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HUMAN RIGHTS VIOLATIONS AGAINST CHRISTIANS IN SUDAN

BACKGROUND

The current campaign of persecution against Christians in Sudan started after the secession of South Sudan as an implementation of a threat made by President Al Bashir who vowed to apply stricter Islamic laws, to put pressure on Christians and limit the activities of the church. It is also partly to shore up support for the president and his supporters. They came under significant pressure by more hardline elements within Sudan when the South seceded. They were accused of giving away part of Sudan (and valuable parts in terms of oil, fertile land, etc.) to the enemies of the regime. For months there were rumours of a coup against the president. In order to shore up support among those hardliners, the president and his supporters took a much harder pro-Islamic line. As a result; (i) there was a governmental decision that no new permission to build churches will be given (ii) there was a clamp down on expatriate Christians and Christians NGOs - they were ordered to leave the country within 72 hours. In the course of several months (in 2012-2013) almost all of them were removed from Northern Sudan. Some were detained and questioned for some weeks, but most were simply given a time-frame in which they had to leave. (iii) several church and NGO properties were confiscated, (iv) several churches in the capital and elsewhere were demolished and church-affiliated institutions (schools, hospitals etc) which are active for decades were stopped/confiscated.

In recent years, there have been various cases of State harassment of Christians. These include instances of arrest and extended periods of detention on charges ranging from apostasy to espionage, church property confiscation and demolition, violence against and public humiliation of Christian leaders, arrests for 'indecent dress' including a dozen Christian female students (one was sentenced to 20 lashes, although the penalty has not been imposed).

Christians may be the largest of the religious minorities facing violations of their religious freedom but they are not the only minority in this situation. Amongst others, the 'Qur'anists' (Muslims who adhere to the Qur'an but who reject the authority of the Hadith) also face serious violations.

RECENT AND ONGOING CASES

Pastor Michael Yat and Pastor Peter Yen Reith

These two South Sudanese pastors were arrested 14th December 2014 (Pastor Yat) and 11th January 2015 (Pastor Yen Reith). They were detained incommunicado by the National Intelligence and

Security Service (NISS) until 1st March 2015. They were charged on 4th May 2015 with the following articles from the Sudanese penal code:

- 21 – Each accused person is responsible for joint criminal acts.
- 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

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. Article 55 is also a crime against the State and may carry 2 years' imprisonment and or a fine. Articles 64 and 69 may carry a two year jail sentence. Article 125 is punishable with one year in prison, a fine or whipping (40 lashes).

On 19th May, 31st May, 1st June, 15th June, 18th June and 25th June the court heard evidence against the pastors. On 2nd July, 2015 the pastors were questioned by the judge. The judge's questioning focused on why they were involved in Christian ministry, given that Sudan is an Islamic country. The judge then ruled that the pastors would be charged with all the charges listed against them and that the case would proceed.

On 5th August, the judge convicted Pastor Yat and Pastor Yen Reith of other charges that had not been brought against them previously. Pastor Yat was convicted under art. 69 of the penal code (disturbing public peace), and Pastor Reith under art. 65 (establishing or participating in a criminal or terrorist organization). However, the sentences they were given amounted to time already serve in prison and they have been released. Given the embarrassment this case was causing the Sudanese Government due to the international attention and pressure, this ruling could be seen as a 'face saving exercise'.

Early on 6th August, the two men went to the airport to travel out of Sudan. They were not allowed to travel and were informed of travel bans which were still in force. The lawyer has returned to the judge presiding over this case and asked for the bans to be lifted. Eventually, on 20th August 2015, the court revoked the ban, but the NISS has appealed against this decision. The procedure to lift the ban was taking longer than expected and so the pastors took the decision to circumvent the ban and leave Sudan before the ban was lifted, travelling initially to South Sudan before onward travel out of that country. Their departure from Khartoum took place on 19th August 2015.

After their departure from Sudan, the NISS appealed the court's ruling. This appeal was successful and there is an existing warrant for the pastors' arrest. Therefore they cannot return to Sudan.

Bahri Evangelical Church

The Sudanese Government uses two methods by which it seeks to confiscate and / or demolish church properties.

The first is in collaboration with corrupt or corruptible church officials who they appoint to positions within the church wherein they can sell off church land and property. By using this method, the Sudanese Government when accused of human rights violations can deny such criticisms and claim that these are cases of internal dispute within the church.

The second is by claiming that the churches do not have the appropriate licences. No buildings in these areas, including mosques, hold licences. The Government also ceased issuing licences for churches when South Sudan seceded, justifying this by suggesting that there were very few Christians left in Sudan and therefore no need for new churches. This is a problem faced by a wide variety of Christian denominations.

The case of Bahri Evangelical Church is an example of the first method. On 17th and 18th November 2014 the authorities arrived at Khartoum Evangelical Church in Bahri, part of the greater Khartoum area, to assist 'investors' in taking possession of property on the church compound. In the course of their activities the authorities severely damaged parts of the compound which are not claimed by the investors such as the pastor's residence and office. On 27th November, the authorities came back and briefly detained three Church leaders at the same church who prevented the authorities from clearing the compound.

