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Call for the release of Rev. Hassan ABDURAHEEM and Mr. Abdumonem ABDUMAWLA

HRWF (07.03.2017) - Czech aid worker, Petr Jašek, was released from Sudanese prison last week after being pardoned and freed by President Omar Bashir. However, the two Sudanese church leaders he was arrested alongside, Hassan Abduraheem and Abdumonem Abdumawla, are still imprisoned.

HRWF calls for the Sudanese government to release Reverend Hassan Abduraheem and Mr. Abdumonem Abdumawla. The details of their case can be found below followed by instructions for joining our effort.

Rev. Hassan Abduraheem and Mr. Abdumonem Abdumawla

On 29 January 2017, Rev. Abduraheem and Mr. Abdumawla, both Christians, were found guilty of espionage and abatement, inciting hatred between religious groups, and propagation of false news. They were sentenced to a total of twelve years imprisonment each. Both men were arrested in December 2015 for "aiding and abetting" Petr Jasek in his alleged spying and were held for eight months before charges were filed in August 2016.

Facts about the case of Mr. Abdumonem Abdumawla

Mr Abdumawla was arrested by the NISS in December 2015 after he began collecting money to help his friend, Ali Omer, a young Darfuri student, who had been injured and seriously burned during a demonstration in July 2013. Mr Abdumawla was put in contact with Reverend Abduraheem and Mr Jašek, who then donated money towards Mr Omer's treatment.

Mr Abdumawla was held by the NISS between December 2015 and May 2016 and was not allowed to meet or communicate with his family during this time. He was moved to the Attorney General's custody in May 2016 when the prosecutor started his criminal investigation. Mr Abdumawla is currently being held in al-Huda Prison in Omdurman.

Facts about the case of Rev. Hassan Abduraheem

Reverend Abduraheem was arrested by the NISS at his home on 19 December 2015. The NISS held him until 9 May 2016, when he was moved to the Attorney General's custody. Thereafter the prosecutor started building a case against him,

which revolves around a mere act of kindness. Reverend Abduraheem donated money towards medical treatment for Ali Omer. Reverend Abduraheem also facilitated a meeting between Mr Jašek and Mr Omer, after which Mr Jašek donated \$5,000 to Mr Omer's treatment.

While detained by the NISS, Reverend Abduraheem was not allowed to see his family, people from his church, or legal representatives. His family was especially concerned for his health as he suffers from stomach ulcers and they couldn't get his medication to him. He is currently being held in al-Huda Prison in Omdurman.

While Petr Jasek, who was found guilty of charges and sentenced to more than twenty years in prison, has been released on 27 February 2017, Reverend Abduraheem and Mr Abdumawla still remain in prison. They have launched appeals against their sentences, which have yet to be ruled on.

We at HRWF ask for your help to encourage Sudan to release Reverend Abduraheem and Mr. Abdumawla by writing letters to the following contacts. Please feel free to either write your own letter, or to use our model letter sampled below.

Address letters to:

Embassy of Sudan: sudanbx@yahoo.com
124 Avenue Franklin Roosevelt, 1050 Brussels. Belgium
Tel.: +32 2 647 9494
Fax: +32 2 648 3499
and/or to the embassy of Sudan in your country. See the list at
[https://embassy-finder.com/sudan in brussels belgium](https://embassy-finder.com/sudan%20in%20brussels%20belgium)

Model letter

Subject: Release of Rev. Hassan ABDURAHEEM and Mr. Abdumonem ABDUMAWLA

Excellency,

Mr. Hassan Abduraheem, Reverend of the Sudan Church of Christ and Mr. Abdumonem Abdumawla, a Christian converted Darfuri student, were **found guilty on 29 January 2017** of charges which included espionage and abatement, incitation of hatred between sects and propagation of false news. They are each sentenced to a total of twelve years imprisonment.

The two men were arrested alongside Petr Jasek in December 2015 for "aiding and abetting" him in his alleged spying, **and held for eight months** before charges were filed in August 2016.

Petr Jašek was sentenced to 23 ½ years in prison for various charges but was released from prison on 27 February after being pardoned and freed by President Omar Bashir.

However, Reverend Abduraheem and Mr Abdumawla still remain in prison. They have launched appeals against their sentences, which have yet to be ruled on.

I am hereby urging the authorities of your country to release them.

Respectfully yours.

