



9.19.14

SUDAN | Meriam Ibrahim's Lawyers to Make Constitutional Challenge

Christian Solidarity Worldwide (CSW) learned the lawyers who represented Meriam Ibrahim, whose conviction for apostasy and adultery was overturned by the Appeal Court on June 23, are currently defending the case at the Supreme Court and plan to take it to Sudan's Constitutional Court for a final ruling on the constitutionality of apostasy in the criminal code.

Earlier this week the lawyers, who have faced threats and pressure since taking on Ibrahim's case, were issued travel bans by Sudan's legal regulatory board, the Lawyers Admissions Committee.

Although Ibrahim was freed by the Appeal Court, her case is currently before the Supreme Court following her alleged family's appeal against the decision to overturn her convictions. Ibrahim's legal team, led by the director of the Justice Centre for Advocacy and Legal Consultancy (Justice Centre) Mr. Mohaned Mustafa, intends to take the case to the Constitutional Court after the Supreme Court makes its ruling. The Constitutional Court can make a binding ruling on the conflict between the crime of apostasy, as detailed in article 126 of the Criminal Code, and article 38 of Sudan's constitution, which guarantees freedom of religion or belief, including the right to choose a religion.

On Sept. 16, the Lawyers Admissions Committee issued Mustafa and four other lawyers working at the Justice Centre with travel bans following a complaint by Ibrahim's former lawyer, Mr. Iman Hassan Abd alrahim, that they had poached his client. Speaking to CSW, Mustafa said, "The committee can disbar any lawyer that it considers to be working out of line with the code of practice; you do not have to be in Sudan for them to come to their decision. It seems very odd that they would apply a travel ban when their highest power is to strike lawyers from the bar." The travel ban is the first issued by the regulatory body in its history.

Since representing Ibrahim, Mustafa and his colleagues at the Justice Centre have experienced harassment and death threats from extremist groups, as well as intimidation from the National Intelligence and Security Services (NISS). Mustafa has received threatening phone calls from extremists accusing him and his colleagues of being 'unIslamic' for representing Ibrahim and for challenging Sudan's apostasy laws.

CSW Chief Executive Mervyn Thomas said, "By defending Mrs. Ibrahim's case at the Supreme Court and questioning the constitutionality of Sudan's apostasy provisions, Mr. Mustafa and his colleagues are upholding a right that is guaranteed under Sudan's interim Constitution and in international covenants to which the nation is party. The unwarranted issuing of travel bans against Mr. Mustafa and his colleagues by Sudan's regulatory legal body highlights the lack of

independence of the legal system. The freedom of lawyers to defend their clients without facing harassment and intimidation is of paramount importance in ensuring the protection and promotion of human rights. We call upon the international community to hold the Sudanese authorities to account for the safety of these human rights defenders. We also urge support at the Human Rights Council for the renewal and strengthening of the mandate of the UN Independent Expert on Sudan responsible for monitoring human rights violations in the country.”