



Report on:

***Apostasy* Punishment in Sudan**

1968 - 2018

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Introduction

The first *apostasy* (Ridda) trial in Sudan was held in 1968⁽¹⁾ prior to the provision for the offense itself in the fifth⁽²⁾ Sudan Criminal and Penal Act of 1991- Article on *apostasy* (Article 126: 1,2,3). *Apostasy* is *Riddain* Islamic jurisprudence and is punishable by '*hadd*', which is a punishment fixed either by God in the Qur'an or in *hadiths* (traditions of the Prophet). The '*hadd*' (punishment) of *apostasy* in Islam is death.

The politico-historical evolution of Sudanese criminal laws led to the emergence of laws having *Sharia* (Islamic Law) for a source and frame of reference in 1983. These laws were widely referred to as 'September Laws', which markedly changed both the philosophy and structure of laws by broadening their scope and extending the reach of physical and freedom-depriving penalties⁽³⁾.

Historically, *apostasy* trials were linked to the political situation in the Sudan. In investigating the first case in 1968⁽⁴⁾, it transpired that the defendant involved was the *Jamhuriis* (Republicans) leader, Ustāz Mahmoud Mohammed Taha against whom a charge of *apostasy* was leveled. He was convicted and sentenced to death by an unspecialized court in the absence of a provision criminalizing *apostasy* in the applicable Sudanese laws in that time. The court predicated its verdict on what was known as *hisbah* (accountability) lawsuits⁽⁵⁾. In 1985 a second *apostasy* trial was held for Ustāz Mahmoud Mohammed Taha before an incompetent, partial criminal court. The court convicted Taha of *apostasy* for the second time in the absence of a provision criminalizing *apostasy* predicated its verdict on Article (93) of the Criminal Code 1983 (waging war against the state)⁽⁶⁾. He was sentenced to death and executed on 18th January 1985. Political motives were the backbone in both trials as the claimants in the first trial were affiliates of the Islamic Charter Front⁽⁷⁾, the political organization which vehemently supported the declaration of *Sharia* laws in 1983. Mahmoud Mohammed Taha publicly criticized and opposed these laws; this was the real cause of subjecting him to the second trial in 1985.

The record of trials held to adjudicate *apostasy* lawsuits in the Sudan (1968-2017) shows (15) cases monitored by the African Centre for Justice and Peace Studies. In these trials *apostasy* charges were leveled against (155) Sudanese men and women and in each case convoluted political motives and causes locked in unison and were employed to deprive defendants of their right to choose religious practices and belief. These motives were continuously present albeit the prosecution resorted to twisted tactics in some cases to impose a particular way of practicing Islam, which is inextricably bound up with the methodology of the ruling power- a methodology predicated on the philosophy of 'political Islam' to reinforce the stranglehold of the regime on power and enable it to battle against its opponents. This explains the practice of leveling the charge of *apostasy* against any individual who dares to exercise his/her right to religious practices if these run counter to the way the regime conceives of the right to practice rites associated with faith. This impasse confronts one with options narrowed down almost to a choice between *Scylla*

and Charybdis, as it were- the death sentence or capitulation to the ignominious experience of '*istitaba*' (Institutionally *istitaba*' is an invitation to repent and return to Islam with no punishment).

The political use of the *apostasy* charge and couching it in religious discourse is a weapon brandished to deprive all Sudanese men and women, including thinkers and Islamic revivalists (*mujaddids*), of the right to belief and the right to freedom of opinion and expression.

Methodology of Preparing the Report

The methodology of the report consists in tackling *apostasy* in the light of the international, regional and national obligations of the Sudan with respect to human rights. In addition to this, the report monitors *apostasy* lawsuits registered at law enforcement agencies in the Sudan (2009-2017) including lawsuits heard at courts and the way trials proceeded as regards applying law and observing the standards of fair trial. Moreover, the report takes into consideration procedures taken by semi-governmental or collaborative authorities- for instance, the Sudanese Scholar Corporation, or lecturers of Islamic universities seconded to courts to exercise judicial powers such as overseeing '*istitaba*' (invitation to repent). The report also relied on other sources with respect to pre-2009 cases of *apostasy* lawsuits.

Furthermore, the methodology of the report comprised dealing with primary sources: Sudanese legal and civil rights activists and documents issued by official bodies such as the Sudanese Judiciary. The report also relied on secondary sources such as Sudanese traditional and online newspapers.

The Legal Framework

The International Obligations of the Sudan:

The Universal Declaration of Human Rights

Article (18) of the Universal Declaration of Human Rights stipulates that: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance"⁽⁸⁾.

The International Covenant on Civil and Political Rights

The International Law stringently prohibits distinction on the basis of religion. Article (18) of the International Covenant on Civil and Political Rights, which was ratified by the Sudan, provides that everyone "shall have the right to freedom of thought, conscience and religion". This right includes the "freedom to have or to adopt a religion or belief of his choice". "No one shall be

subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice⁽⁹⁾.

The Regional Obligations of the Sudan:

The African Charter on Human and People's Rights

Article (8) of the African Charter on Human and People's Rights provides that "Freedom of conscience, the profession and free practice of religion shall be guaranteed". In assessing the obligations of the Sudan in compliance to the African Charter on Human and People's Rights, the African Commission on Human and Peoples' Rights concluded that the Sudan had breached Article (8) on previous occasions owing to the legal and other restrictions hampering the ability of individuals to practice their religious rites⁽¹⁰⁾.

National Legislations:

The Interim National Constitution of the Republic of the Sudan, 2005

Article (31) of the constitution stipulates that; "All persons are equal before the law and are entitled without discrimination, as to race, colour, sex, language, religious creed, political opinion, or ethnic origin, to the equal protection of the law".

In addition to this, Article (38) stipulates that "Every person shall have the right to the freedom of religious creed and worship... no person shall be coerced to adopt such faith, that he/she does not believe in, nor to practice rites or services to which he/she does not voluntarily consent"⁽¹¹⁾.

The Definition of *Apostasy* (Ridda) in the Sudanese Law (Article 126 of the Sudan Criminal Act of 1991)

There shall be deemed to commit the offence of *apostasy* (Ridda)

- (1) "...every Muslim, who propagates for renunciation of the creed of Islam or publicly declares his renouncement thereof by express statement, or conclusive act".
- (2) Ramifications: "Whoever commits *apostasy* shall be given a chance to repent during a period to be determined by the court; where he insists upon *apostasy*, and not being a recent convert to Islam, he shall be punished with death".
- (3) "The penalty provided for *apostasy* shall be remitted whenever the apostate recants *apostasy* before execution"⁽¹²⁾.

