

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the independence of judges and lawyers; 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**

REFERENCE: UA  
SDN 4/2015:

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the independence of judges and lawyers; 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 24/7, 25/2, 24/5, 22/20, 26/7, 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 **serious criminal charges against Reverend Yat Michael Ruot Puk and Reverend Peter Yien Reith and the undue restrictions of freedom of religion or belief of the Christian communities in Sudan.**

According to the information received:

On 23 March 2014, the Ministry of Guidance and Religious Affairs allegedly called for a synod meeting of the Sudan Evangelical Presbyterian Church (SEPC) and appointed three members of that church to a committee tasked with making investment agreements against the wish of SEPC. SEPC challenged against these "appointments" twice in Administrative Court in Bahri. Despite the rulings of the court requiring the activities of the investment committee to cease pending the

outcome of the proceedings, the same officials were reportedly re-appointed to the same committee by the Ministry of Guidance and Religious Endowments.

Since their “appointments”, the committee members have allegedly sold SEPC’s property to Muslim investors, without the approval of the Church. On 17 November 2014, the National Intelligence and Security Service (NISS) agents allegedly demolished a wall of the main building of the property and neighbouring houses. NISS agents also presented a court order to the church leaders demanding that the property be handed over to a Muslim businessman who was the alleged new owner. The Church leaders filed a legal challenge against the court order the following day after which the NISS agents returned with a second order, and attempted to lock all doors to the Church and remove the property from one of the adjacent houses. Church members protested and formed human shield to prevent the church property from being removed or further interfered with.

Eight people, including Church leaders, were arrested on 25 November 2014 for refusing to comply with the court orders. On 2 December 2014, another 39 Church members who peacefully assembled around the Church in defence of the property were arrested and charged with public nuisance offenses, out of whom, 22 received fines.

Subsequently, on 14 December 2014, Reverend Yat Michael Ruot Puk, a minister from the South Sudan Evangelical Presbyterian Church (SSEPC), was arrested by NISS officers at the Khartoum Bhari Evangelical Church shortly after delivering a speech, in which he encouraged church members to continue standing firm through the trials that the Church was experiencing. NISS agents allegedly claimed that his speech was offensive. On 11 January 2015, Reverend Peter Yein Reith was arrested at his residence. Both clergymen were arrested without any arrest warrants and were held incommunicado until 1 March 2015. Only after their transfer to Omdurman Men’s Prison, a low security facility on 1 March 2015 were they granted access to lawyers and family visits.

On 4 May 2015, Reverend Michael and Reverend Peter were brought before the Khartoum Bahri Criminal Court for a hearing where they were both charged with undermining the constitutional system (Article 50 of Sudanese Penal Code), waging war against the state (Article 51), espionage (Article 53), unlawful disclosure and receipt of official information or documents (Article 55), arousing feelings of discontent among regular forces (Article 62), breach of public peace (Article 69), offences relating to insulting religious believes (Article 125). Articles 50, 51 and 53 carry the death penalty or life imprisonment in event of a guilty verdict, while Article 125 (blasphemy) is punishable by whipping.

Following these charges and subsequent hearings on 19 and 31 May 2015, both pastors have allegedly been moved to a high security prison in North Khartoum about a week ago. They were last seen by their families and pastors from their

church on 3 June 2015. Since then, neither their wives nor lawyers have been allowed to visit them but no reason has been provided by the prison authorities other than confirming their transfer to Kober Prison. Director of Kober Prison Administration allegedly insisted that access to both Reverends can only be given through a court order.

Christians in Sudan have reportedly been prohibited from practicing their faith in open air meetings; they must obtain permits from the Government to assemble legally in public which are often not granted. In April 2013, the Government announced that it would not issue any new permits for the construction of Christian churches, hence no Christian community is able to build new places of worship.

Reports also indicated that towards the end of 2012 and during the course of 2013, there were mass and summary expulsions, arrests, and detentions of foreign Christians. These incidents were concentrated in the cities of Khartoum and Omdurman where churches were raided or demolished, their assets seized and their members arrested or detained. Many Church members also had their personal belongings, such laptops and mobile phones, or land and businesses confiscated without any compensation. In August 2014, the authorities allegedly closed down the Khartoum Christian Centre (Sudan Pentecostal Church) and confiscated the property of the Serving The Church Across Cultures (SIM) compound in Khartoum which housed two church congregations, a theological school, a guesthouse and offices that were used for religious activities.

Serious concerns are expressed about the arrest, detention and trial of Reverend Yat Michael Ruot Puk and Reverend Peter Yien Reith, in particular as some of the charges they are accused of carry the death penalty, life imprisonment and other types of harsh punishments, which seem directly related to peaceful exercise of their rights to freedom of religion or belief, freedom of opinion and expression, and freedom of assembly. Moreover, concerns are expressed at the reported arrest of 39 protestors and administrative penalties against 22 of them on 2 December 2014. Similar concerns are expressed at the alleged continuous interference in the internal affairs and religious autonomy of the South Sudan Evangelical Presbyterian Church, as well as the harassments and violation of the right to freedom of religion or belief of Christian minorities in Sudan.

Without expressing at this stage an opinion on the facts of these cases and on whether the arrest and detention of the above-mentioned individuals is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of International Covenant on Civil and Political Rights (ICCPR). In particular, the

allegations appear to be in contravention of the right to have access to a lawyer also enshrined in the Basic Principles on the Role of Lawyers.

We would also like to bring to the attention of your Excellency's Government that article 3 of the UDHR and article 6 of ICCPR guarantee the right of every individual to life and security and not to be arbitrarily deprived of life. According to article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty, capital punishment may only be carried out pursuant to all possible safeguards to ensure a fair trial, including legal assistance at all stages of the proceedings. Only full respect for stringent due process guarantees distinguishes capital punishment from a summary execution.

We would like to draw the attention of your Excellency's Government to article 6(2) of the ICCPR which states that the sentence of death may be imposed only for the most serious crimes. This provision has consistently been interpreted by the Human Rights Committee to mean that the death sentence may only be imposed in respect of offences that result in the loss of life. .

We also wish to recall articles 18, 19 and 20 of the UDHR and articles 18, 19, 21 26 and 27 of the ICCPR that stress the rights to freedom of religion or belief, freedom of opinion and expression, freedom of peaceful assembly and of minorities. In this regard, we also recall the international standards in relation to the protection of the rights of persons belonging to religious minorities, in particular to the 1992 Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic minorities.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide detailed information on the justification for the arrest of the peaceful protestors around the church on 2 December 2014, indicating how these arrests are compatible with international human rights norms and standards, in particular the right to freedom of expression and the right to freedom of peaceful assembly?

3. Please provide detailed information regarding the legal basis for the arrest, detention and criminal charges against Reverend Michael and Reverend Peter, and explain in particular these measures are compatible with the international human rights norms and standards mentioned above?

4. Please explain why both Reverends Michael and Peter were transferred to high security prison and are not allowed access to their families and lawyers.

5. Please clarify why and on what basis the Ministry of Guidance and Religious Affairs became involved in the internal affairs of SEPC and appointed individuals to the investment Committee of the SEPC given the church's opposition to these appointments?

6. Please state the reasons for confiscating church properties. Please state any other alternatives provided to the congregation of the SEPC in Khartoum, to address their religious or spiritual needs in the absence of religious facilities and church leaders.

7. Please indicate which measures your Excellency's Government has adopted to ensure that the freedom of religion or belief of religious minorities, such as the Christian communities, and their religious autonomy are respected in Sudan.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

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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freedom of opinion and expression

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