A court had ruled that part of the compound had been leased by the investors for investment purposes. The church strongly contests this. The contested part of the compound was leased by corrupt church officials who were forced upon them by the authorities, but who are not recognized by the church.

These corrupt church officials were part of a committee in the denomination to which the church in Bahri belongs (the Sudan Presbyterian Evangelical Church) that was tasked with seeking investments. In 2013, the church discovered they were committing fraud and fired them. Subsequently these officials went to the Government and asked for their support.

On 23rd March 2013, The Ministry of Guidance & Religious Endowments called together a synod meeting of the Sudan Presbyterian Evangelical Church and re-instated the fired officials to the investment committee. This was rejected by the denomination - firstly, because the Government has no authority to call for a synod and appoint people to positions in the church (only the synod itself can do so), and secondly because these people had been fired for fraud.

On 13th May 2013, after the church had refused to acknowledge this newly 'appointed' committee, the Ministry of Guidance and Religious Endowments issued a statement that this committee was recognized as an official body within the denomination and that its agreements were legally valid.

The investment agreements at the heart of the current situation were signed after 13th May, 2013.

Since September 2013, the Sudan Presbyterian Evangelical Church has twice filed a case in the Administrative Court in Bahri to halt the activities of this committee, since they have not been appointed properly. In both cases the judge ruled that the activities should be frozen until a final ruling in this case. Both times the Ministry of Guidance and Religious Endowments simply re-appointed the same people to the same committee.

On 18th February 2015, there was another attempt by Sudanese authorities to handover possession of the premise of Bahri Evangelical Church in Khartoum. The church filed an appeal against this action.

On the morning of 2nd December 2014, the authorities arrested 39 members of the church. The police broke down the door to the church and found more than a hundred Christians inside who were praying and singing. They arrested 39 of them on the accusation of disorderly conduct and being a public nuisance.

The authorities then divided the detainees in three groups and brought them before other courts in Khartoum (so-called Public Order courts). In one case the judge ruled there was insufficient evidence and he acquitted all the defendants (15 people). A second group, brought before a different court, was

found guilty and was ordered to pay fines (12 people). In the third group, two people were acquitted and 10 people were ordered to pay a fine.

Whilst this land grab, destruction of property and harassment of Christians has been continuing for a number of years, this is still an ongoing case.

Pastor Hassan Abduraheem Kodi Taour, Mr. Abdulmonem Abdumawla Issa Abdumawla, Rev. Kuwa Shamal Abazmam Kurri, and Mr. Petr Jašek

On 12th December and on the 17th December 2015 respectively, Mr. Jašek and Mr. Abdumawla were arrested and detained. On 18th December, 2015, NISS officers arrested two pastors from the Sudan Church of Christ (a denomination whose members originate predominantly from the Nuba Mountains in Sudan): Rev. Shamal (the head of the denomination's mission committee) was arrested at his home in Bahri (Khartoum North) and Rev. Taour (the denomination's vice-moderator) was detained at his home in Omdurman.

The four men were detained while the NISS conducted an investigation into them which focused around the activities of Mr. Jašek, a Czech aid worker, and files found on his computer. Mr. Jašek had provided funds to a man named Mr. Ali Omer who had suffered severe burns during a student protest, for the purposes of medical treatment. The man had conducted a video interview with Mr. Jašek and Mr. Abdumawla had provided the translation. Both Rev. Taour and Rev. Kuwa Shamal had attended a meeting abroad where a picture was shown of Mr. Ali Omer after he was attacked. When Mr. Jašek visited Sudan and gave money for medical treatment for Mr. Ali Omer, Rev. Taour signed the receipt for the money.

The trial eventually started on 21st August 2015. Mr. Jašek was charged under the following articles of Sudan's penal code:

- 51 – Waging War against the State
- 53 – Espionage
- 57 - Entry and Photograph of Military Areas and Equipment
- 63 – Calling for opposition of the Public Authority by Violence or Criminal Force
- 64 – Agitating hatred between classes

He was also charged under the Sudan Voluntary Work Act Art. 23 (working for an NGO without the proper registration in Sudan), and the Immigration Act Art. 30 (alleged illegal crossing from Southern Sudan into Northern Sudan).

The other three defendants were charged as co-offenders in all these charges under Art. 21 of the Penal Code (Each accused person is individually responsible for joint criminal acts.)

Finally, only Mr. Jašek was charged under Art. 66 of the penal code (Criminalises the spreading of rumours that cause fear or undermine the respect of the State). Articles 51 and 53 are punishable by the death penalty or a life sentence. The remaining charges are punishable by sentences between 1-10 years' imprisonment and/or a fine.

The complainant, Dr. Abas al-Taher al-Abas (a notorious, high ranking NISS officer who is responsible for dealing with Christians) and one of his colleagues called al-Taher Musa al-Hassan, gave testimony against the defendants. Dr.al-Abas stated that, in the last few years, the NISS had closed many organizations and removed many Christians from the country who were “acting against the interests of the state”.

