

# SUDAN

## TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN (CPC)

### KEY FINDINGS

Religious freedom conditions in Sudan continued to deteriorate in 2016. Government officials arrested and prosecuted Christian leaders and marginalized the Christian community. The government of Sudan, led by President Omar Hassan al-Bashir, imposes a restrictive interpretation of Shari'ah and applies corresponding *hudood* punishments on Muslims and non-Muslims alike. In

2017, USCIRF again finds that Sudan merits designation 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 as a CPC since 1999, most recently in October 2016.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate Sudan as a CPC under IRFA;
- 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:
  - Repeal the apostasy and blasphemy laws;
  - Ensure that a new constitution maintains 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;
  - Revive and strengthen the 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 that 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.
- Convey that 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;
- Press for at the highest levels and work to secure the release of prisoners of conscience, and press the government of Sudan to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith;
- Use targeted tools against specific officials and agencies identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom; these tools include the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Maintain the position of the U.S. Special Envoy to Sudan and South Sudan and ensure that religious freedom is a priority in that office;
- 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 multireligious, multiethnic, and multicultural 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.

## 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 Salafi movement are also present. Christians are estimated at 3 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 these conflicts 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. In 2016, the Sudanese government and the different armed groups agreed to engage in the National Dialogue to address the root causes of the conflicts in the country.

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The Interim National Constitution includes religious freedom protections and acknowledges Sudan's international human rights commitments. Article 1 recognizes Sudan as a multireligious 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 coreligionists; 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 restrict-

ing freedom of religion or belief. In 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 non-Muslims by permitting death sentences for apostasy (article 126); death or lashing for adultery (article 146-147); cross-amputations for theft (article 171-173); prison sentences, lashings, or fines for blasphemy (article 125); lashings for undefined "offences of honor, reputation and public morality," including undefined "indecent or immoral acts" (article 151-152); and lashings and/or

prison sentences for purchasing, possessing, selling, or propagating alcohol (article 78-79). Article 125 of the Criminal Code criminalizes blasphemy, which is defined broadly to include public criticism of the Prophet Muhammed, his household, his friends or Abu Bakr, Omer, Osman, or Ali in particular, and his wife Aisha. Prohibitions and related punishments for “immorality” and “indecentcy” and alcohol are implemented through state-level Public Order laws and enforcement mechanisms; violations carry a maximum penalty of up to 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 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. While Sudanese labor laws require employers to give Christian employees two hours off prior to 10 a.m. on Sundays 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 2016–2017

### Persecution of Christians

The Sudanese government continued to arrest, detain, and prosecute Christian leaders during this reporting period. The most serious cases involve Rev. Kuwa Shamal, Rev. Hassan Abduraheem Kodi Taour, Abdulmonem Abdumawla Issa Abdumawla, and Czech national Petr Jašek. Rev. Shamal and Rev. Taour of the Sudan Church of Christ and Abdumawla were detained in December 2015 in connection with the arrest of Jašek, who was doing a documentary on the

government’s religious freedom and human rights violations. Rev. Shamal was released days later, but told to report to National Intelligence Security Services (NISS) offices daily until January 16, 2016. His daily reporting requirements were reinstated in February. On May 9, Rev. Taour was transferred from NISS detention to the custody of the attorney general. NISS rearrested Rev. Shamal on May 24.

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All four men were formally charged on August 11 with seven crimes under the Criminal Code: complicity to execute a criminal agreement (article 21), waging war against the state (article 51), espionage (article 53), calling for opposition of the public authority by violence or criminal code (article 63), exciting hatred between the classes (article 64), propagation of false news (article 65), and entry and photograph of military areas and equipment (article 57). Conviction under articles 51 and 53 each carry the death sentence.

On January 2, 2017, a judge dismissed the charges against Rev. Shamal; he was subsequently released from prison. On January 29, 2017, a judge found Jašek guilty of espionage and sentenced him to life imprisonment. The judge also sentenced Jašek to three and half years’ imprisonment and fined him 100,000 Sudanese pounds (approximately \$15,000) for entering and photographing military areas, inciting hatred between sects, propagating false news, entering the country illegally, and other charges. The judge also convicted Rev. Taour and Abdumawla and sentenced them to 10 years’ imprisonment for espionage and abetting and two years’ imprisonment for inciting hatred between sects and propagating false news, with the sentences to be served consecutively. On February 23, President al-Bashir pardoned Jašek; he was released on February 24 and left Sudan shortly thereafter. Attorneys for Rev. Taour and Abdumawla are appealing their convictions and sentences.

Several other Christian religious leaders and laity were arrested and detained during this reporting period. NISS officials detained Talahon Nigosi Kassa Rata, an activist and member of the Sudan Evangelical Presbyterian Church (SEPC), from December 2015 until May 2016; no reason was given for his arrest. Sudan Church of Christ parishioner Benjamin Brema was arrested on March 14, 2016, and released that same day without charge. On March 21, Pastor Ayoub Tilian and Rev. Yagoub Naway of the Sudan Church of Christ were arrested and also released that same day without charge. All three were ordered to report to NISS offices daily, preventing them from adequately performing their pastoral duties.

