

39th Session of the Universal Periodic Review Republic of the Sudan

A Joint Submission by Christian Solidarity Worldwide (CSW) and CSW-Nigeria

Introduction

1. This joint submission by Christian Solidarity Worldwide (CSW) and CSW-Nigeria (CSW-N) seeks to highlight violations of the right to freedom of religion or belief (FoRB) and related human rights which have taken place in the Republic of the Sudan during the reporting period.
2. During its second Universal Periodic Review (UPR), Sudan accepted five recommendations relating to FoRB, including to revise the 1991 Penal Code, abolish apostasy laws and to ensure the right to freedom of religion or belief and the human rights of ethnic and religious minorities in line with international human rights standards. Sudan noted a recommendation to “adopt measures in the legislative and political spheres, including appropriate budget allocation, to guarantee, prevent and eradicate discrimination on religious grounds, ethnic composition, gender or sexual orientation.”
3. Significant political change has taken place since the previous review, following nationwide demonstrations which began in December 2018. Throughout the first half of 2019, citizens from diverse backgrounds came together to call for systematic reforms. Despite being met with violent force, the protests resulted in the deposition of Sudan’s president of nearly 30 years, Omar al Bashir, who was removed in April 2019 and replaced by a Transitional Military Council (TMC).
4. A joint transitional administration has officially governed since August 2019. Its formation followed months of negotiation and the signing of a new transitional constitution and agreement on the creation of a transitional legislative council. Together these institutions created the mechanisms to implement a substantial programme of reforms. The transitional administration is composed of the Sovereign Council of Sudan¹, currently chaired by Lt. Gen. Abdel Fattah Abdelrahman Burhan, the civilian government, led by Prime Minister Abdalla Hamdok, and a yet to be appointed legislative body. The transition period is expected to end in 2023 according to the amendments of the Constitutional Charter, based on the Juba Peace Agreement.
5. The removal of al Bashir brought an end to three decades of oppressive rule characterised by severe and widespread violations of human rights, including of the right to FoRB. When taking office, incoming Prime Minister Hamdok pledged to prioritise resolving the country’s chronic conflicts, reforming the economy and undertaking political reforms. However, while Sudan has made a number of legislative reforms, the situation of FoRB and related rights has deteriorated significantly during the reporting period.

Challenges to transitional justice

¹ The council consists of 14 members: five representing the military, five representing the Forces for Freedom and Change – the political arm of the protest movement, three representing the army movements who signed Juba Peace agreement (RSF) and one civilian jointly agreed by both groups. The jointly appointed civilian member of the council is Coptic Christian Raja Abdul Masih, legal advisor at Ministry of Justice.

6. The Rapid Support Forces (RSF, formerly Janjaweed) are part of the power sharing arrangement between civilians and the military. The resulting Constitutional Charter gives the army great power and weakens the civilian side of the government.
7. The RSF and its leader, Lieutenant General Mohamed Hamdan "Hemeti" Dagalo, wield the greatest power in the country. To further empower his militia, Hemeti has appointed many senior officers from the General Intelligence Services (GIS) and the army. RSF violence against civilians has increased significantly. Recently, its intelligence services carried out arrests and detentions in several states, leading to torture and enforced disappearances.
8. The Forces of Freedom and Change (FFC), the political incubator, is extremely divided. In June 2020, the Sudanese Professional Association (SPA) split following an election. The FFC refused to accept the newly elected members and promises to reform the council, which all agree requires reform. Subsequently, the elected SPA withdrew from all FFC committees and called for committee reforms.
9. The two main political groups, Sudan Call and the National Consensus Forces (NCF), have differing goals and approaches, but agreed on the Declaration of Freedom and Change in January 2019. That said, their multiple disagreements resulted in the transitional government initially taking decisions without considering the FFC's opinion. The multiple disagreements, coupled with the dire economic situation, has allowed the army to extend its control and weakened the civilian government.
10. On 8 February 2021, the Prime Minister announced the formation of the expanded new cabinet, which included representatives of the FFC, who were allocated 17 ministerial portfolios, and the SRF, who were allocated 7 portfolios.² Only four women are among the ministers.
11. There is a marked absence of non-Muslims in the transitional process, with no minister or governor appointed from a minority faith community. The only Christian candidate for South-Kordofan was dropped for unknown reasons. Dr Rudwan al-Neel Konda was the only candidate the FFC in South-Kordofan agreed on. He was also the only Christian among 18 candidates for the previous cabinet. On 22 July 2020 the Democratic New Forces Movement released a statement highlighting his exclusion as religious discrimination, and accused Lieutenant General Shams-Eddin Kabashi, a member of the Sovereign Council, of rejecting his candidature.
12. On 5 August 2020 the Prime Minister spoke of the need for a National Assembly, which should have been established no more than 90 days after the signing of the Constitutional Charter. The National Assembly is yet to be established.
13. On 17 August 2020 protestors in Khartoum demonstrated in front of the Ministries' Council, calling for the implementation of the FFC's Declaration and the Constitutional Charter. Police used excessive force, seriously injuring some protesters and detaining many. Khartoum Governor Aynam Nimir had promised to protect the demonstrations but failed to do so.