In February 2015, Article (126) on *apostasy* of the Sudan Criminal Act was amended by adding five clauses to the original Article⁽¹³⁾. The clauses, as in the text below, included questioning the genealogy of the Messenger, peace be upon him, questioning the credibility of the Qur'an, excommunicating (*takfir*- accusing a professed Muslim of being an 'unbeliever') the Companions (*Sahaba*) and questioning the genealogy of Saiyyda 'Ā'ishah. The new five clauses lack any backing as to their relation with *apostasy* in Islam. In addition to this, it is surprising that if an apostate recants and renounces *apostasy*, the Article provides for a 'mandatory punishment' with whipping or imprisonment for a term not exceeding five years. In conformance to the conceptual understanding of Article (126), renunciation of *apostasy* legally results in a 'lack of cause'. In the context of the legal framework, we cited the fact that the *apostasy* offence breaches several charters and legislations. However, the amended provision of Article (126)

breaches the very principle of justice as renunciation denotes cessation of claim. This is so because if *apostasy* is followed by renunciation, they will cancel each other out resulting in the lack of a cause to build a case on and hence there is no justification for the punishment provided for in the amended version of Article (126).

The provision of amended Article (126) states:

- (1) There shall be deemed to commit the offence of *apostasy* (Ridda)
 - (a) "...every Muslim, who propagates for renunciation of the creed of Islam or publicly declares his renouncement thereof by express statement, or conclusive act".
 - (b) "whoever questions the credibility of, or insults, Mohammed the Messenger of God, peace be upon him, publicly by any conclusive act"
 - (c) "whoever questions the credibility of the Holy Qur'an by citing contradiction, revisionism, or otherwise"
 - (d) "Whoever excommunicates (act of *takfir*- leveling the charge of unbelief) the Companions of Mohammed the Messenger of God, peace be upon him, collectively, or their 'Masters: Abu Bakr, or Umar, or Othman, or Ali, giving oneself permissibility and lawfulness (*halal*) to engage in this denunciation"
 - (e) "Whoever questions the moral integrity and righteousness of Ā'ishah, the Mother of the Believers (umm al-mu'minīn), with respect to matters in which her innocence has been established by the Holy Qur'an"
- (2) Whoever commits *apostasy* shall be given a chance to repent during a period to be determined by the court; where he insists upon apostasy, and not being a recent convert to Islam, he shall be punished with death.
- (3) The penalty provided for *apostasy* shall be remitted whenever the apostate recants *apostasy* before execution and may be punished with whipping and imprisonment for a term not exceeding five years.

Here we notice that the amended Article has been broadened with respect to the cause of *apostasy*. It is worth mentioning here that there is a jurisprudential (*fiqhi*), historical controversy amongst different Islamic Schools. These schools comprise the People of the Book (the Qur'an) and Sunnah⁽¹⁴⁾, the Quranites⁽¹⁵⁾, Shi'ites⁽¹⁶⁾ and others. In view of this, the Article constrains the religious practices of some Islamic groups by making the school of the 'People of the Book (the Qur'an) and Sunnah' the sole norm of correct religiosity.

Apostasy between Religion and Politics

If we carefully study the record of *apostasy* lawsuits in Sudan, we will find out that these lawsuits have been predicated on religious hypotheses seeking to affirm a specific methodology of Islamic religious practices on the assumption that this methodology is the only correct one. This methodology has been employed in its totality in political contexts, which are inseparable from the political status quo. To arrive at this methodology and put it into practice several tactics have been employed: -

Firstly, confronting political opponents and religious revivalists (*mujaddids*) and in this particular junction, the conflict between the methodic approaches of political Islam, on the one hand, and other Islamic practices of piety, on the other, comes to the foreground. In the trial of Ustāz Mahmoud Mohammed Taha and 4 other *Jamhuris* (Republicans),⁽¹⁷⁾ the case was based on political reasons. Taha criticized the *Sharia* laws of 1983 in a pamphlet titled 'Either This or the Flood' issued and distributed on December 25th 1984. The pamphlet, which was presented by the prosecution as an exhibit before the court, demanded repealing the *Sharia* laws of 1983. The manifesto of the *Jamhuri* (Republican) Party, which was founded by Mahmoud Mohammed Taha, Amin Mustafa at-Tinai, Abdul Qadir al-Mardhi, Mansour Abdul Hamid and Mohammed Bakheit Habba⁽¹⁸⁾, states that the party calls for an independent Sudanese Republic and poses a new Islamic doctrine based on absolute individual freedom and universal social justice. Taha's rejection of, and opposition to, the Sharia Laws of 1983 were consistent with the original manifesto of the *Jamhuri* (Republican) Party. In close connection with Taha's case, it is worth mentioning here that a criminal case was filed against Dr. Shams ad-Deen Al Amin Dawal Beit who is regarded as an Islamic revivalist (*mujaddid*); the charge of *apostasy* was leveled against him as well.

Secondly, confronting religious opponents: this came to the foreground when the Quranites (People of the Qur'an) descending from the *Hausa* ethnic group were targeted. The trials held for the Quranites were predicated on the way their religious practices and rites differed from the methodology of the people of the Book (the Qur'an) and Sunnah; the methodology of the people of the Book (the Qur'an) and Sunnah represents the doctrine *par excellence* of the current regime in the Sudan⁽¹⁹⁾.

Thirdly, monopoly on the exegesis of Qur'anic texts: in the charges of *apostasy*, scholars who owe their allegiance and loyalty to the regime resorted to monopolizing the interpretation of Islamic texts by employing fanatic doctrines as evidenced by the case of the Imam of Dar Al-Salam Mosque in Omdurman, see the sixth, seventh, twelfth and thirteenth cases.

Fourthly, monopoly on interpreting Islamic History: scholars loyal to the government monopolized the interpretation of Islamic History in order to incriminate those who interpret this history in terms other than those consistent with the philosophy of Political Islam- witness the cases of Al Nayel Abu Quroun and Mohammed Taha Mohammed Ahmed. See the third and fourth cases.

Fifthly, law enforcement officers identified themselves with the dominant political power and, consequently, a methodology rooted in the political application of the doctrine of the regime came to the foreground and took the upper hand via the leverage of the 'People of the Book(Qur'an) and Sunnah'. This is attested to by the cases of Fatima, Mohammed Ahmed al-

Disouqi (al-Baron), Mrs. Mona and journalist Marwa at-Tigani, see the fifth, tenth, fourteenth and fifteenth cases.

Sixthly, the *apostasy* charges targeted revivalists (*mujaddids*) who issued books, leaflets, etc. and bloggers who posted Articles; cases in point include Mahmoud Mohammed Taha and bloggers like Shams ad-Deen Al Amin Dawal Beit, see the first, second, third and eighth cases.

Records of *Apostasy* Lawsuits in the Sudan

First Case: the trial of Mahmoud Mohammed Taha

On November 18th, 1968, the Khartoum Sharia High Court with Judge Tawfiq Ahmed Al-Siddiq presiding issued a ruling convicting Engineer Mahmoud Mohammed Taha the leader of *Jamhuriis* (the Republicans) of *apostasy* in *hisbah* (accountability) lawsuit number 1035 of 1968⁽²⁰⁾, which was filed by two of the leaders of the Islamic Charter Front: Al Amin Daoud and Hussein Mohammed Zaki. The court ruled in absentia that Ustāz Mahmoud had apostatized from Islam. Ustāz Mahmoud had refused to appear before the court pointing out that the court did not have the required jurisprudence. The court also ruled that his wife should be divorced because she was a Muslim and should be divorced on the basis of difference of religion. It should be noted that this trial involved judicial irregularities including of: breaching Article (5) of the Sudanese Sharia courts law, which does not permit Sharia courts to look into criminal lawsuits.

