

PUBLIC

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UA 108/09 Death penalty

SUDAN **82 Darfuri men (names known to Amnesty International)**

Sudanese special courts have sentenced 82 Darfuri men to death, after unfair trials, for their alleged involvement in a May 2008 attack on the capital, Khartoum, by a Darfur-based armed opposition group, the Justice and Equality Movement (JEM).

The courts that sentenced them to death were set up after the attack on Khartoum, which left 220 people dead (according to government figures). They were set up under the 2001 Counter-Terrorism Act, in the first use of this Act. Setting up such courts contravenes the 2005 Interim Constitution and existing Sudanese law.

The most recent death sentences were handed down to 11 men on 26 April, 11 men were also sentenced to death on 22 April. Another 10 had been sentenced to death on 15 April by another special court. The 50 others now under sentence of death had been convicted during July and August 2008: their lawyers appealed in August, and are awaiting the decision of the Court of Appeal. Lawyers representing the men convicted more recently have a week after sentencing in which to appeal.

According to local lawyers and human rights activists, the men's trials were grossly unfair: many had no access to legal counsel until their trials had begun. Many were tortured or otherwise ill treated, and many confessed under torture.

BACKGROUND INFORMATION

The JEM's May 2008 attack on Khartoum was neutralized by Sudanese forces in a matter of hours, and was followed by widespread arrests by the National Intelligence and Security Services of Darfuri civilians living in Khartoum. During the next two months, Amnesty International received reports of extrajudicial executions, hundreds of arbitrary arrests and incommunicado detentions, and widespread torture and other ill-treatment in detention: arrests have continued, though in smaller numbers. Many of those arrested have been subjected to enforced disappearance.

Anti-Terrorism Special Courts were established on 29 May to try those accused of taking part in the attack on Khartoum. Between July and August, 50 alleged members of the JEM were sentenced to death after unfair trials.

The use of torture to extract confessions is built into the Sudanese system of justice by Article 10(i) of the Law of Evidence of 1993, which states that "... evidence is not dismissed solely because it has been obtained through an improper procedure, if the court is satisfied that it is independent and admissible."

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

- calling on the authorities to overturn the death sentences passed on the 82 men by Anti-Terrorism Special Courts in connection with the May 2008 attack on Khartoum by the Justice and Equality Movement;
- expressing opposition to the death penalty, which is the ultimate cruel, inhuman and degrading punishment and is a violation of the right to life;

- urging them to investigate allegations that the men were tortured, and bring those responsible to justice;
- emphasise that the authorities have a right and responsibility to try those who are reasonably suspected of committing crimes but that they should only do so in accordance with international standards of fair trial and without recourse to the death penalty;
- express concern at Article 10(i) of the Law of Evidence of 1993 allows the use of torture, and is therefore incompatible with international standards which outlaw torture.

APPEALS TO:

Abdel Baset Saleh Sabderat
Minister of Justice
Ministry of Justice
PO Box 302
Khartoum, Sudan

Fax: +249 183 770883

Salutation: Dear Minister

Ibrahim Mohamed Hamed
Minister of the Interior
Ministry of the Interior
PO Box 2793
Khartoum
Sudan

Fax: +249 183 776554 (Please mark, "FAO Minister of Internal Affairs")

Salutation: Dear Minister

COPIES TO:

Dr Priscilla Joseph
Chair of the Human Rights Committee
National Assembly
Omdurman
Sudan

Fax: +249 187 560 950

Salutation: Dear Dr Joseph

and to diplomatic representatives of Sudan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 10 June 2009.