

Amnesty: Sudan - end stoning, reform the criminal law

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Amnesty International condemns the sentencing of Layla Ibrahim Issa Jumul to death by stoning and calls on the Sudanese government to halt the execution and to reform its criminal law without delay, with the aim to abolish corporal punishment.

Layla Ibrahim Issa Jumul, a 23-year old Sudanese woman, was sentenced to death by stoning for adultery on 10 July 2012 by the Criminal Court of Mayo, in Khartoum, under Article 146 of Sudan's 1991 Criminal Code. The stoning sentence was imposed on Layla Ibrahim Issa Jumul after an unfair trial in which she was convicted solely on the basis of her confession and did not have access to a lawyer. During the trial, the judge failed to appoint her a legal counsel, in contradiction of Article 135 of the 1991 Criminal Procedure Act. Sudanese lawyers have filed an appeal. She is now held in shackles with her six-month old baby in Omdurman's women prison, near Sudan's capital Khartoum.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method of execution used by the state.

Amnesty International also opposes the criminalization of sexual relations between consenting adults and considers people who are held in detention solely for consensual sexual relations, to be prisoners of conscience. Non-violent acts such as sexual relations between consenting adults would never fall under the category of "most serious crimes", to which the death penalty is limited under international law.

Layla Ibrahim is the second case involving a death sentence against a woman by stoning for adultery in Sudan in recent months. On 13 May 2012, 20-year old Intisar Sharif Abdallah was sentenced to death, after an unfair trial, based solely on her confession, which was obtained under duress. On appeal Intisar Sharif Abdallah was retried and the charges against her were eventually dropped on 3 July. She was released on the same day.

In both cases, the women, who are young mothers and come from marginalized backgrounds, were unaware of their rights and of the severity of the charges against them; they were also deprived of legal representation, a clear violation of the right to a fair trial.

Amnesty International considers Layla Ibrahim to be a prisoner of conscience and calls on the Sudanese government to halt her execution by all available means, overturn her stoning sentence for "adultery while married" and release her immediately and unconditionally.

Background

International law and Sudanese laws prohibit the execution of nursing mothers. Resolution 2005/59 of the UN Commission on Human Rights urges states that retain the death penalty to exclude mothers with dependent infants from capital punishment.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women of 2003, to which Sudan is a signatory, also prohibits the carrying out of death sentences on nursing women. Article 36(3) of the 2005 Interim Constitution of Sudan states: "No death penalty shall be executed upon pregnant or lactating women, save after two years of lactation."

Stoning is a punishment designed to cause the victim grievous pain before leading to death. This method of execution is a violation of the prohibition of torture as contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture (CAT), to which Sudan is party.

The cases highlight the need to reform the 1991 Criminal Code, which includes corporal punishment for crimes that are described in insufficiently clear and precise terms, such as gross indecency (Article 151), indecent and immoral acts (Article 152), possessing, handling or manufacturing materials and displays contrary to public morality (Article 153), and adultery (Articles 145-147), among others. Corporal punishment, of which stoning is an extreme form, represents cruel, inhuman or degrading treatment and is a clear violation of the ICCPR and the CAT.

In November 2008 the African Commission on Human and Peoples' Rights adopted a resolution calling on state parties to the

African Charter on Human and Peoples' Rights to observe a moratorium on the death penalty. Many states have complied with the resolution and adopted an abolitionist stance in practice, creating a trend toward abolition in much of Africa. However Sudan has not taken any steps to implement the resolution.
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