

UA 7/02
Punishment

Imminent executions/Cruel, Inhuman and Degrading

8 January 2002

SUDAN

Abok Alfa Akok (f)
Abdu Ismail Tong (m)
Yousif Yaow Mombai (m)
Mohamed Adam Yahya (m)
Ahmed Suleiman Mohamed (m)
Mohamed Hassan Mahmoud (m)
Ahmed Yassin (m)
23 men

The people named above have been sentenced to death, stoning or amputation, in two provinces in western Sudan, Northern and Southern Darfur. Three men were executed on 25 December 2001 in the capital of Northern Darfur, and Amnesty International fears that other executions are imminent. 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.

Abok Alfa Akok was convicted of adultery and sentenced to death by stoning by the Criminal Court of Nyala, Southern Darfur. She is reportedly claiming that she was coerced into sexual intercourse. The court found nothing against the man accused of having sexual relations with her. Abok Alfa Akok is a member of the largest ethnic group in Southern Sudan, the Dinka, whose religious beliefs are Christian or animist, and who speak Dinka or English. Her lawyer has reportedly appealed on the grounds that as a non-Muslim, she should not be subjected to penalties based on Islamic law, and that she had difficulty understanding the Arabic language used during her trial.

Abdu Ismail Tong, reportedly from Guinea, and Yousif Yaow Mombai, reportedly from the Democratic Republic of Congo, were convicted of stealing 3 million Sudanese pounds (approx US \$1160) and sentenced to amputation of the right hand. They confessed to the theft in police custody, but reportedly denied the crime after the trial, raising concerns that they may have confessed under duress. They were reportedly tried by an "Emergency" court in Nyala, Southern Darfur, without access to lawyers.

Mohamed Adam Yahya and Ahmed Suleiman Mohamed were reportedly sentenced to amputation of the right hand, followed by death by hanging, by a court in Northern Darfur province on 25 December 2001. Mohamed Hassan Mahmoud and Adam Yassin were reportedly sentenced to death by hanging by "Emergency" courts in Al Fasher and another area of the province. The four men have apparently been convicted of offences ranging from armed robbery to murder.

Amnesty International has also received unconfirmed reports that some 21 men have been sentenced to death by hanging by the "Emergency" court in Nyala since 5 September 2001. Two men were apparently sentenced to "cross amputation" (amputation of the right hand and left foot) on 27 December 2001, by a court in the Darfur region.

BACKGROUND INFORMATION

Under Sudan's penal code, the sentence for armed robbery is cross amputation, and that for adultery by a married person is death by stoning. Amnesty International regards these as cruel, inhuman or degrading

punishments and therefore inconsistent with international human rights law and expressly forbidden by 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.

Darfur has been the scene of complex strife between ethnic groups, and frequent armed robberies by bandits, for many years. The government now appears to have 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 appear to have been 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.

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.

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

- expressing concern that the people named above have been sentenced in Darfur to death by stoning, death by hanging and amputations;
- explaining that in your view such sentences contravene 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 these and all such sentences of death and amputation to be commuted immediately;
- calling on the government to uphold the right of all to receive a fair trial, in accordance with international standards and without recourse to the death penalty;
- appealing for the law in Sudan to be amended to bring it into line with international standards.

APPEALS TO:

His Excellency Lieutenant General Omar Hassan al-Bashir
 President of the Republic of Sudan
 President's Palace
 PO Box 281, Khartoum, Sudan
Fax: + 24911 771651/ 787676 / 783223
Telegrams: President al-Bashir, Khartoum, Sudan
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
Fax: +24911 779383
Telegrams: Foreign Minister, Khartoum, Sudan
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. Check with the International Secretariat,
or your section office, if sending appeals after 19 February 2002.