



10.16.15

SUDAN | Court Of Appeal Overturns Woman's Public Indecency Conviction

Khartoum Bahri Appeal Court overturned a Christian woman's conviction for public indecency.

Ferdoos Eltoum was one of a group of Christian women from the Nuba Mountains arrested on June 25 after leaving a celebration service at the El Izba Baptist Church in Khartoum. She was convicted on July 6 of public indecency under Article 152 of Sudan's Criminal Code based on what she wore at the court hearing. This decision was overturned by an appeal judge Sept. 30 and formally communicated Oct. 14. The appeal court ruled the trial judge had departed from criminal procedure by bringing fresh charges against Eltoum and convicting her and should have sent her to the prosecutor to determine whether or not a charge should be brought.

During Eltoum's initial trial hearing in July, two witnesses gave evidence on her behalf. A church minister testified that her attire did not violate Christian dress codes, while a Sudanese woman stated Eltoum's dress did not violate Sudanese culture. The judge did not rule on the initial charge. Instead he charged and convicted Eltoum under Article 152 based on what she had worn to court and handed down a fine.

Eltoum later appeared in court July 13 for a ruling on the original charge relating to the outfit she wore on the evening of June 25. The judge found her guilty of indecent dress under article 152 and gave her a fine and a suspended sentence of 20 lashes. Lawyers representing Eltoum have also appealed this sentence and are awaiting the court of appeal's judgement.

The ambiguous charge of public indecency contained in Article 152 of Sudan's Criminal Code is used disproportionately against religious and ethnic minorities, including Christian women. It gives Public Order police and courts wide-ranging powers to arrest and convict individuals. However, the law is sufficiently vague that it allows police and judges to make subjective judgments that in practice are discriminatory.

Mervyn Thomas, Chief Executive of Christian Solidarity Worldwide, said, "Whilst we welcome the decision to overturn Ms. Eltoum's conviction and the recognition that the trial judge made an error in law, we continue to call on the Sudanese authorities to review the Criminal Code and amend Article 152. We particularly remind Sudan of its obligations under Article 2 of the African Charter on Human and Peoples' rights of non-discrimination on the basis of religion or gender."