



Samaritan's Purse

June 29, 2017

The Honorable Rex Wayne Tillerson
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Tillerson,

As the State Department is currently focused on analyzing the actions of the Government of Sudan and the future of U.S. policy, we urge you to consider issues relating to religious freedom and the persecution of religious minorities in Sudan as part of any strategic review relating to U.S. policy.

A substantial minority of Sudanese do not follow the state-endorsed school of Islam. This group includes Shia Muslims, Qu'rans Muslims, various denominations of Christians, and followers of traditional religions in the Nuba Mountain districts of Kordofan and the southernmost parts of the Blue Nile. Sudan's discriminatory laws restrict the freedoms of minority groups and deprives them of their constitutional rights.

Sudan's constitution guarantees the freedom to worship and establish and maintain places of worship. However, the reality is that members of religious and ethnic minority groups face discrimination and harassment. In particular, those living in conflict areas mainly in South Kordofan and Blue Nile are particularly vulnerable to religious based discrimination as a mechanism to create fragmentation between groups and thus exert state control.

Sudan has been designated a Country of Particular Concern by the U.S. State Department since 1999, with the U.S. Commission on International Religious Freedom recommending that Sudan remain on the list in its 2016 review. This critical issue of religious freedom must be addressed in U.S. policy, and we urge the State Department both to be cognizant of this issue in relation to its current reporting as well as create a new track engagement with the Sudanese Government that is centered on issues of peace and human rights that fully addresses the conduct of the Sudanese Government in relation to religious freedom and the persecution of religious minorities.

We have highlighted a number of areas of concern related to religious freedom and persecution as well as actions we believe the Sudanese Government must take:

Freedom of worship

In February 2017, the Sudanese government issued an administrative decree for the demolition or seizure of 27 churches in the State of Khartoum. The decree was justified on the ground of 'construction irregularities.' However, it follows a trend of state-endorsed destruction of Christian places of worship and the harassment of church leaders. A joint case was brought by those churches scheduled for demolition, yet the demolition of churches began even before the verdict had been formally delivered and an appeal could be lodged.

On April 4, 2017, a church elder, Mr. Yonan Abdullah, was killed after being stabbed during a raid on the Sudanese Evangelical Church School, one of the churches that had been identified for demolition. Members of the congregation had been holding a peaceful gathering in protest against attempts to evict them, following an earlier raid where members of the police had beaten the congregation with water pipes and arrested 26 people.

Many of the churches cited for demolition in the decree are well established and have been in use for up to 30 years. There is no possibility of the demolished churches being replaced since in July 2014, Sudan's Minister for Religious Guidance and Endowments announced that the government would no longer issue permits for the building of new churches, stating that existing churches were sufficient for the Christian population living in Sudan following the secession of South Sudan in 2011. Since it is also illegal to assemble in public without permission from the government, the restrictions have the effect of preventing Sudanese Christians from congregating to worship.

Apostasy

Article 126 of the Sudanese Criminal Code specifies that any Muslim who declares publicly that she or he adopts any religion other than Islam is guilty of apostasy, a crime punishable by death. In 2014, Meriam Ibrahim was charged with apostasy and sentenced to death by hanging for refusing to renounce her Christian faith. Ms. Ibrahim was only released under extensive international pressure, after giving birth in prison without access to proper medical treatment.

Even after so much international attention on this case, the Sudanese authorities have continued to charge individuals with apostasy, often using it as a means of intimidation and control. For example, Mohamed Salih, a secular political activist, made a request to the Civil Registry to have his stated religion removed from his identification papers. On May 8, 2017, Mr. Salih was arrested for apostasy, facing a potential death sentence. He was held for 3 days and after substantial coverage of his arrest in Sudan he was announced mentally unfit and released, a decision that was made without a full and independent health assessment.

Despite repeated recommendations from members of the international community for the abolition of the apostasy law, in February 2015 the Sudanese parliament broadened the definition of apostasy under Article 126. A charge of apostasy can now be brought against Muslims whose beliefs and practices are not in line with the government interpretation of Islam.

Detention and harassment

Individuals who have criticized the government's destruction of places of worship have been subjected to harassment. For example, the head of Sudan's Council of Churches, Reverend Mubarak Hamad, called on Sudanese authorities to reconsider their decision to demolish churches during a press conference on February 11, 2017. He was subsequently summoned to report to the National Intelligence and Security Services (NISS) offices from 8 a.m. to 9 p.m. on a daily basis until the order was lifted on February 26,

2017. Reverend Hamad has been ordered not to speak in public about the church demolitions or the imprisonment of church leaders without authorization.