Background to the trial: apparently the charge of *apostasy* was based on the religious views of Ustāz Mahmoud Mohammed Taha with respect to authenticity prayer (*Al-Asalah* prayer, i.e. a special prayer, which he claimed to have received from God as propagated by his detractors) and his contention that *zakat* (alms- giving) and *jihad* (struggling, fighting in the cause of Allah) are not of the origins of Islam. However, if we look into the real causes, we will realize that the trial came in the wake of Mahmoud Mohammed Taha's opposition to the issue which prevailed in the political arena in 1968- that of the proposed Islamic constitution.

Second Case: the trial of Mahmoud Mohammed Taha and others

On January 7th, 1985, the first session of the trial of Engineer Mahmoud Mohammed Taha and (4) of his disciples was held before one of the courts known as the 'prompt justice criminal court, with Judge Hassan Ibrahim Al Mahlawi presiding. 'Prompt justice courts' were formed following the declaration of Sharia laws in the Sudan in 1983 pursuant to (Presidential) decree number 35 of 1405 AH. The court looked into a Police report filed under Article (93) of the Criminal Code 1983- 'inciting hate against the state'. The code did not provide for the *apostasy* crime; however, the court sentenced the defendants to execution to be accompanied by crucifixion and added to its judgment granting the defendants the right to 'repent' before carrying out the sentence. The

ruling did not have any legal support; nevertheless, the court automatically referred the judgment to the Court of Appeal, which was presided over by Judge Al Mikashfi Taha Al Kabashi with Sharia judges Hajj Nour and Sir Al Khatim Hamid in the panel. In affirming the judgment of the Court of First Instance, the Court of Appeal based its affirmation on the provision of Article (3) of the 1983 Case Law (referred to as the 'law of sources of judicial rulings' in the Arabic original), "...notwithstanding the provisions of any other Act and in the absence of a provision ruling the incident... etc." in addition to Article (458/3) of the Criminal and Penal Code 1983 (which permits inflicting Sharia punishment) and affirmed the death sentence adding the charge of *apostasy*, which was non-existent in the Criminal and Penal Code Act of 1983. This breached the established legal norm: "no punishment and no crime except with provision". The Court of Appeal also added confiscating Taha's books and ordered that a funeral prayer should not be performed for him and that he should not be buried in a Muslim cemetery. The judgment was raised to the President of the Republic, Ga'far Nimeiry, to approve it without passing through the Supreme Court. The former President approved the ruling in spite of Article (247) of the Law of Criminal Procedure, which prohibits the execution of a person who is more than seventy years of age⁽²¹⁾. Taha was executed at Kober (originally Cooper) Prison in Khartoum North on January 18th, 1985. His body was carried in a helicopter to an area that remained undisclosed by the Sudanese Prison Authorities until the publication of this report. The death penalty facing his four disciples was rescinded by virtue of measures called *istitaba* (invitation to repent), which were not provided for by law.

Later in 1985, Asmaa Mahmoud Mohammed Taha (Taha's daughter) and Abdul Latif Omer Hasab Allah, through their legal representatives advocates Taha Ibrahim, 'Abdin Ismail and others, filed a constitutional challenge before the Constitutional Circuit in the Supreme Court against the Government of the Sudan, which was presented in file number 1406AH⁽²²⁾. The challenge was based on the fact that the ruling issued against Mahmoud Mohammed Taha breached the constitution; the challenge was predicated on the following:

- Usurping the constitutional rights of *Jamhuris* (the Republicans) because there was no charge of *apostasy* in the Sudanese Constitution of 1973 and the applicable laws pursuant to this constitution.
- The mistake made by of the President of the Republic in approving the conviction and the penalty in order to dispose of political opponents.
- The mistake made by the Court of Appeal in affirming the decision of the Sharia Court against Mahmoud Mohammed Taha.
- The court lacked independence and justice: details indicating that the trial was a conspiracy between the former President and some of his advisors actually designed to dispose of Mahmoud Mohammed Taha were presented in the hearing.
- On the basis of the above mentioned facts, the Constitutional Circuit in the Supreme Court announced that the decision made by the Criminal Court and affirmed by the Court of Appeal with respect to Mahmoud Mohammed Taha and the second defendant (Abdul Latif Omer Hasab Allah) was null⁽²³⁾.

Third Case: The Trial of Al Nayel Abu Quroun

On May 24th 2001, the Sudan Scholar Corporation issued a *fatwā* (Islamic legal pronouncement) signed by (27)⁽²⁴⁾ of the so-called ‘Islamist scholars’. The *fatwā* centered round excommunicating (*takfir*- declaring a Muslim as an unbeliever) Al Nayel Abdul Qadir Abu Quroun on the claim that he attempted to distort Islamic History by employing utter fraud, deception and insulting scholars. The *fatwa* was issued after Abu Quroun had published a book of his authorship titled *Ahibbai* (My Loved Ones). The book addressed the issue of interpreting some events in the Prophetic Biography (Al-sīra al-Nabawiyya) and the biographies of the Prophet’s Companions (Sirat Al Sahabah). After releasing the *fatwa* statement, the (27) scholars and others met in a session to have a discussion with Abu Quroun on his publication: *Ahibbai* (My Loved Ones). Following this discussion on June 6th, 2011, Mr. Abu Quroun sent a message to the President’s advisor for ‘Authentication’ Affairs (Authentication is a literal translation of the Arabic term ‘*ta’seel*’. What is meant by ‘authentication’/*ta’seel* in the juristic project of Islamization is redrafting laws to conform to Sharia). In this message he declared his repentance and disavowal of everything mentioned in *Ahibbai* (My Loved Ones)⁽²⁵⁾. If we bear in mind that the trial of Abu Quroun was held in 2011 under Article (126) before it was amended in 2015, we will realize that leveling the charge of *apostasy* against Abu Quroun breached the legal norm: “no punishment and no crime except with provision”.

Fourth Case: The Trial of Mohammed Taha Mohammed Ahmed

On April 12th, 2005, the Khartoum-based *Al Wifaq*, a politically oriented daily newspaper, published in issue number 2568 an Article by Dr. Al Miqrizi. The Editor-in-Chief, Mohammed Taha Mohammed Ahmed, critically responded to the Article saying that Dr. Al Miqrizi did a disservice to the Honourable Prophet, peace be upon him. On April 12th, 2005, the Sudan Scholar Corporation issued a statement giving a *fatwa* charging journalist Taha with *apostasy* for having published Al Miqrizi’s Article arguing that ‘whoever circulates unbelief (*kufri*) is an unbeliever (*kafir*)’. Dr. Ahmed Khalid Babikir, the Secretary-General of the Islamic *Fiqh* Academy, Sheikh ‘Atiyya Mohammed Sa’eed, member of the Sudan Scholar Corporation, Sheikh Abdul Hai Yusuf, Head of the Department of Islamic Culture, University of Khartoum and Dr. ‘Aisha Al Ghabshawi, member of the Islamic *Fiqh* Academy filed a police report at the Public Prosecutor’s Office in Northern Khartoum under Articles (125) and (126) of the Criminal Act 1991 and Article (19) of the Press and Publications Act against Mohammed Taha Mohammed Ahmed. The two Articles of the Criminal Act 1991 address insulting creed and *apostasy*. Consequently, a trial was held to hear a case against Mohammed Taha Mohammed Ahmed at the General Criminal Court in Khartoum with Judge Ismat Sulaiman presiding. A campaign was organized by Imams to address this issue in Friday sermons. The court held its sessions under the pressure of a campaign

organized by 1000 fanatic Muslims who carried placards excommunicating and threatening Taha. The campaign was addressed on one occasion by Sheikh Al Nazir Al Karouri, the Imam of the Mosque of the Martyrs' Complex in al-Muqran, who denounced the incident. The case was closed and written off and Taha was released on May 5th 2005 after disavowing the misconduct he was accused of⁽²⁶⁾.

