

STATEMENT OF

M. ZUHDI JASSER

BEFORE

**THE SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL
HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS**

OF THE

COMMITTEE OF FOREIGN AFFAIRS

ON THE

TROUBLING CASE OF MERIAM IBRAHIM

JULY 23, 2014

Chairman Smith and members of the Subcommittee, thank you for the opportunity to testify today on behalf of the U.S. Commission on International Religious Freedom (USCIRF). Today's hearing is extremely important and timely. The case of Meriam Yahia Ibrahim Ishag rightly has garnered international attention and condemnation and will continue to do so until she and her family are allowed to leave Sudan for freedom in the United States. Hopefully, this hearing also will draw attention to the ongoing violations of religious freedom in Sudan for which Sudan has been designated a "country of particular concern" (CPC) by the State Department since 1999, and which Meriam and her family so sadly exemplify. The government of Sudan imposes a restrictive interpretation of Shari'ah law on Muslims and non-Muslims alike which include, along with charging individuals with the capital crime of apostasy, using amputations against those found guilty of armed robbery, and flogging Sudanese for undefined acts of "indecent" and "immorality."

Since June 27, the U.S. Embassy in Khartoum has given refuge to Meriam, her husband who is an American citizen, and their two children. However, they live in legal limbo because the Sudanese government has prohibited them from leaving.

Meriam's ordeal began when she was arrested on February 17 after her brother reported to the police that she had left Islam to marry a Christian man, a capital crime under Sudan's 1991 Criminal Code. The Sudanese government's application of Shari'ah law prohibits a Muslim woman marrying a Christian man. However, while Meriam was born to a Muslim father and an Ethiopian Orthodox mother, her father left the family when she was six and she was raised a Christian. As evidence of her Christian faith, Meriam produced her marriage certificate which identified her as a Christian, and witnesses who tried to testify on her behalf, but court authorities prevented them from speaking.

Meriam was convicted on May 15 of apostasy and sentenced to death by hanging. Because the court did not recognize her marriage, she also was found guilty of adultery and sentenced to 100 lashes. While imprisoned in the Omdurman Federal Women's Prison, Meriam gave birth on May 27 to a baby girl, Maya, who had been detained with her, along with her two-year-old son Martin. There have been reports that the baby has suffered complications from the conditions of her birth in prison. On June 23, an appeals court cancelled the apostasy charges and death sentence against Meriam and ordered her release from prison. She and her family then were detained on June 24 at Khartoum's airport as they sought to leave the country. She was then held with her family at a Khartoum police station, with Meriam being arrested on document fraud charges. On July 17, Meriam's brother challenged in court the appeal that had overturned her apostasy and adultery convictions. The Sudanese Supreme Court has up to three months to consider if it will review the brother's court action.

Meriam's conviction, sentencing, detention and re-detention, and inability to leave Sudan all are travesties of religious freedom and human rights in Sudan. The laws which she was accused of breaking violated Sudan's own constitutional and international commitments to religious freedom and human rights. USCIRF calls on the Sudanese government to immediately allow Meriam and her family to leave Sudan and all charges against her be dropped.

USCIRF applauds the State Department and the U.S. Embassy in Khartoum for their vigorous advocacy on Meriam's behalf which led to her and her family being given safe haven at the Embassy. USCIRF also welcomed the statements of support for Meriam issued by Secretary of State Kerry, the White House, the State Department, and Members of Congress. USCIRF also welcomed the May 14 joint statement by the United States, Canada, the United Kingdom, and the Netherlands expressing their concern over the apostasy ruling and noting an individual's right to change faith. The large diplomatic presence at the May 15 hearing at the Public Order Court in El Haj Yousif, Khartoum demonstrated international concern. USCIRF issued statements on June 25, 2014 and May 16, 2014 strongly condemning Meriam's detention and sentencing and called for her immediate release.

