

PUBLIC

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Death Penalty/Unfair Trial

20 November 2003

SUDAN

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On 12 November, the five people named above were sentenced to death by hanging by a Specialised Criminal Court in Nyala, South Darfur, in the western Sudan. Amnesty International is concerned that the death penalty has been imposed and that the five were condemned in an unfair trial solely on the basis of confessions extracted by torture.

The five, all members of the Missiriya group, were arrested on 1 April and held at Rahad al-Birdi police station south of Darfur. They were accused of murdering a member of the Ta'aysha (both Missiriya and Ta'aysha are cattle-herding groups in the western Sudan). In the police station all five detainees were allegedly beaten with sticks and hoses, and cut by knives. They stated that their testicles had been crushed and a bottle inserted into the anus. On 23 July, they were transferred to Nyala for their trial.

At the beginning of the trial the defendants withdrew their confessions, stating that they were made under torture. The medical examination (three months after the alleged torture) reported that the defendants bore marks on their bodies but that these were old. In addition, under the procedures of the Specialised Criminal Courts, confessions which are withdrawn may still be used as evidence. The five named above were sentenced to death; others, who had not been tortured and who had not confessed, were acquitted. The case can now be appealed to the Appeal Court of South Darfur and then to a Special Supreme Court in Khartoum.

BACKGROUND INFORMATION

Over the past years there has been an increase of conflict and banditry in Darfur encouraged by the proliferation of small arms and armed militias apparently supported by the government. Among the measures used by the Sudanese government to respond to the increasing violence was the introduction of special courts to deal with offences related to killings, armed robbery and possession of firearms. These courts pass down heavy sentences, including the death penalty, and do not guarantee the rights of defence.

Under Shari'a law the relatives of a person killed can accept *dijya* (blood money) in compensation, allowing the charge of homicide to be dropped. However, *dijya* has been refused by the relatives of the man killed, who have apparently demanded that the sentence be carried out.

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

- recognizing that whilst the authorities have a right and duty to try those accused of violent crimes, this must be done according to international standards for a fair trial;
- expressing grave concern over the fact that the five people named above were tortured and have been sentenced to death on the basis of confessions extorted under duress;
- urging the authorities to investigate their allegations of torture and to bring to justice anyone found to have used torture against a detainee;
- urging the authorities to abolish the use of special courts and specialised criminal courts in Darfur and to ensure that all trials are conducted according to international standards of fair trial with a proper appeal process;
- 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:

President of the Republic of Sudan

Lieutenant-General Omar Hassan Ahmad al-Bashir
President's Palace
PO Box 281, Khartoum, Sudan

Telegram: **President of the Republic, Khartoum, Sudan**

Fax: **+ 24911 779977 / 771024/ 771651**

Salutation: **Your Excellency**

Minister of Justice and Attorney General

Mr Ali Mohammad Osman Yassin
Ministry of Justice
Khartoum, Sudan

Telegram: **Justice Minister, Khartoum, Sudan**

Fax: **+ 249 11 770883**

Salutation: **Dear Minister**

Governor of South Darfur State

Lieutenant-General Adam Hamid Musa
c/o People's Palace
PO Box 281, Khartoum, Sudan

Telegram: **Wali, Nyala, Sudan**

Fax: **+ 249 11 771 024**

Salutation: **Dear Sir**

COPIES TO:

Advisory Council for Human Rights

Dr Yasir Sid Ahmad
PO Box 302, Khartoum, Sudan

Fax: **+ 249 11 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 1 January 2004.