

SUDAN

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

KEY FINDINGS

Religious freedom conditions in Sudan remained poor in 2017. The government of Sudan, led by President Omar Hassan al-Bashir, imposes a restrictive interpretation of Shari'ah law and applies corresponding *hudood* punishments on Muslims and non-Muslims alike. During the year, government officials continued to arrest church leaders, harass members of various Christian denominations, and destroy or confiscate church properties. Individuals affiliated with several Evangelical congregations were arrested, fined, and evicted from their homes—and one was killed—for opposing government efforts to take over their leadership and confiscate their properties. Two churches were demolished in 2017, and Christian schools were ordered

to open on Sundays following a new government directive. Individuals prosecuted under Shari'ah-based morality provisions for “public order” violations were largely from marginalized religious and ethnic communities; they typically received summary trials without legal representation, and convictions routinely resulted in lashings. Government policies and societal pressure promoted conversion to Islam. In 2018, 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, egregious violations of freedom of religion or belief. The U.S. Department of State has designated Sudan as a CPC since 1999, most recently in December 2017.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Sudan as a CPC under IRFA;
- Continue the existing presidential action restricting U.S. assistance to the government of Sudan, except for humanitarian assistance, democracy programs, assistance for specific marginalized areas, or arrangements associated with the Comprehensive Peace Agreement;
- Convey that an exchange of ambassadors must be preceded by demonstrated, concrete progress by Khartoum in ending abuses of religious freedom and related human rights;
- Press the government of Sudan to implement the Action Plan presented by the U.S. Department of State in 2015 and 2017 and to undertake the following reforms:
 - 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, including repeal of the apostasy and blasphemy laws;
 - Lift government prohibitions on church construction, issue permits for the building of new churches, create a legal mechanism to provide compensation for destroyed churches and address future destructions if necessary, and cease interference in churches' internal affairs;
- Revive and strengthen the Commission on the Rights of Non-Muslims to protect religious freedom for non-Muslims in Sudan; 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.
- 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 U.S. Department of Treasury'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;
- Establish an official, senior-level dialogue on religious freedom and human rights with the government of Sudan to ensure that issues of concern are consistently raised at the highest levels;
- Maintain the position of the U.S. Special Envoy to Sudan and South Sudan and ensure that religious freedom is a priority for 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;
- 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 of Sudan to cooperate fully with international mechanisms on human rights issues, including by inviting further visits by the United Nations (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.

COUNTRY FACTS

FULL NAME

Republic of the Sudan

GOVERNMENT

Presidential Republic

POPULATION

37,345,935

GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS

Sunni Islam

RELIGIOUS DEMOGRAPHY*

97% Muslim

3% Christian (Coptic, Greek, Ethiopian, and Eritrean Orthodox; Roman Catholic; Anglican; Presbyterian; Pentecostal; Evangelical; Seventh-day Adventist; and Jehovah's Witnesses)

*U.S. Department of State

BACKGROUND

Sudan's overall human rights record remained poor. President al-Bashir and his National Congress Party (NCP) have ruled 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 and South Kordofan and Blue Nile states continued in 2017 with further attacks against civilians and the displacement of thousands.

However, there were fewer incidents of violence than in the previous year and the Sudanese government stopped aerial bombardments of civilians and increased humanitarian access. 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; nevertheless, he traveled internationally to several countries during 2017 without incident.

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. Article 31 prohibits discrimination based on religion; however, article 5 provides that "Islamic

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sharia and the consensus of the people" shall be the "leading sources" of legislation, thereby restricting 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 CONDITIONS 2017

Persecution of Christians

The Sudanese government continued to arrest, detain, and prosecute Christian leaders, interfere in church leadership matters, and destroy churches during the reporting period.

In 2016, Sudanese authorities notified 27 churches that their churches would be demolished; two were bulldozed in 2017. On May 7, Khartoum state authorities demolished a Sudanese Church of Christ (SCOC) building

in Soba al Aradi, claiming that the land was zoned for other purposes. On August 2, authorities demolished a Baptist church in Omdurman. On March 7, SCOC Rev. Mubarak Hamad was arrested after holding a press conference calling for the Sudanese government to cease its church destructions. He was released and ordered to report to National Intelligence Security Services (NISS) offices daily.

In 2017, the Sudanese government continued its efforts to remove the Sudan Presbyterian Evangelical Church's (SPEC) leadership and take over its properties. On March 16, police arrested the headmaster and three teachers of the SPEC's Evangelical School of Sudan when they prevented authorities from confiscating school property. They were released eight hours later. On March 27, police again sought to confiscate the school and arrested and later released 12 staff members who obstructed their efforts. On April 3, Bahri Evangelical Church Elder Younan Abdullah was killed when he protested government efforts to confiscate a church property. On August 15, police in Omdurman evicted SPEC Moderator Yahia Abdelrahim Nalu and Pastor Sidiq Abdalla from their homes. On October 30, a Khartoum court convicted the chairman and deputy chairman of the SPEC Lands and Buildings Committee, Rafat Obid and Rev. Daniel William, respectively, of criminal misappropriation and criminal trespass. They were ordered to pay fines of 5,000 Sudanese pounds (\$750) each. The case was part of the Sudanese government's continued efforts to take over the committee. As of the end of the reporting period, SPEC leaders continued to face charges for refusing to hand over properties and to fight eviction orders in Sudanese courts.

