

INTRODUCTION

- 1) This is a joint statement of Christian Solidarity Worldwide and Christian Solidarity Worldwide Nigeria highlighting an escalation of human rights violations in Sudan. Christian Solidarity Worldwide (CSW) is a Christian organisation working for religious freedom through human rights in the pursuit of justice. Christian Solidarity Worldwide (CSW) Nigeria is an interdenominational Christian human rights organisation committed to upholding religious harmony, contributing towards the peaceful co-existence of Nigeria's religious communities.
- 2) During the last Universal Periodic Review (UPR), Sudan accepted a number of recommendations regarding the protection and promotion of freedom of religion or belief (FoRB), freedom of expression and association, women's rights, the protection of civilians in Darfur and the full implementation of the Comprehensive Peace Agreement (CPA). In the intervening period there has been an escalation of rights violations in these areas and no visible signs of improvement.

SCOPE OF INTERNATIONAL OBLIGATIONS

- 3) **Recommendation: The State party ensures domestic legislation, policy and practice is consistent with, and reflects its 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 a signatory. The State party is also strongly urged to sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to ratify the Convention against Torture (CAT), and to issue a standing invitation to the Special Procedures of the Human Rights Council (HRC).**

FREEDOM OF RELIGION OR BELIEF AND NON-DISCRIMINATION

- 4) During the last UPR cycle in May 2011 the State party accepted recommendation 84.5 to adopt legislation and measures allowing the free practice of religion in Sudan. However, an increase in violations of FoRB occurred in July 2011, in the aftermath of South Sudan's plebiscite and secession. There have been three distinct waves of religious freedom violations: firstly, interference with church buildings; secondly, the expulsion of foreign Christians; and thirdly, litigation against Christians. Furthermore, religious minorities continue to be vulnerable to human rights violations due to widespread societal and structural discrimination and harassment.
- 5) In June 2012 St John's Episcopal Church in Haj Yousif, Khartoum North was destroyed by government officials after they claimed the building was no longer in use. Two months earlier, the authorities had claimed in a letter that the church did not own the land. This claim was refuted by Bishop Ezekiel Kondo, who oversees the church. In 2013 the Sudan Evangelical Presbyterian Church (SEPC) began to face legal challenges to its ownership of property. In particular, the Khartoum Bahri Evangelical Church became embroiled in a land dispute after government-backed investors claimed ownership over church property. In December 2014 the church was forced to commence a constitutional case against the

Ministry of Justice, after it issued a non-appealable order to residents of an SEPC-owned building to vacate it.

- 6) In 2013 Al Fateh Taj al Sir, a Minister for Guidance and Endowments, announced that no new church licences would be issued due to a lack of worshippers and an increase in abandoned churches. The statement was reaffirmed on 12 July 2014 by a Minister for Endowments and Religion Shalil Abdulla, who stated that existing churches were adequate for the Christian population that remains in Sudan, and that FoRB was fully guaranteed. However, the restriction in issuing new church licences while churches are being demolished creates a de facto restriction on FoRB, by decreasing the number of legally-recognised houses of worship.
- 7) Between 2012 and 2014 there was an increase in the expulsion of foreign Christians. Individuals and families from Uganda, South Sudan, Italy, Germany, Canada and South Korea, were arrested and interrogated by security services. Their personal belongings were confiscated and they were expelled from the country. In one case a South Korean couple who owned a business and operated a farm had their land confiscated and their business closed, and were expelled. In each of these cases no compensation was paid to those expelled, neither were they given clear reasons for the expulsion. All the expelled foreigners were Christian.
- 8) Apostasy remains a crime under Sudan's 1991 Penal Code. The majority of apostasy cases receive little domestic or international attention, primarily due to social hostility towards anyone who chooses to leave Islam. Those accused often recant in court and return to their daily lives. Local sources report to CSW that the majority of those charged with apostasy tend to be Muslims who do not conform to the dominant Sunni Islam creed, as well as people from minority religious communities such as the Baha'i.
- 9) In a high profile case, Meriam Ibrahim was acquitted of apostasy by the Court of Appeals in June 2014. Her Muslim father had left the family when she was five years old, and she was raised as a Christian by her mother. During her initial trial she had been found guilty and sentenced to death, because the prosecution argued that being born to a Muslim father made her a Muslim, and consequently that her adoption of the Christian faith amounted to apostasy. The Court of Appeal acquitted Mrs Ibrahim not on the basis of her right to change or choose her religion, but by determining that she was not of sound mind and therefore should not have been charged with apostasy. This final ruling is a concerning development and amounts to a serious violation of FoRB.
- 10) Two South Sudanese ministers, Rev Yat Michael and Rev Peter Reith, were arrested in Khartoum and held incommunicado for three months before being charged and put on trial. On 14 December 2014 Rev Michael was arrested by National Intelligence and Security Service (NISS) agents. Rev Reith was arrested three weeks later after requesting details of Rev Michael's detention from the Ministry for Endowments and Religion. Both men were jointly charged with serious security crimes which could have resulted in the death penalty or life imprisonment if they were found guilty. In August 2015, the men were found guilty on two lesser charges and released on time served.
- 11) **Recommendation: The State party must ensure that its policies, legislation and constitution are in compliance with its obligations under the ICCPR regarding**

FoRB, and should particularly prioritise repealing apostasy provisions in the 1991 Penal Code. Sudan should also take concrete action to end discrimination against ethnic and religious minorities, and ensure equal rights for all minority groups.

