

PUBLIC

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EXTRA 47/03

Execution/Fear of imminent execution

CHAD

An unnamed individual

Mahamat Adam Issa (m)]	
Adouma Ali Ahmat (m), Sudanese national]
Abderamane Hamid Haroun (m)] executed	
Moubarack Bakhit Abderamane (m)]	
Four further unnamed individuals]

At least eight men have recently been executed in the first judicial executions known to have taken place in Chad in over 12 years. A ninth individual is believed to be at risk of imminent execution.

Seven executions took place in the capital N'Djaména on the morning of 6 November. Mahamat Adam Issa, Adouma Ali Ahmat, Abderamane Hamid Haroun, Moubarack Bakhit Abderamane, whom Amnesty International considers to have been arbitrarily executed, and three other individuals were executed by firing squad. At least one more person was executed in the eastern town of Abéché.

Prisoners in N'Djaména's central prison are reported to have prevented another prisoner under sentence of death, whose name is not known to Amnesty International, from being taken out for execution. Amnesty International is concerned that he may be executed at any time.

The last known judicial executions in Chad took place in 1991, when four people were executed in public. The reasons behind the resumption in executions is not known.

Four of those executed in N'Djaména, Mahamat Adam Issa, Adouma Ali Ahmat, Abderamane Hamid Haroun and Moubarack Bakhit Abderamane were sentenced to death on 25 October 2003. They had been convicted by the Criminal Court in N'Djaména of the murder of a Sudanese Member of Parliament and businessman, Cheik Ibn Oumar Idriss Youssouf, on 25 September 2003. The case was highly sensitive not only because of Acheik Ibni Oumar Idriss Youssouf's status in Sudan, but because he was also reported to be close to family members of Chad's President, Idriss Déby. He was also director of the Chad Petroleum Company.

On 5 November, lawyers and national and international human rights groups, including Amnesty International, expressed concern over reports that President Idriss Déby had denied presidential clemency to the four men named above even though their limited appeals procedure had not been exhausted, and their cassation plea was still pending at the Supreme Court. If upheld, the cassation plea would have sent the case back for retrial.

The executions were carried out despite serious procedural and legal flaws, particularly for the four men executed in N'Djaména. Their executions took place in blatant violation of international human rights treaties, to which Chad is bound, and of Chadian domestic procedures. The convictions of the men appear to have been based on statements extracted under torture. Executions carried out after unfair trials amount to arbitrary executions in violation of the right to life guaranteed in Article 6 of the United Nations International Covenant on Civil and Political Rights (ICCPR) and Article 4 of the African Charter on Human and People's Rights.

BACKGROUND INFORMATION

Under the Chadian legal system, and in contravention of international law, there is no right to a full appeal in capital cases. The only recourse open to those sentenced to death is for a cassation plea on grounds of gross legal or factual errors to be submitted to the cassation chamber of the Supreme Court. If successful, the case is sent back for retrial. If unsuccessful, the convicted prisoner may appeal for presidential clemency.

Article 14 of the ICCPR, which Chad has ratified and is therefore bound by, states that “Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law”.

Amnesty International opposes the death penalty in all countries and in all circumstances because it is the state sanctioned violation of the right to life and at the right not to be subjected to cruel, inhuman or degrading treatment.

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

- condemning the execution on 6 November of at least eight men, including Mahamat Adam Issa, Adouma Ali Ahmat, Abderamane Hamid Haroun and Moubarack Bakhit Abderamane;
- calling on President Déby to intervene immediately to prevent the execution of a ninth man, who was also scheduled to be executed on 6 November and is currently believed to be held in N'Djaména prison;
- urging President Déby to commute all death sentences which come before him;
- expressing concern that the executions of Mahamat Adam Issa, Adouma Ali Ahmat, Abderamane Hamid Haroun and Moubarack Bakhit Abderamane, were not only in blatant violation of international human rights treaties, to which Chad is bound, but also of Chadian domestic procedures;
- expressing concern at reports that the trial of the men was unfair as they were apparently convicted largely on the basis of statements allegedly extracted under torture, and that the men were reportedly denied even their limited rights to appeal;
- calling on the Chadian authorities to ensure that all trials conform to international standards of fairness as required by international human rights treaties to which Chad is party, including the International Covenant on Civil and Political Rights.

APPEALS TO (Please note it may be difficult to send faxes. Please keep trying):

President of the Republic

Son Excellence Général Idriss DEBY

Président de la République

Telegram: President Deby, N'Djaména, Chad

Fax: + 235 51 45 01/ 52 44 73

Salutation: Monsieur le Président/Your Excellency

Minister of Justice

Monsieur Pahime KALZEUBE

Ministre de la Justice et Garde des Sceaux

Telegram: Ministre Justice, N'Djaména, Chad

Fax : (via Ministry of Communication and Government Spokesperson) + 235 51 60 94

Salutation: Monsieur le Ministre/ Dear Minister

Minister of Interior

Monsieur Abderahman MOUSSA

Ministre de la Sécurité publique et de l'immigration

Telegram: Ministre Intérieur, N'Djaména, Chad

Salutation: Monsieur le Ministre/Dear Minister

COPIES TO:

Minister of Foreign Affairs

Monsieur Nagoum Yamassou

Ministre d'Etat, Ministre des Affaires étrangères et de l'intégration africaine,
Ministère des Affaires étrangères, N'Djaména, Chad.

Fax: + 235 51 91 22

and to diplomatic representatives of Chad and Sudan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.