



COI QUERY

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COI QUERY RESPONSE – SUDAN

1. Treatment of people considered as apostates

1.1 Political and legal context

Sudan has historically been considered one of the countries with the strictest implementation of Islamic law (*sharia*).¹ Following an Islamist-backed coup that brought Omar Al-Bashir to power in 1989², Sudan introduced a legislative system that took *sharia* as its main source, which was imposed to the whole population, regardless of their religious affiliation.³

Under such laws, apostasy was a crime punishable with death sentence.⁴ Article 126 of the 1991 Penal Code of Sudan defined and criminalised apostasy (*Riddah*) as follows:

- '(1) Whoever propagates the renunciation of Islam or publicly renounces it by explicit words or an act of definitive indication is said to commit the offence of Riddah (apostasy).
- (2) Whoever commits apostasy shall be asked to repent within a period decided by the court and if he insisted on his apostasy and was not a new convert he shall be punished with death.
- (3) Punishment for apostasy lapses if the apostate refrained from apostasy before the execution.'⁵

During the period between 2014 and 2018, Sudan was listed among the countries with reported cases of enforcement of blasphemy laws⁶, including reports of capital punishment for blasphemy and apostasy,⁷ 'and severe' punishments for conversion from Islam to any other faith or non-belief.⁸

¹ Gravelle K.B., Islamic Law in Sudan: A comparative Analysis, ILSA Journal of International & Comparative Law: Vol. 5: Issue 1, 1998, [url](#) pp. 2, 22; USCIRF, Policy Update; Sudan - Preserving Religious Freedom Progress in Sudan, November 2021, [url](#) p. 2

² BBC News, Profile: Sudan's President Bashir, 25 November 2003, [url](#)

³ Reuters, Sudan constitution to be "100 percent Islamic": Bashir, 8 July 2012, [url](#); USCIRF, Policy Update; Sudan - Preserving Religious Freedom Progress in Sudan, November 2021, [url](#) p. 2

⁴ Library of Congress, Laws Criminalizing Apostasy in Selected Jurisdictions, May 2014, [url](#) p. 13; ACJP, Apostasy Punishment in Sudan 1968 – 2018, 2018, [url](#) p. 3

⁵ Sudan, In The Name of God The Compassionate the Merciful - The Penal Code 1991, Chapter XIII, Offences against religion, available at [url](#) Article 126

⁶ USCIRF, Violating Rights: Enforcing the World's Blasphemy Laws, 2020, [url](#) pp. 7-8

⁷ CFR, Understanding Sharia: The Intersection of Islam and the Law, 17 December 2021, [url](#)

⁸ USCIRF, Factsheet: Nonbelievers in Africa, June 2021, [url](#) p.3



Citing 2020 Pew Research Center data, United States Department of State (USDOS) reported that 91 % of the Sudan population is estimated to be Muslim, 5.4 % Christian, 2.8 % follows folk religions, while the remainder are unaffiliated or follow other religions.⁹

The 30-year long regime led by Omar Al-Bashir subjected religious minorities, especially Christians, to various forms of discrimination and harassment.¹⁰ Numerous church buildings were demolished, worshippers were prevented from attending church services, and since 2017 Christian schools were obliged to follow the Muslim week calendar.¹¹ In addition, the Al-Bashir regime maintained ‘documented, longstanding links’ with extremist religious groups active within the country, some of which were associated with attacks against religious minorities, including Christians, Sufi communities, moderate Muslim scholars, among others.¹²

Following the ousting of Omar Al-Bashir¹³, in August 2019, Abdalla Hamdok was nominated as prime minister to lead a three-year transitional government to civilian rule.¹⁴ On 25 October 2021, General Abdel Fattah Al-Burhan, head of the transitional joint civilian-military Sovereign Council, seized power by dissolving the governing body, arresting civilian leaders, including then Prime Minister Hamdok¹⁵, and declaring a state of emergency.¹⁶ Hamdok was detained under house arrest for almost a month and afterwards reinstated under a power-sharing agreement in November 2021.¹⁷ In January 2022, Abdalla Hamdok resigned amid mass protests.¹⁸