Limited human rights improvements and outstanding concerns

² United Nations Security Council, Report of the Secretary-General, "Situation in the Sudan and the activities of the United Nations Integrated Transition Assistance Mission in the Sudan", 1 March 2021, S/2021/199

14. Since 2019 there have been limited positive developments in the situation of FoRB and other human rights. The transitional government and the Sudan People's Liberation Movement-North (Agar) (SPLM-N Agar) have agreed to create a new independent national commission on religious freedom and a Ministry for Peace and Human Rights, and amendments to certain aspects of the criminal code and personal status laws.

Legal reforms

15. In July 2020 the government passed amendments on laws pertaining to FoRB. The most important were the abolition of Articles 25 and 50 to 53 of the National Intelligence and Security Service (NISS) Code, which were formerly used to arrest religious leaders. The government also announced the cancellation of Article 126 of Criminal Code, officially abolishing the death penalty for apostasy and replacing it with a new article criminalising "Takfir" – declaring a fellow Muslim an apostate. While there were few examples of the death penalty being applied, the removal of the sentence is of great symbolism; however, in practice the crime remains on the statute books.
16. Reforms of the women's dress code have been made between 2019 and 2020, starting with state law and the amendments to Article 152 of the Criminal Code which was historically used to target women, including vulnerable religious minority women who were arrested, fined and given lashes on public indecency charges. In July 2020, public flogging and female genital mutilation (FGM) were banned. New laws allowing non-Muslims to drink, import, and sell alcohol, and giving women the right to travel abroad with their children without producing proof of permission from their husbands were also passed, although consent from the child's father is required when issuing legal birth certificates and passports.

National Commission on Religious Freedom

17. In a welcome move in May 2020 the government announced the creation of an independent National Commission for Religious Freedom and a Ministry for Peace and Human Rights. The transitional government and the SPLM-Agar jointly agreed to the creation of the two bodies during peace talks in May 2020.

Criminal cases against church leaders and the building of churches

18. In October 2020, a criminal court in Omdurman dismissed all charges against eight leaders of the Sudanese Church of Christ (SCOC) who were initially arrested on 23 August 2017 for refusing to hand over administrative control to a government-appointed and unelected church committee led by Mr Angelo Alzaki. However, the committee was still in control at the time of writing.
19. In December 2020 the Governor of Gezira state, Abdalla Ali Ahmed Idriss, authorised the construction of four church buildings on unused land. The last time land was apportioned for church construction was after the signing of the 2005 Comprehensive Peace Agreement, when a South Sudanese minister granted land to the Apostolic Full Gospel Church.

Outstanding legal reforms

20. While these legislative amendments, the creation of the National Commission for Religious Freedom and the partial implementation of recommendations made during the second UPR on apostasy laws are important developments, many legal reforms remain outstanding.

21. The Penal Code continues to contain provisions that limit personal freedoms and criminalise blasphemy. Thus far there have been no indications that these provisions are to be amended. Unified standards should be applied to all. Article 79 allows non-Muslim to make, sell, store or drink alcohol, while Article 125 only criminalises non-Muslim. Such legislative inconsistencies are problematic and single out non-Muslims, leaving them more vulnerable to attacks and harassment by extremists, especially under the current tense circumstances. Many Christians leaders are unhappy with these amendments. Sudan must be urged to ensure the Criminal Code does not differentiate between citizens based on their religion or belief.
22. Marriage between a Muslim woman and non-Muslim man is still considered to be adultery under the Criminal Code. Children from such marriages are defined as 'children of adultery' who have no legal right to take the father's name or to an inheritance. Furthermore, according to the Personal Status Law, a Muslim man has the right to marry a non-Muslim woman but any children from the marriage are also legally prevented from receiving an inheritance if their religion is different to the deceased. The Personal Status Law, which discriminates against non-Muslims, has yet to be reformed.