Fifth Case:

In 2006 Al Fashir Senior Prosecutor filed a police report under Article (126) of the Criminal Act 1991 against Ms. Fatima (not her real name). The police report was written off after Fatima was referred to Al Fashir Hospital to be medically examined. The medical report issued by the Internal Medicine Department in the hospital stated: "Fatima suffers from irritable bowel syndrome and is incapable of controlling her emotional outbursts when angry".

Background to the police report: Round four one afternoon, a Policeman affiliated to the Public Order Police in Al Fashir began to harass Ms. Fatima while she was selling vegetables in the courtyard of a market known as 'Hajar Qado' in Al Fashir in North Darfur State. According to Ms. Fatima, the Policeman persistently continued attempting to seduce her, employing enticement and intimidation. In a surprising move, Fatima defended herself by grabbing the genitals of the Policeman and refusing to let go of him except in front of the Public Prosecutor notwithstanding the blows she received from (9) members of the Public Order Police who had hurried to the scene to help their fellow Policeman. In the Prosecutor's office, the prosecutor tried to calm Fatima down and asked her to say 'Prayers and peace be upon the Prophet'. He repeated 'Say prayers and peace be upon the Prophet' but she kept silent. He repeated this and Fatima's tears dropped. The Prosecutor said, "Aren't you a Muslim? Say 'Prayers and peace be upon the Prophet'". She retorted, "Yes, I'm not a Muslim. We have renounced this kind of Islam leaving it to the likes of you". The Prosecutor repeated 'Say prayers and peace be upon the Prophet'. Fatima responded saying, "I told you I'm not a Muslim". Fatima said he did not bother about her naked body after her clothes were torn up; he did not bother about the fact that she was beaten up. He ordered filing a police report against her under the charge of *apostasy* before referring her to a medical examination.

Sixth Case:

On 16th July, 2008, the Criminal Court of Hai al-Nasr wrote off a case comprising charges under Articles (126) *apostasy*, (77) 'public nuisance' and (69) 'breaching public peace' of the Criminal Act 1991. These charges were leveled against Yahya Omer Ibrahim, Sulaiman Mohammed Ibrahim, Zakaria Abdul Allah and Mohammed Musa Omer for being members of a 'Quranist group' whose members considered the Qur'an to be the only source of Islam, rejected the

Prophetic Sunnah (i.e. the second primary source of Islamic law) and practiced certain rites that ran counter to the teachings of Islam according to the claim made by the Police. The court learned that the group used to practice its rites in a *khalwa* (religious school where boys study the Qur'an before going to the primary school) in a house especially assigned for ritual practices in Mayo suburb, south of the capital city Khartoum. According to the claims mentioned in the brief, members of the group used to perform Friday prayer in four rak'ahs (prostrations), read Qur'anic chapters silently in each rak'ah (prostration) and perform the prayer without azan (call to prayer). Also, the members of the group did not perform wuḍū' (ablution) in the way Muslims would do before prayer. After the members of the group denounced their creed, the Judge made a recommendation to the Religious Affairs Authority, which is affiliated to the Ministry of Guidance and Endowments, to teach the members of the group the basics of Islamic acts of devotion. According to information in the files of the court, Hai al-Nasr Police continued to watch the place where these four men used to perform their worship practices and activities after they were released because the Police received reports saying that the group resumed practicing its religious rites in a manner breaching the teachings of Islam as the investigator described the group's religious rites before the court⁽²⁷⁾.

Seventh Case:

On November 15th, 2015, a combined force of the Police and elements of the National Intelligence and Security Service (NISSI) raided one of the locations of the Quranites and arrested (150) people. Twenty-one women and children were released immediately and (129) men were locked up and charged with 'disturbance of public peace', 'public nuisance' and *apostasy*, Articles (69), (77) and (126) of the Sudan Criminal Act 1991 respectively. Most of the defendants were released with bail whereas others, who appeared before courts and were prosecuted in 2008, were kept under custody awaiting trial. Following these arrests, on December 22nd 2015, the court of Hai al-Nasr, south of Khartoum wrote off the charges leveled against the (129) defendants under Articles (126) *apostasy*, (77) 'public nuisance' and (69) 'disturbance of public peace' of the Sudan Criminal Act 1991⁽²⁸⁾.

Background to the Police report: The charges were leveled against the defendants on the grounds that they practiced their religious rites in consistency with the methods of the Quranites at their location in Al Andalus suburb in Mayo area south of Khartoum. This information was given in the official statement of the investigator before the court. The investigator said that members of the group adhered to the Qur'an and did not recognize Sunnah citing the following instance: performing Friday prayer silently in four rak'ahs (prostrations) instead of two [unlike the practice of the people of the Book (the Qur'an) and Sunnah who perform Friday Prayer in two rak'ahs (prostrations) and recite the Qur'an loudly]. The investigator added that they did not perform *azan* (call to prayer), *iqama* (second call to prayer after azan), and delivered the sermon after not

before prayer in addition to differences in wuḍū' (ablution) - they only washed their faces and hands.

Eighth Case:

On February 10th 2011, the Police arrested Dr. Shams ad-Deen Al Amin Dawal Beit in Jamhuriya St. in Khartoum. He was then faced with charges under Articles (126) *apostasy*, (77) 'public nuisance' and (69) 'disturbance of public peace' of the Sudan Criminal Act 1991 in preparation for his trial on December 6th, 2015. Dr. Shams ad-Deen is one of the Sudanese thinkers, who maintains an active interest in issues of democracy, multiculturalism, human rights, enlightenment and Islamic reformation. In 1997 elements from the National Intelligence and Security Service (NISS) confiscated 4000 of his books and in view of the harassment he was subjected to by the security apparatus, he left for Egypt where he lived for two years before returning to the Sudan in 2000⁽²⁹⁾. Dr. Shams ad-Deen launched the 'reading to promote change initiative and issued the Sudanese magazine *Al Hadatha* (Modernity)⁽³²⁾.