On 2nd January 2017, the judge announced his decision to release Rev. Shamal due to lack of evidence but he decided to continue the prosecution against the three other men.

On 29th January, after a lengthy trial with a variety of delays and postponements and during which no evidence was brought to back up these charges, the judge handed down his sentence. Mr. Jašek was sentenced according to Sudan's Penal Code of 1991 to:

- life imprisonment for Art. 53 (espionage) [in Sudan a life sentence equals 20 years' imprisonment]
- one year for Art. 57 (Entry and Photograph of Military Areas and Equipment),
- one year for Art. 64 (Inciting strife between communities),
- 6 months for Art. 66 (Spreading rumours that undermine respect for the state),

He was also sentenced to:

- one year for Art. 30 of the Immigration Act (Illegal entry into Sudan)
- a fine of 100,000 SDG for Art. 8 and 23 of the Voluntary Work Act (NGO work without a permit)

Rev. Taour, Mr. Abdumawla have been sentenced to:

- 10 years for Art. 25, 26 and 53, (espionage), n.b. Art. 26 states that if a person aids someone in the commission of a crime he shall be subject to the provisions of art. 25 (abetment). Art. 25 says persons who abets others to commit a crime should be sentenced as if they committed the crime themselves. Therefore Rev. Taour and Mr. Abdumawla are sentenced for aiding and abetting Mr. Jašek in committing espionage
- one year for Art. 64 (inciting strife between communities),
- one year for Art. 66 (Spreading rumours that undermine respect for the state). n.b. Art. 66 specifically states that 6 months is the maximum penalty for this crime

The lawyers filed an appeal on 9th February.

On 26th February 2017, Mr. Jašek was released and handed over to the visiting Czech Minister of Foreign Affairs having received a Presidential pardon. He has now returned to the Czech Republic. This was the result of agreements and arrangements made between the Czech and Sudanese Governments in early February.

Mr. Abdumawla and Rev. Taour continue to be detained while they await the verdict of the appeal.

Demolition Order - 27 Churches

In a current example of the other method of church confiscation and demolition, 27 churches have been scheduled for demolition. In 2016, three churches received a notification that they were scheduled to be demolished. When they went to protest, the court forced the authorities to produce a copy of the order for the demolition. At that stage it came to light that it wasn't three but 25 churches that were scheduled to be demolished. Earlier in 2017, two more churches, one in Soba al Aradi and one in Jebel Awlia were added to the list. Lawyers are continuing to fight the scheduled demolitions in court. The orders have been stayed during the proceedings by the judge. The two most recent hearings have been postponed. No new date has been set for the next hearing.

PERPETRATORS

There appear to be significant tensions and ‘behind the scenes’ conflict between parts of the Sudanese Government (in particular the Ministry of Foreign Affairs) and the National Intelligence and Security Services (NISS) which is the intelligence service of the Government and which operates as a secret police force. The NISS has extensive powers.

The NISS tend to be the instigators of violations against the Christian community of Sudan and they have a specific department which perpetrates such activity. Within the leadership of this department is a man called Dr. Abas al-Taher al-Abas (who also uses the name Saad) whose name regularly comes up as the leading investigator and interrogator in cases where Christians are being harassed and detained. He was the main complainant in the most recent trial – that of Rev. Taour, Mr. Abdumawla, Rev. Shamal and Mr. Jašek. Dr. al-Abas may hold the rank of Colonel or Brigadier-General in the NISS. He has made use of broad powers of surveillance, arrest, interrogation and harassment of Christians. It would seem that he is very powerful. He has been known to inform his detainees that he has unlimited powers which go beyond any legal mandate, or any political influence.

The Government faces international pressure when these trials occur and they consider these cases a barrier to their ambitions of better relations with the international community. The Ministry of Foreign Affairs has intervened in a number of cases to make these problems ‘go away’.

These interventions don’t go so far as to address the underlining laws (such as laws on blasphemy and apostasy) or policies (which target churches and Christian communities). Nor do they curb the power or activities of the NISS.

RECOMMENDATIONS

The Sudanese authorities have made great efforts to collaborate with the US and others in relation to security and other strategic matters such as migration. It is clear that the Sudanese Government desires better relations with the international community, and all the benefits that this affords. However, there have been no notable improvements in the human rights situation in Sudan. MEC would recommend that the international community continues to use all available levers, including sanctions, in pressing the Sudanese Government to make the necessary improvements to human rights and religious freedom in Sudan.

ABOUT MIDDLE EAST CONCERN

Middle East Concern (MEC) is an association of members which has served for more than 25 years to promote freedom of religion and belief, with a special focus on the Christian communities, in 24 countries and territories across the Middle East and North Africa. MEC provides support on a case-by-case basis to those who are marginalised, discriminated against or persecuted for being or becoming Christians. MEC provides practical support in a wide variety of ways and, where appropriate, informs and mobilises our global political networks to respond to human rights abuses.