

# Universal Periodic Review of Sudan • 3<sup>rd</sup> cycle 2021

## Freedom of religion or belief, enforced disappearances, and the security of persons and violation by state agents

This fact sheet is prepared by a coalition of two civil society organisations, HUDO Centre<sup>1</sup> and Waging Peace<sup>2</sup>, whose engagement with the Universal Periodic Review of Sudan includes a submission referenced in the stakeholder summary, and the appearance of the HUDO Centre's Executive Director during the pre-session event organised by UPR-Info



**WagingPeace**

<sup>1</sup>The HUDO Centre is an independent, non-government, non-partisan and non-profit making Sudanese organization based in Kampala, Uganda. HUDO monitors the human rights situation in Sudan. This includes conditions and rights of civilians in conflict areas, religious rights, freedom of expression, observing human rights-related court trials, and other violations. Monitoring is focused on areas under control of the Sudan government in South Kordufan and Blue Nile States, together with IDPs from the Two Areas. HUDO was registered in Sudan on 25 October 2009 but the license was revoked in 2011, which forced HUDO to move Uganda, where it has been registered since 2013. For more information visit [www.hudocentre.org](http://www.hudocentre.org)

<sup>2</sup>Waging Peace was founded in 2004, and documents human rights abuses in Sudan with the aim of raising awareness of such abuses in the British establishment and public. They support Sudanese asylum-seekers, refugees, and wider UK-based community to build meaningful lives. They also convene a UK working group bringing together partners from NGOs, humanitarian agencies, think tanks and foundations working in the humanitarian, development, human rights, peace-building, and foreign policy sectors. For more information visit [www.wagingpeace.info](http://www.wagingpeace.info).

## National Framework

On 10 August 2021, Sudan ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) with reservations of article (30) paragraph (1), and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) with reservation of article (42) paragraph (1). Sudan also made partial reforms to the Sudan National Commission for Human Rights (SNCHR), removing the penalisation of apostasy from the penal code. However, the Optional Protocol of CAT (Op CAT) has not been ratified, and this is worrying given Op CAT experts can provide technical assistance in areas like prison monitoring, making CAT actually operationalisable. Similarly, the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is welcome, but reservations, notably to Article 2, render ratification effectively meaningless and unable to protect women.

Little reform has been made to the National Intelligence and Security Service (NISS), and the institution uses similar tactics even under the name the General Intelligence Service (GIS). Progress remains unclear while meaningful security sector reform is on pause, and while impunity for the largest of crimes like genocide, war crimes and crimes against humanity is still a major issue, given the failure to send International Criminal Court indictees to The Hague or to re-sign and ratify the Rome Statute.

Despite the ICPPED ratification, enforced disappearances are still ongoing, accompanied by other violations, particularly in conflict areas. Protests are still violently suppressed, and political activists and journalists arbitrarily detained, sometimes incommunicado. Cruel, inhuman, and degrading punishment remains in use, for instance, in June 2021, a court in Khartoum sentenced a man to the amputation of his right hand and left foot for committing theft, under article (168) paragraph (B) of Sudan penal code 1991.<sup>3</sup> The SNCHR has been centralised in Khartoum, and its limited budget hinders the monitoring it is able to perform in conflict areas.

We believe the following are priority areas for consideration during the Review process, given their impacts on affected communities.

### We take as our themes:

#### Freedom of religion or belief

**Enforced disappearances**, and the

#### Security of persons and violation by state agents

(mostly in the Two Areas of Nuba Mountains and Blue Nile State)

While we recognise that the reporting period for this cycle began in 2016, both in our submission in the stakeholder summary, and in this fact sheet, we limit our examples to those since the ouster of the former regime of ex-President Omar Al-Bashir and his replacement with the Transitional Government. We begin this document with a summary table of the recommendations made to and accepted or otherwise by Sudan, and their current status with regards to implementation.



<sup>3</sup>The mentioned article says: "Amputation of the right hand and the left foot if his action results in serious harm or robbery of money that reaches the limit of hadd theft" (unofficial translation).

