

PUBLIC

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EXTRA 56/02

Imminent Execution/Torture/Unfair trial

18 July 2002

SUDAN

88 people, reportedly from the Rizeigat ethnic group

Eighty-eight people were condemned to death by the "special" or "emergency" court in the city of Nyala on 17 July. They could be imminently executed by hanging or crucifixion and have seven days to appeal to the Chief Justice of the Nyala District, southern Darfur Province, Western Sudan.

They were tried without proper legal representation and some were reportedly tortured before trial. At least 35 of the detainees complained of being badly beaten with sticks, gun butts and hoses by police officers in Nyala in June. Some reportedly had their fingers and forearms broken. Their defence lawyers asked the court for medical examinations to be carried out on those who were allegedly tortured. This request was refused and on 2 July the defence lawyers withdrew from the court in protest at this decision and the court's refusal to let them question prosecution witnesses.

The 88 are part of a group of at least 130, mostly from the Rizeigat community in southern Darfur, who were arrested on 6 May. They were charged with crimes relating to murder, armed robbery and public disturbance. They are convicted of having participated in the recent clashes between the Rizeigat and the Maalyia ethnic groups in Al-Tabet, Southern Darfur, that killed at least 10 people. There are allegations that the Maalyia could now be supported by the Sudanese government as a proxy militia in the civil war in southern Sudan.

BACKGROUND INFORMATION

Sudan's Penal Code, which is based upon the government's interpretation of Shari'a (Islamic law), includes penalties such as limb amputation, death, and death followed by crucifixion. Amnesty International regards these as cruel, inhuman or degrading punishments. They are inconsistent with international human rights law and Sudan's obligations under the International Covenant on Civil and Political Rights (ICCPR), which Sudan has ratified, and the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Sudan has signed. Amnesty International is unconditionally opposed to the death penalty and other forms of cruel, inhuman or degrading treatment or punishment, and campaigns for these to be removed from all penal codes without exception. The organization takes no position on the ideological or religious basis of any penal code.

Darfur has been the scene of complex strife between ethnic groups, and frequent armed robberies by bandits, for many years. The region is prone to a proliferation of small arms, often aided by the government's strategy to arm and support local ethnic groups as auxiliary forces to fight in its 19 years-old war against the main armed opposition Southern People's Liberation Army. The government has extended and intensified the State of Emergency, announced in December 1999 in Khartoum and renewed every year since, to Northern and Southern Darfur provinces. Emergency or Special Courts were established in May 2001 in both provinces to deal with offences such as armed robbery, murder and possession and smuggling of weapons. These courts are headed by two military judges and one civil judge and do not allow legal representation for the accused. People convicted by these

courts may appeal within seven days to the District Chief Justice in Darfur.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Arabic or your own language:

- expressing concern that as many as 88 people were sentenced to death in contravention of the prohibition in the Universal Declaration of Human Rights of all forms of cruel, inhuman and degrading treatment or punishment, as well as Sudan's obligations under the ICCPR and CAT;
- appealing for the death sentences to be commuted immediately;
- calling on the government to uphold the right of the 88 to receive a fair trial and have adequate legal representation, in accordance with international standards and without recourse to the death penalty;
- expressing concern at reports that some of those tried were tortured;
- reminding the government that statements or evidence obtained through torture may not be invoked in any trial proceedings;
- calling for a prompt, independent and impartial investigation into reports of torture to be opened and for those found responsible to be brought to justice;
- calling for all sentences of death to be commuted and for the regulations of the Special or emergency courts in Darfur to be amended and brought into line with international standards of fairness.

APPEALS TO: (It may be difficult to get through to these numbers, but please keep trying)

His Excellency Lieutenant General Omar Hassan al-Bashir
President of the Republic of Sudan
President's Palace
PO Box 281, Khartoum, Sudan

Telegrams: President al-Bashir, Khartoum, Sudan
Fax: + 24911 771651/ 787676 / 783223
Salutation: Your Excellency

Mr Ali Mohamed Osman Yassin
Minister of Justice and Attorney General
Ministry of Justice
Khartoum, Sudan

Telegrams: Justice Minister, Khartoum, Sudan
Fax: +24911 788941 / 774842/ 774906
Salutation: Dear Minister

Mr Mustafa Osman Ismail
Minister of Foreign Affairs
Ministry of Foreign Affairs
PO Box 873, Khartoum, Sudan

Telegrams: Foreign Minister, Khartoum, Sudan
Fax: +24911 779383
Salutation: Dear Minister

Dr Ahmed al-Mufti
Advisory Council for Human Rights
PO Box 302
Khartoum, Sudan

Fax: + 24911 779173
Salutation: Dear Dr al-Mufti

COPIES TO:

Mr Hafez al-Sheikh al-Zaki
Chief Justice, Supreme Court
Khartoum, Sudan

and to diplomatic representatives of Sudan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.