

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on freedom of religion or belief;
and the Independent Expert on minority issues**

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

REFERENCE: UA G/SO 218/2 G/SO 214 (56-23) Minorities (2005-4)
SDN 5/2013

2 May 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on freedom of religion or belief; and Independent Expert on minority issues pursuant to Human Rights Council resolutions 15/18, 14/11, and 16/6.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **alleged persecution of members of the Christian community and of African ethnic groups in Sudan, particularly the Nuba, and the halt in the issuance of licenses for building churches.**

According to the information received:

A campaign of repression against Christians in northern Sudan began in December 2012, as part of an alleged attempt to Islamise the country and eliminate the Christian presence. Reports also refer to an alleged media campaign warning against "Christianisation". According to the information received, the number of arrests, detentions and questionings by security services against Christians and those suspected of having links to them, as well as the deportation of foreign Christians, has increased particularly in Khartoum and Omdurman. Christians are also subjected to the confiscation of personal belongings such as mobile phones, identity cards and laptops.

Further reports indicate that members of African ethnic groups, particularly the Nuba, have been systematically targeted. It is believed that these acts could be partially connected to the resurgence of an official agenda of Islamisation and Arabisation in the country.

On 18 February 2013, the cultural centre of the Sudan Presbyterian Evangelical Church (SPEC) in Khartoum was raided by the National Intelligence and Security Services (NISS). Three people were arrested at the premises and several items

were confiscated, including books and media equipment. The three individuals were from South Sudan, and only one was released days after the initial arrest. It is reported that in February 2013, approximately 55 Christians linked to the Evangelical Church in Khartoum were detained without charge.

On 12 April 2013, a senior South Sudanese Catholic priest, Father Maurino, and two expatriate missionaries (one from France and another one from Egypt) who worked with children in Khartoum, were deported.

Further, on 17 April 2013, the Minister of Guidance and Endowments of Sudan allegedly stated that no new licenses for building churches will be issued. He argued that no new churches had been established and a growing number of church buildings had been abandoned due to a lack of worshipers since South Sudan's secession in July 2011. He reportedly added that there was therefore no need for new churches, but reassured that the freedom to worship was nevertheless guaranteed in Sudan.

Serious concern is expressed regarding the alleged persecution of members of the Christian community and of members of African ethnic groups, particularly the Nuba in Sudan. Further concern is expressed about the halt in the issuance of licenses to new churches.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification on the information drawn to our attention and share our concerns in relation to the present circumstances in light of the applicable international human rights norms and standards.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned persons 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 the International Covenant on Civil and Political Rights (ICCPR).

We would also like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with article 18 of the UDHR and the ICCPR.

Furthermore, we would like to recall to your Excellency's Government the principles set forth in the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. Article 6 (a) of the Declaration provides that the right to freedom of thought, conscience, religion or belief includes the freedom to "worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes."

Moreover, we would like to call the attention of your Excellency's Government to Article 12 of General Assembly resolution 66/168, of 11 April 2012, which urges States "(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty and security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights", and "(e) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private".

Articles 12 also requests States "(j) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world" and "(l) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis and to detect signs of intolerance that may lead to discrimination based on religion or belief."

In addition, we wish to draw the attention of your Excellency's Government to the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1.1 of the Declaration provides that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity". Article 1.2 also provides that "States shall adopt appropriate legislative and other measures to achieve those ends."

Moreover, Article 4.1 and 4.2 of the Declaration respectively establish that: "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law" and that "States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards."

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 right of freedom of religion or belief in Sudan in compliance with the mentioned international instruments.

Moreover, since 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 cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the cases accurate?

2. Have complaints been lodged with regard to the persecution of Christians and of members of African ethnic groups, particularly the Nuba, in Sudan?

3. Please provide details, including the legal basis and reasons, of the arrest, detention and deportation of Christians as well as the persecution of members of African ethnic groups, particularly the Nuba, and how these measures are compatible with the aforementioned international human rights norms and standards. Please also provide the details of any investigation or other queries carried out in this regard. If no queries have been made, or if they have been inconclusive, please explain why.

4. Please provide details, including the legal basis and reasons, regarding the halt in the issuance of licenses for building new churches and how these measures are compatible with the aforementioned international human rights norms and standards

5. Please indicate which measures your Excellency's Government has adopted to respect and protect the freedom of religion or belief of Christians in Sudan

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of members of the Christian community and of African ethnic groups in Sudan is ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

El Hadji Malick Sow
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