Meriam's case is among the most egregious, but only the latest example, of Khartoum's deplorable religious freedom and human rights record. June 30 marked the 25th anniversary of Sudanese President Omar al-Bashir's coup against former Prime Minister Sadiq al-Mahdi and the rise of the ruling National Congress Party. For 25 years, Sudan has been plagued with internal conflicts as Sudanese opposition parties, civil society, students, and regular citizens have protested, and marginalized ethnic groups in Darfur and Southern Kordofan and Blue Nile states have battled, so that their religious, ethnic, and civil and political rights would be respected.

Religious Freedom in Sudan

The actions taken against Meriam Yahia Ibrahim Ishag are understood best when considered in the context of a Sudanese government led by Omar al-Bashir which engages in systematic, ongoing, and egregious violations of freedom of religion or belief. In April of this year USCIRF recommended that the State Department redesignate as a "country of particular concern" (CPC), a recommendation the Commission annually has made since 1999. Religious freedom has deteriorated significantly in Sudan since South Sudan seceded in 2011. This deterioration reflects the ruling party's determination to enforce a narrow, rigid ideology against Sudan's religiously diverse population, particularly against non-conforming Muslims and Christians. Signs of such deterioration were evident prior to South Sudan's vote for independence: in December 2010, al-Bashir declared that Sudan's new constitution would be based on his government's interpretation of Shari'ah law. Senior Sudanese government officials continue to affirm his declaration, just as opposition parties and civil society representatives insist that Sudan's new constitution be based on universal human rights and reflect Sudan's commitments to international human rights standards, including freedom of religion or belief. After South Sudan's secession, the Sudanese government took actions that reflected the goal of Islamizing the country. Such actions included arresting non-conforming Muslims for apostasy in 2011, destroying churches primarily in 2012, and increasing the prosecutions of women for adultery since 2011.

The government of Sudan imposes a restrictive interpretation of Shari'ah law on Muslims and non-Muslims alike, including charging individuals with the capital crime of apostasy, using amputations against those found guilty of armed robbery, flogging Sudanese for undefined acts of "indecent" and "immorality," and arresting, threatening, harassing and discriminating against Christians. These religious freedom violations, as well as the violence in Southern Kordofan, Blue Nile, and Darfur, are the result of President Bashir's policies of Islamization and Arabization.

The Implementation of Shari'ah Law in Sudan

As detailed in USCIRF's November 2013 Policy Brief on the issue, Shari'ah law has been implemented in Sudan for more than 30 years, prior to the rise of al-Bashir and the National Congress Party. Former President Gaafar Numeri in September 1983 first introduced Shari'ah and *hudood* punishments into Sudan's criminal code by promulgating the "September Laws," the 1983 Sources of Judicial Decisions Act, and the 1984 Civil Transitions Act. Al-Bashir and the NCP also expanded the application of their interpretation of Shari'ah across the country in national and state laws in 1991. Due to these laws, the 1991 Criminal Code, the 1991 Personal Status Law on Muslims, and state-level public order laws, the NCP's interpretation of Shari'ah law regulates not only criminal matters, but also personal behavior for all Sudanese, regardless of one's faith and belief.

Inserting Shari'ah law into Sudan's criminal code has been debated since Sudan's independence in 1956, with opposition political parties, human rights organizations, women's rights groups, and religious minorities calling for its repeal. In the run-up to the April 2010 election, several opposition parties called for Sudan to become a secular state and the repeal of the mechanisms enforcing religiously-based morality laws. However, President al-Bashir and Vice President Ali Osman Taha alleged that calls advocated disunity, a view that newspapers and clerics supportive of the government echoed. The government's imposition of Shari'ah countrywide in 1983, including on the predominantly animist and Christian South, significantly contributed to the onset of Sudan's 20-year North-South civil war. This imposition continues to contribute to the ongoing fighting in Southern Kordofan and Blue Nile states.

