

PUBLIC

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UA 237/04 Death penalty / Fear of imminent execution

CHAD **Adelin Abdel Ali (m), Mahamat Zele Abdel Ali (m), Abdel Ali Matman (m), Djamal Alhabo (m), Mado Ahmat (m), Ousmane Belil (m), Ammadis Khamis (m), Assanin Albeshir (m), Alfadil Ali (m), Alhabo Brahim (m), Azele Saleh (m), Fadoul Albachar (m), Ahmat Izzo (m), Mahamat Arabi (m), Izzo Adelil (m), Alfadil Abdulkarim (m), Soumain Khamis (m), Coursi Youssouf (m), Ammour Idriss Fadoul (m) - all herders**

The 19 men named above were sentenced to death on 30 July 2004 following their conviction by the criminal court in the capital, N'Djaména, of the murder, or complicity in the murder, of 21 peasant farmers who were killed in Maïbogo, southern Chad, in March 2004, as well as the wounding of 10 other peasant farmers and the theft of livestock. Amnesty International is concerned that the men could be executed imminently.

Adelin Abdel Ali was reportedly identified by the prosecution as the leader of the group which carried out the murders, which followed a conflict between local peasant farmers and herders. Five other men were acquitted.

Nine men were executed in November 2003, in the first judicial executions in Chad in 12 years. Four of the men had been sentenced to death the month before, after an unfair trial in which evidence reportedly extracted under torture was accepted in court. When they were executed, the men had not even exhausted the limited appeals procedure open to them.

The 19 death sentences imposed on 30 July are the first since the November 2003 executions.

The Chadian legal system does not respect the right to a full appeal against either conviction or sentence, in capital cases, in contravention of international law. The only recourse open to those sentenced to death is to submit a cassation plea on grounds of gross errors of fact or law 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. The 19 men's lawyers have submitted a cassation plea to the Supreme Court.

BACKGROUND INFORMATION

Article 14 of the International Covenant on Civil and Political Rights, 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 a state-sanctioned violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment. It is of special concern to the organization when the right to a full appeal, a fundamental component of a fair trial, is not guaranteed.

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

- condemning the murder of 21 peasant farmers, wounding of 10 others, as well as the theft of livestock which took place in Maïbogo in March 2004;
- expressing concern that the 19 men (giving names) sentenced to death on 30 July 2004 in N'Djaména, after being convicted of these crimes, may be at risk of imminent execution;

- expressing concern that Chadian law does not fully guarantee the right to appeal, and that this is a violation of international law;
- 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;
- calling on President Idriss Déby to commute the death sentences to a humane punishment if and when the cases come before him.

APPEALS TO (please note it can be very difficult to get faxes through):

President of the Republic

Son Excellence Général Idriss Déby

Président de la République

Présidence de la République, BP 74 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

Ministère de la Justice, N'Djaména, Chad

Fax: + 235 51 60 94 (via Ministry of Communication and government spokesperson)

Salutation: Monsieur le Ministre / Dear Minister

Minister of State for Foreign Affairs and African Integration

Monsieur Nagou Yamassoum

Ministre d'Etat des Affaires étrangères et l'Intégration africaine

Ministère des Affaires Etrangères, N'Djaména, Chad

Fax: + 235 51 91 22

Salutation: Monsieur le Ministre / Dear Minister

COPIES TO:

Newspapers

Notre Temps

Email: ntemps.presse@intnet.td

N'Djaména Hebdo

Email: ndjb@intnet.td

Le Progrès

Email: progres@intnet.td

L'Observateur

Email: observer.presse@intnet.td.

and to diplomatic representatives of Chad accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 September 2004.