Pastor Philemon Hassan of the Baptist Church in Khartoum was arrested in early 2016. Most of the church leaders and lay persons arrested during the first half of

2016 met with Jašek and were questioned by NISS in connection with the cases against Jašek, Rev. Shamal, Rev. Taour, and Abdumawla. Rev. Naway and Pastor Hassan have been added as prosecution witnesses in their trial.

Sudanese authorities continue to target the Khartoum Bahri Evangelical Church, a denomination within the SEPC. In 2013, the Sudanese Ministry of Guidance and Endowments empowered an illegally constituted governing committee to act on behalf of the denomination; in 2015, a Khartoum Administrative Court found this move to be illegal and ordered that the legitimate committee, led by Rafat Obid, be empowered to administrate the denomination. However, the Ministry of Guidance and Endowments in April 2016 refused to acknowledge Obid's committee, instead recognizing a newly elected but unconstitutionally installed committee. Additionally, prior to the improper election, Khartoum Bahri Evangelical Church Pastor Daniel Welia, the legitimate committee secretary, was detained for three days; 16 church leaders and elders also were summoned to the police station for questioning but released on the same day. On May 8, Obid was arrested and charged with

impersonation, forgery, and misappropriation. He was released on bail.

Sudanese authorities seized the Bahri Evangelical Church training school on July 7. That same day, 14 church members were arrested for demonstrating against the seizure. They were released on bail later that day. On July 10, the Khartoum Bahri Criminal Court convicted and fined them for obstructing the public peace and the police and for nuisance.

On October 24, authorities cancelled classes and seized the SEPC-owned Evangelical Basic School in Madani, Jazirah State. Authorities previously raided the school on September 5, October 4, and October 6. On

September 5, Pastor Amir Suleiman and 12 school teachers were arrested and released later without charge. During the raid, police presented a letter from the National Ministry of Guidance and Endowments, addressed to the

State Ministry of Social Welfare, ordering that the school be handed over to the government. During the October 6 attempted seizure, Pastor Suleiman, Rev. Ismail Zakaria, and six others were arrested, detained for four days, and released on bail. On November 14, the Madani Appeal Court for Administrative Affairs reversed the order to cancel classes and seize the Evangelical Basic School.

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### 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. The vast majority of women prosecuted under the Public Order regime come from marginalized communities, such as Christians, or from the Darfur or South Kordofan regions or South Sudan. They are held overnight in small, crowded cells in the Public Order Court before receiving summary trials, with no legal representation. As such, their cases are rarely reported in the media. Those convicted are flogged and/or fined up to 1,000–5,000 Sudanese pounds (\$161–\$805).

A USCIRF-contracted project with the African Centre for Justice and Peace Studies (ACJPS) documented that during a three-month period in the summer of 2016, five Public Order Courts in Khartoum and Omdurman averaged at least 50 cases each month. The vast majority of cases concerned violations for selling or buying alcohol (article 79); fewer cases were brought forward for violations of wearing indecent dress (article 152). What constitutes indecent dress is not defined by law, but is left to the discretion of Public Order police and judges. Convictions resulted in lashings and/or fines. Also, on August 1 and 2, two women were convicted under article 145 (adultery) and lashed 100 times each.

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## U.S. POLICY

The United States remains a pivotal international actor in Sudan. The U.S. government continues multilateral and bilateral efforts to bring peace to Southern Kordofan, Blue Nile, and Darfur.

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 and 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.”

On January 13, 2017, then President Barack Obama signed [Executive Order 13761](#) issuing a general waiver to the sanctions to increase trade and investment opportunities. The order also states that if during a six-month period ending July 12, the Sudanese government sustains progress to end conflict in Darfur and Blue Nile and Southern Kordofan states, increases access to humanitarian assistance in those areas, ceases its support for rebel groups in South Sudan, and supports U.S. intelligence efforts, the U.S. government will lift fully the sanctions imposed on Sudan under Executive Orders 13067 and 13412. If the Sudanese government backtracks on this progress, sanctions will be reimposed. Sanctions imposed because of the Sudanese government’s genocide in Darfur will continue, as will a prohibition on the sale of military equipment and asset freezes and travel bans on targeted militia and rebel leaders.

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 most recent U.S. Special Envoy to Sudan and South Sudan is Donald E. Booth.

During the reporting period, U.S. Embassy officials raised with Sudanese officials the cases of Jašek, Rev. Shamal, Rev. Taour, and Abdumawla.

U.S. government assistance programs in Sudan support conflict mitigation efforts, the comprehensive national dialogue to address the root causes of conflicts, advancing human rights and political freedoms, 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.