

Sudan hearing - Testimony of Khataza Gondwe

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United States Commission on International Religious Freedom

Sudan's Unravelling Peace and the Challenge to U.S. Policy

Wednesday 24 September 2008

10:00 - 12:30

Room 2359 Rayburn House Office Building

Statement by Dr. Khataza Gondwe

Today's hearing seeks to analyse how the United States' (US) policy can assist in averting the collapse of the Comprehensive Peace Agreement (CPA) between northern and southern Sudan. This is problematic in itself because far from being comprehensive, the peace accord merely addresses a section, albeit a major one, of a vast problem that requires a comprehensive solution.

Many members of the international community appear to have compartmentalised Sudan's problems and consequently address them almost in isolation of each other. In reality, the challenges within each area impinge on and at times determine developments elsewhere, especially since the National Congress Party (NCP) the dominant partner in the Government of National Unity (GoNU) features significantly in every arena.

With regard to the challenges posed by a seemingly collapsing CPA - and adopting a more holistic approach - it would appear that the problem for US policy remains essentially the same as it has always been, except exacerbated.

It is the same in that to an outside observer, the US still appears unsure of exactly how to proceed in an international community in which events elsewhere have somewhat reduced its political currency, and that is divided into diverse factions on Sudan. Broadly speaking, some, including two key veto powers, do business with Sudan almost irrespective of the human rights abuses that have occurred over more than two decades and that have mostly been attributed to the NCP regime. Others, out of religious solidarity or misguided post-colonial loyalty, interpret international action against Sudan as western inspired, and resist, often regardless of the merits of the case. The NCP is skilled at appealing to each of these parties whenever necessary. Consequently, international action on Sudan is often characterised by a hesitancy at best or at worst, an inability to take decisive action against a regime that for over two decades has been responsible for some of the worst instances of man's inhumanity to man.

The situation has worsened because the window of opportunity that seemed to open in 2005 for Sudan's most perennial problem to be adequately addressed and for justice for some of Sudan's many marginalised peoples has now more or less closed. Consequently, the victims of the dominant party, who trusted a divided international community to ensure that the NCP would finally adhere to the terms of an agreement, now appear locked into a process that many consider is actively being actively manipulated by a regime whose activities occasioned the deaths of a little over 2 million of their people. Worse still, they have yet to see any real peace dividend.

CSW has always maintained that just as Sudan's various crises cannot be addressed in isolation of one another, religious freedom cannot be viewed in a vacuum, but must be considered in light the country's overall human rights climate. All are interlinked, and the actions of a largely unregenerate NCP remain a key determining factor.

Unfortunately, the peace accord more or less left unfettered power in northern Sudan in the hands of the NCP, whose actions in Darfur (termed by some an accelerated version of the war in southern Sudan) would appear to indicate that it has not necessarily departed from some of its more disconcerting doctrines, namely, Arabisation and the advancing of its favoured interpretation of Islam, if necessary, by force.

Consequently, while on a day to day level there is religious tolerance in a general sense on the part of ordinary Muslims towards ordinary Christians, the dominance of the NCP has meant that despite provisions for freedom of religion contained within the bill of rights in the National Interim Constitution providing for freedom of religion, the rights of non-Muslims in northern Sudan are yet to be adequately guaranteed, and they have yet to see a qualitative change in their circumstances. In addition, the government's retention of the power to appoint and/or dismiss imams arguably facilitates the promotion of leaders espousing the particular supremacist ideologies favoured by the NCP, and also facilitates control of what is being preached from pulpits. Small wonder that as the CPA begins to appear increasingly fragile, non-Muslims, including followers of traditional beliefs, have increasingly begun to express concern about their future in an NCP-dominated north.

Local sources speak of a definite anti-Christian sentiment at governmental level. This can take the form of discrimination in jobs, education, humanitarian aid, etc, and mistreatment by security services, as occurred towards the end of last year,

when a Christian worker was detained on two separate occasions. It can also be specific against churches as institutions as well as simply against individual Christians.