1.2 Legislative reforms on religious freedom in 2019-2020

Under Hamdok transitional government, a series of legal and institutional reforms were passed aimed at improving the conditions of religious freedom in the country.¹⁹ The law amendments were applauded as ‘significant, historic steps’ by the United States Commission

⁹ USDOS, 2021 Report on International Religious Freedom: Sudan, 2 June 2022, [url](#)

¹⁰ Baldo S., Radical Intolerance - Sudan's Religious Oppression and Embrace of Extremist Groups, in Enough Project, December 2017, [url](#) pp. 4-5, 14

¹¹ Dabanga, Christian Pastor Convicted of 'Breach of Public Safety' in Sudan, 27 April 2022, [url](#)

¹² Baldo S., Radical Intolerance - Sudan's Religious Oppression and Embrace of Extremist Groups, in Enough Project, December 2017, [url](#) p. 2

¹³ BBC News, Omar al-Bashir ousted: How Sudan got here, 11 April 2019, [url](#)

¹⁴ BBC News, Sudan transition: Abdalla Hamdok appointed new prime minister, 22 August 2019, [url](#)

¹⁵ BBC News, Sudan coup: Why the army is gambling with the future, 27 October 2021, [url](#)

¹⁶ France24, Abdel Fattah al-Burhan, the general who leads Sudan, 25 October 2021, [url](#)

¹⁷ Reuters, Explainer -Sudan's political transition in the balance, 22 November 2021, [url](#); UN, Cautiously Welcoming Power-Sharing Agreement in Sudan, Special Representative Tells Security Council Constitutional Declaration Must Be Respected, 10 December 2021, [url](#); HRWF (Human Rights Without Frontiers International), SUDAN: Apostasy charges against Christians in Sudan dismissed, 21 September 2022, [url](#)

¹⁸ DW, Sudan's prime minister resigns amid deadlock, 3 January 2022, [url](#)

¹⁹ USCIRF, Policy Update; Sudan - Preserving Religious Freedom Progress in Sudan, November 2021, [url](#) p. 2



on International Religious Freedom (USCIRF)²⁰, and hailed by Human Rights Watch as ‘a positive first step’ towards improving human rights standards.²¹

The constitutional declaration signed in 2019²², unlike the former constitution, makes no reference to *sharia* as a source of law and introduced several provisions protecting the rights to freedom of religious belief and worship.²³ Article 56 of the 2019 constitutional declaration states the following:

‘Every person has the right to freedom of religious belief and worship. They shall have the right to profess or express their religion or belief through worship, education, practice, performance of rituals, or celebrations, in accordance with the requirements of the law and public order. No one shall be compelled to convert to a religion they do not believe in or to practice rites or rituals they do not voluntarily accept.’²⁴

In July 2020, the Miscellaneous Amendments (Fundamental Rights and Freedoms) Act of 2020 (MAA)²⁵, amending provisions of the 1991 Criminal Code,²⁶ abolished criminalisation and death penalty for apostasy, and flogging as a punishment for blasphemy.²⁷

However, some criminal laws as well as practices established by the previous government and based on interpretation of *sharia* remained in effect.²⁸ Some of these provisions contained in the 1991 Penal Code²⁹ relate to ‘religious offences’.³⁰ In particular, Article 125 on blasphemy was not fully repealed and, although flogging as a punishment was scrapped, the article continues to criminalise blasphemy with punishment of up to five years’ imprisonment.³¹ Furthermore, the MAA introduced a new provision which criminalise ‘takfir (the act of declaring someone a kafir or nonbeliever)’. Penalties for such offence include a fine or imprisonment up to ten years, or both.³²

²⁰ USCIRF, USCIRF Applauds Sudan’s Repeal of Apostasy Law through Passage of New Fundamental Rights and Freedoms Act, 15 July 2020, [url](#)

²¹ HRW, Sudan’s Law Reforms a Positive First Step, 16 July 2020, [url](#)

²² Sudan, Sudan’s Constitution of 2019, subsequently amended available at [url](#)

