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Sudan - the case of Meriam Yahia Ibrahim

Greens/EFA motion for resolution

Tabled by Judith Sargentini, Jean Lambert, Barbara Lochbihler, Heidi Hautala, Bart Staes, Ernest Urtasun, Ulrike Lunacek on behalf of the Greens/EFA Group

for a debate on cases of breaches of human rights, democracy and the rule of law

The European Parliament,

- having regard to the joint statement from the President of the European Commission, the President of the European Council and the President of the European Parliament, together with the religion leaders in marge of the High level religious leader meeting, 10 June 2014;

- having regard to the statement of the HR/VP spokesperson, 15 May 2014;

- having regard to the various condemnations by the United Nation, 16 and 19 May 2014;

- having regard to the EU Guidelines on freedom of religion and belief of 2013;

- having regard to its previous resolution on Sudan;

- having regard to Rule 135(5) of its Rules of Procedure,

A. whereas in late 2013 Meriam Yahya Ibrahim, daughter of an Ethiopian Christian mother and Sudanese Muslim father, who was raised as a Christian was arrested and convicted of adultery on the ground that her marriage to a non-Muslim is rendered invalid under Sudan's Islamic law that prohibits Muslim women from marrying non-Muslim men;

B. whereas the verdict at the court of first instance was delivered on 12 May 2014, sentencing Meriam Ibrahim to a hundred lashes on charges of adultery and sentencing her to death by hanging on charges of apostasy, but giving her three days to renounce Christianity;

C. whereas Meriam Ibrahim was released from Omdurman Woman’s Prison on 23 June 2014 after the Appeal Court found her not guilty of both charges, but was re-arrested on the following day as she and her

family were to board a plane to the United States being charged of forging identification document; whereas Meriam Ibrahim was freed again on 26 June 2014 and took refuge in the United States embassy with her family, and negotiations are ongoing to enable her to leave Sudan,

D. Whereas the right to marry and found a family is a fundamental human right of both women and men; furthermore, whereas prosecution for adultery is contrary to international law as the criminalization of sexual relations between consenting adults is a violation of their right to privacy under international human rights law;

E. whereas the African Charter on Human and Peoples' Rights, ratified by the Republic of Sudan, includes the right to life and the prohibition of torture and cruel, inhuman or degrading punishment and treatment, but whereas the death penalty, flogging, amputation and other corporal punishments are still being carried out for a number of criminal sentences,

F. whereas the Republic of Sudan is signatory to the human rights clause of the Cotonou Agreement(1) and to the International Covenant on Civil and Political Rights(2),

1. Expresses its deepest dismay and concern with the fate of Meriam Yahya Ibrahim and calls upon the responsible Sudanese authorities to guarantee her and her family safety by allowing them to leave the country;

2. Condemns all forms of violence that would impair the right to have or adopt a religion, including the use of threat of physical force or penal sanctions to compel believers or non-believers to renounce their religion or to convert; highlights that adultery and apostasy are acts which should not be considered crimes at all and consist of a flagrant breach of international human rights law;

3. Reiterates that freedom of religion or belief is a universal human right that needs to be protected everywhere and for everyone; recalls in this context that Sudan has ratified the relevant UN and African Union conventions and thereby has an international obligation to defend and promote freedom of religion or belief, which notably includes the right to adopt, change or abandon one's religion or belief of one's own free will;

4. More broadly, calls on the Sudanese authorities to promote religious tolerance as a stepping stone to national unity and reconciliation; in reverse, warns the Sudanese government against using religion as a strategy to enforce obedience, create compliance and divert attention namely from corruption and embezzlement that have been ongoing issues in Sudan;

5. Notes with concern that impunity for serious human rights violations remains a widespread and serious problem in Sudan; as in the case of the Darfur conflict, where authorities have not prosecuted the vast majority of serious crimes committed, including crimes of sexual violence; calls on the Sudanese government to investigate and prosecute those responsible for human rights abuses, including killings, torture and ill-treatment of detainees, and rape and other sexual violence;

6. Rejects restrictions on free speech and political organizing and the suppression of dissent by civil society, political opposition and free media.