Ninth Case:

On May 11th, 2014, Al Hajj Yusuf Criminal Court convicted Mrs. Mariam Ibrahim of adultery after declaring that her marriage in a church was null and void because she was brought up as a Muslim according to testimonies given in the court by some of her family members. The punishment of adultery under Article (146) of the Sudan Criminal Act 1991 is 100 lashes if the convict is unmarried. Mariam was also convicted of *apostasy* and was sentenced to death for having converted to Christianity from Islam. Article (126) of the Sudan Criminal Act 1991 stipulates the death penalty for a person convicted of *apostasy* defined as a Muslim "who propagates renunciation of Islam or publicly declares his renunciation thereof". The same Article provides for dropping the death penalty if the person concerned disavows his *apostasy* prior to carrying out the punishment.

On May 23rd, 2016, the Court of Appeal issued a decision to write off the judgment of Al Hajj Yusuf court and annul the conviction of Mariam Yahya of *apostasy* on the basis of her unstable psychological condition albeit there was a medical report indicating her overall well-being⁽³⁰⁾.

Tenth Case:

In May 2014, Al Qaḍārif Criminal Court wrote off charges leveled against Mrs. Mona (not her real name) who was charged of *apostasy* by the authorities concerned. Mrs. Mona was consequently forced to renounce her Christian faith and embrace Islam in order to avoid the death penalty.

A Police officer in the National Number Office in Al Qadārif city leveled a criminal charge against Mrs. Mona when she was in the process of applying for a national number card. The application form of the national number card includes a box where the applicant is supposed to write the religion of his/her parents. The Officer leveled the criminal charge against Mrs. Mona when she wrote in the box that she is Christian, married, mother of eight children and that her husband is Christian whereas her father is a Muslim⁽³¹⁾.

Eleventh Case:

On November 3rd, 2015, claimant Sharif Mohammed Ali Kadouk filed Police report number 1851 at the Police Station in Al Shajara suburb in Khartoum against his 24 years old son Al-Sheikh Sharif Ali under Articles (144) 'intimidation' and (126) *apostasy* of the Sudan Criminal Act 1991. Mr. Sharif said his son wore a cross to indicate that he had converted from Islam to Christianity. In the first court session on December 9th 2015, the Judge stated that the session was adjourned to have legal support from a delegate of the Ministry of Justice because the defendant faced charges punishable by the death penalty. A session was held on December 29th, 2015 in which the court decided to stop the proceedings of the criminal case against the defendant on the basis of a request made by the claimant, the defendant's father, to release the defendant and allow the claimant to refer him to the authorities concerned to receive medical treatment. The court accepted this request⁽³²⁾.

Twelfth Case

On December 2nd, 2015, a group of (27) persons, including three children, appeared before a criminal court in the capital Khartoum on the backdrop of *apostasy* charges under Article (126) of the Criminal Act after being charged by the authorities of affiliation to a Muslim sect whose members adhere to the Qur'an and reject the Prophetic Sunnah (*hadiths*: traditions comprising the words and deeds of Prophet Mohammed, peace be upon him). Members of the group were arrested on November 3rd 2015 while attending a public debate held in a small mosque (*zawiya*) in the western neighborhood of Al Andlus suburb⁽³³⁾ to the south of Khartoum. The arrests included two Imams who participated in the sermons given to the audience in addition to three children at least. The Sudanese Minister of Justice intervened to stop the trial; he requested the file of the case in accordance with the powers vested into him as provided for in Article (58) of the Criminal Procedure Act 1991. The file is still in the Ministry of Justice. [The Attorney-General may at any time after the investigations are completed and before a judgment by a court of first instance is issued in a criminal case make a signed, substantiated decision to stop the proceeding of a criminal case against a defendant and his/her decision shall be final and unchallengeable. In this case the court shall stop its proceeding and issue the necessary order to end the criminal case.]

Thirteenth Case:

This is the case of the Imam of Dar Al-Salam Mosque who was acquitted by the court, but not on the basis of upholding the principle of the right to belief and religious practices. The Criminal Court of Dar Al-Salam with Judge Abdul Hamid Madibbou presiding acquitted the Imam of Abū Bakr aş-Şiddīq Mosque of the charge of *apostasy*. The judge's decision was based on the weakness of the evidence presented and on the fact that it had been proven that the Imam was not an apostate. The Imam was charged with maintaining the view that prostration to an entity other than God is permissible. The details showed that the Imam of Dar Al-Salam Mosque stirred controversy between him and others when according to the claimant he said in Friday prayer that it was permissible to prostrate to an entity other than God citing two verses from the Holy Qur'an to support his viewpoint. Following this, the inhabitants of the neighborhood formed a committee to have a discussion on this view with the Imam. However, the Imam refused to participate in the discussion and this prompted filing a Police report against him under Article (126) *apostasy*. When interrogated the defendant explained that he meant nothing by prostration except bowing and not the kind of prostration involving ritualized bodily movements as in prayer⁽³⁴⁾.

Fourteenth Case:

On May 7th 2017, Mohammed Salih al-Disouqi, famously known as 'al-Baron', submitted a petition to the Central Court of Omdurman for Muslim Personal Matters to change his religion from Muslim to 'non-religious'; however, the petition was written off. On May 8th 2017, al-Disouqi submitted a request to the prosecutor of central Umm Bada in Omdurman asking the prosecutor to intervene in order to change his religion from Muslim to 'non-religious'. Promptly the prosecution filed a Police report against him under Articles (126)- *apostasy* and (69)-breaching public peace of the Sudan Criminal Act 1991 and issued an order to put him in custody. On May 11th 2017, he was referred by the Public Prosecutor to a medical examination, which was conducted by a psychiatrist inside the building of the Ministry of Justice in Khartoum. Following this, the Attorney-General wrote off the Police report on the basis of a medical report and Article (8) of the Sudan Criminal Act 1991, which stipulates that (i) "There shall be no responsibility except upon a mature person of free will", (ii) "There shall be no responsibility unless an unlawful act is done with intent or by negligence"⁽³⁵⁾.

Fifteenth Case:

On September 18th 2017, the Community Police arrested journalist Marwa al-Tigani in a restaurant in Central Khartoum after filing a Police report under Articles (126) and (125) of the Criminal Act: *apostasy* and insulting religion because of Articles she had posted on her personal Facebook page and *Al Hiwar al Motamadin* (Civilized Dialogue) website⁽³⁶⁾. After spending three days in custody at one of the cells of the Public Order Police in Khartoum North, Marwa was

released. Upon her release, she said that they ordered her to not disclose what had happened to her in return for writing off the Police report.

Sixteenth Case:

On 1st October 2017, the Khartoum Police arrested the fanatic Islamic proselytizer (da'i), Muzamil Faqiri following Police report number 362 of 2017 accusing him of *apostasy* under Article (126) of the Sudan Criminal Act 1991. He was interrogated by the prosecutor of Al Kalakla suburb south of Khartoum⁽³⁷⁾.

Background: the charge against Muzamil Faqiri was leveled after a Police report was filed by (25) *muhtasibs* and lawmen (a *muhtasib*, which is the singular of *muhtasibs*, is a sort of a halfway-house official between judge and magistrate, i.e. an ombudsman/inspector, concerned with preserving public morality). A Police report was filed accusing Muzamil Faqiri of disparaging the Mother of the Believers (umm al-mu'minīn) al-Saiyyda 'Ā'ishah bint AbīBakr, the wife of Prophet Mohammed, peace be upon him.

