

URGENT ACTION

EIGHT GIRLS FREE, ONE OTHER RISKS FLOGGING

Ferdous Al Toum was sentenced to be flogged 20 lashes and a fine. She has appealed this sentence. Rehab Omer Kakoum was sentenced to a heavy fine and has appealed this. Trials against eight of the 10 female Christian students charged with “indecent dress” have concluded.

Cases against the 10 Christian girls charged with “indecent dress” under Article 152 of the 1991 Penal Code of Sudan, were heard in court between July and August 2015. While cases against eight of the girls have concluded with either a not guilty verdict or a fine being imposed, the other two girls have appealed their sentences.

Ferdous Al Toum was sentenced to 20 lashes and a fine of 500 Sudanese pounds (SDG) on 16 August. Rehab Omer Kakoum was sentenced on 14 July under Article 152 of the Penal Code to a fine of 500 SDG. Both girls have filed appeals through their lawyers, but no date has yet been given for the appeal trials.

Hala Ibrahim (15 years old) was found not guilty on 12 August. Ishraga James, Mawaheb Suleiman and Inas Mohammed were also declared innocent on 12 August. Nasra Omer, Wigdan Abdalla and Uthan Omer were convicted on 12 August and sentenced to pay a fine of 50 Sudanese pounds (SDG) each. Seema Ali Osman was found not guilty on 16 August and set free.

Please write immediately in Arabic, English or your own language:

- Urging the Sudanese authorities to quash the convictions and set aside the sentences issued against Ferdous Al Toum and Rehab Omer Kakoum and release them immediately and unconditionally;
- Calling on them to abolish the penalty of flogging, which violates the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;
- Urging them to repeal Article 152 of the 1991 Criminal Act, which is vague and discriminatory and fails to adhere to Sudan’s international human rights obligations.

PLEASE SEND APPEALS BEFORE 2 OCTOBER 2015 TO:

President

HE Omar Hassan Ahmad al-Bashir
Office of the President
People’s Palace
PO Box 281
Khartoum, Sudan

Salutation: Your Excellency

Minister of Justice

Awad Al Hassan Alnour
Ministry of Justice
PO Box 302
Al Nil Avenue
Khartoum, Sudan

Salutation: Your Excellency

And copies to:

Minister of Interior

Ismat Abdul-Rahman Zain Al-Abdin
Ministry of Interior
PO Box 873
Khartoum
Sudan

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 151/15. Further information:

<https://www.amnesty.org/en/documents/AFR54/2046/2015/en/>

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ADDITIONAL INFORMATION

The flogging of women in Sudan for “indecent or immoral dress” under Article 152 of the 1991 Criminal Act came into the international spotlight in 2009 through the case of journalist Lubna Hussein, who was prosecuted for wearing trousers in 2009. Amnesty International has documented several cases of other women and girls convicted for “indecent or immoral dress” as the provision is applied in a discriminatory and disproportionate manner against women.

Article 152 states: “Whoever commits, in a public space, an act, or conducts himself in an indecent manner, or a manner contrary to public morality, or wears an indecent or immoral dress, which causes annoyance to public feelings, shall be punished, with whipping, not exceeding 40 lashes, or with a fine, or with both. The act shall be contrary to public morals if it is regarded as such according to the standard of the person's religion or the custom of the country where the act takes place.” Article 152 is part of a broader set of laws and practices, known as the public order regime, which allow corporal punishment for what is seen as immoral behaviour in public, or sometimes in private, affecting a wide range of people, particularly women, throughout Sudan.

The public order laws do not specify what is meant by “immoral” or “indecent” dress, so the POP have broad discretion to judge whether a person has acted in “an indecent manner, or a manner contrary to public morality” or “wears an indecent, or immoral dress, which causes annoyance to public feelings.” The public order regime includes the POP and public order courts which can impose flogging of up to 40 lashes. Amnesty International opposes judicial corporal punishment such as flogging, which violates the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

In an unrelated incident, but highlighting the extensive use of judicial corporal punishment in Sudan’s legal system, on 6 July, a court in Khartoum tried and convicted three members of the opposition Sudanese Congress Party (SCP) including the Political Secretary of the SCP Mastour Ahmed Mohamed, under Article 69 of Sudan’s 1991 Criminal Act article “the Disturbance of Public Peace”, and they received 20 lashes. The three SCP members were arrested on 28 April following their speech in a public event in Omdurman criticising the outcome of Sudan’s April 2015 elections.

The punishment of up to 40 lashes imposed under the 1991 Criminal Act is a clear violation of Article 33 of Sudan’s 2005 Interim Constitution, Article 5 of the African Charter on Human and Peoples’ Rights and Article 7 of the International Covenant on Civil and Political (ICCPR), to which the Republic of Sudan is a state party. In response to a complaint that was lodged in 2000, the African Commission on Human and Peoples’ Rights in May 2003 found that the Republic of Sudan was in violation of Article 5 of the African Charter. It requested the Government of Sudan to immediately amend the Criminal Law of 1991, in conformity with its obligations under the African Charter and other relevant international human rights instruments; abolish the penalty of lashes; and to take appropriate measures to ensure compensation of the victims. The prohibition is also contained in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. As a signatory to the convention, Sudan must not act in a manner inconsistent with the object and purpose of the Convention.

Name: Ferdous Al Toum, Rehab Omer Kakoum

Gender m/f: f

Further information on UA: 151/15 Index: AFR 54/2302/2015 Issue Date: 21 August 2015