

Amnesty International Women's Rights Action 2000

Women's Rights are Human Rights
The Struggle Persists

SUDAN

The rape of an 11 year old girl in police custody

AI Index: AFR 54/03/00

[BOX]

“Women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. Training of all officials in humanitarian and human right law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials in whom women should be able to place trust, including police and prison officials and security forces”.

Beijing Platform for Action, Strategic Objective D, paragraph 122.

[end BOX]

N.J.¹ is an 11-year-old child who lives with her family in one of the camps designated for internally displaced persons (IDPs) on the outskirts of Khartoum, the capital of Sudan. She and her family came originally from the war torn area of Equatoria in the south of Sudan. On 5 May 1999 N.J. left the IDP camp of Suk Libya in Omdurman Province to visit some relatives in nearby Mayo camp. She got lost on her way home and was questioned by police officers, who mistook her for a vagrant child. She was taken to Soba police station in Omdurman where four police officers are reported to have sexually assaulted her. One police officer undressed her by force, threatening to beat her if she resisted. He then allegedly raped N.J. in the presence of the three other officers.

She was later taken to the Ibrahim Malik Teaching Hospital by the same police officer, who claimed that N.J. had been found lying outdoors suffering from malaria and meningitis. The doctors put her on treatment for malaria for five days. Nobody informed her parents of her whereabouts. While she was undergoing treatment in hospital, doctors discovered signs that she might have been raped. They referred N.J. to the Gynaecology Department for further examination where the rape was confirmed.

Since the rape, N.J. has been suffering from the physical health problems and the psychological trauma which are characteristic of sexual torture of children. In addition, she feels socially ostracised in a culture which tends to stigmatise victims of rape.

N.J.'s family has raised her case with Mr. Ahmad al-Mufti, the Secretary of the Advisory Council for Human Rights (a government body) but has received no response. For several months now a group of lawyers have been working on the case and one of the police officers has been accused of rape. The other three police officers have been accused of complicity. However, their trial has been delayed by the insistence of investigating police officers that N.J. should be subjected to further medical examination to confirm that she was raped. Concern has been raised about the insistence on a further medical examination, given that her rape has already been medically confirmed and that it would not

¹ Her full name is known to Amnesty International, but her full name is being withheld as she is a minor.

be medically possible in any case to obtain reconfirmation so long after the event. Such an unnecessarily invasive medical examination would also be a source of further trauma for N.J.. Those seeking justice for N.J. fear that as a result of this demand her case will never be properly heard in court.

Unfortunately, N.J.'s case is not unique and it is thought that the majority of rapes go unreported altogether because of the social stigma associated with rape in Sudan.

[BOX]

The Convention on the Rights of the Child

Sudan has ratified the Convention on the Rights of the Child and is obliged to protect the life and well-being of children in Sudan. In its report to the Committee that monitors compliance with the Convention (CRC/C/3 Add.20, 2. August 1993) Sudan stated its firm commitment towards protecting the human rights of the children of the Sudan.

The key provisions of the Convention which Sudan is required to apply in cases like N.J.'s are :

Article 19.1

“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

Article 37

“States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. ...

- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty ... shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

Article 39

“States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

[end BOX]

TAKE ACTION!

Please write to the Sudanese government authorities and raise the following points:

- express your deep concern at reports that an 11-year-old child, N.J., was sexually abused and raped in police custody at Soba police station, Omdurman, on 5 May 1999;

- remind Sudan of its obligations under the United Nations Convention on the Rights of the Child to protect the rights of children at all times and to ensure that they are not subjected to sexual abuse or other forms of physical and mental violence;
- press for those suspected of responsibility for the acts of sexual violence against N.J. to be tried without delay;
- express concern at the proposal to subject N.J. to a further medical examination, pointing out that her rape has already been medically confirmed by doctors at Ibrahim Malik Teaching Hospital, that re-confirmation is both unnecessary and medically impossible so many months after the event, and that such an examination would only serve to further traumatize her;
- urge the government to take immediate steps, in line with its obligations under the Convention on the Rights of the Child and regardless of the outcome of the trial, to promote N.J.'s physical and psychological recovery. This should include the provision of medical treatment by a specialist on treating child traumas caused by sexual violence.
- seek assurances that the government will take all necessary steps to ensure the full protection of children in Sudan and that all individuals, including state officials, who are found to be responsible for violating the rights of children will be brought promptly to justice.

Please send letters in English or in your own language to:

Minister of Justice/Attorney general
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Ministry of Justice
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Mr. Ahmad al-Mufti
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PO Box 302
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Sudan

Director General of Police
Major-General 'Abd al-Moneim
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Chief Justice
Mr. Hafez al Sheik al Zaki
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Minister of Interior
Brig. Abdul-Rahim Muhammed Hussein
Ministry of Interior

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Photo caption:

Children in a camp for internally displaced persons, Khartoum, Sudan. © Jeremy Hartley/Panos Pictures.

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