The Interim National Constitution begins in Article 1 by recognizing that Sudan is a "multi-religious" State. However, the preservation of the role of Shari'ah as the source of law in the north effectively establishes Islam as the de-facto state religion, which by definition automatically places Christians and followers of traditional beliefs at a disadvantage. In addition, Shari'ah strictures continue to impact negatively the lives of non Muslim women in particular. Almost four years after the peace treaty was signed, they can still be penalised for wearing clothing that is deemed inappropriate, and there are recent reports of unveiled women being refused entry into Khartoum University and public parks. At the same time, reports from the capital also indicate that more educated women continue to push the boundaries in this area. In addition, Christian women and followers of traditional beliefs continue to face harassment, arrest, beatings and extortion by local security force personnel for contravening Shari'ah strictures on alcohol by brewing traditional beer.[1]

Specific religious rights within the National Interim Constitution include the right to worship and assemble as a religious group, to communicate religious beliefs to the public and to teach. However, while the granting for permission for the construction of three new churches in Khartoum is a welcome development, the majority of church-owned property confiscated under previous regimes has yet to be returned to its rightful owners. Of particular note is the continuing saga of Khartoum's only Christian cemetery, half of which was commandeered initially for use as a livestock market, and following protest, as a lot for selling and test driving new cars.

Violence or threats of violence against Christians in particular can often ensue following activities that occur either at home or abroad that are deemed offensive to Islam. The "Teddy Gate" affair of November 2007 provides an illustration of this phenomenon. As many may recall, Gillian Gibbons, a British teacher at a Christian-owned school permitted her young students (all but one of whom was Muslim) to name a teddy bear by their favourite name, Mohammed, even though her preferred option was to name it "Faris", after her son. Thousands of protesters, many brandishing clubs and swords, took to the streets of Khartoum in orchestrated demonstrations demanding her execution. Unfortunately, even Dr Al Tayeb Zien Al Abdeen, head of the Sudan Inter-Religious Council (SIRC), an organization with the stated aim of inter-religious dialogue and peace building, joined in the condemnation, accusing the teacher of "a deliberate act designed to disturb the minds of [Sudan's] young generation".[2] Ms. Gibbons was charged with inciting hatred of a religion, jailed for 15 days and finally pardoned by the President and deported, thereby escaping the 42 lashes, which were called for by some despite the fact that the CPA stipulates that Shari'ah punishments would no longer automatically apply to non-Muslims in Khartoum.

Significantly, the protestors not only called for Ms. Gibbons' death by firing squad, but also vowed to destroy the school and also local churches. As Khartoum-based Rev Canon Sylvester Thomas ruefully observed, "whenever such a thing comes up they are taking the chance to threaten the Christian community".[3] The recent request by International Criminal Court (ICC) Prosecutor Luis Moreno-Ocampo for the issuing of an arrest warrant for President Omer el Bashir for masterminding genocide in Darfur raised similar concerns of a backlash against the northern Christian community. ECS Archbishop Daniel Deng Bul lamented that the international community "should have found another way" to address the Darfur issue, while Catholic Bishop Antonio Menegazzo of El Obeid pointed out that "politics in the Muslim world are always tied up with religion, even if religion has nothing to do with this case. The indictment is coming from Europe; the ICC resides in a Christian country."[4]

Conversion from Islam also remains problematic. While there are no barriers to conversion to Islam, under Section 126 of the existing Criminal Code apostasy (conversion from Islam) remains a crime, and can be punishable by death. In

addition there is great societal and official opposition to such conversions. For example, this year a Muslim man reportedly lost his job once his conversion became known. The abiding governmental and societal hostility mean that any conversions must now be kept extremely low-key, and an additional pressure for converts is the initial mistrust of local Christians, who often fear they may be government spies.[5]

Finally, several sources continue to report delays or denials of exit visas to church leaders, as well as to human rights activists and others, while western Christians who wished to obtain entry visas have in certain instances faced delays with a few being denied entry in what is partially considered retaliation against Western pressure on the Darfur issue.

However, on a more encouraging note, churches have now been granted one hour a week for TV and radio broadcasts. This is an improvement, but still falls short of the many hours afforded to the broadcasting of Islam. More significantly, the Episcopal Church of Sudan (ECS) recently scored a notable legal success in securing the return of its guesthouse-cum-office four years after a de-frocked bishop impersonated the ECS archbishop and sold it illegally. This in turn points to another improvement: although churches are still obliged to register in order to function, they are now able to register as legal entities in their own right instead of registering in the name of the senior minister.

All in all, despite the provisions of the CPA and the few improvements, churches contend they feel "barely tolerated" by the northern government. One clergyman who prefers anonymity put it this way: "What I can say is that the CPA has enhanced religious freedom in Southern Sudan but not in Northern Sudan".[6] Consequently, while upholding the south's right to make an independent choice in the 2011 referendum, some northern based Christians worry about the consequences for the church in the north should the referendum result in a southern vote for session. To quote Episcopalian Bishop Ezekiel Kondo of Khartoum the vexing question is: "how do we safeguard the church in northern Sudan if the country splits in three years?"[7]

On one level life in southern Sudan has changed enormously. The scorched earth counter-insurgency tactics honed to perfection during the long years of war and now in use to devastating effect in Darfur have not been in evidence since 2005.

