

URGENT ACTION

SUDANESE WOMAN STILL AT RISK OF FLOGGING

Amira Osman Hamed, a Sudanese women's rights activist, has had her trial postponed until 4 November 2013. She was arrested in August and charged with 'indecent dress' for refusing to wear her headscarf. If convicted, she risks receiving up to 40 lashes.

Amira Osman Hamed, aged 35, was arrested on 27 August by the Public Order Police for refusing to cover her hair with her headscarf. She was taken to the prosecutor's office and charged with 'indecent dress' under Article 152 of Sudan's 1991 Criminal Code. She was released on bail after being held for four hours at the police station.

Amira Osman Hamed's trial, which was due to take place on 19 September, has been postponed. The request for postponement was solicited by Amira Osman Hamed's lawyers, as they have written to the Attorney General of Sudan asking for her charges to be dropped. The judge of Jabal Awliya court has granted a postponement until 4 November to give the Attorney General enough time to consider the request.

If convicted, Amira Osman Hamed is at risk of being flogged, and could face up to 40 lashes. She has previously been charged and convicted under the same law in 2002 for wearing trousers and had to pay a fine. Amnesty International opposes flogging as it violates the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment under international customary law.

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

- Urging the authorities to drop the charge against Amira Osman Hamed 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 1 NOVEMBER 2013 TO:

President

HE Omar Hassan Ahmed al-Bashir
Office of the President
People's Palace
PO Box 281
Khartoum, Sudan
Email: info@sudan.gov.sd
Salutation: Your Excellency

Minister of Justice

Mohamed Bushara Dousa
Minister of Justice
PO Box 302
Al Nil Avenue
Khartoum, Sudan
Email: mb.dosa@gmail.com
Salutation: Excellency

And copies to:

Minister of Interior

Ibrahim Mohamed Ahmed
Ministry of Interior
PO Box 873
Khartoum, Sudan

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the first update of UA: 253/13. Further information:

<http://www.amnesty.org/en/library/info/AFR54/020/2013/en>

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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 spotlight in 2009 through the case of journalist Lubna Hussein.

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.”

Article 152 is part of a broader set of laws and practices, known as the public order regime which allows 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.

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.

Name: Amira Osman Hamed

Gender: m/f: Female

Further information on UA: 253/13 Index: AFR 54/021/2013 Sudan Issue Date: 20 September 2013

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