Arrests and forced detentions are often used to silence criticism of the Sudanese government's treatment of religious minority groups. In January 2017, Hydier Alsai, Secretary General of the Republican Party, and his wife Huda Kambal, Head of the Republican Party's Women's Committee, were ordered to report to NISS daily, where they were subjected to up to 11 hours of interrogation about their religious beliefs and affiliations to the Republican Movement – a banned religious group. Their detention coincided with the anniversary of the movement's founder Mohammed Taha, who was sentenced to death by hanging and executed for apostasy on January 18, 1985. Members of the Republican Movement have historically commemorated this date with peaceful protest, but nonetheless face legal harassment and reprisals every year.

Charitable and humanitarian institutions with religious affiliations

The NGO Act controls and restricts NGO activity resulting in excessive executive control over the work of NGOs. All funding must be approved by the Humanitarian Aid Commission (HAC) and foreign funding must be approved by the Minister of Humanitarian Affairs. This constitutes an unreasonable interference in the activities of religiously affiliated NGOs and donors by the Executive. It is also practically unworkable.

While using legal restrictions to stifle charitable organization that are not affiliated with the version of Islam endorsed by the regime, the government goes to exceptional length to grant special privileges and protections to charitable organizations that are affiliated with the ruling Islamist movement. The Islamic Daawa Organization Act (1990) allows the Islamic Daawa Organization immunities and privileges which are not granted to other non-Muslim bodies, including preventing anyone from entering its headquarters unless they have previously obtained written permission from the organization's executive director or his designee. In addition, the organization's buildings and real estate are not subject to nationalization, seizure or search, except with its consent and the organization's archives, correspondence, and parcels are immune from being searched, opened or confiscated except with the permission of the organization.

Due process

Defendants in cases related to freedom of religion are usually tried by public order courts where due process is not adhered to, including the right to a lawyer and a fair trial. These courts do not meet Sudanese or international fair trial standards. Defendants are often tried immediately or within a few days of being arrested. Judges issue summary rulings and defendants are often flogged on the spot and are frequently denied the right to appeal the decision. Defendants have limited access to defense counsel. In many cases contact with friends or relatives is prevented. Judges also do not inform the accused about the appeals process.

Moving forward

International pressure can be successfully deployed to address religious freedom and persecution in Sudan. In March 2017, a European Union envoy for freedom of religion and belief visited Sudan. During this time, the envoy met with Petr Jezek, a Czech Priest who had recently been released from prison following a presidential pardon. Rev. Jezek had been arrested along with Rev. Hasan Abd Al-Rahim and Mr Abd Al-Mawla in December 2015 and January 2016. They were convicted on charges of 'inciting hatred between sects' and 'propagating false news', after they provided funds for medical treatment to

a Darfuri student who had been seriously injured during student protests in 2013. During its visit, the European envoy joined international calls for the release of Rev. Hasan Abd Al-Rahim and Mr. Abd Al-Mawla, and both were subsequently pardoned in May 2017.

A new policy track between the U.S. and Sudan should be created related to peace and human rights that could help ensure that fundamental rights are being addressed. Targeted network sanctions, focused on those officials most responsible for religious discrimination plus their businesses and collaborators, should be deployed in support of this track. Furthermore, no decision should be reached on permanently lifting sanctions on Sudan until the Sudan government takes the following actions:

- Amend Sudan’s laws, including the Public Order Law, Personal Status Law and Criminal Law, so that they comply with Article 27 a, b and c of the Constitution, and with Sudan’s international human rights obligations.
- Repeal Article 126 of the Sudanese Criminal Law, on apostasy, to bring it in line with international law regarding the freedom to change one's religion.
- Guarantee freedom of association, freedom of assembly and freedom of expression for all Sudanese citizens and residents, and to take measures to actively protect those rights for minority groups, in accordance with international human rights law.
- Cease and investigate the widespread practices of intimidation and harassment of non-Muslims, and recognize in law the right to freely express one’s religion privately and in public.
- Cease the demolition of churches and provide adequate protection where they are in danger of being subject to violence. Also abolish limitations placed on the construction of new places of worship.
- Remove travel restrictions placed on Sudanese and foreign religious officials.
- Revise the Organization of Prisoners and Treatment of Inmates Act (1992), so that any early release is not applied in a discriminatory manner.

We are hopeful that the State Department will consider the actions of the Sudanese Government related to religious freedom as it currently focuses on determining U.S. policy toward Sudan and ensures that until these issues are fully addressed that the United States is using all the tools at its disposal to press for fundamental change in the regime’s practices.

Sincerely,

Enough Project

Ethics and Religious Liberty Commission of the Southern Baptist Convention

Foundation for Defense of Democracies

National Association of Evangelicals

Samaritan’s Purse

Sudan Relief Fund

Sudanese Human Rights Initiative