

PUBLIC

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UA 359/03 Flogging

SUDAN Intisar Bakri Abdulgader (f), aged 16

Intisar Bakri Abdulgader, a school student in the capital Khartoum, has been sentenced to 100 lashes on the grounds of adultery. The date of the punishment, which constitutes cruel, inhuman and degrading punishment, has been set for 20 December.

Intisar Bakri Abdulgader gave birth to a child in September after becoming pregnant outside marriage. She had been tried and sentenced before the district court (*mahkama juz'iya*) in Kalakla, a suburb of Khartoum, in July, when she was seven months pregnant. She appealed but the sentence was upheld in August by the appeal court. The alleged father of the child has reportedly not been charged but will have a blood test to establish paternity.

Under Sudan's Penal Code, adultery is punishable by execution by stoning, if the offender is married, or by one hundred lashes, if the offender is not married (article 146 of the Penal Code). According to article 145 of the Penal Code, adultery is defined as being sexual intercourse with a man without being lawfully bound to him.

BACKGROUND INFORMATION

The Sudanese Penal Code, which is partly based on interpretation from Islamic Law, allows for penalties such as flogging and amputations. Under Sudanese law, all who live in northern Sudan, whether Muslim or (like Intisar Bakri Abdulgader) Christian, fall under the penalties of the Sudanese Penal Code's interpretation of religious law. Sudanese women accused of offences such as selling without a license or brewing alcohol are frequently given summary trials and flogged immediately after sentencing. Sentences for pregnant women accused of adultery are normally delayed until after childbirth.

While Amnesty International does not take a position on Islamic or any other religious law, it considers such penalties as cruel, inhuman and degrading punishments which are inconsistent with Sudan's obligations under the International Covenant on Civil and Political Rights (ICCPR). Moreover, the flogging of a child contravenes the Convention on the Rights of the Child (CRC), to which Sudan is a party. Article 37(a) of the CRC states: "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment."

In October 2002, in its concluding observations on the report by the Sudanese government, the Committee on the Rights of the Child recommended that Sudan "end the imposition of corporal punishment, including flogging, amputation and other forms of cruel, inhuman and degrading treatment or punishment, on persons who may have committed crimes while under 18 (...)"

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic or English or your own language:

- urging the authorities to immediately commute the sentence of flogging against Intisar Bakri Abdulgader;
- explaining that in your view such a sentence constitutes torture or cruel, inhuman and degrading punishment which contravenes international human rights treaties to which Sudan is a party; including the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention on the Rights of the Child (CRC) which states that "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.";

- calling on the government to abolish or suspend the punishment of flogging in Sudanese law to bring it into line with international standards it has ratified.

APPEALS TO:

Mr Mustafa Osman Ismail
Minister of Foreign Affairs
Ministry of Foreign Affairs
PO Box 873
Khartoum, Sudan
Telegrams: Foreign Minister, Khartoum, Sudan
Fax : + 249 11 779383
Salutation: Dear Minister

Major General Abdul-Rahim Muhammed Hussein
Minister of Internal Affairs
Ministry of Interior
PO Box 281
Khartoum, Sudan
Telegrams: Minister of Internal Affairs, Khartoum, Sudan
Fax: + 249 11 774339 / 776554/ 773046 / 770186 / 777900
Salutation: Dear Minister

Mr Ali Mohamed Osman Yassin
Minister of Justice and Attorney General
Ministry of Justice
Khartoum, Sudan
Telegrams: Justice Minister, Khartoum, Sudan
Fax: + 249 11 799031
Salutation: Dear Minister

COPIES TO:

Sudanese Women's General Union
5 al-Gamhorya St,
PO Box 10732
Khartoum, Sudan
Email: women@sudanmail.net

and to diplomatic representatives of Sudan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 19 January 2004.