## Freedom of religion or belief

### Italy and Australia

**RECOMMENDATIONS:** Revise the 1991 Penal Code and abolish the penalization of apostasy  
**ACCEPTANCE:** Supported • **STATUS:** Implemented

### Honduras

**RECOMMENDATIONS:** Adopt measures in the legislative and political spheres, including appropriate budget allocation, to guarantee, prevent and eradicate discrimination on religious grounds, ethnic composition, gender or sexual orientation  
**ACCEPTANCE:** Noted • **STATUS:** Not implemented

### Spain

**RECOMMENDATIONS:** Make progress towards the abolition of the crime of apostasy and the elimination of other laws and practices contrary to freedom of religion and/or belief  
**ACCEPTANCE:** Supported  
**STATUS:** Partially implemented

### Slovakia

**RECOMMENDATIONS:** Take effective measures to respect the right to freedom of religion without discrimination  
**ACCEPTANCE:** Supported  
**STATUS:** Not implemented

## Enforced disappearances

### Costa Rica

**RECOMMENDATIONS:** Concretize the visit of special procedures on racism and enforced disappearances  
**ACCEPTANCE:** Supported  
**STATUS:** Partially implemented

### Niger, Honduras and Slovakia

**RECOMMENDATIONS:** Ratify the International Convention for the Protection of All Persons from Enforced Disappearance  
**ACCEPTANCE:** Supported • **STATUS:** Implemented

### Kenya

**RECOMMENDATIONS:** Conclude the ratification of the remaining instruments in particular the Convention against Torture, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Elimination of All Forms of Discrimination against Women, which have been pending since the 2011 review  
**ACCEPTANCE:** Noted • **STATUS:** Implemented

### Burkina Faso

**RECOMMENDATIONS:** Consider ratifying the Convention against Torture and its Optional Protocol, the Convention on the Elimination of All Forms of Discrimination against Women (Op CAT), the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the International Convention for the Protection of All Persons from Enforced Disappearance  
**ACCEPTANCE:** Supported • **STATUS:** Implemented

## Security of persons and violations by state agents

### Spain

**RECOMMENDATIONS:** Ratify the Convention against Torture, and prohibit corporal punishment, present in legislation, in the penal system  
**ACCEPTANCE:** Noted • **STATUS:** Partially implemented

### New Zealand

**RECOMMENDATIONS:** The government ends violent suppression of protesters, and arbitrary detention of political activists and journalists  
**ACCEPTANCE:** Supported  
**STATUS:** Partially implemented

### Ghana

**RECOMMENDATIONS:** Consider ratifying Op CAT  
**ACCEPTANCE:** Supported  
**STATUS:** Not implemented

### Poland, Lebanon, South Africa, Honduras, Czechia, Togo, Italy and Guatemala

**RECOMMENDATIONS:** Ratify Op CAT  
**ACCEPTANCE:** Noted • **STATUS:** Not implemented

**CHALLENGE:**

**Unfair representation of Christians over Christian affairs**

**CHALLENGE:**

**Lack of recognition of non-Muslim rights**



**Impact:**

There is no Christian among the Ministry of Religious Affairs and Endowments executive staff, though they employ a Christian ministry consultant (Mr. Boutros Badawi) without an executive role.

This consultant recently shared his grievances at having been sidelined in the Ministry with the public via Facebook. He said he had been struggling to make his voice heard.

**Following this he was assaulted and intimidated. On 2 July 2021, four armed people (wearing masks) attacked him in Khartoum town, reasoning their attack to his Facebook activity. A case was filed against Anonymous with the police, but no steps were taken by officials to investigate.**

**Impact:**

**Many requests were submitted by Christians for erecting new churches but such requests were either ignored or denied by the relevant authority.** For example, in January 2021, the request to rebuild a church belonging to the Sudanese Church of Christ (SCOC) in Tambul, Al Jazeera State, after it was destroyed in an arson attack, was met with a written rejection letter issued by the locality authority, and no action was made by the Ministry of Religious Affairs and Endowments against the decision.

On 19 February 2021, the head of Christian youth in Al Jazeera state (Mr. Osama Saeed), who was following developments with the destroyed church in Tambul was abducted, tortured, and dumped in an open area in a bad condition by GIS Officers. Mr Saeed was told by the officers to stop advocating for the building of the church as the security committee in the area had decided the presence of a church would 'dismantle the social fabric, disturb the public, threaten security and stir up strife.'

The SCOC is a predominantly Nuban denomination which has experienced both religious and ethnic discrimination. Three churches in Blue Nile State were burnt down on two occasions, in incidents left uninvestigated.

The Ministry of Finance was reluctant in exempting Christian books (including the Bible) from taxation, while Islamic texts are exempted. Bibles have been blocked from being released by relevant authorities in El Fashir town for two years due to claims of not being tax exempt.

There was a huge campaign against the churches and Christian leaders during the former regime, mostly targeting Sudanese Church of Christ and Evangelical churches, in which more than ten churches were destroyed, plots of land were confiscated, and church properties were forcibly rented to NISS officers or businessmen allied to NISS.

Many church leaders and members were arrested, and in some cases tried before the courts without due process being followed.