7. Urges the Sudanese authorities to end all attacks in Darfur as well as Southern Korodfan and Blue Nile in violation of international law that result in serious human rights violations, including deliberate attacks on civilians and indiscriminate aerial bombings, and hold all those responsible to account, regardless of rank; urges equally to ensure unfettered access by UNAMID and humanitarian agencies to Southern Kordofan and Blue Nile as well as all parts of Darfur, including conflict zones, pursuant to the Status of Forces Agreement between Sudan and UNAMID, and international humanitarian law;

8. Calls on the EU to play a leadership role in pushing for a strong resolution on Sudan at the next Human Rights Council session in September that addresses the serious and widespread violations of human rights and international humanitarian law in the country.

9. Call on the Sudanese government to respect the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights including the right to life and physical integrity, freedom of association, freedom of assembly and the right to freedom of expression.

10. Demands that the Sudanese government repeals all legislation that penalize or discriminate against individuals on the grounds of gender or religion; urges the Sudanese authorities to protect the religious identity of minority groups and to embark on a comprehensive reform of the justice system in compliance with international human rights standards;

11. Urges the Sudanese authorities to repeal provisions that criminalise acts of apostasy and adultery ; stresses that such laws are inconsistent with Sudan's 2005 Interim Constitution, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, and urges Sudan to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty; and calls on the Sudanese government to ratify the Convention to Eliminate all forms of Discrimination Against Women (CEDAW) and the UN Convention on the Rights of the Child;

12. Urges the Sudanese government to immediately release recently detained political activists, to investigate all allegations that they have been subjected to torture and ill-treatment, and to ensure that conditions of detention conform to the United Nations Standard Minimum Rules for the Treatment of Prisoners, including those in relation to the detention of minors;

13. In particular, calls for the reform of the 2010 National Security Act so that it conforms to the ICCPR, in particular to ensure that all detainees be brought promptly before a judicial officer to be charged and face a fair trial in a reasonable time or released and that they can effectively exercise the right to challenge the lawfulness of their detention.

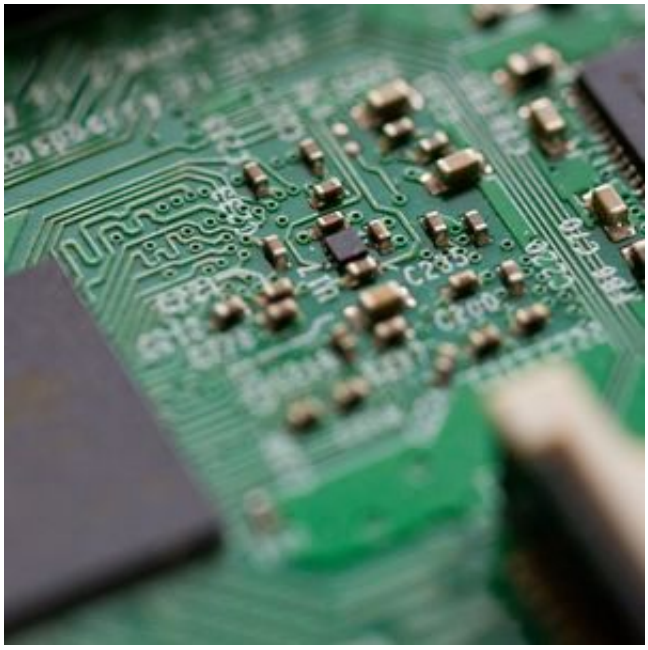
14. Urges once more the Sudanese authorities to fulfill its obligations, pursuant to UN Security Council resolution 1593, to cooperate with the ICC, including surrendering to the court those subject to ICC arrest warrants.

15. Instructs its President to forward this resolution to the EU Council and Commission, the Member States and the government of the Republic of Sudan.

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