

United Nations Human Rights Council
Universal Periodic Review of Member- The Republic of the Sudan

A. Persecution of Christians and Killing of the Nubian People in the Republic of the Sudan

1. While South Sudan is predominantly Christian, Sudan's population is mostly Muslim. Christians in Sudan comprise only 3% of the estimated 35 million citizens. At the 2011 division which split off South Sudan, over 97% of the population in the remaining Sudan adheres to Islam. Most Sudanese Muslims are adherents of the Sunni branch of Islam. A vast majority of the Sudanese Sunnis follow the Maliki rites, although Shafi and Hanafi rites are also present.
2. Significant but long-established groups of Coptic Orthodox and Greek Orthodox Christians exist in Khartoum and other northern cities. Ethiopian and Eritrean Orthodox communities also exist in Khartoum and eastern Sudan, largely made up of refugees and migrants from the past few decades. The largest groups affiliated with Western Christian denominations are Roman Catholic and Anglican. Other Christian groups with smaller followings in the country include the Africa Inland Church, the Armenian Apostolic Church, the Sudan Church of Christ, the Sudan Interior Church, Jehovah's Witnesses, the Sudan Pentecostal Church, and the Sudan Evangelical Presbyterian Church (in the North).
3. Religious identity plays a role in the country's political divisions. Northern and western Muslims have dominated the country's political and economic system since independence. The National Congress Party (NCP) is the main political party, owning 316 of the 354 seats in parliament. It draws much of its support from Islamists, Salafis/Wahhabis and other conservative Arab Muslims in the north. The Umma Party has traditionally attracted Arab followers of the Ansar sect of Sufism as well as non-Arab Muslims from Darfur and Kordofan. The Democratic Unionist Party (DUP) includes both Arab and non-Arab Muslims in the north and east, especially those in the Khatmia Sufi sect.
4. Politics are strongly influenced by religion which can be seen by the fact that the NIF, which later on was renamed NCP, set to implement its agenda by adopting Shari'a as law of the land and declaring the jihad, holy war against the Sudan Popular Liberation Movement (SPLM) from the South, thus adding a religious dimension to the conflict in the South Sudan. President al-Bashir and other National Congress Party (NCP) leaders continue to state that the country will be governed by Shari'a law.
5. Additionally, the regime took a series of coercive measures to control the society in the name of religion, as well as symbolic measures in order to stress Muslim identity

of Sudan to the detriment of other religious minorities and adopted an aggressive foreign policy and rhetoric towards the West.

6. However the state also took positive measures in order to manage the religious diversity and maintain the equilibrium among different religious groups. The state set to create advisory bodies to co-opt religious actors and groups from all trends to absorb any opposition while ensuring religious legitimacy for the NCP regime. Representatives of almost all religious trends were appointed in government positions. The success of this policy was visible during the 2010 Presidential and legislative elections when all religious groups supported the NCP and its candidate, President al-Bashir. In reality, these bodies contributed largely to bring actors from opposing religious trends closer and provided a space of continuous interaction and exchange among different religious schools. More significantly, it contributed to absorb tensions between religious groups.
7. Thus even though the clear Islamic identity of the government, efforts have been made to give room to religious minorities. This can subsequently be seen in the current interim national constitution (INC) adopted in 2005 which confirms religious liberty and diversity. Article 156 (d) states that in the capital city of Sudan religious minorities cannot be submitted and prosecuted under Shari'a law. Other articles affirm the right to freedom of religion and the respect for religious and ethnic diversity in Sudan.
8. However, on the other hand article 5 states that national legislation shall have as its source Islamic Shari'a. This is especially visible in Sudanese criminal law, which allows cross-amputations for theft, prison sentences for blasphemy, and floggings for undefined "offences of honor, reputation and public morality," including undefined "indecent or immoral acts." Prohibitions and related punishments for "immorality" and "indecency" are implemented through state level Public Order laws and enforcement mechanisms; violations carry a maximum penalty of 40 lashes, a fine, or both. Article 126 of the Criminal Act of 1991 states that every Muslim who propagates for renunciation of the creed of Islam or publicly declares his renouncement thereof commits apostasy which is punishable with death. Article 125 constitutes the blasphemy law giving way for abuse of the minority position of non-Muslim religions.
9. Despite religious freedom guarantees in the constitution, other national laws and practices contradict this given freedom. For years now Sudan has been designated as a Country of Particular Concern to the United States Commission on International Religious Freedom in regards to the situation of the freedom of religion.
10. Multiple instances of arrests have occurred on the basis of religion, as well as discrimination by the government. The latest International Religious Freedom Report

