



AFRICAN CENTRE
FOR JUSTICE AND PEACE STUDIES



VIOLATIONS AND TARGETING OF PROPERTY AGAINST NON-MUSLIMS IN SUDAN

2010 — 2018



The African Centre for Justice and Peace Studies (ACJPS) is a non-profit, non-governmental organisation working to monitor and promote respect for human rights and legal reform in Sudan.

ACJPS has a vision of a Sudan where all people can live and prosper free from fear and want in a state committed to justice, equality and peace.

Cover photo: The partially demolished Angels Church in Khartoum North in 2014. © ACJPS

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First published in 2018 by
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Acronyms

NISS	National Intelligence and Security Service
SPLM-N	Sudan People's Liberation Movement-North

INTRODUCTION

This report addresses how the Sudanese authorities demolished non-Muslim places of worship in light of Sudan's national, regional and international human rights obligations. It also examines how religious leaders were prevented from legally registering their places of worship and how ownership of their property was arbitrarily transferred to the government or its allies and used for other purposes. In addition, this report takes a close look at the inept manner in which places of worship that formerly belonged to Christians from modern-day South Sudan were transferred to other Sudanese Christians following secession in July 2011.

Until 1983, the sociopolitical history of Sudan was characterised by tolerance between its diverse communities. Amid the majority Muslim population in Sudan lived Christians, Jews, Hindus and—until the separation of South Sudan in 2011—followers of traditional African animist religions. Mosques, monasteries, churches, shrines, saints' tombs and other places of worship had sat cheek to cheek throughout the country for centuries. Although there were recurrent tensions inflected by religious difference, freedom of religion was widely respected as a social norm. Intermarriages were common—long before Hasan Al Turabi issued the fatwa in 2006 that permitted a Muslim woman to marry a non-Muslim man—and this shaped the demography of Sudan's urban areas.

However, various circumstances eventually conspired to push out swathes of the country's non-Muslim population. The mid-century rise of the pan-Arab unity movement and the regional tension following the 1967 Six-Day War gave rise to widespread international antisemitism, and prompted much of Sudan's small Jewish community to leave the country (as was paralleled elsewhere across the Arab world).

President Jafar Numairi came to power in the 1969 military coup with a socialist and pan-Arabist agenda. He steadily drifted towards Islamism during the 1970s, and in September 1983 he changed the character of Sudan forever when he opted to introduce sharia law. This resulted in the state-sanctioned harassment of non-Muslims of all stripes. In 1985, the Prominent Christian Copt thinker Mahmoud Mohamed Taha was charged with apostasy and executed, and Copts emigrated en masse to escape similar persecution. Immediately after sharia was implemented, a fatwa was issued sanctioning the confiscation without compensation of all assets related to the alcohol trade, which were principally owned by Jews. Numairi also adopted a "nationalisation policy," whereby various properties belonging to non-Muslims (again, especially Jews) were confiscated for government use. The

assets of the Gellatly Hankey Co., a shipping company owned by the family of Rabbi Solomon Malka, were famously seized in this first wave in 1983. This included the Rabbi's family home on the Blue Nile Bank, which first became the headquarters of Numairi's party, and subsequently into the Ministry of Foreign Affairs, as it remains today.¹

Faced with such ideological and economic persecution, Sudan's small Jewish community dwindled to nothing. The last Jewish family is believed to have left Sudan in 1985, and the last known synagogue was later destroyed; the Sudanese Ministry of Information now sits in its place.²

Sudan's brief third period of democratic rule (1985-1989) brought no legal protections to the non-Muslims persecuted under President Numairi, and so the harassment continued. A renewed wave of restrictions targeting non-Muslims took place after the Sudanese Islamists, with high-ranking officer Omar Al Bashir as their figurehead, seized power in a supposed military coup in June 1989. The new regime advocated for theocratic rule and put in place state-sanctioned discriminatory practices such as the *Jizya*: a tax levied against non-Muslims. Although Christians were targeted most often, the Sudanese authorities were indiscriminate. Even Quranists (a Muslim sect popular in western Africa, whose members rely exclusively on the teachings of the Quran and exclude the Hadith) were subject to raids.

In 1996 the already widespread practice of confiscating property belonging to non-Muslims was officially authorised by a resolution of the Khartoum State Legislative Council. Amid civil war with the Christian and animist south, all non-Muslim activities were banned, and significant community spaces were taken over by the authorities. The Catholic Club in Khartoum was confiscated under the pretext of its lease having expired, and the grand 8000m² space was turned into the headquarters of the ruling National Congress Party, prompting widespread local and international criticism of the government. The law states that a political party must establish its headquarters using its own financial resources, making this occupation of confiscated property (which ought to have been administered by the Ministry of Endowment and Guidance) blatantly illegal.³

Under the pretext of fighting the rebel Sudan Peoples' Liberation Movement (SPLM), the Sudanese authorities went to extreme lengths in their persecution of Christians and animists, in the south as well as in the Nuba Mountains and Blue Nile regions. Forced disappearances and extrajudicial killings are believed to have been widespread, although detailed investigation of the events of this period is difficult to achieve.

Peace negotiations between the Sudanese government and the SPLM between 2000-2004 led to a decrease in violations against non-Muslims. This fragile peace was mostly maintained until the period leading up to the secession of South Sudan in 2011, as this report will show.

Methodology

This report addresses the violations committed against female human rights defenders in Sudan in light of the government's international, regional and national human rights obligations. In addition, it catalogues several cases involving such violations that have been brought before the judiciary in Sudan, noting how their number increased in the period from June 2016 until February 2018. The cases recorded in this report come both from primary sources such as interviews and secondary sources including online & printed Sudanese newspapers.

International obligations: International Declaration of Human Rights

- **Article 18** 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.

Regional obligations: African Charter for Humans & Peoples' Rights

- **Article 14** The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

National obligations: Interim National Constitution of 2005

- **Article 6** The state shall respect the following religious rights:
 - A. To worship or assemble in connection with any religion or belief and to establish and maintain places for these purposes;
 - B. To establish and maintain appropriate charitable or humanitarian institutions;
 - C. To acquire and possess movable and immovable property and make, acquire and use the necessary articles and materials related to the rites or customs of a religion or belief;
 - D. To write, issue and disseminate religious publications;
 - E. To teach religion or belief in places suitable for these purposes;
 - F. To solicit and receive voluntary financial and other contributions from individuals, private and public institutions;
 - G. To train, appoint, elect or designate by succession appropriate religious leaders called for by the requirements and standards of any religion or belief;
 - H. To observe days of rest, celebrate holidays and ceremonies in accordance with the precepts of religious beliefs;
 - I. To communicate with individuals and communities in matters of religion and belief at national and international levels.
- **Article 43 (2)** Expropriation will be prohibited, except by law, in the public interests and in consideration of prompt and fair compensation.

1. GOVERNMENT POLICY BEFORE AND FOLLOWING SECESSION

1.1 Bashir's statement in Al Gadarif

During his 2010 harvest visit to Al Gadarif, President Al Bashir released a statement indicating that Islamic sharia law—which had hitherto only technically applied to Muslims—would be enforced nationwide if South Sudan voted to secede.⁴ His remarks were taken to mean that Sudan would no longer accommodate the presence of Christian communities post-secession, and implicitly granted permission to Islamist extremist groups to harass and be violent towards non-Muslim communities in the north.

Most Christian facilities throughout Sudan were run by southerners, so the political climate bred by Bashir's policy put these institutions at risk in the run-up to secession. Southerners returned home out of fear, and their roles were mostly taken over by Christians from the Nuba Mountains and South Kordofan (who were themselves persecuted, albeit less militantly). This period of transition posed its own difficulties, given the urgency of the change and the lack of a coherent strategy to handle such an unprecedented situation.

1.2 Ministry of Endowments and Guidance and the Ministry of Urban Planning Discriminatory Policy

The law makes it difficult for non-Muslims to establish a place of worship. For any religious building other than a mosque, all inhabitants of a neighbourhood or district must give their consent for its construction. In addition, the local popular committee—in effect, a wing of the Islamist ruling party—must give their consent, which is nearly impossible to obtain.⁵ This practice is in explicit violation of the Sudanese Interim Constitution of 2005, which calls for freedom of religion, including the establishment and maintenance of places of worship.⁶

Taj Al Sir Al Fatih, the Endowments and Guidance minister, said explicitly on 17 April 2013 that the authorities “will not permit the building of new churches.”⁷ Christians in districts beyond the reach of the urban planning authorities, especially those in IDP (Internally Displaced Person) camps around the capital, reacted by building makeshift churches in their communities. These were not officially recognised by the Ministry of Endowment and Guidance as places of worship, but they were at least sufficient for Christians to perform their religious practices.

