

**Women living under muslim laws
النساء في ظل قوانين المسلمين
Femmes sous lois musulmanes**

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**Intolerance and Discrimination on the Basis
of Religion in the Sudan**

Anonymous

The International Law and Instruments

Freedom of religion and belief is clearly stated in all the three well recognised international human rights instruments: the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (ICCPR) (1966) and the International Covenant of Economic, Social and Cultural Rights (1966). Article 18 of ICCPR provides that everyone shall have the right to freedom of thought, conscience and religion and defines that right to include the freedom to have or to adopt a religion or belief of his choice.

In addition to the guarantee of the right to the freedom of conscience, religion and belief, these instruments clearly prohibited the discrimination on the basis of religion. The ICCPR states clearly in Article 2 that the rights provided in the Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 26 states that:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against any discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

In 1981 the UN General Assembly adopted the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

The Sudanese Case: the Intolerance of NIF Government

Sudanese people are well known for religion tolerance. Religion intolerance is a new phenomena in the country and is related to the development of the Moslem Brotherhood movement. Religion intolerance and discrimination were never an official policy until 1983 when the Nimeiri Regime (1969-1985) adopted Islamic Sharia Law in September 1983. It was as part of the intolerance policy introduced by Nimeiri's September laws that Ustadh Mahmoud Mohammed Taha was executed in 1985. Nimeiri was then allied to the Moslem Brotherhood, the ancestors of the National Islamic Front which controls the current Sudanese Government.

Intolerance and discrimination on the basis or religion have become an official policy of the current government in the Sudan (1989). This has appeared in the following:

- 1) War escalation under the jargons of jihad

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The escalation of war in the South is orchestrated under the jargons of Jihad (holy war). The Sudanese media as well as government officials are consistently describing the war as a holy war against infidels and crusaders in order to protect Sudanese identity and heritage. Sudanese embassies around the world are collecting donations for what they call Jihad.

This development is detrimental to the prospects of the existence of a multi-religious and multi-racial society as the Sudanese one. It involves a danger of transforming to a religion and racial conflict, one which is mainly about the right of the Southern Sudanese people to self-determination and their right to share with the other people of Sudan the wealth and power in the country and have equal opportunities to hold public posts and jobs, to enjoy the benefits of education and health services and to have a more even development prospects to their region.

The effect of this policy on the badly informed public, to whom all sources of independent information are confiscated, is to provide justifications for abuses against those regarded as infidel by the government. The move reinforces all racial discrimination activities and relegate all non-Moslems, as well as Moslems who do not share NIF view, to a lower status of citizenship.

The government, and for short terms gains, transformed the customarily friction between neighbouring Southern and Northern tribes over grazing rights into holy war. This has resurrected all memories of atrocities of slave trading of the 18th and 19th centuries as enslavement and killing of Southerners became a religiously accepted behaviour and the death of a Northern soldier will take him directly to paradise!

2) The Penal Code of 1991

The promulgation of the Penal Code on 22 March 1991 which in addition to its introduction of severe inhuman punishment, it introduced Article 123 which provided for apostasy (riddah). The article reads:

- 1: Any Muslim who advocates leaving the Islamic creed, or who announces his own leaving of it, by clear work or deed, has committed the crime of apostasy.
- 2: Someone convicted of the crime of apostasy shall be given a length of time determined by the court to reject his apostasy. If he keeps to the apostasy, and is not a recent convert to Islam, he shall be punished by execution.
- 3: The punishment for apostasy will be dropped if the offender abandons his rebellion before the punishment is implemented.

3) Attack on the Church and Christians

In practice, the Government had shown intolerance in treating Christians. For the first time in history of Sudan some churches were closed or burnt. In December 1992, for example, the Army and the Popular Defence forces burnt a priest and four clergy Nuba men in their Church in the village of Attmour Al Naqa'a in Nuba Mountains. A witness, Kamal Tutu, who had been thrown in the embers lived to give his testimony: 'After they burnt the church with the people inside, the military threw me into the embers of the church and left' (Human Rights Voice, Vol.2, No. 5, p.1).

Bishop Macram Max Gassis, Bishop of El Obied and Nuba Mountains, who fled the country and sought asylum in the Vatican, told the EPP Group of European Parliament in 1993: On the side of the Church, the Christian churches all over the country have suffered the worst persecution in the history. Sudanese priests, nuns and catechists are constantly harassed by security. They are arrested and imprisoned in the case of Fathers Constantino Pity, Nicola Adalla and David Tombe from Juba Archdiocese. Expatriate Missionaries were expelled either from their parishes or from the Sudan as in the case of Mother Theresa of Calcutta, the Jesuits and the Comboni Missionaries.

Bishop Macram Gassis told the EPP Group that he felt it difficult to accept that all the persecution

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and abuse is not a well studied policy of the government itself: the harassment of church leaders and personnel both local and expatriate, the arbitrary arrests and detention of innocent people, the smear campaigns through the media against Christians, the move of the government to confiscate the schools for the displaced children, the hindrance of the church to assist the starving and sick displaced, the forceful Islamization of the Christians and African Traditional Belief in schools and at food distribution centres for the displaced are but a few examples of a well defined government policy of discrimination and human rights violation.

4) Attack on Other Islamic Groups

Intolerance has been extended to the treatment of Moslem groups who have Islamic outlook and views different to those of the Government of the National Islamic Front. This was reflected in the treatment of Ansar and Khatimya groups which represent the majority of the Moslem population in Northern Sudan. It also extended to minor groups like those of Ansar El Sunna, who were at the time critical of the government and classified as pro-Saudis Wahabia. On Friday 4 February 1994 an armed group attacked Muslim prayers in Sheikh Abu Zeid mosque, (one of Ansar El-Sunna mosques), in El Thoura, in north Omdurman killing between 18 and 25 people. No reasons for the attack are known.

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Sudan Human Rights Organization
BH Box 8238
London WC1N3XX
U.K.