The 1991 Criminal Code Act is the cornerstone of the NCP government's implementation of Shari'ah in Sudan. The Act identifies and addresses those offenses, including *hudood* offenses that violate "public order." According to the Act, *hudood* offenses are defined as drinking alcohol, apostasy (*rida*), adultery (*Zina*), defamation of unchastity (*qazf*), armed robbery (*hiraba*), and capital theft. Per the Criminal code, these identified offenses carry death sentences for apostasy, stoning for adultery, cross-amputations for theft, prison sentences for blasphemy, and floggings for undefined "offences of honor, reputation and public morality," including undefined "indecent or immoral acts."

Since 2011, USCIRF and a number of human rights organizations have documented an alarming increase in the number of persons arrested, and at times found guilty, of *hudood* offenses listed in the 1991 Criminal Code.

The most worrisome and dramatic increase is in the number of persons, such as Meriam Ibrahim, who have been arrested for apostasy, which carries an automatic death sentence: In the past three and a half years, more than 170 persons have been arrested. The African Centre for Justice and Peace Studies reported that more than 150 ethnic Hausa Darfuris were arrested, and 129 formally charged, with apostasy in 2011. Their "crime" was practicing a version of Islam which differed from that of the ruling NCP; they follow the Qur'an but not the sunna. They later were released, but only after renouncing their faith and agreeing to follow the regime's interpretation of Islam. That same year, Suleman Aboulgasim Musa and 17 of his followers were arrested and charged with apostasy. Musa, who believes he is Jesus Christ and a follower of the Prophet Mohammed,

and his followers had been practicing their religion since 1981. They also were released after renouncing their faith. Also in 2011, Hawa Abdulla Muhammad Saleh, a Christian, was arrested for apostasy, proselytizing, "Christianization of minors," and other crimes before being released after international pressure. In 2012, Coptic Orthodox priests Rev. Markus Anthony and Rev. Sarbion Hussein and three other Christians were arrested for converting a young Muslim woman to Christianity. The convert fled the country fearing for her life. The Sudanese priests and others later were released following advocacy by Christian organizations.

Several women in 2012 were found guilty of adultery and sentenced to death by stoning or other punishments, including Intisar Sharif Abdallah and Layla Ibrahim Issa Jumul. Both were released after an appeals court dropped the convictions and sentences due to international attention. However, their initial convictions and sentences reflect the government's attempts to implement its stricter interpretation of Shari'ah law. In other adultery cases, a couple in 2012 was lashed 100 times for adultery, even though they had a customary marriage license; and last February, an Ethiopian teen who was gang raped by three Sudanese men was convicted of "indecent acts," given a one month suspended jail term, and fined \$900. The three men who raped the teen each were given 100 lashes for adultery and a man who posted a video online of the rape was sentenced to 40 lashes.

Other instances of Khartoum's prosecution of persons alleged to have violated *hudood* offenses include the 2013 sentencing to death by crucifixion of three Darfuris after they were found guilty of murder: they still await execution. In addition, according to Human Rights Watch, there also has been an increase in persons sentenced to cross amputations for armed robbery, which doctors routinely are being forced to carry out.

The Sudanese government also employs state level "public order" laws to implement the 1991 Criminal Code's prohibitions and related punishments for "immorality" and "indecentcy." In practice, these laws disproportionately impact women and young girls, especially those from marginalized religious and ethnic communities. The most far reaching law is the Khartoum Public Order Act of 1998 which restricts the activities (in both public and private) of the more than seven million people who live in Sudan's capital, Khartoum. The Act restricts behavior that authorities, based on their interpretation of Shari'ah, deem offenses of honor, reputation and public morality, including prohibitions on dress, music preferences, mixing of the sexes at parties and in public and private transportation, and women-owned businesses. As defined in the Criminal Code, penalties for these offenses include imprisonment, whipping, and fines.