The Ministry of Urban Planning has long since refused to grant Christians legal ownership of the lands on which their churches are built, in IDP camps and elsewhere. This complete lack of recognition puts the owners and attendees of such churches at greater risk of prosecution for apostasy, and has led to the establishment of “home churches” in IDP camps in Darfur and elsewhere, where religious practices are carried out in secret.

2. DEMOLITION OF PROPERTY

2.1 Burning down churches and vandalising of religious sculptures

Since the run-up to secession in 2011, there has been widespread vandalism and destruction of churches and religious monuments by radical Islamist groups. This is the direct result of Bashir green-lighting the persecution of non-Muslims in his 2010 speech, and thus constitutes a systematic government policy.

The churches and religious monuments affected include:

- On 15 November 2010, a church in Karkouj, eastern Sinnar, was burned down. This was the same day that registration for the South Sudanese referendum, as provided for in the Interim Constitution of 2005, began.
- On 25 November 2010, a church in Wad Al Nayyal, close to Damazin City on the Blue Nile, is reported to have been burned down.
- On 28 June 2011, radical Islamists burned down a building in the Lutheran Anglican Church in Omdurman, and the authorities alleged that the culprits were unknown.
- On 23 October 2012, unknown attackers stormed the Grant Catholic Church in Kosti, White Nile State and demolished statues of the Virgin Mary. Church officials reported the attack to the police, but the investigation never led to any arrests.
- On 21 April 2012, dozens of radical Islamists carrying sticks and iron bars besieged and burned down the Anglican Church in Aljiraif West, Khartoum. The police had been warned of the impending attack and six police vehicles were in attendance, but did not intervene.
- On 16 October 2014, radical Islamists burned down the Lutheran Church in Al Gadarif. The crime was reported to the police, but registered as an attack by unknown culprits.

2.2 Churches demolished for lack of legal title deeds

The law on land ownership has been used to arbitrarily deprive churches of the title deeds to the land they once occupied. The long-term ideological objective is to remove the presence of non-Muslim religious centres and reinforce the manifestations of the Islamic state, so that Khartoum will be among the world's leading Islamist capital cities.

The authorities have put obstacles in place that make it difficult to obtain and register a church license; these are the same authorities charged with demolishing churches lacking such documentation.

All of the following churches were demolished on these grounds:

- On an unknown date in 2011, a church in the district of Al Haj Yousif, Khartoum North, was demolished.
- On 19 June 2012, the Episcopal Church in Al Haj Yousif, Khartoum North, was bulldozed.
- On 15 July 2014, the Sudanese Jesus Church in Taiba Al Ahamda, Khartoum North was demolished by the Sudanese authorities. It is unlikely that this church was unlicensed, given that it had been active since 1983. The church administrators say it had served more than 2000 Christians, many of them IDPs from the Nuba Mountains.
- On 30 July 2014, buildings affiliated with a church in Al Izba, Khartoum North, were bulldozed.
- In 2015, the Omdurman Episcopal Church was demolished.
- On 21 October 2016, Lutheran Anglican Church in Al Thawra, Omdurman was demolished by the Sudanese authorities despite having been established in 1982 and registered in 1992.
- In 2017, the Church of Christ in Soba, south of Khartoum, was demolished.
- In 2017, parts of a church in Al Qadisiyya, Jabal Awliya, south of Khartoum, were demolished.
- In 2017, the Church of Christ in Al Thawra, Omdurman was demolished.
- On 11 February 2018, the Sudanese Anglican Church in Khartoum Bahari was demolished and all its property confiscated.

2.3 Aerial bombardment of churches

The Sudanese Air Force has pursued a systematic campaign against SPLM-N. Historically, the SPLM-N used parts of the Nuba Mountains as a base, and they still control the area. Churches have been collateral damage of this air campaign, and are singled out here because we still identify them as non-Muslim properties that have still been demolished at the hands of the government, although they have not been made explicit targets.

