

The situation of human rights in the Republic of Sudan

1. This is a statement by Christian Solidarity Worldwide (CSW) on the situation of human rights in the Republic of Sudan, with an emphasis on the right to freedom of religion or belief (FoRB).
2. Significant political change has taken place in the past year. In April 2019 President Omar al Bashir was removed from office and replaced by a Transitional Military Council (TMC). Following months of negotiation, civilians who led demonstrations across Sudan formed a joint transitional administration that has been in power since September 2019. Its formation followed 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. When taking office President Hamdouk Abdalla prioritised resolving the country's chronic conflicts, reforming the economy and political reforms.
3. The Office of the High Commissioner for Human Rights (OHCHR) has begun to establish its country office in Sudan; currently four international staff and three national staff have been recruited. The OHCHR has a department designated for FoRB, which CSW welcomes.
4. However, Sudan's human rights situation remains concerning.

The current political landscape

5. 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.
6. The RFS 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 General Intelligence Services (GIS) and the army. RFS violence against civilian has increased significantly. Recently, its intelligence services carried out arrests and detentions in several states, leading to torture and enforced disappearances.
7. 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 Central Council for the Forces of Freedom and Change 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.
8. 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 taking decisions without considering the FFC's opinion - the appointment of governors being one example.
9. This, coupled with the dire economic situation, allowed the army to extend its control and weakened the civilian government.
10. 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 that the FFC in South-Kordofan agreed on. He was also the only Christian among 18 candidates. On 22 July, 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 Sovereignty Council, of rejecting his candidature.
11. On 5 of August 2020, the Prime Minister spoke of the need for a National Assembly, which should have been established no more than 90 after the signing of the Constitutional Charter. A year later, the National Assembly is yet to be established.
12. On 17 August, 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. He later promised to investigate the incident.
13. CSW remains concerned by the excessive crackdown on protestors and continuing incidences of torture and enforced disappearances. We urge the HRC to remind the Transitional Government of its obligation

to protect and uphold the rights of all citizens, including the right to peaceful protest.

Peace talks in Juba, South Sudan

14. On 5 August, the Prime Minister announced a peace agreement would be signed within weeks with the Sudan Revolutionary Front. Most details have been agreed. Outstanding security arrangements are currently under discussion.
15. However, the Sudan People's Liberation Movement/North (SPLM/N) led by Abdelaziz Adam 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 20 August statement¹, SPLM/N accused the RSF of committing crimes against civilians across Sudan. The mediation team ignored this, and negotiations began on 20 August.
16. The peace process will remain incomplete until the two movements participate. El-Hilu has the largest army, controlling and fully administrating part of South Kordofan, while Abdul Wahid has the most popular support in Darfur's IDPs camps.
17. In many states, and particularly Darfur, there is insecurity. In Fata Borno, North Darfur, 10 people died and 17 were injured on 13 July; in Masteri, Western Darfur, 61 persons died, 88 injured, approximately 1,500 accommodations burnt and many were displaced on 25 July, and in Aboudous in Greida, South Darfur, 18 people died and 21 were injured between 24–25 July. Each attack was committed by Arab tribes and the RSF (Janjaweed). So far, no one has been prosecuted.
18. In East Sudan, Port Sudan and Kassala, conflicts have occurred between the Nuba and Bani-Amer tribes. In New Halfa, a village in Kassala, two people were killed and 28 other wounded in an attack.

Freedom of religion or belief

19. While the creation of the National Commission for Religious Freedom and legislative amendments are important developments, implementation will be pivotal. Many legal reforms remain outstanding, including of Muslim Family Law, which discriminates against non-Muslims. We remain concerned by continued death threats against church leaders, and

attacks on churches and Christians from South Sudan.

20. Additionally, violations committed against Christian and their properties prior to the 2019 Revolution remain unaddressed. The Minister of Guidance and Endowment (MoGE), according to reliable sources, is not willing to make changes, making promises without action. 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 last year's nationwide demonstrations. All found complicit in human rights violations must be held to account.
21. The department of Christian Affairs within the Ministry, formerly dominated by National Intelligence and Security Service (NISS), has yet to begin its work; the Minister of MoGE wants to pass the department's regulations before making appointments. In August, a draft was issued by the Ministry to churches for review and comment. CSW welcomes this step, which recognises 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 not so welcome development, the draft also contains articles giving the Ministry the ability to interfere in church affairs.
22. On 13 July 2020, the Sovereignty Council and Ministry Council passed amendments on laws pertaining to FoRB. The most important were the abolition of Articles 5-53, which were formally used to arrest religious leaders.
23. Also, in the Criminal Act, Article 126 on apostasy was abolished on 10 July, and replaced by a new article criminalising "Takfir" (excommunication).
24. However, discrimination based on religion or belief remains. For example, Article 79 only allows non-Muslim to make, sell, store or drink alcohol, while Article 125, criminalises only non-Muslim. Unified standards should be applied to all. Such articles also appear to mark non-Muslims aside as disreputable in the eyes of radical Muslims, leaving them more vulnerable to attacks and harassments, especially

¹ Statement by the SPLM-N, published on Facebook, 20 August 2020,
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under the current tense circumstances. Many Christians leaders are angered by these amendments.

25. The Ministry of Justice has 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 the bottom up approach is important to the success of the Transitional Government and the reform process.
26. On 27 July, the SPLM-N led by El-Hilu and the elected SPA signed the Declaration of Principles. Most of the principles pertaining to FoRB clearly state that Sudan must be a secular state to ensure everyone can enjoy the right to freedom of thought, conscience religion and belief, regardless of creed.

Recommendations

To the Human Rights Council (HRC):

27. Ensure Sudan's new constitution, reformed domestic legislation, policy and practice are consistent with, and reflect 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 party.
28. Urge Sudan to sign and ratify the Rome Statute and to fully cooperate with the International Criminal Court (ICC).
29. Urge Sudan to sign and ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention against Torture (CAT), and to issue a standing invitation to Special Procedures of the HRC.
30. Urge Sudan to establish a National Assembly, guaranteeing representation for women, minorities and all religions and beliefs.
31. Urge Sudan to support an independent investigation into the attacks on peaceful civilian protestors between December 2018 and August 2019.
32. Urge Sudan to return property seized from religious groups or sold illegally, and review 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.

33. Urge Sudan to permit independent investigation into the reported mass rapes in Tabit, and ensure that incidents of violence against Darfuri students are fully investigated and ended, including violence perpetrated or initiated by GIS.
34. Call for an end to the targeting of civilians and civilian facilities in South Kordofan and Blue Nile, the granting of unhindered access to humanitarian agencies to these areas, and permitting UN special mandates to access the two areas for human rights monitoring.
35. Adopt a resolution allowing for annual independent reports from an individual or body mandated to monitor, investigate and verify reported abuses, and make recommendations.