

URGENT ACTION

TWO SUDANESE ACTIVISTS AT RISK OF FLOGGING

On 13 November two activists in Sudan are due to stand trial for ‘indecent behaviour’. They are at risk of imprisonment or flogging.

On 21 October **Najlaa Mohammed Ali** and **Amin Senada** were arrested by members of Sudan’s police and security forces who raided their car in Port Sudan. Najlaa Mohammed Ali, a lawyer and human rights activist, she met with Amin Senada, also an activist, to discuss the planning of a workshop. After their meeting, both of them got into the car that Najlaa Mohammed Ali had used to get to their meeting point. During the journey, their driver received a phone call and stopped the car to answer it. Minutes later two armed men came to the vehicle claiming to be from Sudan’s Public Order Police. After that another six men from the police and security forces joined them. They accused Amin Senada of placing his hand on Najlaa’s shoulder and ordered them to come with them to the Police Public Order Department. They threatened to take them by force if they refused to comply.

At the Public Order Department, the arresting officers claimed they had found them kissing in the car. Both were charged with ‘indecent behaviour’ under Article 152 of Sudan’s 1991 Criminal Code. The police refused to release them on bail. Amin Senada spent the night in a cell, while Najlaa Mohammed Ali was made to sit on a chair next to the entrance. Both were allowed to leave the next day.

Najlaa Mohammed Ali and Amin Senada’s trial will be held on 13 November. If convicted, both are at risk of being flogged with up to 40 lashes in line with Article 152. It is believed that the charge is a response to Najlaa Mohammed Ali’s political activism, including her participation in countrywide demonstrations that took place in September.

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 24 DECEMBER 2013 TO:

President

HE Omar Hassan Ahmad al-Bashir
Office of the President
People’s Palace
PO Box 281
Khartoum

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.

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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

UA: 309/13 Index: AFR 54/025/2013 Issue Date: 12 November 2013