The Sudanese government also sought to impose its preferred leadership on the SCOC, a majority ethnically Nuban congregation. The Ministry of Guidance and Endowments issued decisions to allow Northern Sudanese congregants to take over the SCOC's leadership from ethnic Nubans. On August 23, the Ministry appointed an alternative SCOC Executive Committee. That same day, authorities arrested seven Nuban SCOC leaders: Executive Committee Chairman Rev. Ayoub Tiliyan, General Secretary/Moderator Rev. Ali

Abdurahman, Missionary Office Director Rev. Kuwa Shamal, Director of Educational Affairs Elder Alamin Hassan, Accountant Elder Abulbagi Toto, Rev. Musa Kodi Jora, Rev. Abdo Atalmanan, and Rev. Yajoub Omer Nawai. On September 19 and 22, respectively, authorities arrested Executive Committee member Amira Kia and Elder Mahjoub Abotrin. They were released the same day. On October 22, security forces arrested Rev. Tiliyan, Rev. Ali Haakim Al Aam, Pastor Ambrator Hammad, evangelist Habill Ibrahim, and Elder Abdul Bagi Tutu for holding a worship service at a closed SCOC church in Khartoum's Al-Thawra 29 neighborhood. The police released them that same night, but stated that their actions were "to maintain security" and "protect worshippers" because those arrested "did not comply" with the ministry's leadership decision.

In July, the Khartoum State Ministry of Education ordered Khartoum Christian schools to open on Sundays and observe the country's Friday and Saturday weekend. Despite domestic and international pressure, the Khartoum State parliament and Ministry of Education reiterated that Christian schools must respect the official weekend.

In response to international pressure, President al-Bashir pardoned Czech national Petr Jašek on

February 23 and Rev. Hassan Abduraheem Kodi Taour and Abdulmonem Abdumawla Issa Abdumawla on May 11. On January 29, 2017, a judge had 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 previously 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.

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Application of Shari'ah Law Provisions

Religious freedom is also 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 promoting the consumption of alcohol (article 78-79). 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. What constitutes indecent dress is not defined by law but is left to the discretion of Public Order police and judges.

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. 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.

The government continued to apply Shari’ah-based morality provisions from the 1991 Criminal Code and corresponding state-level Public Order laws. The vast majority of those prosecuted under the Public Order regime come from marginalized religious and ethnic communities. They are held overnight in small, crowded cells in the Public Order Court before receiving summary trials, often with no legal representation. Those convicted are flogged and/or fined up to 1,000–5,000 Sudanese pounds (\$161–\$805). Most cases concerned violations for selling or buying alcohol (article 79); fewer cases were brought forward for violations

of wearing indecent dress (article 152). Convictions routinely resulted in lashings.

Government Promotion of Islam

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. It routinely grants permits to construct and operate mosques, often with government funds, and provides 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

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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.

U.S. POLICY

The United States remains a pivotal international actor in Sudan and uses multilateral and bilateral efforts to seek an end to the country’s conflicts.

On January 13, 2017, then President Barack Obama signed Executive Order 13761 issuing a general waiver to sanctions against Sudan to increase trade and investment opportunities. The order stated that if, during a six-month period ending July 12, the Sudanese government sustained progress to end conflict in Darfur and Blue Nile and Southern Kordofan states, increased access to humanitarian assistance in those areas, ended its support for the Lord’s Resistance Army and rebel groups in South Sudan, and supported American intelligence efforts, the

U.S. government would fully lift the sanctions imposed on Sudan under Executive Orders 13067 and 13412. USCIRF and human rights groups criticized the U.S. government for not including religious freedom and human rights benchmarks in the sanctions removal path. On October 6, the Trump Administration decided to permanently lift trade and economic sanctions on Sudan. Sanctions imposed because of the Sudanese government's genocide in Darfur continue, as do the prohibition on the sale of military equipment and asset freezes and travel bans on targeted militia and rebel leaders.

In 2017, U.S. officials publicly and privately denounced religious freedom violations and engaged their Sudanese counterparts on the need to respect freedom of religion or belief. U.S. officials also stated that they wanted to increase efforts to encourage religious freedom and human rights reforms in Sudan. Deputy Secretary of State John Sullivan and U.S. Agency for International Development (USAID) Administrator Mark Green both publicly raised religious freedom concerns during their trips to Sudan in November and August, respectively. In a speech at the Al-Neelain Mosque in Khartoum, Deputy Secretary Sullivan stated that a goal of his trip was to make clear that protection and promotion of religious freedom in Sudan is a critical component of the U.S.-Sudanese relationship.

As part of the Trump Administration's policy to promote religious freedom in Sudan, U.S. officials presented Sudanese officials with an Action Plan on religious freedom reforms. Specific recommendations in the plan include reforms to Sudanese laws, ceasing discriminatory practices against non-Muslims, and enhancing compliance with international human rights standards. The Sudanese government had not responded by the end of the reporting period. Deputy Secretary of State Sullivan made a public reference to the Action Plan during his November visit. In 2015, then U.S. Ambassador-at-Large for International Religious Freedom David Saperstein presented the same Action Plan, but the Sudanese government did not respond.

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The U.S. government last redesignated Sudan as a CPC in December 2017 and implemented a corresponding presidential action restricting specified assistance to the Sudanese government as set forth in section 7042(j) of the Department of State, Foreign Operations,

and Related Programs Appropriations Act, 2016. That provision restricts assistance, as well as modifications to loans and loan guarantees, but does not apply to humanitarian assistance,

democracy programs, assistance for the Darfur region, Southern Kordofan State, Blue Nile State and other marginalized areas in Sudan and Abyei, or assistance to support implementation of issues in the Comprehensive Peace Agreement or "any other internationally recognized viable peace agreement in Sudan."

Neither the United States nor Sudan has appointed an ambassador to each other's country since the late 1990s, after the U.S. Embassy bombings in East Africa and U.S. airstrikes against al-Qaeda sites in Khartoum. Past U.S. administrations have appointed special envoys to Sudan and South Sudan; however, then Secretary of State Rex Tillerson's proposed department-wide reorganization plan would eliminate this position.