published by the U.S. Department of State reported that “the government continued its efforts to prosecute suspected proselytizers.” The government continually closed down churches and worship centers, while also enforcing taxes on items even though religious institutions have a tax exempt status.

11. In addition, the Sudanese government has carried out deliberate attacks against the Nuba people. The Nuba are located in Sudan’s Southern Kordofan Province, also known as the Nuba Mountains. The Nuba are an indigenous people group, comprised of dozens of tribes, with an extensive history. Deriving from a black African ethnicity, the Nuba people are looked down upon by those of Arab descent, and have consequently experienced ethnic cleansing by the Sudanese government by the use of Cluster Bombs.

B. Incidents of Religious Persecution

12. On May 15th, 2014, the government of Sudan sentenced Meriam Yahia Ibrahim Ishag to death by hanging because, although she said she was raised a Christian, a family member said she was raised a Muslim and thus was guilty of apostasy for converting. After broad international attention given to the case of Meriam, the appeals court on June 23rd, cancelled the apostasy charges and death sentence and ordered her release from prison, finding that she was not an apostate.
13. The following October, Meriam’s lawyers challenged the constitutionality of the prohibition on conversion from Islam contained in article 126 of the 1991 criminal code. They argue that it violates article 38 of the interim constitution, which guarantees freedom of religion or belief and states that “no person shall be coerced to adopt such faith, that he/she does not believe in.” Throughout the reporting period, the lawyers were harassed and threatened with death for being “un-Islamic.”
14. The case of Meriam provided international attention to the situation of religious liberty in Sudan. It became apparent that despite the INC 2005 guarantees for religious freedom, several laws and practices were contradicting these fundamental values. Reform has yet to be seen while many religious minorities suffer from convictions based on discriminatory and ambiguous laws rendering religious minorities vulnerable.
15. Again a trial in Sudan received extensive international attention during the summer of 2015. This time it concerned the case of two Sudanese pastors, Pastor Michael and Pastor Reith, accused amongst others of blasphemy, inducement and endangering the unity of the country.

16. Both pastors are from South Sudanese origin and belong to the Presbyterian Evangelical Church Khartoum Bahri congregation. The National Intelligence Security Services (NISS) detained Pastor Michael in December 2014, after recording him urging parishioners at a church service to continue standing firm through the trials they were experiencing. The same month, authorities partially destroyed the church and arrested 37 congregants. Pastor Reith was detained in January 2015. Both pastors were held at an undisclosed location and were not granted access to lawyers and family until March 1, 2015. On that date, they were referred to the Prosecutor for State Security (this is not the normal attorney-general who deals with criminal cases). Afterwards their families and lawyer were able to gain access to them.
17. In July 2015 a list of charges was provided by the court. They are charged under the following articles of Sudan's Criminal Act of 1991:
 - 12 – Right of self-defense
 - 25 – Abetment – inducement to another to commit an offense
 - 50 – Undermining the constitutional system or endangering the unity and independence of the country
 - 53 – Espionage
 - 55 – Unlawfully obtaining or disclosing information or official documents
 - 64 – Agitating hatred
 - 69 – Disturbing the peace.
 - 125 – Blasphemy.
18. Articles 50 and 53 are crimes against the State, and are punishable by a life sentence, the death penalty, or lesser detention and confiscation of all property. Articles 64 may carry a 2 year imprisonment or a fine and article 69 a 6 month imprisonment, fine or no more than 20 lashes. Article 125 is punishable with 1 year in prison, a fine or whipping (40 lashes).
19. On August 5th, 2015 the judge presiding over the case ruled that the Pastors were guilty of lesser crimes and were not required to serve additional prison time. However, upon exiting the country, the Pastors were made aware of a travel ban that was implemented that restricted them from returning to South Sudan. Eventually the travel ban was lifted.
20. Prior to the detainments of Pastor Michael and Pastor Peter, the Evangelical Church in Bahri and other churches in Khartoum have encountered significant difficulties because of the government. According to information we have received, the Ministry of Guidance and Religious Affairs on March 23rd, 2014 called for a synod meeting of the Sudan Presbyterian Evangelical Church and appointed three individual members of that church to a committee tasked with making investment agreements. This was done against the

