

URGENT ACTION

TRIAL POSTPONED, ACTIVISTS AT RISK OF FLOGGING

The trial of two Sudanese activists, Najlaa Mohammed Ali and Amin Senada, has been postponed until 26 November. They are at risk of imprisonment or flogging for 'indecent behaviour'.

Najlaa Mohammed Ali, a lawyer and human rights activist, and **Amin Senada**, also an activist, were arrested on 21 October by members of Sudan's police and security forces who raided their car in Port Sudan. The armed men accused Amin Senada of placing his hand on Najlaa Mohammed Ali's shoulder and ordered both to go with them to the Department of Public Order, threatening the use of force if they refused to comply. At the Department of Public Order, the police and security officers claimed they had found the two activists kissing in the car. Both were charged with 'indecent behaviour' under Article 152 of Sudan's 1991 Criminal Code.

Their trial, which was scheduled to take place on 13 November, has been postponed until 26 November. The judge stated that the reason for this is to give the court more time to consider the case.

If convicted, Najlaa Mohammed Ali and Amin Senada are at risk of being flogged with up to 40 lashes in line with Article 152. Both deny the charge, and Amnesty International is concerned that the charge is a response to Najlaa Mohammed Ali's political activism, including her participation in countrywide demonstrations that took place September this year.

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

- Urging the authorities to drop the charges against Najlaa Mohammed Ali and Amin Senada immediately and unconditionally;
- Calling on them to abolish the penalty of flogging, which violates the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment;
- Urging them to repeal Article 152 of the Criminal Code of 1991, in conformity with their obligations under international human rights law.

PLEASE SEND APPEALS BEFORE 30 DECEMBER 2013 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

Mohamed Bushara Dousa
Ministry of Justice,
PO Box 302
Al Nil Avenue
Khartoum, Sudan

Email: moj@moj.gov.sd

Salutation: Your Excellency

And copies to:

Minister of Interior
Ibrahim Mahmoud Hamed
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 309/13. Further information:

<http://amnesty.org/en/library/info/AFR54/025/2013/en>

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ADDITIONAL INFORMATION

Article 152 of Sudan's 1991 Criminal Code is part of a broader set of laws and practices, known as the public order regime, which allow the imposition of 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.

Article 152 states: "(1) 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 forty lashes, or with a fine, or with both (2) 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." The public order laws do not specify what is covered by immoral or indecent dress, so the Public Order Police (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 corporal punishment of up to 40 lashes, in violation of the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment.

In August the case of Amira Osman Hamed, a Sudanese women's rights activist charged under Article 152 for not wearing a headscarf, attracted international attention. Amira Osman Hamed, whose trial has repeatedly been delayed, is the subject of another Urgent Action by Amnesty International (Index Number: AFR 54/020/2013 and AFR 54/021/2013).

Name: Najlaa Mohammed Ali (f), Amin Senada (m)

Gender m/f: both

Further information on UA: 309/13 Index AFR 54/027/2013 Issue Date: 18 November 2013

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