Name:

Country:

Other actions you can take:

- Share with others!
- Send to friends
- Post on Facebook, Twitter, and other social media
- Raise this issue during your religious and prayer meetings.

Sudan frees human rights activists

Democracy Digest (06.03.2017) - <http://bit.ly/2mzRzyY> - Human rights and democracy advocates are expressing relief at the release of Sudanese civil society activists convicted of publishing fake reports or spying:

Khalafalla Al-Afif, Midhat Hamdan and Mustafa Adam were arrested on May 23 last year after security agents raided the office of *the TRACKS Training Center* in Khartoum. Two of the men, Khalafalla and Midhat, worked for TRACKS, a group providing training in human rights issues, while the third man, Mustafa, was visiting the center at the time of the raid.

Convicted to one year in prison, the activists were released for time served, and a local fundraising campaign has reportedly within a few hours already raised 70% of the additional fines imposed.

"The future of Sudan's civil society is at stake and there are reasons to express deep concerns," said Alice Mogwe of the International Federation for Human Rights (FIDH) in a statement released ahead of Sunday's sentencing.

The case is emblematic of the shrinking space for Sudanese civil society amidst ongoing repression and crackdowns on NGOs, activists and human rights, FIDH added.

Women & Morality Laws – Flogging & death by stoning sentences continue

ACAL (07.08.2015) - <http://bit.ly/1Rm4CgW> - Saadia Rajab is a 22 year old Sudanese woman who was charged with adultery and sentenced to death by stoning.

When she first appeared at the Alhaj-Yousf/Bahri Public Order Court in the north of Khartoum, Saadia did not have any legal representation and admitted that she had a relationship with a man while being married to another. She was sentenced to "lapidation" (stoning to death) under Article 146 of the Sudanese Criminal Act of 1991.[i] But, in accordance with Article 144g of Sudan's 1991 Criminal Procedure Law, the judge postponed implementation of the sentence and ordered her to return to court after a month.

At her second court appearance on 28 June, Lawyers from the Aid Center for Advocacy and Legal Consultation (ACAL), the free legal defence group, intervened and took up her case. Saadia told them that her husband had been absent for more than one year. Lawyers at ACAL were aware that some experts on Islamic jurisprudence state that the absence of a husband for at least one year is tantamount to divorce and is, therefore, grounds for cancellation of a stoning sentence.

So, upon the advice of her lawyers, Saadia explained to the court that her husband had been absent for more than one year and on that basis pleaded not guilty to adultery. The judge (Altaher Khalifa) summoned Saadia's husband, who had filed the adultery charges against her, and encouraged the couple to enter into an informal settlement. The man subsequently admitted that he had abandoned her for over a year and withdrew his complaint.

Article 146 of Sudan's Criminal Act of 1991 provides that death by stoning is the punishment for adultery by a married person whereas sexual intercourse between a man and woman who are not married carries the lesser sentence of 100 lashes.

In view of Saadia's change of plea and the withdrawal of the complaint, the judge cancelled the sentence of death by stoning against Saadia and, provisionally, replaced it with the lesser sentence of 100 lashes.

Article 144b of the 1991 Sudanese Criminal Procedure Law says that, in cases that attract the most serious sentences, before asking an accused person how they plead, a judge should warn them that an admission of guilt would expose him or her to a sentence of stoning to death or more than 40 lashes.

Saadia's lawyers spelt out to her that, according to Sharia law, stoning and flogging cannot be carried out if there is any doubt that the serious offence (or "Hudood") was committed. Saadia testified that she never engaged in a sexual intercourse contrary to the earlier charge by her husband and the judge acquitted her of all charges.

Despite the success on Saadia's case, I and everyone at ACAL remain very concerned about the existence of severe corporal punishments, which are oftentimes being used against women. The Sudanese government is a signatory to the International Covenant on Civil and Political Rights (ICCPR) and is thus obliged to align its law with the international standards under the ICCPR. Article 6 of the ICCPR stipulates that the "sentence of death may be imposed only for the most serious crimes". We consider that enforcement of Sudanese law not only breaches the ICCPR but also unfairly targets women as most of those charged of adultery had been women.

In February of this year, an amendment of Article 149 of the Criminal Code established a distinction between rape and adultery. However, Saadia's case proves that the penal code, which is essentially based on the Shari'a, continues to allow sentences of flogging and stoning to death.