Undertaking *Istitaba'* procedures:

In the case of Muzamil Faqiri and other cases outlined above, there are certain irregularities to be noted and highlighted.

There is a philosophical contradiction in the law with respect to *istitaba'* (invitation to repent). Legally, the judge is actually the court manifest; it is only logical that the practice of *istitaba'* (invitation to repent) should be assigned to him/her. The judge is the legally specialized person according to the Sudanese Law of Criminal procedure to preside over, and adjudicate, all procedures pertinent to repentance. In this regard, we have to ponder some important issues.

Firstly, in the Sudanese case, commissioning a person from the Islamic *Fiqh* Academy, which is affiliated to the Sudanese Scholar Corporation⁽³⁸⁾, to undertake *Istitaba'* (invitation to repent) procedures undermines justice and fairness. This is so because the Sudanese Scholar Corporation -according to its records- is generally viewed as owing its allegiance to the ruling party. Moreover, its methodologies support issues propagating extremism and affiliation to the Sudanese Scholar Corporation is subject to the political attitudes of the individual. There are no selective control criteria to indicate the qualifications of the members of the Sudanese Scholar Corporation apart from ideological affinity with the religious doctrine of the ruling power or political loyalty.

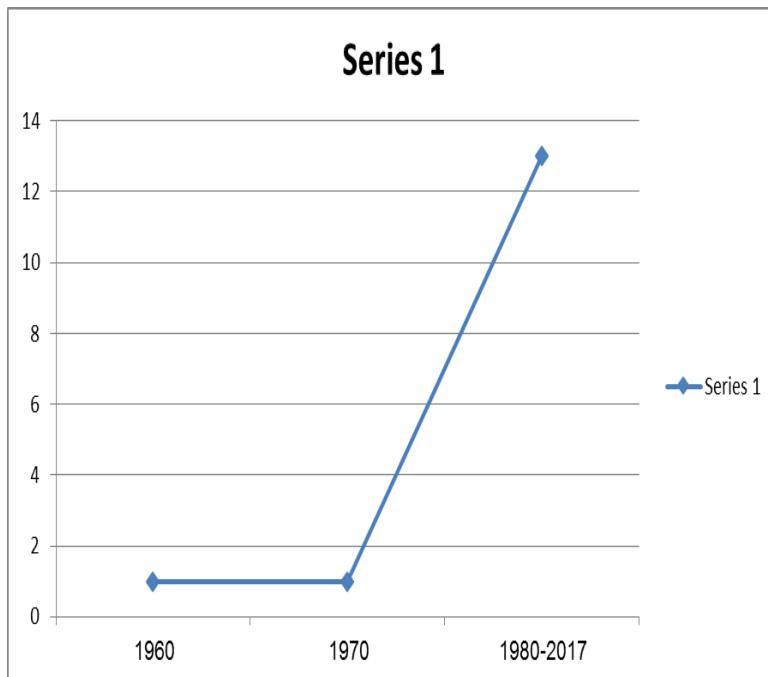
Secondly, the method of *istitaba'* (invitation to repent) employed by the Sudanese Scholar Corporation in the courts cancels discussing the cause of *apostasy* whether it is thought or something else. In fact, this method has a propensity towards formal application of *istitaba* (invitation to repent) without recourse to argumentation and therefore, contradicts the philosophy associated with faith. This method depends on enshrining *istitaba* (invitation to repent) and endowing it with religious sacredness.

Thirdly, the court is the only legally authorized body to address the defendant and no other person has this right apart from the bench. Hence the fact that delegates from the Islamic *Fiqh* Academy practice *istitaba* (invitation to repent) before courts is a blatant breach of law.

Fourthly, legally the Sudanese Scholar Corporation and other bodies should comply with *fatwas* issued by the Ministry of Justice and not the reverse.

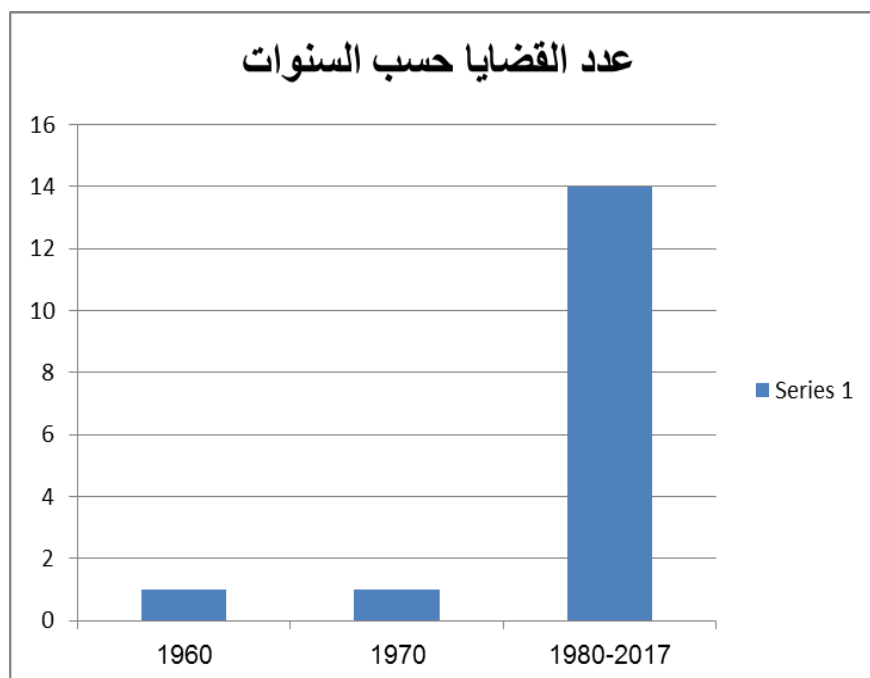
Fifthly, the website of the Sudanese Scholar Corporation continues to advocate issues that are generally viewed as violating human rights such as the marriage of minors, excommunicating (*takfir*) members of the Democratic Front in the University of Khartoum and other extremist positions supporting fundamentalism such as issuing an obituary of Osama bin Laden⁽³⁹⁾.