The Khartoum Public Order Act created enforcement mechanisms, including a special public order police, the Police of Society Security, and special public order courts. While the Act is a state law, the public order police are a special arm of the national Sudan Police Force and frequently employ "sweep and arrest" operations that usually target women from marginalized communities. Along with enforcing the Khartoum Public Order Act, public order courts also enforce relevant national laws, including the Shari'ah provisions of the 1991 Criminal Code. Defendants brought before the public order courts are not afforded due process rights, including legal assistance or time to prepare a defense. Defendants' arrest, detention, hearing, sentencing, and penalty imposition can take less than 24 hours. And records of court proceedings are scant.

Dozens of Muslim and Christian women and girls in Khartoum annually are flogged for indecent dress. What constitutes indecent dress is not defined by law, but is left to the discretion of arresting officers and prosecuting judges. Amira Osman Hamed continues her court fight against the law after she was arrested on August 27, 2013 for not covering her head.

Additionally, under the guise of protecting morality and preventing co-mingling, which is deemed “prostitution,” the Public Order laws have been used to stop co-mingling of unmarried men and women as well as target the NCP’s political opponents.

Finally, the 1991 Personal Status Law of Muslims or “Family Code” has been codified in the state legal code Shari’ah law provisions on personal matters such as marriage, divorce, child guardianship, and inheritance. While these provisions were respected during the colonial era and before 1991, the Family Code marks the first time they have been codified in national law, thereby establishing a discriminatory system that limits the rights of women based on a particular understanding of Islamic law.

Harassment of Christians

In addition to the increased application of Shari’ah law provisions in the 1991 Criminal Code, government pressure on Christians in Sudan has increased since South Sudan’s independence in 2011. A senior Christian leader from Khartoum told USCIRF in October 2011 that Christians fear for their future and safety in Sudan and that churches are no longer places of sanctuary, but government targets. Furthermore, the Sudanese Minister of Guidance and Religious Endowments announced in July 2014 that the government no longer will issue permits for the building of new churches in the country, alleging that there are a sufficient number of churches for the Christians remaining in Sudan after the secession of South Sudan in 2011. The Sudan Council of Churches recently and bravely criticized the authorities for banning the construction of new churches.

In the last few years, at least 11 churches have come under attack. On July 1, 2014, Sudanese authorities bulldozed a church of the Sudanese Church of Christ, built in 1983 at El Izba residential area in Khartoum North. Most congregants of the Sudanese Church of Christ are Nuba from South Kordofan. Extremists burned down the Presbyterian Church of the Sudan on January 15, 2011; a mob burned down a church in Omdurman on June 28, 2011; a mob attacked the congregation of the Sudanese Church of Christ on Omdurman West on August 5, 2011 as congregants attempted to build a church; a religious statue in a Catholic church in Kosti, White Nile state, was defaced in October 2011; a 300-person mob destroyed the Gerief West Bible School and damaged the Sudan Presbyterian Evangelical Church and other buildings in the church’s compound on April 21, 2012; the St. John Episcopal Church of Sudan and a Catholic church building, both located in the Haj Yousif area of Khartoum, were bulldozed in 2012; the National Intelligence Security Services (NISS) raided the New Life Church in Omdurman Town on March 2, 2013; the NISS raided the offices of the Sudan Presbyterian Evangelical Church on June 25, 2013; the NISS confiscated the Khartoum Bahri Evangelical Church on October 5, 2013; and the NISS bulldozed the Sudanese Church of Christ building also in Omdurman on February 17, 2014.

Moreover, other Christian houses of worship have faced threats. On September 11, 2011 officials from the Ministry of Physical Planning and Public Utilities threatened to demolish the Sudanese

Church of Christ, the Episcopal Church of Sudan, and the Roman Catholic Church in Omdurman if the churches continued to conduct services. The officials, who marked the church doors with a red X, said that the churches were operating on government land without permission. In addition to these threats, church leaders report that Ministry of Guidance and Religious Endowment officials have asked them to reveal information about church activities and church members.

Individual Christians also have been arrested, threatened, or harassed and NISS officers continue to arrest and deport Nuba and South Sudanese Christians.