Concerns over practices of government departments

23. The Department of Christian Affairs within the Ministry of Guidance and Endowments (MoGE), formerly dominated by the NISS, has been replaced by Muslim staff. Within the department only the minister's consultant is a Christian. In August 2020 the Ministry shared a draft of the department's regulations with churches for review and comment. CSW welcomed this step, which recognised the necessity of canvassing the opinions of church leaders, giving them an opportunity to address issues that are not currently covered, such as identifying the body responsible for the allocation of Christian places of worship. However, in a concerning development, the regulations, now released by the Ministry, contain articles giving the Ministry the ability to interfere in church affairs.
24. CSW is also concerned that the Ministry of Justice has, thus far, been working independently, without forming consultative forums. This lack of participation has impacted negatively on the accuracy of recent legislation. Seeking input from a consultative forum, including experts from civil society, lawyers and academia as part of a bottom-up approach is important to the success of the transitional government and the reform process. There are also concerns that courts do not consistently implement changes made, with reports of individuals being convicted for 'crimes' that had been removed from the Criminal Code.
25. The intentional absence of the Constitutional Court remains a threat to the human rights guaranteed in the Constitutional Charter and undermines Sudan's commitment to the international treaties signed by Sudan. Currently there is no other mechanism to protect constitutional rights in domestic law.

Violations of freedom of religion or belief

26. CSW remains concerned by continued death threats against church leaders, and attacks on churches and Christians. There have also been arrests of Christian leaders by GIS officers, who have used torture. While these incidents have decreased since the political changes, they contravene the recently ratified Convention Against Torture (CAT). There are also concerns over plans to reform the national school curriculum.

Attacks on churches

27. Between December 2019 and January 2020, three churches in Bout Town, Blue Nile State were attacked twice. The Sudan Internal Church, the Catholic Church and the Orthodox Church were attacked on 28 December 2019 and again on 16 January 2020. Despite assurances from the Federal and State governments that the churches would be rebuilt and perpetrators would be brought to justice, the churches are still awaiting restitution.
28. From December 2019 to January 2020 a church building belonging to the SCOC in Jabarona, Omdurman was attacked on four separate occasions. In addition to the attacks, church leaders received serious threats from Muslim extremists living in the area, who warned that they would not allow churches to be built in the area even if official permission was granted. The MoGE formed a committee to investigate the attacks and threats; however, the church was attacked once again on 14 August 2020, and on 22 August 14 individuals submitted a letter to the Ombada local authority asking it to clear the square where the church is located within three months, threatening to undertake the action themselves if this was not done. The signatories to the letter have since been put on trial, marking the first prosecutions for damaging a church in the nation's history.
29. On 29 February 2020 a SCOC church was set on fire in Ombadda Block 18, Omdurman. The perpetrators remain unknown.
30. On 9 March 2020 CSW's sources reported that extremists had razed the Sudanese Evangelical Presbyterian Church in Bout Town, El Tadamon locality, Blue Nile state, to the ground. The church building and all property within it, including furniture, bibles and other religious materials, were destroyed.
31. On 3 January 2021 a church building belonging to the SCOC in Tamboul, Gezira state, was burned down. CSW's sources report that a thirteen-year-old boy set fire to the church using petrol from a motorcycle after an adult, who was not arrested, had instructed him to do so.
32. On 26 Feb 2021 extremists burned a church belonging to South Sudanese refugees in Abo-Hasheema, South Kordofan.

Death of a South Sudanese Christian

33. On 20 June Mariel Bang, a South Sudanese Christian, was killed, and four others were seriously injured when they were attacked by a mob of young men shouting "Allah Akbar" in the Shagla area of Omdurman.

Arrest and use of torture by GIS

34. On 19 February 2021 the President of the Christian Youth Organisation, Osama Saeed Kodi, was arrested, interrogated and tortured by the GIS after submitting a request to build an alternative church in Tamboul. The local authorities refused the request on the grounds that it will dismantle the social fabric, threaten local peace and security and precipitate of religious strife. During his detention Mr Kodi was told by GIS officers that Christianity is evil, and they alleged he is trying to brainwash Sudanese citizens with the help of Christian organisations. He was also ordered to stop any efforts to establish a new church, and told that if he did not, he could be killed. Mr Kodi subsequently issued a medical report, and has filed a case against the GIS regarding the torture he endured while detained and questioning the legality of his arrest, as GIS has no legal powers of arrest or detention.

Failure to reform school curricula

35. In January 2021 the Director of the National Centre for Curricula and Educational Research, Dr Omar El Garai, resigned after Prime Minister Hamdok instructed the centre to halt the formulation of new school curricula, which for the first time treated all religions equally, following intense opposition from Islamists. The opposition included death threats sent to Dr El Gadai.