wishes of the Sudan Presbyterian Evangelical Church, who had earlier fired these member from this committee for fraud and who also does not agree that the government has the authority to appoint officials in the denomination, against the denominations wishes.

21. The Sudan Presbyterian Evangelical Church has started legal proceedings against these 'appointments' and twice the Administrative Court in Bahri has ruled that the activities of this committee should be halted pending these proceedings. Each time the Ministry of Guidance and Religious Endowments simply re-appointed the same officials to the same committee. These officials have since made investment agreements, without approval of the church, to lease part of the Bahri Evangelical Church compound to private investors.
22. Since November 17th, 2014 the authorities have repeatedly used force to try and vacate the premises of the Evangelical Church in Bahri and allow the investors to do construction work on the compound. During these efforts significant damage has been done to the compound, including to the house of the pastor and the church offices and violence was used against Christians who were present on the premises. Also, on November 17th, 2014 three church leaders were arrested and on December 2nd, 2014 the authorities arrested 39 worshippers who were peacefully assembled in the church building on the compound. They were charged with public nuisance offenses and 22 of them received fines.
23. Also in August of 2014 the authorities closed down the building of Khartoum Christian Center and deported its pastor, Mr. Sam Onapa. Earlier the authorities had confiscated the SIM compound in Khartoum, which housed two church congregations, a theological school, a guesthouse and offices used to run these religious activities. According to information we have received these entities were not involved in any illegal activities and were treated this way simply for the peaceful exercise of their religious beliefs.

C. Incidents of Ethnic Cleansing

24. Since June of 2011, the government of Sudan has committed atrocities against the people of the Nuba Mountains. Government warplanes continually drop bombs on the communities, forcing the Nuba people to hide in caves. Further, mines have purposefully been placed on roads and humanitarian assistance by humanitarian relief denied by the government.
25. Human Rights Watch has reported that the government has been dropping Cluster Bombs on the Nuba Mountains, an indiscriminate weapon that has killed, injured, and maimed

thousands while also destroying homes and crops.

26. This year, multiple bombings have been recorded. In February of 2015, four bombs were dropped on villages in Delami and Um Durein counties. On March 6th, 2015 the government dropped two bombs on the village of Tongoli. On April 4th, 2015 another bomb was dropped on Tongoli, killing seven and injuring four. The cluster bombs continue to put the communities in danger following the bombings; the weapons leave remnants including sub munitions that do not explode on impact and consequently become landmines.
27. Since 2011, nearly 1,700 people have been treated by the Nuba Mountains' only surgeon, Dr. Tom Catena, since the violence began with an ever-increasing death toll.

D. Recommendations

28. The Sudanese government should be encouraged to uphold the following treaties to which it is a party of:
 - a. International Convention on the Elimination of All Forms of Racial Discrimination (Adherence date: March 21, 1977)
 - b. International Covenant on Civil and Political Rights, specifically Article 2.1 which states, "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Sudan is also in violation of Article 18 which grants the right to "freedom, either individually or in community with others and in public or private, to manifest [one's] religion or belief in worship, observance, practice and teaching." (Adherence date: March 18, 1986)
 - c. International Covenant on Economic, Social and Cultural Rights, specifically Article 2.2 which states, "The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." (Adherence date: March 18, 1986)
 - d. Convention on the Prevention and Punishment of the crime of Genocide, specifically Article 2(a) and 2(b) which states, "In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
 - (a) Killing members of the group;
 - (b) Causing serious bodily or mental harm to members of the group"