- In March 2013, the Sudanese Air-force fighters bombarded Angelo Church in Kadugli in South Kordofan state.
- On 5 July 2014, the Sudanese Air-force fighters bombarded a church in South Kordofan.
- On 10 October 2014, a church in Kadugli, in South Kordofan state, was set on fire due to aerial bombardments by fighters of the Sudanese Air-force.

3. CONFISCATION OF PROPERTY & OTHER VIOLATIONS

3.1 Arbitrary confiscation of Christian-owned property by the NISS

The National Security Act of 2010 affords members of the NISS the power to seize property without a warrant. This broad power has enabled the NISS to forcibly take over property belonging to non-Muslims throughout Sudan.

The following properties and assets were seized:

- On an unknown date in 2012, three warehouse buildings in Al Arda Street, Omdurman owned by the Aslan Foundation, in addition to ten of their vehicles.
- On an unknown date in 2012, the Sud-media Company for Training and Production Ltd. The company was owned by Rifaat Sameer Musaad, a leader in the Anglican Community, whose car was also confiscated.
- On an unknown date in 2013, Al Tabsheer Church in Khartoum II, central Khartoum. The church buildings (occupying about 4000m²) are currently occupied by the NISS's Economic Department.
- On 13 January 2013, the Nito Centre for Languages and Computer Sciences.
- On 13 January 2013, the KuKu institute, Omdurman.
- On 15 January 2013, the Life Institute for Teaching Arabic. The director and owner of the Institute, an Egyptian national, was given 72 hours to leave the country, while his students were given 48 hours.
- On 16 January 2013, the Kredo Institute for English Language and Information Technology in Al Haj Yousif District, Khartoum North.
- On 16 January 2013, the Aslan Institute for English and Information Technology. Some teachers stood accused of being missionaries (although this is not a violation of the law). The building is currently occupied by the NISS>
- On 15 February 2013, Al Tareeq Christian bookshop and the Holy Book Cultural and Information Centre. Copies of the Bible were also confiscated.
- On an unknown date in 2014, a Christian-owned property in Sharia Al Sayid Abdul Rahman, central Khartoum. The building (occupying about 1000m²) is currently occupied by the NISS.
- On 18 February 2013, the Anglican Cultural Centre in Khartoum and its contents.
- On 24 February 2013, the authorities closed down the Nile Valley Academy for elementary education. In 2015, Al Azhari House (occupying about 400m²), which belonged to the South Sudan Students Association in Khartoum.

- On 28 January 2015, the farm of Ashraf Sameer Musaad (brother of Anglican leader Rifaat Sameer Musaad who lost his company and car). He was forced to leave the country, and his farm is now occupied by the NISS.

3.2 Attacks on religious leaders

- On an unknown date in early February 2012, two priests from Kosti were abducted and tortured by unknown assailants and released on 5 February.⁸
- On 22 October 2017, a group of radical Islamists assaulted a priest in a Catholic Church in the Al Thawra district of Omdurman and ordered him not to lead Southern Sudanese in prayers again. Although members of the congregation expressed fear over future harassment, the authorities never provided the church with any kind of protection.

4. CASE STUDIES

4.1 The Khartoum North Anglican Church

In the run-up to secession in July 2011, a rift emerged between two groups—the outgoing southerners, and incoming northerners from the Nuba Mountains—who both had a rightful claim to authority over the affairs of the Khartoum North Anglican Church. The Ministry of Endowment and Guidance saw this rift as an opportunity for their own gain. They issued a resolution supporting the authority of the Nuba Mountains group, deepening the divide between the two and leading to an alliance that bred corrupt practices benefiting the Ministry. The church property occupied a large area in a desirable central neighbourhood of Khartoum, and a number of its buildings (including the house of the priest) were soon offered for rental and sale on the property market—thus literally diminishing the physical presence of the Christian church in this prominent location and simultaneously reaping huge profits.⁹

4.2 The Comboni Schools

Following the secession of South Sudan, the local authorities in Karary, Omdurman targeted property belonging to the Comboni Schools—a Catholic organisation named after the canonised Italian missionary Saint Daniel Comboni (1831-1881), who founded schools across modern-day South Sudan, Sudan and Egypt. One Comboni School, set up by a group of educators in 1985 after legally obtaining the freehold to its 3000m² land plot, was unlawfully confiscated by the local authorities, who went on to use its buildings as their headquarters. The Comboni Schools group immediately sought legal recourse.