²³ End Blasphemy Law, Sudan, 13 October 2020, [url](#) ; USDOS, 2021 Report on International Religious Freedom: Sudan, 2 June 2022, [url](#)

²⁴ Sudan, Sudan’s Constitution of 2019, subsequently amended available at [url](#), Chapter 14 - Article 56

²⁵ Sudan, Ministry of Justice General, The Official Gazette Issue no. 1904 on 13-07-2020, Miscellaneous Amendments Law of 2020 (Repeal or amend the provisions restricting freedoms), Law No. (12) of 2020 (unofficial translation REDRESS), 13 July 2020, available at [url](#)

²⁶ USDOS, 2021 Report on International Religious Freedom: Sudan, 2 June 2022, [url](#); Freedom House, Freedom in the World 2022, Sudan, 24 February 2022, [url](#)

²⁷ USCIRF, Policy Update: Sudan - Preserving Religious Freedom Progress in Sudan, November 2021, [url](#) p.4; BBC News, Sudan scraps apostasy law and alcohol ban for non-Muslims, 12 July 2020, [url](#)

²⁸ USDOS, 2021 Report on International Religious Freedom: Sudan, 2 June 2022, [url](#)

²⁹ Sudan, In The Name of God The Compassionate the Merciful - The Penal Code 1991, Chapter XIII, Offences against religion, available at [url](#)

³⁰ USDOS, 2021 Report on International Religious Freedom: Sudan, 2 June 2022, [url](#)

³¹ USCIRF, Policy Update; Sudan - Preserving Religious Freedom Progress in Sudan, November 2021 [url](#) p.4

³² USDOS, 2021 Report on International Religious Freedom: Sudan, 2 June 2022, [url](#)



1.3 Situation of religious minorities after the 2021 military coup

After the October 2021 coup, progress made by the transitional government towards improving the general human rights situation in the country ‘suffered a major setback’, according to Amnesty International (AI).³³ Violent repression of freedoms³⁴, not dissimilar to the ones characterising the 30-year regime of Omar Al Bashir reportedly re-emerged.³⁵ The country continued to face challenges to fully guarantee religious freedom,³⁶ amid reported fear among religious minorities of reversal of the legal advancements achieved under Prime Minister Hamdok,³⁷ and a return to a most repressive application of the Islamic law.³⁸

Although the abolition of death penalty for apostasy, some religious minorities, including Shia and other Muslim minorities, expressed concern about being convicted for apostasy if they expressed religious beliefs that differed from those of the Sunni majority.³⁹

Some anti-Christian authorities allegedly argued that the October 2021 military coup invalidated the reforms passed by the transitional government.⁴⁰ Christians, in particular, continued to be targeted both by the government and by society.⁴¹ In 2022, there were some reports of harassment of Christian communities⁴², including arrest and detention of Christians⁴³ and people converting from Islam to Christianity,⁴⁴ raids on churches by security agencies,⁴⁵ several reports on church burnings.⁴⁶

Some illustrative (and non-exhaustive) examples of such reports are listed below.

As of January 2022, a married couple residing in Gezira State was still awaiting trial on adultery charges after the husband converted to Christianity in 2018. Since the law prohibits a Muslim woman from being married to a non-Muslim man, the court granted a divorce decree

³³ AI, Amnesty International Report 2021/22 - Sudan, 29 March 2022, [url](#), p. 347

³⁴ Article 19, Sudan: Military must immediately stop crackdown on Freedom of Expression and Assembly, 24 November 2021, [url](#)

³⁵ Dabanga, More practices from Al Bashir era reappearing in Sudan, 13 July 2022, [url](#); DIA, The Return of the Islamist Regime in Sudan, 22 July 2022, [url](#)

³⁶ USCIRF, Factsheet: Nonbelievers in Africa, June 2021, [url](#) p.3

³⁷ USCIRF, 2022 Annual Report, 5 April 2022, [url](#) p. 69

³⁸ HRWF, Sudan: Apostasy charges against Christians in Sudan dismissed, 21 September 2022, [url](#)