Saadia's case follows the high-profile case of Laila Ibrahim, who, in 2012, was convicted of adultery and sentenced to death by stoning until ACAL successfully appealed on her behalf and she was set free. ACAL believes that there are many more cases like these that remain unknown, in which women do not have any access to legal defence due to a huge lack of legal aid services – a widespread problem facing women in Sudan.

Criminal law has also been systematically targeting women in other fronts. On 28 June, 12 Christian women wearing trousers were arrested by police and were brought before the Public Order Court charged with being “indecently dressed”. Under Article 152 of the Criminal Act, they could be sentenced to flogging.^[ii] Their trial is ongoing with two sessions scheduled for 9th and 13th of July.

This case is part of a new wave of moral campaigns against women that the Sudanese government has launched following the general election in April 2015 which aims to further control women’s freedoms of movement and expression in public.

These cases came just one month after the United Nations Special Rapporteur on violence against women Rashida Manjoo called for more open and constructive dialogues among all parties to address the causes and consequences of violence against women in Sudan after a twelve day mission to the country. The government, for its part, harassed and intimidated the activists who tried to meet with her.

The combination of civil society repression and extremely sexist laws and norms is creating an unbearable situation for the women of Sudan. Something must change, and soon.

Article 146 of the Sudan Criminal Act of 1991:

Penalty for adultery

- (1) Whoever commits the offence of adultery shall be punished with:
 - (a) execution, by lapidation [stoning], where the offender is married (muhsan);
 - (b) one hundred lashes, where the offender is not married (non-muhsan).
- (2) The male, non-married offender may be punished, in addition to whipping, with expatriation for one year.
- (3) Being “muhsan” means having a valid persisting marriage at the time of the commission of adultery; provided that such marriage has been consummated.
[ii] Article 152 of the Criminal Act of 1991:

Indecent and immoral acts

- (1) Whoever commits, in a public place, 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 fine, or with both.
- (2) The act shall be deemed contrary to public morality, if it is so considered in the religion of the doer, or the custom of the country where the act occurs.

23-year old woman sentenced to death by stoning for adultery

ACJPS (11.07.2012) - On 10 July 2012, Judge Imad Shamoun sitting at Al Nasir Criminal Court in Khartoum sentenced a 23 year old woman to death by stoning for adultery (*Zina*) under Article 146 of the Sudanese Penal Code 1991.

Ms. L.I.E (case number 1222), who resides in Alizba area of Khartoum Bahri and is from the Misseriya tribe, pleaded guilty to the charges of adultery. She did not have any legal representation during the trial, in violation of Sudanese law. She is currently detained in a cell alone in shackles, giving rise to serious concerns about her welfare. It is not known when the authorities plan to carry the sentence out.

The African Centre for Justice and Peace Studies (ACJPS) calls on the Government of Sudan to overturn the sentence of death by stoning which was applied in violation of both domestic and international law and guarantee Ms. L.I.E's immediate and unconditional release.

Under Article 135(3) of the Sudanese Criminal Procedure Code 1991, a defendant is entitled to legal representation in any criminal case that carries a punishment of 10 years or more imprisonment, amputation or death. Ms. L.I.E, who has reportedly been living apart from her husband for one and a half years, was sentenced under Article 146(1) (a) of the Sudanese Penal Code, which carries a punishment of execution by stoning for a defendant who is "muhsan", meaning having a valid and persisting marriage at the time of the commission of adultery.

The application of the death penalty by stoning for the crime of adultery (*zina*) is a grave violation of international law, including the right to life and the prohibition of torture and cruel, inhuman or degrading treatment or punishment, set out in the International Covenant on Civil and Political Rights (ICCPR) to which Sudan is a State Party. Article 6 of the ICCPR stipulates that, "sentence of death may be imposed only for the most serious crimes". The majority of adultery cases in Sudan are issued against women, highlighting the discriminatory application of the legislation, in violation of constitutional and international law guarantees of equality before the law and non-discrimination based on sex.

ACJPS condemns the use of the death penalty in all cases. This case underscores the urgent need for the Government of Sudan to issue an immediate moratorium on all executions in Sudan with a view to abolishing the death penalty and to revise all legislation that has the purpose or effect of discriminating against women.