However, peace is more than the absence of war, and as was stated earlier, the NCP does not appear to have fundamentally changed its nature. It remains committed to its own survival in power, and the policies it has adopted during peace time are increasingly taking on the air of war by other means. To all intents and purposes, it would appear that policies designed to undermine and weaken opposition are increasingly being employed, particularly in the run up to the 2009 elections.

While cementing its grip on political power in the north by manipulating opposition parties, harassing journalists, human rights defenders and other members of civil society, the NCP has somewhat undermined the southern administration by delaying the implementation of key provisions of the CPA, obscuring the true amount of revenue gained from oil sales and delaying the delivery of any declared revenues to the south. This in turn has created discontentment and disappointment with the peace process, while also slowing efforts to develop of the area. Another outcome of this policy is that several returnees, dismayed at the slow pace of development and the chronic lack of adequate facilities, have left, thereby diminishing the voting population prior to the 2009 elections.

Despite initial events deemed by some to presage an increase in religious intolerance, such as the destruction of a church and a mosque in separate incidents in Mirmir, Unity State in 2006[8] and the return of church-owned buildings and churches that had been appropriated for other purposes in areas formally under northern control, religious liberty is generally upheld in southern Sudan. There are no registration requirements for any faith. The SPLM-led Government of Southern Sudan (GoSS) emphasizes the separation of state and religion, and in a move not entirely welcomed by the majority Christian population of the area, the Southern Sudan Legislative Assembly voted early on to omit prayers during its sessions. The southern government is also known to respect the rights of those espousing traditional African beliefs; although sources state that their numbers may in fact be dwindling since traditional practices are generally maintained by the older generation, while many younger people are converting to either Christianity or Islam.

Some Christians feel a little let down by the GoSS. According to a local source, "Christians and churches do not get sufficient support from the government. We expected [they] should support the social aspects of the Church like health and schools work especially as the expectation is high by the community for the church to provide such services." [9] The source added that the churches were additionally disadvantaged by the fact that some donors who had in the past assisted the Church in the South directly, now prefer to work through the new government.

Nevertheless, cognizant of the divisive role played by religion in igniting the last war, the GoSS keenly upholds the non-religious doctrine of the SPLM and remains at pains to ensure the continuation of religious liberty and harmony in areas under its control. Relatively recently SPLM leader Salva Kiir addressed the issue of religious tolerance directly, suggesting that any religious divisions in the south are being created by politicians, rather than being of long standing. He also drew attention to the fact that religious differences had in the past been respected in the south rather than used as a divisive tool.[10]

Nevertheless, during a visit to Sudan soon after the signing of the CPA[11], a CSW team detected a general air a general feeling of unease amongst the southern population at the fact that growing numbers of northerners now had access even to areas that were previously out of their reach, with many speaking anxiously of Islamisation by other, more subtle means. One person summed it up thus: "during the war, we knew who our enemies were because they came with bombs and guns. Today, the enemy is amongst us, undermining our hard won freedom, but we do not know where he is or how to identify him."

This unease arises in part from the fact that the NCP has reportedly encouraged the relocation of Arab or Arabized people groups deeper and deeper into areas historically the preserve of southern, black African Sudan in a possible attempt to obscure the true border between north and south. This is thought to have been one of the instigating factors in the recent outbreak of fighting that devastated the town of Abyei. Prior to the outbreak of full hostilities over 150 people had been killed this year alone in increasing clashes between Arab Miseriya tribes and the southern forces in the area. Then in May, some 90,000 people were displaced in what opposition politician Pagan Amum correctly described as "the worst crisis to threaten the three-year peace accord". Significantly, the entire town was destroyed with the exception of a large, recently erected mosque.

The international community, including the US bears a measure of responsibility for the current plight of oil-rich Abyei. At the basis of this problem is non-implementation of the Abyei Protocol and the fact that President al Bashir was allowed to reject the findings of the Abyei Boundaries Commission (ABC), despite previously agreeing to abide by them, and suffered no repercussions from an international community that had witnessed and even facilitated the initial agreement. To quote respected local elder Dr Zechariya Bol Deng, "the case of Abyei has to be taken back to the International Observers under whose auspices it was signed." He added: "Although a temporary administration and time table has now been agreed, this has to be carefully monitored, otherwise it could die a slow death like most agreements signed by

Khartoum."[12]

However, recent events in Abyei may yet pale into insignificance in comparison to what will undoubtedly transpire in the Nuba Mountains if urgent intervention does not occur. Culturally and ethnically affiliated to the south, but geographically positioned in the north, the population of the Nuba Mountains traditionally displayed the kind of religious and ethnic tolerance that would have provided an excellent model for a regime that sincerely sought political. Instead, the population of the Nuba Mountains remains under an un-rescinded declaration of jihad issued by the NCP in its former incarnation.