FREEDOMS OF EXPRESSION, ASSOCIATION, ASSEMBLY

- 12) In September 2013 protests erupted in Sudan's main cities in response to government austerity measures that caused a 60% increase in the price of commodities and led to calls for the overthrow of President al-Bashir's government. The protests began on 23 September in Wad Madani, later spreading to Khartoum, Omdurman, Port Sudan Gadarif and Nyala. During the two-week protest nearly 200 people were killed, according to civil society estimates, many with gunshot wounds to the head and chest. Official government figures report only 80 deaths. Over 1,000 protesters were arrested and charged with security-related crimes. Many were detained for extended periods in poor conditions.
- 13) During the protests, a number of restrictions were imposed on press freedom. Sudan's national television channels did not report on the protests. Newspapers were not allowed to report on it either, and those newspapers that did had their papers confiscated by NISS agents under their extended powers to protect national security. During the first week of the protests internet services in Sudan were restricted for at least 24 hours, and civil society groups reported blackouts of social media.
- 14) In September 2014, during the HRC session in Geneva, Independent Expert on Sudan Mashood Baderin recommended that the government establish an independent judicial enquiry into the deaths of protesters. There has yet to be a full investigation into the deaths. In August 2015 President al Bashir ordered the Ministry of Justice to process compensation payments to the victims' families; but still no one has been brought to justice. Furthermore, with the disparity between civil society figures and the official government figures, it is doubtful whether the majority of the affected families will receive compensation.
- 15) During the reporting period NISS agents have arrested journalists and periodically confiscated newspapers at printing houses. These regular violations of press freedom have resulted in Sudan being ranked 174 out of 180 violating countries by Reporters without Borders. The curtailing of the press also had an impact on reporting on the April 2015 elections, which were boycotted by opposition parties due to the restrictive climate of the election debate. The president and ruling party have reinstated national dialogue designed to negotiate and resolve ongoing conflicts, and, crucially, to draft a new constitution; but the restrictions of press and freedom of expression generally mean that this dialogue may not be reported fully and fairly.
- 16) In addition to the powers given to NISS agents to confiscate and censor newspapers and journalists, the restrictions on access to Darfur, South Kordofan and the Blue Nile make reporting on and verifying events in these areas very difficult: this means that accusations of human rights abuses by both sides are not reported or investigated by the national

press. The press restrictions force journalists to self-censor or face harassment and/or confiscation of newspapers by NISS agents, a situation which also weakens newspapers' possible profits.

- 17) Recommendation: The State party should adopt the recommendation of the Independent Expert on Sudan by creating an independent judicial inquiry into the September 2013 protest, and prosecuting those responsible for the deaths of protesters. The State party should also review the powers of NISS agents, ensuring that their activities do not interfere with press freedom.**

HUMAN RIGHTS DEFENDERS AND OPPOSITION POLITICIANS

- 18) Human rights defenders continue to face arbitrary detention, spurious charges, threats and intimidation by security agents. In 2012 NISS agents arbitrarily arrested a group of lawyers and human rights defenders after they submitted a public letter to the governor of South Darfur raising concerns around the deteriorating security, economic and public health situations, and calling for the release of political prisoners and a guarantee to protect freedom of expression.
- 19) During their work defending Meriam Ibrahim, her legal team was subjected to public threats from extremist groups. In September 2014 members of the team were issued an international travel ban by the committee regulating the registration of lawyers, despite the fact that this committee is not authorised to restrict travel outside the country.
- 20) The activities of opposition parties continue to be severely restricted. In January 2013 the Sudanese government arrested six opposition politicians after they signed the New Dawn Charter in Kampala, Uganda on 5 January 2013. The Charter, which was also signed by opposition militia, advocated for regime change, the institution of a democratic and pluralistic federal system, and the separation of religion and state. It also envisaged a Sudan founded on such principles as democracy, social coexistence and recognition of religious diversity. Those detained included Professor Mohamed Zain Alabidein, Political Affairs Assistant to the Chairperson of the Democratic Unionist Party (DUP); Jamal Idriss, chairman of the Nasserite Unionist Party; and women's rights activist Intisar Al-agli.
- 21) Presidential assistant Mr Nafie Ali Nafie accused the United States and European Union of funding and supporting the New Dawn Charter, and said the signatories had “dug their own graves with their own hands by adopting the agreement, as it is based on the rejection of the principles of Islamic Shari'a law.” Faced with this official reaction some signatories appeared to distance themselves from the Charter, and expressed reservations regarding several clauses, including the issue of religion and state.