Figure 1:



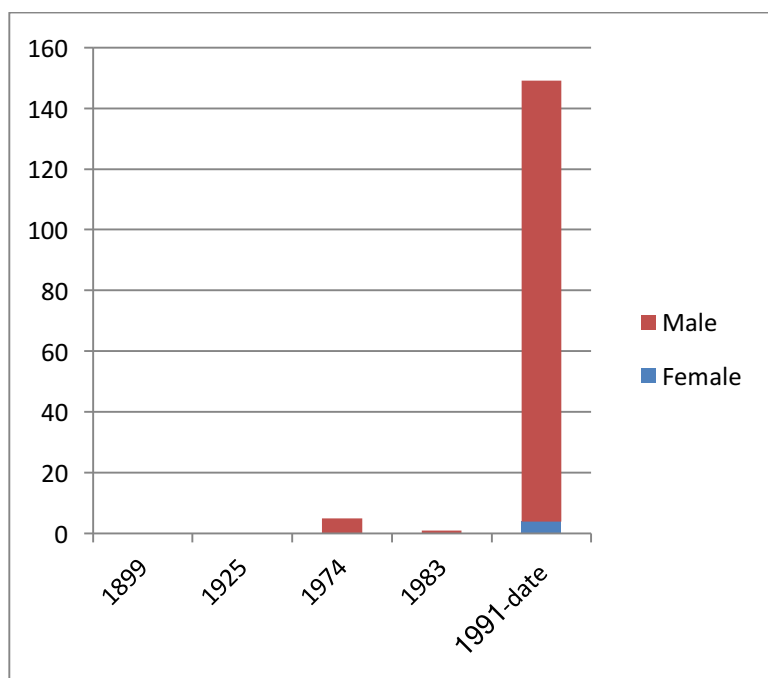
A Diagram illustrating rates of *apostasy* lawsuits 1968-2017

Figure 2:



Number of Lawsuits by Year

Figure 3:



Apostasy Lawsuits by Type

The Impacts Attendant on Issuing *Apostasy* Rulings:

In view of the records of *apostasy* lawsuits, the Sudanese authorities have continued to deal with *apostasy* according to different legal tactics. This derives in no small measure from political motives and from a desire to incorporate *apostasy* in the criminal law. According to the penalties inflicted and measures taken by courts, the Attorney-General and the Police in *apostasy* lawsuits, we can infer the following impacts attendant on *apostasy* rulings: -

- The death penalty means deprivation of the right to life. Although the judgment issued against Ustāz Mahmoud Mohammed Taha was annulled, the execution took precedence and it became impossible to fend off depriving the individual concerned of the right to life. The Constitutional Circuit of the Supreme Court which annulled the death penalty passed on all defendants except the father of the first claimant (Mahmoud Mohammed Taha) because he had been executed already, stated in its decision: “It is no longer possible to resurrect a buried life irrespective of the gravity of the mistakes”⁽⁴⁰⁾.
- Deprivation of the constitutional rights associated with the right to belief⁽⁴¹⁾.
- Forcing spouses to divorce by parading the ‘difference of religion’ argument as in the ruling of the Sharia court in the trial of Mahmoud Mohammed Taha in 1968 and later in the case of Mariam Yahya in 2014. In the latter case, the court declared that Mariam’s marriage in the church was null because of her creed and upbringing as a Muslim. This kind of decision inevitably results in complications affecting the whole family-particularly with respect to the children, their legal status and inheritance-related matters in which difference of religion constitutes a factor of disinheritance.
- Confiscating movable and immovable property: In the trial of Mahmoud Mohammed Taha in 1968, the Sharia Court issued rulings including confiscating his house in Al Thawra city in Omdurman. This betrayed the political nature of the ruling. The right to housing and to owning property as provided for in the Universal Declaration of Human Rights Article 17 (2): “No one shall be arbitrarily deprived of his property”⁽⁴²⁾ has no relation to religion. Moreover, in Sudan the use of a house is not restricted to the property owner alone; it extends to the whole family. Also, the Court of Criminal Appeal in the second trial of Mahmoud Mohammed Taha in 1985 issued a decision to confiscate his books. This vividly conjures up in one’s mind images of the Dark Ages and the deterioration of knowledge; this is not legally or ethically endorsable. It would be a truism to say that knowledge cannot be confiscated by court decisions and any attempt to do so breaches the right to freedom of expression and the right of others to access and obtain information. It is surprising that the court ordered confiscating Taha’s books although there is no benefit attached to this act. It seems that the court confused destruction, which is undoubtedly the ultimate goal of the ruling, with confiscation. It is worth mentioning here that the Court of Criminal Appeal in the second trial of Mahmoud

Mohammed Taha in 1985 ordered that a funeral prayer should not be performed for Taha and that he should not be buried in a Muslims' cemetery. His body was carried in a helicopter to a place which the Sudanese prison authorities never disclosed officially. There is no legal or Sharia (Islamic) provision to substantiate this part of the ruling and the consequences attendant on executing it- his family was barred from knowing his burial place. In the realities of life in Sudan there are religious elements predicated on the socio-cultural practices of *Sufism* (Islamic mysticism) whereby people visit the graves of their relatives to express faithfulness to their memory as well as to show other acts of constancy in remembering them. Moreover, the decision of forbidding his burial in a Muslim cemetery is viewed according to the cultural heritage of the Sudanese society as 'stigma'⁽⁴³⁾, which extends to the whole family. Viewed in this light, the judgment against Mahmoud Mohammed Taha was not only meant to deprive him from the right to life; but to extend beyond that and permanently taint his family, friends and disciples.

- Inflicting adultery punishment: under Article (146) of the Sudan Criminal Act, the court in the case of Mariam Yahya issued a ruling of 100 lashes as the defendant was not married.
- Loss of 'eligibility': in the trial of (Fatima) and later in the decisions of the Court of Appeal in the cases of Mariam Yahya, Al-Sheikh Sharif and Mohammed Salih al-Disouqi (famously known as al-Baron) recourse was made to medical decisions indicating the compromised psychological conditions of the defendants. These medical decisions exonerated them from 'criminal liability' according to Article (8) of the Sudan Criminal Act 1991⁽⁴⁴⁾. According to the Sudanese Civil Transactions Law 1984, Article (22) the impact of this legally extends to compromise eligibility to enjoy and exercise civil rights⁽⁴⁵⁾. Consequently, this affects a person's capacity to enjoy rights and perform duties. In other words, it represents one of the policies of employing law to 'intimidate' people by depriving them of eligibility and projecting onto the persons concerned a state of 'insanity', which might accompany these persons throughout life. The Sudanese law includes nothing to restore the situation to its correct status: "confirming whole eligibility'. This runs parallel to deprivation of the right to life because it amounts to "deprivation of normal life'. Needless to say, this is a situation that may generate the possibility of the individual concerned actually losing eligibility owing to the psychological torture practiced against this individual by describing him/her as 'lacking eligibility'.

Recommendations:

- Abolishing the crime of *apostasy* as defined by the Sudan Criminal and Penal Code.
- Taking immediate measures to remedy the moral injuries incurred by persons whose 'eligibility' was tainted by degrading measures taken by the Sudanese law enforcement agencies.
- Just and fair compensation for the psychological and material damages incurred by persons subjected to violations relating to *apostasy* charges.