Finally, attacks on churches beyond Khartoum also have taken place. During an October 2011 trip to Yida refugee camp and Juba, South Sudan, USCIRF staff was told by Nuban refugees that, in the fighting in Southern Kordofan, Sudanese Armed Forces (SAF) and paramilitary soldiers targeted Christians for executions and arrest because of their faith or because, as Christians, they were assumed to be supportive of the opposition Sudan People's Liberation Movement-North. USCIRF staff also received testimony that churches and mosques were bombed and razed in Khartoum's targeted campaign against civilian areas in Southern Kordofan and Blue Niles states. On February 1, 2012, the first day of school, the government bombed Heiban Bible College. While no one was hurt, two buildings were destroyed. Earlier this year, the government bombed the church-run Mother of Mercy Catholic Hospital. The findings of this trip were reported in a special USCIRF Sudan Policy Focus.

Official Discrimination against Christians

The Sudanese government also is guilty of officially discriminating against its minority Christian community. Government policies and societal pressure promote conversion to Islam, including alleged government tolerance of the use of humanitarian assistance to induce conversion to Islam; prohibitions on foreign church officials from traveling outside Khartoum; the use of school textbooks that negatively stereotype non-Muslims; and preferential treatment given to Muslims to access government employment and government services and in court cases involving Muslims against non-Muslims. The government also routinely grants permits to construct and operate mosques, often with government funds. In contrast, permission to build churches is difficult or impossible to obtain and as noted since 2011, the government has destroyed several churches, and in July 2014 indicated that it would no longer issue permits for the building of new churches.

Recommendations

Current U.S. policy is focused on dealing with the large crisis in South Sudan, Darfur, and Southern Kordofan and Blue Nile states and has failed to address the underlying reasons for the violence: Khartoum's repression of religious, ethnic and social-political rights and the marginalization of minority communities. Violence will continue to plague Sudan until there is a true national dialogue, reconciliation, and rule of law reform that leads to full and equal protection of the human rights of all Sudanese. And without such a dialogue, reconciliation and rule of law reform, people like Meriam Yahia Ibrahim Ishag will continue to suffer.

USCIRF recommends that the U.S. government:

- Call on the Sudanese government to allow Meriam Yahia Ibrahim Ishag and her family to leave Sudan and drop all charges against her and release all prisoners who have been jailed on account of their religion or belief and drop all charges against those who have cases pending against them.
- Annually designate CPCs and redesignate Sudan a CPC for its systematic, ongoing and egregious violations of religious freedom and the repressive policies and practices of the Sudanese government, and take appropriate actions as detailed in the International Religious Freedom Act (IRFA).
- Make promotion of religious freedom and human rights a centerpiece of U.S.-Sudan bi-lateral relations. This includes calling on the Sudanese government to reform national laws which contradict its constitutional and international commitments to freedom of religion or belief and human rights.
- Press the Sudanese government to engage in an inclusive and transparent constitution drafting convention to ensure that a future constitution maintains strong religious freedom and human rights protections, as well as recognizes Sudan's great religious, ethnic, and linguistic diversity.
- Before normalizing relations or lifting sanctions under IRFA and the International Emergency Economic Powers Act, require that the government of Sudan abide by international standards of freedom of religion or belief, including by reforming the 1992 Criminal Code and repealing the Public Order Regime and laws and practices which discriminate against non-Muslim minorities.
- Encourage and support civil society groups to monitor implementation of the Public Order laws and advocate for their repeal.

Conclusion

Sudan's abuses against religious freedom demand our attention and action. These abuses violate international standards and norms, destabilize the country, and do grave harm to people like Meriam Yahia Ibrahim Ishag and her family. Her case exemplifies the dire status of religious freedom and human rights in Sudan.

Continued and focused international attention is critical to holding the Sudanese government accountable for its own constitutional provisions and international commitments to protect and respect freedom of religion or belief not only for Mrs. Ibrahim, but all Sudanese, regardless of faith.