

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on freedom of religion or belief; the Working Group on the issue of discrimination against women in law and in practice; the Special Rapporteur on the independence of judges and lawyers; the Independent Expert on the situation of human rights in the Sudan; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences.**

REFERENCE: UA G/SO 218/2 G/SO 214 (56-23) G/SO 214 (3-3-16) G/SO 214 (33-27) G/SO 214 (53-24) G/SO 214 (89-15)  
SDN 2/2014

14 May 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the independence of judges and lawyers; Independent Expert on the situation of human rights in the Sudan; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 24/7, 23/7, 22/20, 17/2, 24/28, 17/5, 25/13, and 23/25.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding Ms. **Meriam Ibrahim** who is facing punishments of public flogging and execution if found guilty on charges of apostasy and adultery in an upcoming hearing to be held on 15 May 2014.

According to the information received:

Ms. Meriam Ibrahim (27) was born in Gedarif, Sudan to a Christian Ethiopian Orthodox mother and a Muslim Sudanese father. However, she was raised solely by her mother and considers herself a Christian. In 2012, she married Dr. Daniel Wani at a Christian church in Khartoum. They are expecting a child and also have a 20-month-old son.

Ms. Ibrahim was arrested by Sudanese authorities in 2013 when an unknown relative claimed that she was allegedly committing adultery in violation of article

146 of the 1991 Criminal Act. Sudanese officials reportedly viewed her as a Muslim cohabitating with her Christian husband and the relationship between Ms. Ibrahim and her husband was therefore judged to be adulterous. Ms. Ibrahim, who will be giving birth in the coming month, is currently detained at Omdurman's Women Prison near Khartoum with her 20 month-old son. It has been reported that Ms. Ibrahim has been subject to beatings, aggressive interrogation, and denial of food in prison and was denied access to a lawyer and legal aid.

In February 2014, an additional charge of apostasy, based on article 126 of the 1991 Criminal Act, was brought against Ms. Ibrahim. Apostasy is defined in article 126 as 'renunciation of the creed of Islam or public declaration of renunciation'. It was argued that by marrying a Christian man, Ms. Ibrahim had renounced Islam publicly and was therefore guilty of apostasy in addition to the initial charge of adultery. A conviction of apostasy carries the death penalty.

At a hearing held on 11 May 2014, the Sudanese Criminal Court supported the validity of the charges against Ms. Ibrahim, nullified the validity of her marriage and offered her three days to "declare her return to Islam" at an upcoming hearing to be convened on 15 May 2014 or face the suggested punishment of public flogging and execution. Even if Ms. Ibrahim were to profess her "return" to Islam in order to avoid the death sentence, despite not being affiliated with this religion, the charge of adultery would still stand, thus requiring her to remain in prison until the birth of her child. The public flogging will allegedly be carried out soon after the birth of her child in the coming month.

While we do not wish to prejudge the accuracy of these allegations, we express grave concerns regarding the health and safety of Ms. Ibrahim, a pregnant woman who is currently living in prison with her 20 month-old son under harsh conditions. We also express concern that the best interests of the child have not been taking into account when Ms. Ibrahim was sentenced. Concern is further expressed regarding the existence of legislation that permits corporal punishment of women, and the devastating consequences that such violence has on women's physical and psychological integrity and well-being; and at the unjustified restrictions on Ms. Meriam Ibrahim's fundamental human rights, including her right to practice and profess peacefully her religious beliefs and her right to a fair trial and due process. Furthermore, we are concerned at the issuing of a criminal indictment on grounds of adultery.

We wish to affirm that adultery should not be classified as a criminal offence and should not be punishable by imprisonment, flogging or sentence of death as the criminalization of sexual relations between consenting adults is a violation of their right to privacy and infringement as per article 17 ICCPR and the equal protection against discrimination as per article 26 ICCPR.

The above allegations appear not to be in accordance with the principles enshrined in the 2005 Constitution of Sudan, which include the complete freedom to worship a religion of one's own choosing (art. 6a); the rights of men and women to marry and build

a family (art. 15.1) and the State's obligation to "protect motherhood and women from injustice" (art. 15.2). The Constitution also prohibits "cruel, inhuman or degrading" punishments (art.33); provides guarantees for a fair trial and due process (art. 34) and prohibits the use of the death penalty for "pregnant or lactating women" (art. 36).

These allegations seem also to contravene articles 2 and 6 of the African Charter on Human and People's Rights, ratified by Sudan on 18 Feb 1986; the right not to be deprived arbitrarily of liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights, and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR) to which Sudan acceded on 18 March 1986 and the Basic Principles on the role of lawyers. In addition, articles 6 and 18 of the ICCPR, guaranteeing the right to life and the "freedom to have or to adopt a religion or belief of [one's] choice and the freedom ... to manifest [one's] religion or belief", as well as article 23 of the ICCPR on the right to marry and found a family appear to have been infringed in the above alleged case.

Article 4 (c) and (d) of the United Nations Declaration on the Elimination of Violence against Women which calls on States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons are also relevant in this case. Moreover, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which Sudan signed on 4 June 1986.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Ms. Ibrahim in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please indicate if an appeal has been filed on behalf of Ms. Ibrahim and its current status before the court.
3. Please clarify the legal grounds for the arrest, detention and sentencing of Ms. Ibrahim in light of the international norms and standards as stated, inter alia, in the UDHR and the ICCPR.

4. Please provide detailed information on each stage of judicial proceedings against Ms. Ibrahim in light of the requirements and guarantees of a fair trial as enshrined in article 14 of the ICCPR.

5. Please provide details on what, if any, measures have been taken to safeguard any of the rights of the above-mentioned person in compliance with the above international instruments and standards.

6. Please provide detailed information on the measures taken to ensure the right to freedom of religion or belief, in particular, the freedom to have or adopt a religion or belief of one's choice and the freedom to manifest one's religion or belief, in line with Sudan's international human rights obligations.

7. Please provide detailed information on any restrictions on the right to marry, and also explain whether women have the same rights as men to freely choose a spouse.

8. Please provide information on measures envisaged to repeal the discriminatory provisions in the 1991 Criminal Act and to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

We undertake to ensure that your Excellency's Government's response will be available in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Meriam Ibrahim are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Frances Raday  
Chairperson-Rapporteur of the Working Group on the issue of discrimination  
against women in law and in practice

Heiner Bielefeldt  
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Rashida Manjoo  
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