- 22) Similarly, on 6 December 2014 NISS agents arrested Farouk Abu Issa, leader of the National Consensus Forces (NCF), and Dr Amin Maki Madani, chair of the Civil Society Initiative and president of the Alliance of Democratic Lawyers in Sudan, after they returned from Addis Ababa. There, they had joined other opposition parties and Sudanese rebel movements in signing the Sudan Appeal, a joint communiqué calling for an end to one party rule and for democratic restructuring. Both men were later charged with at least three crimes under the Penal Code, including undermining the constitutional system and calling for opposition of the public authority by violence or criminal force. Their trials began in February 2015 and April 2015, and they were released unconditionally by the Minister of Justice.
- 23) **Recommendation: The State party should review the powers of arrest and detention granted to NISS agents, and ensure that politicians and human rights defenders are allowed to carry out their work unhindered.**

CONFLICT AREAS

Darfur

- 24) The security and humanitarian situation in Darfur has not improved. The signing of the Doha Peace Agreement in 2011 brought together the rebel groups and the government, but fighting and the displacement of civilians continue. Of particular concern is the systematic targeting of civilians by government-backed militia, which continues with impunity. Reports continue to emerge of villages being attacked, men and women being raped and killed, and livestock being seized; reports of the continuing use of rape as a weapon of war are especially troubling. Between 30 October and 1 November 2014, 200 rapes of women and girls by the Sudanese Armed Forces (SAF) officers were reported to have occurred in the town of Tabit, allegedly in relation for the killing of an army officer. Initially the government of Sudan refused access to UNAMID officers seeking to investigate the reports. They were eventually allowed access, and conducted their investigation in the presence of the Sudanese military and police. This resulted in a heightened climate of intimidation in which the officers were unable to record a single incident of rape. Eventually reports of the rapes began to emerge from activists and civil society groups who were able to interview victims. To date no criminal case has been opened regarding the reported rapes; neither has there been an independent investigation into the actions of the SAF in Tabit.
- 25) On 28 April 2015 150 National Congress Party (NCP) student group members, supported by NISS agents, violently stormed a peaceful rally at the East Nile University in Khartoum. The rally had been organised by students in support of Darfuri opposition groups. During the incident, NCP student leader Mohamed Awad was injured and later died of his wounds. This incident led to Darfuri students being expelled from higher education institutions, arrested by NISS, detained without charge and assaulted. On 3 September 2015 six Darfuri students were injured after being attacked by pro-NCP

students wielding machetes and guns. Despite the regularity of these attacks, Darfuri students rarely press charges or make formal complaints. One additional and deeply concerning development is the racial element of these attacks, which are often preceded by hate speech against Darfuris.

- 26) Recommendation: The State party should permit an independent investigation into the reported mass rapes in Tabit, bringing the perpetrators to justice. The State party should also ensure that incidents of violence against Darfuri students in Khartoum are fully investigated and brought to an end, including any violence perpetrated or initiated by NISS agents.**

South Kordofan and Blue Nile

- 27) With the plebiscite in South Sudan in January 2011 an important element of the CPA was implemented. However, there are parts of the agreement that have yet to be fulfilled: Blue Nile and South Kordofan states had expected to hold referendums on self-determination. Violence broke out in South Kordofan in June 2011 and spread to Blue Nile in September 2011.
- 28) An ongoing concern is the use of rape as a weapon in South Kordofan by the SAF. On 15 June 2011 the SAF and its allied militia are reported to have lured seven women from Sheir Camp into buildings previously occupied by Sudan People's Liberation Movement (SPLM) ministers and parliamentarians in Kadugli Town, and raped them there. Two days later, three women were reportedly raped at different locations in the town. There are also reports of rapes occurring in Kweik County, where many people displaced by the fighting have been taking refuge. Reports indicate that the SAF and allied militias are hunting down and extra-judicially killing at random suspected SPLM supporters, ethnic Nuba, and Christians, including women and children. Reports of gross human rights violations and targeting of civilians led the UN Under-Secretary General for humanitarian affairs to call for an independent investigation into possible war crimes by the SAF and SPLM-N.
- 29) Aerial bombardments of civilians continue, and access to parts of Blue Nile and South Kordofan are restricted (particularly the Nuba Mountains). The non-governmental organisation (NGO) Nuba Reports estimates that at least 3,720 bombs have been dropped on civilians since April 2012. The bombardments have centered on market places, schools, homes, religious buildings and hospitals. On 1 and 2 May 2014, the Mother of Mercy Catholic Hospital was deliberately targeted by SAF forces, in clear violation of international humanitarian law. It is the only functioning hospital in the Nuba Mountains and treats approximately 150,000 people annually. During the bombing Antonov planes could be heard overhead, causing panic among patients and staff and forcing patients to hide in ditches some distance from the hospital.