Peace talks and the situation in the situation in Darfur

36. During the second cycle of the UPR, Sudan noted recommendations for the country to fully cooperate with international accountability mechanisms, including the International Criminal Court (ICC), in order to ensure that those responsible for crimes committed in Darfur, Blue Nile and South Kordofan are brought to justice. The significant political changes since Sudan's last UPR present the transitional government with the opportunity to implement such recommendations and work towards peace and accountability.
37. CSW welcomes the transitional government's pledge in February 2020 to hand over those indicted for atrocity crimes to the ICC. However, it remains to be seen whether this will be enacted, and what formalised process it will take. Crucially, it is still unclear whether former President al Bashir will be among those handed over.

Peace talks in Darfur & the two areas

38. In August 2020, the Prime Minister announced a peace agreement would be signed with the Sudan Revolutionary Front. While most details have been agreed, outstanding security arrangements are currently under discussion. Moreover, the Sudan People's Liberation Movement-North led by Abdelaziz Adam El-Hilu (SPLM-N El-Hilu) and Abdul Wahid al-Nur's Sudan Liberation Army (SLA) are not part of these talks. The SPLM-N withdrew after objecting to Hemeti leading the government's delegation. In a statement³, SPLM-N accused the RSF of committing crimes against civilians across Sudan. The mediation team ignored this, and negotiations began on 20 August without these groups.
39. CSW is concerned that the peace process will remain incomplete until the two movements participate. The SPLM-N El Hilu has the largest army, controlling and fully administrating part of South Kordofan, while the SLA has the most popular support in Darfur's IDPs camps.

Humanitarian and security situation in Darfur

40. While Sudan accepted several recommendations during the last UPR to pursue peace in Darfur by promoting especially the rights of the minorities and providing unrestricted humanitarian access, the State noted recommendations which called for those suspected of being responsible for crimes under international law - particularly those within government security and armed forces - to be investigated and prosecuted before independent and impartial courts.
41. Insecurity persists in many states, and particularly in Darfur. In Fata Borno, North Darfur, 10 people died and 17 were injured on 13 July 2020; in Masteri, Western Darfur on 25 July, 61 persons died, 88 were injured, approximately 1,500 homes were razed to the ground, and thousands were displaced; and in Aboudous in Greida, South Darfur, 18 people died and 21

³ Statement by the Sudan People's Liberation Movement/North (SPLM-N), copy published on Twitter, 20 August 2020 <https://twitter.com/SaadAbedine/status/1296394889094205442>

were injured between 24–25 July. Each attack was committed by Arab tribes and the RSF (Janjaweed). So far, no one has been prosecuted.

42. On 31 December 2020 the UN peacekeeping mission in Darfur, the African Union Hybrid Operation in Darfur (UNAMID), concluded its mandate, with the withdrawal of all uniformed and civilian personnel from Sudan intended to be completed by 30 June 2021.
43. Human rights groups expressed serious concerns that the withdrawal was occurring too early in the transitional period, particularly since violence continued to be reported in the region.
44. On 19 January 2021 Sudanese media outlet Radio Dabanga reported that an ongoing massacre in El Geneina, West Darfur, had left at least 129 people dead and 198 injured.⁴ Thousands have also reportedly fled the region. At least 14 people died and eight were wounded when Janjaweed militia attacked, looted and burned down 11 villages in Eastern Jebel Marra, West Darfur, between 24 and 31 January. UN agencies estimate 100,000 people were displaced in mid-January in South and West Darfur in fighting between the Arab and Massalit tribes.⁵
45. On 17 January lawyer and human rights defender, Faisal Youssef Mohamed and two of his brothers were murdered in his home in El Geneina, West Darfur, by an unidentified armed group.

Accountability for past violations

46. The need to fully investigate the widespread violence and human rights violations against protesters observed throughout the demonstrations in 2019 remains outstanding. An investigation committee headed by lawyer Nabil Adib has yet to present its report or indicate whether a criminal case will be opened on those the committee identified as responsible for the attacks. Serious violations reported during attacks on protesters include the targeting of hospitals and medical staff; the use of torture and other cruel, inhuman, and degrading treatment; sexual and gender-based violence; and attempts by the state to limit information about events on the ground by shutting down internet and communications networks.
47. On 3 June 2019 RSF launched an attack on sit-in sites in Khartoum which resulted in at least 128 deaths, over 70 verified reports of sexual assault, and at least 650 people injured. In the aftermath of the attacks, the TMC shut down the internet. This egregious violation of the right to freedom of expression also prevented the international community from accessing timely and accurate information on the situation in the country. The internet blackout was lifted on 9 July, over five weeks after the massacre took place.
48. Additionally, violations committed against Christians prior to 2019 largely remain unaddressed. A majority of properties that were confiscated or sold before the revolution have not been returned, despite calls from religious leaders for a resolution. The former regime had dissolved elected churches' committees and appointed its own, which sold value properties and rented others for long periods. Such committees still exist, and some courts still recognise them as legal committees, making it impossible for legitimate church committees to cancel contracts and regain control of their land and properties from corrupt