Contact: Osman Hummada, Executive Director of the African Centre For Justice and Peace Studies (ACJPS)

Stop Sudan stoning of Intisar Sharif Abdallah

Human Rights Without Frontiers supports this campaigns and invites the recipients of its newsletter to join it

WLUML & VNC (02.06.2012) - Women Living Under Muslim Laws (WLUML) and the Violence Is Not Our Culture (VNC) campaign call on Sudanese authorities to stop the execution of a woman condemned to stoning for alleged adultery.

Intisar Sharif Abdallah was sentenced by Judge Sami Ibrahim Shabo at Ombada criminal court in Omdurman on 22 April on charges of adultery, under article 146A of Sudan's criminal code.

Intisar was accused of having a relationship and becoming pregnant by a man who was not her husband. She was found guilty after an admission of guilt following torture and brutal beatings by her brother who instigated the case. According to reports, Intisar did

not have access to a lawyer during her trial, and her accused lover remains un-convicted and walks free.

Intisar, who has three children, is being detained with her newborn baby. She is suffering from psychological distress and does not fully understand the nature of her sentence. In addition, she has a limited knowledge of Arabic and was denied a translator in court, an Amnesty International report stated. It was first reported that she is a minor but latest reports from civil society groups in Sudan confirmed her age as 20.

Sudan is a State party to a number of international human rights instruments. It signed and ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1986. It has also signed and ratified the UN Convention on the Rights of the Child. A military coup in 1989 which harkened in the rule of its long-term and current president Omar al-Bashir introduced *shariâ* as the foundation of the country's jurisprudence and penal laws; a move widely perceived by many in Sudan as a pretext for the growth in stronghold by religious fundamentalist forces in the government.

The al-Bashir government passed the Sudanese Penal Code in 1991. A number of Articles in the Penal Code intended to curb women's enjoyment of their fundamental rights were introduced. These Articles have become the major impediments to Sudan's accession to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It is now one of the seven (7) remaining countries who have yet to sign and ratify the Convention. One of these Articles is 146A, which provides capital punishment for married men and women who are found guilty of engaging in sexual relationships outside marriage.^[1] The president must approve all death sentences before they are carried out. On 1 August 2010, the Sudanese Parliament called for the punishment of stoning to death to adulterers or those accused of having extra-marital affairs.^[2] However, the Sudanese delegation during the Universal Period Review (UPR) of Sudan by the UN Human Rights Council in 2011 stated that the death penalty was practiced in the most restricted manner and imposed for the most serious crimes and it is associated with the right to practice religion as guaranteed by international human rights treaties. They also claimed that there are strict legal safeguards in trials of cases punishable by the death penalty.^[3]

Sudanese women's groups view the sentencing of Intisar as a demonstration of the scale of discrimination against women and girls in the country: It is incredulous that the man with whom she has been accused is able to walk free showing explicitly the strong anti-woman sentiment and harsh management of family disputes that exists within both the Sudanese judicial system and in society.

We view stoning as an egregious abuse of human rights and in violation of Sudan's international human rights commitments under the ICCPR. It also constitutes a form of torture and is often accompanied by gender discrimination and unfair judicial processes. Although stoning is often justified in the name of Islam, the use of stoning today is wholly un-Islamic and religiously illegitimate. There is no mention of stoning in the Quran and many Muslim clerics, religious scholars, and political leaders have spoken out against the practice of stoning.

We demand that Intisar Sharif Abdallah be released immediately and unconditionally. We also call upon Sudanese authorities, including the Sudan Ministry of Justice and other relevant government bodies, to conduct an honest and thorough investigation into the case and correct all breeches in the judicial process.

The Sudanese government must reform the penal code and make it in line with its commitment to international human rights standards it has signed up to including the decriminalization of consensual sexual relations between adults and to ban capital

punishment in all its forms. Stoning must never again be considered as a legitimate punishment for any crime.

The freedom of belief does not constitute the freedom to kill. "No excuse"including in the name of religion, culture, or traditions justifies any form of violence against women whether by the State or by private individuals or groups.

^[1] Article 149 of the 1991 Criminal Code defined rape with reference to adultery, noting that this created confusion over evidentiary requirements for a prosecution, and that women are put at risk of facing prosecution for adultery where rape cannot not be proved.

^[2] Summary prepared by the Office of the High Commissioner for Human Rights:

^[3] See Report of the Sudan Human Rights Council Working Group on the Universal Periodic Review, A/HRC/18/16:
