

URGENT ACTION

WOMEN'S RIGHTS ACTIVIST CONTINUES TO FACE CHARGES

Amira Osman Hamed, a Sudanese women's rights activist, continues to face charges of 'indecent dress' for refusing to wear her headscarf. Charges against her must be dropped and the law under which she was charged abolished.

Amira Osman Hamed was arrested on 27 August 2013 by Sudan's Public Order Police for refusing to cover her hair with a headscarf. She was charged with 'indecent dress' under Article 152 of Sudan's Criminal Code, part of a broader set of laws known as the public order regime, which impose corporal punishment and fines for what is seen as immoral behaviour. If convicted, Amira Osman Hamed is at risk of being flogged, and could face up to 40 lashes. Amira Osman Hamed was released on bail on 27 August 2013 after being held for four hours at the police station.

Her trial, which was initially due to take place on 19 September 2013, has repeatedly been postponed after her lawyers submitted an appeal to the Attorney General and Minister of Justice stating that Article 152 is unconstitutional. According to her defence team, the Minister of Justice is still deliberating on this appeal and no progress has been made in arranging a new trial. In the meantime Amira Osman Hamed remains free on bail.

Amira Osman Hamed was previously charged and convicted under Article 152 in 2002 for wearing trousers and she had to pay a fine. Since the introduction of the 1991 Criminal Code, thousands of people, mainly women and girls, have reportedly been arrested every year in Sudan for clothing or behaviour that is arbitrarily deemed "indecent". Amnesty International has been calling for the repeal of provisions like Article 152. Flogging, which violates the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment under international customary law, should also be abolished as a punishment.

Please write immediately in Arabic, English 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 the Public Order Regime, including Article 152 of the Criminal Code of 1991, in conformity with their obligations under international human rights law.

PLEASE SEND APPEALS BEFORE 11 AUGUST 2014 TO:

Minister of Justice
Mohamed Bushara Dousa
Ministry of Justice,
PO Box 302 Al Nil Avenue
Khartoum
Sudan
Email: moj@moj.gov.sd
Fax: + 249 183 791544
Salutation: Your Excellency

Minister of Foreign Affairs
Ali Ahmed Karti
Ministry of Foreign Affairs
PO Box: 302, Republic Street
Khartoum
Sudan
Fax: + 249 183 772941
Salutation: Your Excellency

And copies to:
Minister of Interior
Ibrahim Mahmoud Hamed
Ministry of Interior, PO Box 873
Email: mut@isoc.sd
Salutation: Your Excellency

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. This is the second update of UA: 253/13. Further information: <http://www.amnesty.org/en/library/info/AFR54/021/2013/en>

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ADDITIONAL INFORMATION

Article 152 of Sudan's 1991 Criminal Code provides flogging for "indecent or immoral dress" and "indecent behaviour". It is part of a broader set of laws and practices, known as the Public Order Regime, which provides for the imposition of corporal punishment for what is seen as "immoral" behaviour in public, or sometimes in private. The Public Order Regime includes the establishment of a Public Order Police POP and public order courts which can impose corporal punishment of up to 40 lashes.

Although it applies to both men and women, the Public Order Regime has largely affected women in Sudan, and those sentenced to flogging are overwhelmingly women. The public order laws do not specify what is covered by "immoral" or "indecent" dress, so the police, prosecution and courts 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". In addition to its vagueness, the law is discriminatory in its application and imposes unreasonable restrictions on the right to freedom of peaceful assembly and expression. In most documented cases of flogging over recent years, the sentence was not carried out and the charges were dropped. However, it is believed that the punishment is more widely implemented in marginalized areas of Sudan.

Name: Amira Osman Hamed
Gender m/f: f

Further information on UA: 253/13 AFR 54/013/2014 Issue Date: 30 June 2014