4 Dabanga, 'Death toll of West Darfur massacre now at least 129', 19 January 2021

<https://www.dabangasudan.org/en/all-news/article/death-toll-of-west-darfur-massacre-now-at-least-129>

⁵ United Nations World Food Programme, World Food Programme's Response to inter-communal violence in Darfur, Sudan', 29 January 2021 <https://www.wfp.org/news/wfps-response-inter-communal-violence-darfur-sudan>

investors. Moreover, according to reliable sources, the MoGE has made insufficient effort to address the situation, with the government reluctant to make further reforms towards the promotion and protection of FoRB since the lifting of sanctions and the army's increased control. The MoGE's minister is a member of the Umma party and its religious sect, Al-Ansar, and is a preacher. He remains in post, following two reshuffles.

49. During the second cycle of the UPR, Sudan accepted several recommendations to ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) as well as recommendations to conduct timely, independent investigations into allegations of torture and sexual violence, and excessive use of force by state officials. Sudan also accepted a recommendation from the Netherlands to "Protect human rights defenders and journalists from violence and arbitrary arrests, to address impunity for crimes against human rights defenders and journalists." While CSW welcomes Sudan's recent signatory to the CAT and International Convention for the Protection of all persons from Enforced Disappearance (ICPPED), we regret the lack of implementation over the reporting period of these accepted recommendations and the continued impunity regarding past and ongoing violations.
50. Accountability for past violations remains key to the success of the transitional government. This must be pursued with support from the international community, including thorough independent investigations into the widespread violence during the nationwide demonstrations. All found complicit in human rights violations must be held to account. Unfortunately, the release and pardoning of notorious Janjaweed leader Musa Hilal on 11 March raises additional concerns with regard to accountability.

Recommendations to the government of Sudan

51. **Ensure the new constitution, reformed domestic legislation, policy and practice are consistent with, and reflect the nation's obligations under the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), and other international human rights treaties to which it is party.**
52. **Sign and ratify the Rome Statute and fully co-operate with the ICC by ensuring that all who have been indicted are handed over for trial.**
53. **Restore the Constitutional Court of Sudan and ensure it operates in accordance with international human rights law, allowing it to sit, receive complains, hear cases and uphold the rule of law.**
54. **Ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and issue a standing invitation to Special Procedures of the HRC.**
55. **Establish a National Assembly, guaranteeing representation for women, minorities and all religion and belief communities.**
56. **Support an independent investigation into the violence and human rights violations committed during the nationwide demonstrations from December 2018 to August 2019, ensuring that those found complicit in violations are brought to justice.**
57. **Launch an independent inquiry into the confiscation of land and property belonging to religious minorities, return land and property sold illegally or seized from religious**

groups and individuals from minority religious communities, and accept applications for registration and re-registration of land and properties by individuals and legitimate church committees without delay.

- 58. Adhere to the amendments which abolished the powers of arrest and detention of GIS agents in order to safeguard religious minorities and civil society from harassment, arbitrary detention or enforced disappearance.**
- 59. In the absence of UNAMID the government of Sudan holds ultimate responsibility for the protection of civilians in Darfur and must address the insecurity in the region and prioritise holding armed groups responsible for violent and illegal acts to account.**
- 60. End the targeting of civilians and civilian facilities in South Kordofan and Blue Nile, granting unhindered access to humanitarian agencies to these areas, and allowing the Office of the High Commissioner on Human Rights Sudan Office and UN mechanisms full and unfettered access to both areas for human rights monitoring.**
- 61. Adopt a resolution allowing for annual independent reports from an individual or body mandated to monitor, investigate and verify reported abuses, and make recommendations.**
- 62. Repeal all legislation that prevents the full enjoyment by every citizen of fundamental rights, including the right to freedom of religion or belief.**
- 63. Conduct detailed investigations into all attacks on churches and places of worship, holding perpetrators to account and ensuring that vulnerable communities are protected.**
- 64. Work with the government of South Sudan to increase efforts to de-escalate tensions between the various communities in the Abyei region, and to implement the Abyei Protocol of the Comprehensive Peace Agreement in full.**