

URGENT ACTION

WOMEN RISK FLOGGING FOR 'INDECENT' CLOTHING

The Public Order Police have charged 10 female Christian students with "indecent dress" and subjected them to verbal abuse during their detention. The charge carries the punishment of flogging.

The Public Order Police (POP) arrested 12 female Christian students on 25 June. Ten of them were charged with "indecent dress", under Article 152 of Sudan's 1991 Criminal Act, while the other two were released. The POP subjected the students to degrading treatment and humiliating verbal abuse during their detention. Article 152 of the 1991 Criminal Act gives POP extensive powers to arrest any person for "indecent dress" and the punishment if found guilty is 40 lashes, or a fine, or with both. In practice the law is used exclusively against women.

The POP stopped the 12 students at 10 pm in front of the Evangelical Baptist Church in Khartoum North, where they had attended a ceremony, and took them to a local police station in Khartoum North.

According to information obtained by Amnesty International, the students are between 17 and 23 years old, and all are Christians, originally from the war-torn Nuba Mountains in South Kordofan state. At the time of their arrest, some were wearing trousers and others skirts. Two of the students were released about four hours after their arrest and the remaining 10 were released on bail at around 10 am on 27 June. The 10 were taken to court on 28 June where the charges against them were confirmed and court dates set. One student, Fardos Al Toum, 19, appeared in court on 6 July, wearing another dress deemed indecent by the judge who, disregarding any due process, immediately sentenced her to a fine of 500 Sudanese pounds (\$83) or a month in prison. Her fine was paid by activists and her supporters and she will appear in court again in relation to the original charge. Another student, aged 17, appeared in court on 7 July and, because of her age, was transferred to a Juvenile Court.

The other nine students: Fardos Al Toum, 19; Ishraga James, 20; Uthan Omer Eljaily, 22; Diana Yagoub Abd Alrahman, 19; Seema Ali Osman, 20; Inas Mohamed Elkomani, 23; Rehab Omer Kakoum, 18; Nasra Omer Kakoum, 20; and Wigdan Abdallah Salih – will appear in court on 9, 13, 16 and 17 July according to their lawyer.

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

- Urging the Sudanese authorities to drop the charges against the 10 female Christian students 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 20 AUGUST 2015 TO:

President

HE Omar Hassan Ahmad al-Bashir
Office of the President
People's Palace
PO Box 281
Khartoum, Sudan
Email: info@presidency.gov.sd

Salutation: Your Excellency

Minister of Justice

Awad Al Hassan Alnour
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

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.

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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: 10 Christian students

Gender m/f: f

UA: 151/15 Index: AFR 54/2046/2015 Issue Date: 9 July 2015