

URGENT ACTION

WOMAN LEAVES HAIR UNCOVERED, RISKS FLOGGING Sudanese women's rights activist Amira Osman Hamed is to go on trial on 19 September for refusing to cover her hair in public. She is at risk of receiving up to 40 lashes for 'indecent or immoral dress.'

Amira Osman Hamed, aged 35, was arrested on 27 August and charged with 'indecent or immoral dress' by the Public Order Police for refusing to cover her hair with her headscarf. Amira, also a civil engineer, was working in Jabal Awliya, in the outskirts of Khartoum when 10 policemen approached her and threatened to take her to the police station because she refused to wear her headscarf. She was then taken to the prosecutor's office who charged her 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 is due to start on 19 September. If convicted, she could be sentenced to corporal punishment of up to 40 lashes. The first hearing in the court on 1 September was postponed, reportedly because the judge was ill.

Amira Osman Hamed was also previously charged and convicted under the same law in 2002 - for wearing trousers - and had to pay a fine. Amnesty International has documented several cases of other women and girls convicted for wearing 'indecent or immoral dress' as the provision is applied in a discriminatory manner and disproportionately against women.

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. 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.

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

- Urging the authorities to drop the charge against Amira Osman 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 29 OCTOBER 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.

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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 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 a Public Order Police (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: f

UA: 253/13 Index: AFR 54/020/2013 Issue Date: 17 September 2013

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