³⁹ USDOS, 2021 Report on International Religious Freedom: Sudan, 2 June 2022, [url](#);

⁴⁰ University of Notre Dame, Under Caesar's Sword – Sudan, August 2022, [url](#)

⁴¹ USDOS, 2021 Report on International Religious Freedom: Sudan, 2 June 2022, [url](#); University of Notre Dame, Under Caesar's Sword – Sudan, August 2022, [url](#)

⁴² ACJPS, Central Darfur: Christian leader and three family members die under suspicious circumstances in Garsilla, 23 August 2022 [url](#); CSW, Church leader imprisoned after being attacked during church service, 26 April 2022, [url](#)

⁴³ Dabanga, More practices from Al Bashir era reappearing in Sudan, 13 July 2022, [url](#); CSW, Church leaders interrogated by police as extremists close down church, 4 March 2022, [url](#)

⁴⁴ ACJPS, Sudan: Four Christians charged with apostasy in Central Darfur, 10 July 2022, [url](#); Dabanga, More practices from Al Bashir era reappearing in Sudan, 13 July 2022, [url](#)

⁴⁵ Dabanga, More practices from Al Bashir era reappearing in Sudan, 13 July 2022, [url](#)

⁴⁶ USDOS, 2021 Report on International Religious Freedom: Sudan, 2 June 2022, [url](#)



upon request from the wife's family. In 2020, the wife also converted to Christianity and the couple reunited. However, the prosecutor did not recognise her conversion and, in 2021, the couple was arrested and charged with adultery.⁴⁷

In February 2022, two Christian church leaders were arrested in Gezira state, after that a group of local extremists imposed the closure of a building belonging to the Catholic Church but used as a place of worship by communities of various Christian denomination as well as by Muslim communities for their activities.⁴⁸

In April 2022, an Evangelical Lutheran pastor was attacked and beaten by a group of extremists during a church service in Gezira state. He was later convicted alongside his attacker and sentenced to one month in prison⁴⁹ under Article 69 of the Criminal Code⁵⁰ related to the 'breach of public peace'.⁵¹

In May 2022, a local court approved the demolition of properties owned by the Sudan Presbyterian Evangelical Church (SPEC) in Omdurman.⁵² Interviewed by the Sudan Tribune, Boutros Badawi, a former adviser to the former Minister of Religious Affairs during the transitional government described this episode as setback in religious freedoms after the October 2021 coup, claiming that behind the demolition of the SPEC properties was 'the intelligence service through its men in the church'.⁵³

In July 2022, four Christians in Zalingei, Central Darfur, were charged with apostasy and threatened with the death penalty.⁵⁴ In September 2022, a Sudanese court dismissed apostasy charges against the four Christians based on the 2019-2020 law amendments decriminalising apostasy.⁵⁵

⁴⁷ USDOS, 2021 Report on International Religious Freedom: Sudan, 2 June 2022, [url](#); CSW, Married couple facing adultery trial following husband's conversion, 13 January 2022, [url](#)

⁴⁸ CSW, Church leaders interrogated by police as extremists close down church, 4 March 2022, [url](#)

⁴⁹ CSW, Church leader imprisoned after being attacked during church service, 26 April 2022, [url](#)

⁵⁰ Sudan, In The Name of God The Compassionate the Merciful - The Penal Code 1991, Article 69, available at [url](#)

⁵¹ Dabanga, Christian Pastor Convicted of 'Breach of Public Safety' in Sudan, 27 April 2022, [url](#); University of Notre Dame, Under Caesar's Sword – Sudan, August 2022, [url](#)

⁵² CSW, Evangelical church properties threatened with demolition, 25 May 2022, [url](#)

⁵³ Sudan Tribune, Sudanese authorities accused of demolishing Evangelical Church's property, 28 May 2022, [url](#)

⁵⁴ Dabanga, More practices from Al Bashir era reappearing in Sudan, 13 July 2022, [url](#)

⁵⁵ HRWF, SUDAN: Apostasy charges against Christians in Sudan dismissed, 21 September 2022, [url](#)

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