The former regime deliberately provoked fragmentation within the Christian community in order to hide the role of the state in these conflicts and argue that they were caused by internal conflicts within the church.

Insufficient action has been taken by the current transitional government to restore assets confiscated by the former regime, or address the legal anomalies created by the previous regime that exacerbated tensions within the Christian community.

By legal anomalies we acknowledge the establishment by the former regime of rival government-aligned committees authorised by the Ministry of Religious Affairs and Endowments to act on behalf of denominations instead of the legitimate committees elected in accordance with the procedures of each church denomination. It was these government-aligned committees who entered into lucrative contracts with NISS and other Muslim investors. **The transitional government should attempt to disentangle this web of illegitimate and 'bad faith' actors.**

The revision of the Sudanese school curriculum is needed, as it is currently based on Wahabism and notions of Arab supremacy, discriminating against non-Muslims, other Muslim sects, and non-Arabs.

Currently, traditional African worshippers must study either Islam or Christianity on a mandatory basis, and all university students are obliged to study Islamic culture. **Extremists must drop pressure to such curriculum changes, and reform must be accompanied by adequate budget and resource allocation.**

After the secession of South Sudan in 2011, the Sudan government denied a sub-tribe of Broun (Dar Shageya/Maban) the right of nationality, yet it allowed them to vote in the 2015 election. Many attempts have been made by this sub-tribe supported by the chief community leader in Blue Nile (Mc. Elfateh Yousif Adlan) but the government is still unwilling. The current federal transitional government inherited this violation and did not stop it. All this happening because their religion is mostly Christian.



**CHALLENGE:**  
**Enforced  
disappearances  
are still ongoing**

**Impact:**

Enforced disappearances are still ongoing, with no response from the government towards appeals made by civil society.

More than two hundred individuals<sup>4</sup> were disappeared since the 3 June 2019 massacre. The transitional government has formed an investigation committee but up to date no report was made public, or the victims' fates disclosed. However, in February 2021, about 168 dead and unidentified bodies people were found at Medani hospital morgue. Then in April 2021, approximately 200 dead bodies were found at Eltamayouz hospital morgue.

On 26 July 2021, Mr. Elamein Meida Mukwar was abducted by SPLA-N (SRF)<sup>5</sup> in Damazin<sup>6</sup>, his whereabouts are unknown up-to-date of compiling this fact sheet (30 September 2021).

Since 7 June 2011, when the war erupted in Nuba Mountains, more than twenty people were forcibly disappeared from Kadogli town (among them Musa Abdein, Malek Abduelgadir, Ibrahim Kanu, and Musa Shantu). The HUDO Centre has reliable information that they were alive up to the ouster of al-Bashir. After the revolution they have not been released, or their whereabouts disclosed.

**On 12 November 2020, the Sovereign Council issued a presidential pardon for all detainees, political prisoners, and war prisoners. Despite this, no efforts have been made to disclose the fate of those individuals.**

<sup>4</sup>This number is estimated by Sudanese civil society (notably the resistance committees).

<sup>5</sup>Sudan People Liberation Army – North (Sudan Revolutionary Front), it is one of SPLA-N factions that has signed the Juba Peace Agreement and joined the transitional government, and who count the Blue Nile state governor as a member.

<sup>6</sup>Damazin is the capital town of Blue Nile State.



## **CHALLENGE:** **Presence of governmental militia and agents with impunity**

### **Impact:**

The previous regime created many militias designed to fight the armed groups – these remain present even after the ouster of the formal regime. Many are active and enjoying impunity, or are legitimised by the transition constitutional document.<sup>7</sup>

Many atrocities were committed by these militias and other members of governmental agencies, but they are not questioned. While committees have been formed to investigate relevant cases, no reports have been published. For instance:

- The 3 June 2019 massacre committee was formed in August 2019, but up-to-date no findings have been reported.
- Al-Jenainah incidents (Keringding December 2019, Algenainah January and April 2021) in which more than two hundred people were killed, more than three hundred injured, and around sixty thousand displaced. No report was published from the investigation committees.
- In most cases the perpetrators are known, but not adequately investigated and brought to justice.

## **CHALLENGE:** **Insecurity of persons**

### **Impact:**

The presence of militias, without action by the government to bring perpetrators of human rights abuses to justice, has contributed negatively to the security of persons.

