month later by the court in Omdurman and received twenty lashes each for disturbing public order.¹⁴ In the ensuing months, security forces continued to arrest those who spoke out about corruption and harassment and engaged in protests against government policies.

The UN Independent Expert's 2016 statement on the human rights situation in Sudan highlights cases of prolonged detention during which detainees are denied access to lawyers and family in contradiction with the aforementioned detainees' rights. These same allegations were also raised by Amnesty International's submission to Sudan's Universal Periodic Review in 2016.¹⁵

On 31st July 2016, ten people were arrested in Nierteti after meeting with the US Special Envoy for Sudan and South Sudan.¹⁶

Conclusions

¹³ Country Reports on Human Rights Practices for 2015, Bureau of Democracy, Human Rights and Labor, U.S. Department of State <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

¹⁴ Ibid.

¹⁵ Sudan, Dire Human Rights Situation Continues, Amnesty International Submission to the UN UPR, May 2016.

¹⁶ hrw.org, NGO Letter regarding the Human Rights Situation in Sudan, September 2016.

In most cases when prisoners are tried for offenses related to freedom of religion, courts do not adhere to national and international standards of due process. Such trials typically take place just after the arrest, and arbitrary sentences are quickly carried out.¹⁷

The National Commission for Human Rights in Sudan acknowledges that prison conditions are not in line with its own country standards for the treatment of detainees.¹⁸ NGOs have documented cases of torture and other cruel and degrading treatments against detainees. Yet these acts continue, usually perpetrated by agents of the National Intelligence and Security Service, and carried out with full impunity.¹⁹

¹⁷ [upr-info.org](http://www.upr-info.org), 'Submission for the UN Universal Periodic Review of Sudan', March 2016; www.upr-info.org

¹⁸ Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, May 2016, <https://www.upr-info.org>

¹⁹ Sudan: Students, Activists at Risk of Torture; May 2016, hrw.org