The Nuba population was generally dismayed by the CPA, which not only left the area under the northern regime, but also effectively gave them no option to vote for secession from a regime that decimated their region. Worse still, a recent report by the Small Arms Survey[13] corroborates the alarming findings of a January 2008 Visit Report by Humanitarian Aid Relief Trust (HART),[14] by clearly detailing how the NCP has encouraged the relocation of Arab tribes to the area, while arming and transporting to the area members of the Peoples Defence Forces (PDF), Arab Supremacist militias, and members of the central reserve police, riot police who were recently active in Darfur. The increasing presence of extremist militias goes some way to explaining why the ECS church in Shatt Damam, in the Nuba Mountain region has been burned down three times since its construction in July 2005, with explosives being used on the third occasion. What is more, members of the congregation had been threatened by militia leader, Kafitiyar Al Yideen, who was identified by another local Muslim leader as the man behind the church attacks. Church officials have now decided to leave the building half built in order to forestall further violence.[15] In an even more serious incident, in 2007, a missionary team and the local Christians who were with them were attacked whilst as they returned from showing 'the Jesus film' to a village near Tooreja. One Egyptian missionary and three local Christians died in the attack; others were wounded, some severely. Such attacks are apparently rare on roads in that area, thus there is a strong possibility that the attack was born of religious motivations.[16]

An additional worry in both the Nuba Mountains and southern Sudan is the religious affiliation of certain international peacekeepers and the closeness of their governments to the NCP. Local people claim this often takes precedence over their humanitarian mission, and renders the troops either ineffective or half hearted in the interpretation of their mandate. In the Nuba Mountains, there is particular dismay over the presence and actions of Egyptian peacekeepers. In the case of the south, Pakistani troops are reported at times to acting in an inappropriate manner. For example, on one occasion, a Pakistani soldier unexpectedly entered the grounds of a church compound and aggressively demanded detailed information on the layout and facilities. "Given the understandable fear of another war, the deployment of personnel who could be seen to be obtaining useful intelligence for the northern forces raises serious questions which need to be addressed"[17]

The growing presence in the Nuba Mountains of troops and police cadres recently in action in Darfur may indicate that to some extent the north now sees the Darfur situation as "manageable", and can afford to divert resources to a new arena. I therefore conclude by appealing for a holistic international policy on Sudan. Issues are inter-linked; actions undertaken by the NCP in one region are directly correlated to, and often dictated by, the course of events in another. The aim is the same as it has always been - the advancement by force if necessary, of the NCP's long-held supremacist doctrines, regardless of the consequences for non- Muslims and for Muslims of alternative persuasions.

[1] Sudan Tribune, 24 March 2008

[2] "British Teacher: Irrationality rules in Sudan", Ahmed El Zobier, 1 December 2007

[3] "Khartoum Christians Celebrate Easter under Islamic Law", Sudan Tribune, 24 March 2008

[4] "International Criminal Court's indictment of President has divided Sudan, Bishop says", 16 July 2008, CNA

[5] "Being Church in Sudan; Growth abounds despite restrictions in predominantly Islamic land", Leanne Larmondin, 17 April 2008

[6] Local church source

[7] "Being Church in Sudan; Growth abounds despite restrictions in predominantly Islamic land", Leanne Larmondin, 17 April 2008

[8] Sudan Tribune 9th April 2006; Al Khartoum, April 2006

[9] Southern Christian leader

[10] Sudan Tribune, 3 August 2007

[11] Internal CSW Visit Report May 2006

[12] "The problem of Abyie", Dr Zechariya Bol Deng, 2008

[13] "The drift back to war; Insecurity and militarization in the Nuba Mountains" Small Arms Survey, Sudan Issue Brief No. 12, August 2008

[14] "Comprehensive Peace Agreement-or Disagreement", HART Visit to Sudan, January 2008

[15] Middle East Concern (MEC)

[16] MEC, Compass Direct, 18 October 2005,

[17] HART Visit Report , January 2008