Later in 2011, the High Court ruled in favour of the Comboni Schools and decreed that the local authorities in Karary had to return the school to their administration. The premises were to be evacuated by the end of the 2012-13 school year and returned to the rightful owner. However, the local authorities deliberately delayed fulfilment of this order, meaning that 280 pupils had to incur expenses commuting to another school in Al Thawra in the meantime. On 9 June 2015 at 8:30am, pupils together with teachers organised a peaceful protest against this delay in front of the school building, resulting in the arrest of head-teacher Ishaq Andraous by the NISS.

4.3 Demolishing 25 churches in Khartoum State

The Director General of the State of Khartoum Lands Department issued a decision in 2015 to demolish 25 churches in Khartoum, Omdurman, and Khartoum North, under the pretext that the leaders of these churches had failed to obtain the required permission from the land ownership authorities to construct these churches in the first place. Their reasoning is

evidently false, as all of these churches were built before land planning law existed in these areas, and as a pre-existing building should have been granted a permit automatically. So far, three churches have been demolished under this resolution.

4.4 Church of Christ, Omdurman

On 22 October 2017, the police stormed the Church of Christ in Al Thawra, Omdurman. They closed the altar, banned prayer and proceeded to arrest church officials, including Father Ayoub Talian, the deputy head of the church complex, Ali Al Hakim, the pastor of the church, Priest Imbratoor Hammad, Preacher Habeel Ibrahim, and Al Sheikh Abdul Baqi Tutu. All five of these men are members of the church's executive committee.¹⁰

ACJPS deplores the targeting of non-Muslim groups throughout Sudan in recent years and calls on the Government of Sudan to:

- Respect religious freedom, as provided for under the Interim National Constitution as well as the regional and international human rights treaties to which Sudan is a state party.
- Refrain from arbitrary closure, demolition, confiscation or burning of properties and assets of non-Muslims.
- Return seized properties and other assets to their rightful owners, and provide restitution for properties that have been wrongfully demolished, as well as fair compensation for the time these individuals have been unable to use them.
- Conduct an independent and fair investigation into the alleged violations with the aim of holding those responsible to account.
- Guarantee the provision of places of worship as well as educational or cultural centres to non-Muslims.
- Intervene to halt the planned demolition of 25 churches in Khartoum state.

- ¹ "Jews of the Sudan," *Al Arabiya*, 21 August 2017. Available online [in Arabic] at <http://www.alquds.co.uk/?p=775999>.
- ² It is not known when exactly it was demolished. See *ibid*.
- ³ See Al Tayib Zain Al Abdeen Alrakuba, "The Experience of the Sudanese Islamist Movement in the Area of Human Rights between Theory and Practice," *Al Rakoba*, 10 December 2012. Available online [in Arabic] at <https://www.alrakoba.net/news-action-show-id-74073.htm>.
- ⁴ BBC News Arabic, *Al Bashir threatens to enforce the Islamic sharia laws in case of the separation of South Sudan* [video]. Available online at <https://www.youtube.com/watch?v=9C0PV58eGcE>.
- ⁵ The law requires that such committees are formed following an electoral process, however the de facto practice in Sudan is that the Commissioner (Mayor) of a city appoints its members.
- ⁶ See Article 6 of the Interim National Constitution of 2005.
- ⁷ "NCP Endowment and Guidance minister: We will not Allow building New Churches," *Huriyyat*, 18 April 2013. Available online (in Arabic) at <https://www.sudaress.com/hurriyat/105837>.
- ⁸ According to a report in *Al Tayar*, issue No. 889, 5 February 2012. (The article is not online.)
- ⁹ The regime routinely confiscated land and property in areas where their price was lucrative.
- ¹⁰ "Authorities closed down the Church of Christ in Al Thawra-29 and arrested a number of priests," *Sawt Al Hamish*, 23 October 2017. Available online (in Arabic) at <https://www.altareeq.info/ar/sudan-government-decision/>.



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