

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on minority issues; the Independent Expert on the situation of human rights in the Sudan; and the Special Rapporteur on extrajudicial, summary or arbitrary executions

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SDN 1/2016:

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on freedom of religion or belief; Special Rapporteur on minority issues; Independent Expert on the situation of human rights in the Sudan; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/2, 22/20, 25/5, 27/29, and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **judicial process against 22 men and three boys in Khartoum for allegedly denying the authority of the Hadith.**

According to the information received:

On 2 and 3 November 2015, a total of 27 Sudanese nationals (24 male adults and three male children) were arrested in Khartoum under the charge of apostasy. The crime of apostasy is defined in article 126 of the Sudanese Penal Code: "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" and is punishable by death. The police detained a group of five persons at the Mayu Market and a second group of 22 during a religious discussion, following an anonymous tip.

All the detainees were held in Omdurman's Men's Prison. The three boys (Amen Khalil Gebril, 16 years old; Refat Abdalmoamen Awad, 16 years old; and Hassan Munair Bashir, 15 years old) were held together with adult detainees.

On 30 November 2015, the three boys were released by Khartoum Criminal Court on the condition that they pledged to attend the upcoming trial. On 9 December 2015, the Court released two of the men due to insufficient evidence. On 14 December 2015, the remaining 22 adult males were released on bail pending the next hearing, to be held on 9 February 2016. Their names are Ebrahim Essa Abakar, 23 years old; Muatasem Yousef Abaker, 21 years old; Samen Alzebair Abdalla, 27 years old; Alyas Mohamed Abdalla, 51 years old; Khames Mohamed Abdalla, 23 years old; Murwan Mohamed Abdalla, 20 years old; Ebrahim Yousef Abdallah, 27 years old; Waleed Abdalmuneam, 20 years old; Fawzi Abdalla Adam, 20 years old; Yousef Essa Adam, 25 years old; Ayman Saied Ebrahim, 19 years old; Abderahman Saied Enrahim, 37 years old; Mohamed Abdalsalam Gebreal, 25 years old; Haroun Adam Haroun, 30 years old; Hassan Abakar Osman, 19 years old; Alamin Salih Osman, 25 years old; Awad Ebrahim Osman, 28 years old; Rabeel Abdalhameed Mohamed, 28 years old; Emam Alyas Mohamed, 21 years old; Mokhtar Khalil Musa, 36 years old; Awad Mohamed Mussa, 33 years old; and Essa Yagoup, 20 years old.

The three children will be judged together with adults, contrary to Sudanese law.

The 25 defendants are Muslims and, as members of the Hausa ethnic group, follow an interpretation of Islam that is different from the dominant denomination in Sudan in that they reject the authority of the Hadith and only follow the teachings of the Qur'an. The prosecution holds that their position regarding Hadith constitutes apostasy by denying the teachings of the Prophet.

We would like to express our serious concern that judicial procedures are ongoing against 25 persons, including three children, for peacefully exercising their freedom of religion or belief and engaging in religious discussions. We would further like to express our serious concern that three children will be judged together with the adult defendants. In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, **we respectfully call upon your Excellency's Government to withdraw the charges against the defendants**, as the ongoing procedures against them may constitute a violation of applicable international human rights standards. We also call upon your Excellency's Government to repeal any criminal law provision that penalizes apostasy, as it may prevent persons belonging to religious or belief minorities from fully enjoying their freedom of religion or belief.

Without making any judgment as to the accuracy of the information made available to us, the above allegations appear to be in contravention of the right of every

individual to life, liberty and security; of the right to freedom of thought, conscience and religion, the right to freedom of opinion and expression and of the right of religious minorities to practice religion according to their own convictions, as set out in articles 6, 18, 19 and 27 of the International Covenant on Civil and Political Rights, which Sudan ratified on 18 March 1986.

These allegations also appear to be in contravention of article 37 (a) of the Convention on the Rights of the Child, which Sudan ratified on 3 August 1990 and prohibits the imposition of capital punishment for offences committed by persons below eighteen years of age. These allegations would also appear to be in contravention of articles 13, 14 and 30 of the same Convention, establishing the rights of the child to freedom of expression, freedom of religion and the rights of a child belonging to a minority to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language respectively.

Article 27 of the International Covenant on Civil and Political Rights states that “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language”. In 1992, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities confirmed the obligation of States to protect the existence and identity of religious minorities within their territories and to adopt the appropriate measures to achieve this end, and article 2 states that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination. Furthermore, States are required to ensure that persons belonging to minorities, including religious minorities, may exercise their human rights without discrimination and in full equality before the law (article 4.1).

In addition, we draw your Excellency’s Government attention to the recommendations of the sixth session of the Forum on Minority Issues on “Guaranteeing the rights of religious minorities” (2013), in particular to recommendation number 19, which calls on States to adopt domestic anti-discrimination legislation that includes provisions that prohibit direct and indirect discrimination against persons belonging to religious minorities and to Governments to implement such legislation, and recommendation number 22, that establishes that States should protect the interdependent freedoms of religion and expression that together encompass the rights to teach, proselytize and criticize any religion, while encouraging a respectful and peaceful coexistence.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

We may publically express our concerns in the near future as this is a serious matter warranting immediate attention. We are of the view that the information upon which the press release would be based is sufficiently reliable. The press release would indicate that we have been in contact with your Excellency's Government to clarify the issues in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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