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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.

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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 breaches 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:
