

URGENT ACTION

FORCIBLY MARRIED, RAPED GIRL SENTENCED TO DEATH

Nineteen year old, Noura Hussein Hamad Daoud, was sentenced to death on 10 May for killing her husband in self-defence after he tried to rape her for a second time. The Central Criminal Court of Omdurman in Sudan, on 29 April, found her guilty of the murder of her husband Abdulrahman Mohamed Hammad. Noura's case highlights the failure of the Sudan government to tackle the tragedy of early and forced marriage as well as marital rape.

Noura Hussein Hamad Daoud, a 19-year-old girl, was convicted of and sentenced to death for 'intentional murder' under Article 130 of Sudan's 1991 Criminal Act in connection with the killing of her husband, Abdulrhman Mohamed Hammad. Her lawyers have until 25 May to submit an appeal.

Her trial began in July 2017 and the Central Court of Omdurman on 29 April found her guilty of murdering her husband. The judge who presided in the case applied an outdated law which does not recognise marital rape as an offense. However, the sentencing was scheduled for a later date to allow for the relatives of the deceased husband to choose between pardon and financial compensation (customarily known as Diya or "blood money") or demand the application of the death penalty. The family opted for the death penalty.

According to her testimony, Noura Hussein was betrothed to Abdulrahman Mohamed Hammad against her will at the age of 16 and they were married in April 2017. Under Sudanese law, children can be married off from age 10. When Noura Hussein refused to consummate the marriage, on 2 May 2017 Abdulrahman Mohamed invited two of his brothers and a male cousin to hold her down as he forced himself on her, raping her. The next morning on 3 May 2017 he tried to rape her again and Noura Hussein used a knife to defend herself. Her 27-year-old husband died as a result of the injuries he sustained. A medical examination conducted on Noura Hussein indicated that she also sustained injuries as a result of the scuffle between her and her husband.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature or circumstances of the alleged crime.

Please write immediately in Arabic or your own language:

- Calling on the Sudanese authorities to immediately quash the conviction and death sentence against Noura Hussein Hamad Daoud;
- Urging them to take into consideration the mitigating circumstances in this case in a retrial in proceedings that fully comply with international standards for a fair trial and without recourse to the death penalty;
- Urging them to implement the recommendation of the Committee on the Rights of the Child and amend the Sudan Personal Status Law to raise the legal age of marriage from 10 to 18 years old.

PLEASE SEND APPEALS BEFORE 26 JUNE 2018 TO:

President

HE Omar Hassan Ahmad al-Bashir
Office of the President
People's Palace
PO Box 281
Khartoum, Sudan
Salutation: Your Excellency

Legal Advisor

Khadija al-Fadil Mohamed Moussa
Department of Human Rights and
International Humanitarian Law in the
Ministry of Justice
PO Box 302
Al Nil Avenue
Khartoum, Sudan
Email: consulate@sudanmission.ch
Salutation: Your Excellency

And copies to

Minister for Interior
Hamed al-Mannan
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.

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ADDITIONAL INFORMATION

Noura Hussein Hamad Daoud is a 19-year-old high school graduate. She was forced into early marriage at the age of 16 with the wedding taking place two years later in April 2017. When she refused to consummate the marriage for six days after the wedding, her husband with help of his relatives violently beat her and held her down while he violently raped her. On the second day, he tried to rape her again but she managed to escape to the kitchen where she grabbed a knife. In the ensuing scuffle, Abdulrahman sustained fatal knife wounds.

Noura then fled to her family home, but her father handed her over to the police and she was subsequently charged for murder. A medical examination report from the fight with Abdulrahman indicated she had sustained injuries including a bite and scratches. She has been imprisoned at Omdurman Women's Prison since 3 May 2017. Her trial started in July 2017.

In the past few years several women organizations campaigned tirelessly to change the Sudan Personal Status Law, including the age of marriage. The Sudanese law allows for children to be married off at 10 years old in violation of [Sudan's Interim constitution](#) of 2005. Article 21 of the Interim Constitution defines a child as: "any person under the age of eighteen years". Sudan has also ratified the [Convention on the Rights of the Child](#), which also defines a child as being under eighteen years old.

Until 2015, the Sudanese Criminal Act of 1991 conflated rape with *zina* (adultery) which meant that if a female rape victim failed to prove her case she could be punished for committing adultery and face punishment of either 100 lashes if she was unmarried at the time of the incident or death by stoning if she was married at the time of the incident.

After an intense human rights campaign, Article 149 of the 1991 Criminal Act was amended in February 2015 and it expanded the range of acts deemed to constitute rape under the criminal law. The amendment no longer defines rape in reference to adultery or sodomy which helped to clarify the conflated meaning of rape and adultery under the old law. Although the amendment failed to explicitly mention marital rape as a criminal offence, it is implied in the new definition of rape as any sexual contact by way of using force, intimidation or coercion or abuse of power if clearly defined as a criminal offence.

Article 149 of the 1991 Criminal Act previously read: "149 (1) There shall be deemed to commit the offence of rape, whoever makes sexual intercourse, by way of adultery, or sodomy with any person without his consent"; (2) Consent shall not be recognized, where the offender has custody, or authority over the victim; (3) Whoever commits the offence of rape, shall be punished, with whipping a hundred lashes, and with imprisonment, for a term, not exceeding ten years, unless rape constitutes the offence of adultery, or sodomy, punishable with death."

The Article was amended as follows: In Article 149: (First) Clause (1) and (2) shall be nullified and replaced by the following new clause: (1) There shall be deemed to commit the offence of rape, whoever makes sexual contact by way of penetrating a sexual organ or any object or part of the body into the victim's vagina or anus by way of using force, intimidation, or coercion by fear of the use of violence, detention, psychological persecution, temptation, or abuse of power against the person or another person, or when the crime is committed against a person incapable of expressing consent because of natural causes or luring-related or related to age.

Name: Noura Hussein Hamad Daoud

Gender m/f: f

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