For example:

- In South Kordofan/Nuba Mountains, the number of deaths among civilians by direct gunshots in 2020 was 51, while in just the first half of 2021 there have been 52 deaths. Armed robbery has been ascendant throughout 2020, with more than 40 reported incidents. Arbitrary arrests continued since 2020, with 102 reported arrest cases up to the end of June 2021<sup>8</sup>. These were conducted by the Sudanese Armed Forces (SAF), while killings and armed robbery were conducted mostly by the Rapid Support Forces and Popular Defense Force (PDF)<sup>9</sup>.
- The situation in Blue Nile State is similar. Recent months have seen an horrific rise in incidents of rape, gang rape, and other forms of sexual violence against women, which quite uniquely in the Sudanese context have been filmed and distributed online. Looking through a gender-lens, highlighting the case of the young woman in Damazin, Blue Nile State (April 2021) whose heinous and brutal attack was videoed by one of the perpetrators and posted online. While two of the perpetrators were caught, there have not been sufficient efforts to arrest the remaining fugitive. Despite ratification of CEDAW with reservations, violence against women occurs routinely and victims and survivors rarely see justice.

## **CHALLENGE:** **Lack of rule of law**

### **Impact:**

In the conflict area of Nuba Mountains, cases were filed against certain militia members for committing violations, but police were either unable or unwilling to arrest them. For instance, about 40% of cases of killings were filed against known people, while 60% were against anonymous attackers. Police partially investigated about 15% of the incidents with very little effort to arrest perpetrators.<sup>10</sup>



<sup>7</sup>The RSF is cited at the constitutional document as second force parallel to Sudanese Armed Forces (SAF) and its commander has been assigned as vice president for the Sovereign Council.

<sup>8</sup>These numbers illustrate only the cases that the HUDO Centre managed to report.

<sup>9</sup>The PDF has been treated differently by authorities, in Blue Nile they have been legitimised by giving them the name of 'reserve force', and they have also been given the power of arrest. Recently on 28 August 2021, they killed a civilian during torture, having conducted an arrest in Wad-Abouk of Blue Nile. In the Nuba Mountains some PDF forces were recruited from within the RSF while others simply remained without having been demobilised.

<sup>10</sup>Figures drawn from the HUDO Centre's annual report 2020 and six month report Jan-June 2021.

# Recommendations

- 1.** Immediately include Christians within the Ministry of Religious Affairs and Endowments, and give them the needed authority to deal with all Christian religious affairs.
- 2.** Establish a body to assess and return within one year all the churches and Christian properties that were confiscated or forcibly rented under the previous regime.
- 3.** Ensure that adequate training on freedom of religion or belief is given to all decision-making members of the Ministry of Religious Affairs and Endowments.
- 4.** The Sudanese government should submit annual reports about the situation of religious rights, aided by a monitoring mechanism established by international actors.
- 5.** Repeal all legislation that prevents the full enjoyment by every citizen of fundamental rights, including the right to freedom of religion or belief.
- 6.** The Sudanese government should immediately disclose the whereabouts and well-being of all detainees and political prisoners.
- 7.** The Sudanese government in collaboration with the OHCHR should immediately investigate the current insecurity in the conflict areas, notably in South Kordofan and Blue Nile, and take necessary steps. Steps should be taken to retain OHCHR capacity despite Sudan being taken off the Human Rights Council agenda. Alternatively, or in addition, a resolution should be adopted allowing for annual independent reports from an individual or body mandated to monitor, investigate, and verify reported abuses, and make recommendations.
- 8.** The Sudanese government to take measures to dissolve and disarm militias within one year.
- 9.** The Sudanese government should immediately put measures to strengthen the rule of law and remove impunity over security organs and militias and make their commanders accountable for any violations committed by their soldiers by establishing appropriate command and control procedures. Make clear the legal powers, responsibilities and limits for the police, army, and GIS, and adhere to the amendments which abolished the powers of arrest and detention of GIS, SAF and RSF agents.
- 10.** In line with the Paris Principles, we urge the Sudanese government to increase the annual budget for the Sudan National Commission for Human Rights (SNCHR) and to enable them to extend their work to conflict areas, as well as to ensure its complete independence to investigate and report on any human rights concern in Sudan.



(In December 2018 Waging Peace obtained these children's drawings by displaced children in South Kordofan depicting ongoing conflict and targeted persecution in the Nuba Mountains)



## Questions

- 1.** How many Christians are working within the Ministry of Religious Affairs and Endowments at the federal and state level?
- 2.** What progress has been made preserving rights of non-Muslims?
- 3.** How many requests have been approved for building places of worship with results delineated for each religious group?
- 4.** Why is there delay ahead of publishing publicly the investigation and finding committees' reports, particularly into the events of 3 June 2019?
- 5.** What measures have been taken in solving the security issues in Sudan, and particularly in its conflict areas?
- 6.** Are there any accountability measures made for those that undertake unwarranted arrest and torture?
- 7.** Can you please share the national budget located to the SNCHR, as well as the number and location of its offices?

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