- 30) Recommendation: The State party should end the targeting of civilians and civilian facilities, grant unhindered access to South Kordofan and Blue Nile to humanitarian agencies, and allow UN special mandates to access the two areas for human rights monitoring.**

Abyei

- 31) The future of the oil-rich Abyei area remains embroiled in a protracted political stalemate between Sudan and South Sudan. A referendum on self-determination, stipulated by the CPA, should have occurred in tandem with the South Sudan plebiscite in 2011, but was postponed due to ongoing disagreements between Khartoum and South Sudan over voter eligibility. Attempts to find a political solution were halted in May 2011, when the SAF took the area by force. Around 130,000 Ngok Dinka residents fled the fighting, and have ended up living in squalid conditions with limited resources, across the River Kiir. Their situation was worsened by the government of Sudan preventing access by humanitarian organisations.
- 32) By June 2012 SPLM-N and SAF troops had officially left the Abyei area; however, insecurity persists. Reports of attacks on UN peacekeepers continue, and on 4 May 2013 Kuol Deng Kuol, Paramount Chief of nine Ngok Dinka peoples in Abyei, was killed when his convoy was ambushed by members of the Arab Misseriya after attending peace talks.
- 33) Frustrated at the lack of international action on their plight and the extended talks on the matter, the nine Ngok Dinka peoples organised their own plebiscite. On 31 October 2013, 98% of registered Ngok Dinka voters participated in an unofficial vote, termed ‘The Peoples’ Referendum’ and organised by the Ngok Dinka General Conference. In accordance with the stipulations of the CPA and a subsequent ruling by the Permanent Court of Arbitration (PCA), voting was open to the nine Ngok Dinka Chiefdoms and all permanent residents of the Abyei area. However, permanent residents from the Arab Misseriya tribe refused to participate. Although the referendum did not receive international recognition, it was a clear sign from the residents of Abyei that they wish to exercise their right to vote and decide on their future after many decades of war and instability.
- 34) The recent political deadlock between the governments of Sudan and South Sudan in establishing a joint administration for Abyei, in order to equally administer the area in preparation for an official referendum, has perpetuated tensions between the Misseriya and Dinka communities. The Dinka are unwilling to negotiate with the Misseriya until the killers of Chief Kuol Deng Kuol are brought to justice. However, international pressure for negotiations to continue and a joint administration to be established, could potentially lead to a resumption of hostilities. Raids on villages in the Abyei area by Misseriya

tribesmen in June 2015, characterised by the killing of women and children and the razing of villages, contributed to heightened fears of renewed hostilities.

- 35) Recommendation: The State party should cooperate with the African Union High Implementation Panel for Sudan and ensure full implementation of the CPA by holding an official referendum for the residents of Abyei in accordance with the PCA ruling. The State party should also prevent incursions by SAF troops into the demarcated Abyei area, and prevent armed Misseriya tribesmen from carrying out attacks on the civilian population.**

STATUS OF WOMEN

- 36) In February 2014 a pregnant teenager who had been gang raped by seven men was tried for adultery. The attackers lured her into a house in Khartoum, filmed the attack, and shared it on social media a few months later. They were also arrested and tried for adultery. The victim, an Ethiopian migrant who was already three months pregnant at the time of the attack, was given a suspended sentence of one month's imprisonment, and fined 5,000 Sudanese pounds (approximately £528). The case sparked outrage because the rape victim had effectively been punished for being attacked. In addition, the police had refused to take note of her earlier complaints and failed to file a police report on the rape.
- 37) Women, particularly those from ethnic or religious minority groups, are regularly charged with public indecency under Article 152 of the Penal Code. Within the reporting period at least 17 young women in Khartoum have faced this charge. Often the sentence for public indecency is 40 lashes. None of the women charged within this period have received the lashes, mainly because the crime is so vaguely defined that it allows the police and judiciary to apply whatever sentence they deem suitable. This occasions arbitrary and subjective sentencing and undermines the rule of law.
- 38) Recommendation: The State party should repeal parts of Article 152 and remove corporal sentences from the Penal Code, making it compliant with ICCPR provisions prohibiting torture and cruel, inhuman and degrading treatment. The State party should take immediate action to improve the status of women, take concrete steps to combat violence against women and girls, and repeal all laws that discriminate against women.**