

PUBLIC

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UA 194/03

Death penalty/unfair trial

SUDAN

|                                   |   |             |
|-----------------------------------|---|-------------|
| Tibin Abdel Rahman Isaag (m)      | ] |             |
| Alhadi Abaker Hammad (m)          | ] |             |
| Abaker Ahrran (m)                 | ] |             |
| Abader Adam Bakheet (m)           | ] | All of Arab |
| Isaag Abaker (m)                  | ] | ethnicity   |
| Saead Abdella Abaker (m)          | ] |             |
| Mohamed Abdel Rahman Ibraheam (m) | ] |             |
| Easa Mohamed Adam (m)             | ] |             |
| Mohamed Abdella Yahya (m)         | ] |             |

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On 12 June, the nine men named above were sentenced to death by hanging by a Special Court in the city of Kass, South Darfur state. Amnesty International is concerned that the death penalty has been imposed following a judicial process that did not respect international standards for fair trials.

All nine men were reportedly arrested on 13 November 2002 at the local market in Kass. They were allegedly accused of taking part in an attack on the village of Alibya, 30km west of Kass, which is populated by members of the Fur ethnic group. Seven people were reportedly killed and 10 injured when a militia of between 150 and 300 men attacked the village in 2002. No other alleged members of this militia have yet been arrested.

The nine men deny having taken part in the attack, and claim they were in Kass the day it occurred. Of the 18 prosecution witnesses who testified at the trial, none could confirm that the accused had participated in the attack. After the trial, the men were transferred from a detention centre in Kass to the prison of Nyala, the capital of South Darfur state, where they have been permitted visits from relatives.

Under procedures for special courts in South Darfur, which were set up by decree of the *wali* (Governor) of South Darfur in 2001, defendants are not permitted to be defended by lawyers except by special permission. The nine defendants were reportedly represented by one lawyer who was authorized to attend the trial as a "friend" and who was reportedly allowed to ask the prosecution witnesses only three or four questions during cross-examination. The men were found guilty by a panel of judges and were sentenced to death on 12 June.

The nine have appealed to the Special Appeal Court in Nyala. If this is unsuccessful, they may then appeal to the Supreme Court in the capital Khartoum and then to the Constitutional Court. In 2002, at least 40 people were executed in Sudan and more than 120 were sentenced to death. At least 90 of last year's death sentences were passed by Special Courts in the Darfur region.

**BACKGROUND INFORMATION**

Over the past few years hundreds of civilians, mostly from agricultural ethnic groups like the Fur, Masalit and Zaghawa, have been killed or wounded, homes have been burnt and herds looted by nomadic groups. This has led to the deaths of scores of civilians.

The Sudanese Government has responded to the increasing violence by introducing special courts, which pass down heavy sentences after summary trials and do not guarantee the rights of defence. The security forces have also arrested leaders of villages and ethnic groups and others, holding them in prolonged incommunicado detention without charge or trial.

In February 2003 members of non-nomadic ethnic groups announced that they had formed the "Sudan Liberation Army" (SLA), which has called for more development in the region and attacked military targets. Amnesty International urged the government to solve problems by reconciliation, rather than by human rights violations such as detention without charge or displacement of villagers. In April 2003, Amnesty International called for Darfur to be included in the human rights monitoring which is to be set up in the context of peace negotiations to end a 20-year-long war in the south (at present, Darfur, in northern Sudan, would not be included in the monitoring team when it is set up later this year). Amnesty International has also called for an independent international commission of inquiry to be sent to Darfur to investigate the deteriorating situation. No commission has yet been set up, despite reports that the situation of civilians is worsening because of the fighting between the government and the SLA.

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

- emphasising that the authorities have a right and a duty to try those accused of violent crimes but that defendants must be given fair trials;
- expressing grave concern over the fact that Tibin Abdel Rahman Isaag, Alhadi Abaker Hammad, Abaker Ahrran, Abader Adam Bakheet, Isaag Abaker, Saeed Abdella Abaker, Mohamed Abdel Rahman Ibraheem, Easa Mohamed Adam and Mohamed Abdella Yahya were sentenced to death in a Special Court in Darfur following a trial that fell far short of international standards for fair trials;
- calling on the authorities to ensure that those people sentenced are given the right to a fair trial and adequate legal defence in accordance with international standards at all stages of the judicial process;
- urging the authorities to abolish the use of special courts in Darfur and to ensure that all trials are conducted according to international standards of fair trial;
- stating your opposition to the death penalty, which is a violation of the right to life and which has never been shown to have a unique deterrent effect.

**APPEALS TO:**

Lieutenant-General Omar Hassan Ahmad al-Bashir  
President of the Republic of Sudan  
President's Palace  
PO Box 281, Khartoum, Sudan  
**Telegram: President of the Republic, Khartoum, Sudan**  
**Fax: + 24911 771651/ 783223/ 779977**  
**Salutation: Your Excellency**

Mr Ali Mohammad Osman Yassin  
Minister of Justice and Attorney General  
Ministry of Justice  
Khartoum, Sudan  
**Telegram: Justice Minister, Khartoum, Sudan**  
**Fax: + 249 11 771479**  
**Salutation: Dear Minister**

Lieutenant-General Adam Hamid Musa  
Governor of South Darfur state  
c/o People's Palace  
PO Box 281, Khartoum, Sudan  
**Telegram: Wali, Nyala, Sudan**  
**Fax: + 249 11 771 651 / 787676 / 783223**  
**Salutation: Dear Sir**

**COPIES TO:**

Dr Yasir Sid Ahmad  
Advisory Council for Human Rights  
PO Box 302, Khartoum, Sudan  
**Fax: + 249 11 779173 / 770883**

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 13 August 2003.