Sources and Notes:

1. The Sudanese Judiciary, Al-Sawabiq wa Al-Ahkam (Precedents and Judgments) 1986 Journal: Asmaa Mahmoud Mohammed Taha, Abdul Latif Omer Mohammed Hasab Allah, claimants vs. the Government of Sudan, defendant before the Constitutional Circuit in the Supreme Court, a decision was made by Mohammed Mirghani Mabroukd, Chief Justice and Chairman of the Criminal Circuit, presiding and a panel of all the Justices of the Supreme Court and Justices of the Constitutional Circuit: Farouq Ahmed Ibrahim, Zaki Abdul Rahman and Mohammed Hamza Al Siddiq.
2. The historical evolution of the Sudanese penal and criminal laws comprised five acts: 1899, 1925, 1973, 1983 and 1991 (the last act is applicable now).
3. These were laws declared by the former Sudanese President Ga'far Mohammed Nimeiry (1969-1985) on September 8th, 1983. Under these laws, he declared applying Sharia laws and instituted himself *Imam of Muslims*, or rather 'Amir al-Mu'minin', which translates into 'Commander of the Faithful'.
4. The Sudanese Judiciary, Al-Sawabiq wa Al-Ahkam, 1986, op. cit.
5. *hisbah* (accountability) lawsuit: a lawsuit filed by what is referred to as 'muhtasib' in defense of the right of God Almighty. Hisbah is incorporated in the philosophy of the 'propagation of virtue and prevention of vice'. The Sudanese Judiciary, Al-Sawabiqwa Al-Ahkam, 1986, op. cit.
6. The Sudanese Judiciary, Al-Sawabiq wa Al-Ahkam, 1986, *ibid*.
7. The claimants were Al Amin Daoud and Hussein Mohammed Zaki.
8. The Universal Declaration of Human Rights, Article (18). The UN General Assembly adopted the Universal Declaration of Human Rights in Paris on December 10th, 1948 under resolution 217.
9. The International Covenant on Civil and Political Rights was adopted by the United Nations in 1966.
10. The African Charter on Human and People's Rights was formulated in 1982 and became effective as of October 21st, 1986.

11. The Interim National Constitution of the Republic of Sudan, 2005 (INC)
12. Article (126) of the Sudan Criminal Act 1991.
13. Amendment of Article (126) *apostasy* of the Sudan Criminal Act 2015.

14. The 'People of the Book (the Qur'an) and Sunnah' is an Islamic group that recognizes and agrees the Caliphate of Abū Bakr aṣ-Ṣiddīq, Umar bin al-Khattab and Uthman bin Affan after the Messenger, peace be upon him.
15. The Quranites consider the Qur'an the only source of religious power.
16. Shi'ites are members of an Islamic group who believe that the Caliphate belonged to Ali bin AbīTalib after the Messenger, peace be upon him.
17. Abdul Latif Omer Hasab Allah, Mohammed Salim Ba'shar, Taj al-Deen Abdul Razaq and Khalid BabikirHamza, *Al Fikrah al Jamhuriyya* (the Republican Thought) website.
18. *Al Fikrah al Jamhuriyya* (the Republican Thought) website: the emergence of the *Jamhuri* (Republican) Party.
19. The African Centre for Justice and Peace Studies.
20. See definition of *hisbah* (accountability) claim above.
21. *Al Fikrah al Jamhuriyya* (the Republican Thought) website.
22. *Al-Sawabiq wa Al-Ahkam*, op.cit.
23. Ibid.
24. Dr. Mohammed Ali Bashir, the Sudan Scholar Corporation: the text of the 'repentance' of Al Nayel Abu Quroun, July 12th, 2011. See, <http://aoif.gov.sd/ao/modules/news/Article.php?storyid=15>
25. *Nabi min bilad as-Sudan* (A Prophet from the Land of Sudan) by the thinker Al Nayel Abu Quroun: A Daring Interpretation of Islamic History on Moses, the *Pharaoh* and Inherited Exegeses of the Qur'an, Khartoum-based *Al Sahafa* newspaper, August 25th, 2011.
26. The editor-in-chief of the Sudanese newspaper *Al Wifaq* announces his 'repentance' after scholars demanded inflicting *apostasy* punishment on him, *Al Muslim* website, 29 Rabī' al-Awwal 1426 AH.
27. Monitored by the African Center for Justice and Peace Studies.
28. Khartoum-based *Al Sahafa* newspaper, no. (6309).
29. 'Reading for Change' initiative issued by the *Democratic Thought* series, which was founded, together with *Al Hadatha al-Sudaniyya* (Sudanese Modernity) magazine, by Dr.Shams ad-Deen Al Amin Dawal Beit.
30. 'The Sudanese authorities must immediately release the pregnant Christian lady and review the decision to convict her of apostasy and adultery', the African Centre for Justice and Peace Studies, May 12th, 2015.

31. Two priests from South Sudan facing the death penalty because they announced their opposition to the corruption scandal in a church in Khartoum North, the African Centre for Justice and Peace Studies, June 2nd, 2015.
32. Article (58) the Sudan Criminal Procedure Act 1991: "The Attorney-General may at any time after the investigations are completed, and before a judgment is issued at a court of first instance in a criminal case, make a signed, substantiated decision to stop the proceeding of a criminal case against a defendant and his/her decision shall be final and unchallengeable. In this case the court shall stop its proceeding and issue the necessary order to end the criminal case ".
33. Monitored by the African Centre for Justice and Peace Studies.
34. The 'legal' memorandum submitted by advocates Rif'at Makawi, Al Fatih Hussein and Sumaiyya Abdul Allah on behalf of Mohammed Ahmed al-Disouqi to the Sudanese Attorney-General on May 7th, 2017.
35. Journalist Marwa Al Tigani, "They locked me up for three days and asked me to keep silent in return for writing off the Police report", September 25th, 2017. Marwa Al Tigani is a Sudanese journalist, civil rights activist and human rights advocate. She was arrested together with a group of female human rights defenders in 2013 during the 'September protests'.
36. 'The Sudanese authorities arrest Muzamil Faqiri on apostasy charge', *Khartoum Post* online newspaper, October 1st, 2017.
37. Sudanese authorities arrest Muzamil Fagire with accusation of apostacy Kahrtoum post electronic newspaper | October 2017.
38. The Sudan Scholar Corporation was founded in the early 1920s. Its role was restricted to organizing acts of devotion, which require *fatwās* (a *fatwa* is a legal opinion or ruling issued by an Islamic scholar) such as confirming sighting Hilal Ramadan (Ramadan new moon) and issuing *fatwās* on religious matters presented by the Sudanese because the members of the Corporation have thorough knowledge of the rules of religion. On December 1st, 1999, according to the website of the Corporation, the Corporation was renewed and its membership was chosen of fifty selected persons. All the announced goals of the Corporation are pivoted on religion and the role of the Corporation as to giving advices to individuals and society and propelling a 'renaissance' in the Islamic World. In the trial of Mariam Yahya, Sheikh Jalal Al-Dean Al Humam was seconded to the court from the Islamic *Fiqh* Academy to undertake *istitaba'* (invitation to repent) proceeding.
39. Website of the Sudan Scholar Corporation.
40. The Sudan Judiciary, *Al-Sawabiq wa Al-Ahkam*, op. cit.
41. Article (38), the Interim National Constitution of the Republic of Sudan, 2005.

42. Article 17(2) of the Universal Declaration of Human Rights.
43. A synonym of 'stigma' in Sudanese colloquial Arabic is 'shame'; stigma is a substitute of 'shame' and the frequency of using the word rises in situations where media aligned with the authority prevail, carried away by what is known as 'religious legitimacy' as in the case of declaring Sharia laws when the former Sudanese President Ga'far Nimeiry was declared Imam of Muslims.
44. 'Responsibility' [used to denote *al ahliyya* (eligibility), Article (8) of the Sudan Criminal Act 1991.
45. Article (22) of the Civil Transactions Law 1984.