

PUBLIC

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20 November 2003

Further Information on UA 117/03 (AFR 54/029/2003, 1 May 2003) Death Penalty/ Unfair Trial

SUDAN **Al-TaHER Ahmad Hamdan (m), aged 15**
 Al-Doum Adam Abaker Ali (m), aged about 75
 Mohammad Omer Suliman Ahmad (m), aged about 71
 Twenty-three other men from Darfur state

Amnesty International has learnt that following their appeal before a Special Appeal Court, Al-Doum Adam Abaker Ali, Mohammad Omer Suliman Ahmad and 23 other men tried with them have had their death sentences confirmed. Their lawyers have appealed to the Supreme Court. Amnesty International is concerned that the death penalty has been imposed following a judicial process that falls far short of international standards for fair trials.

On appeal Al-TaHER Ahmad Hamdan, aged 15, had his death penalty commuted to 25 lashes. The sentence was carried out immediately. Amnesty International considers such a punishment to constitute torture or other cruel, inhuman and degrading punishment which contravenes international human rights treaties to which Sudan is a party.

In April 2003, all 26 were sentenced to death by a Special Court in Nyala, South Darfur for killing 35 people and injuring a further 28 in a raid on the village of Singita, South Darfur.

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 arbitrary detention 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.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic or 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 25 people, including two men aged over 70, Al-Doum Adam Abaker Ali and Mohammad Omer Suliman Ahmad, have had their death sentences confirmed on appeal, following a trial that fell far short of international standards for fair trials;
- expressing concern that the punishment of flogging against Al-Taheer Ahmad Hamdan constitutes torture or other cruel, inhuman and degrading punishment which contravenes international human rights treaties to which Sudan is a party including the International Covenant on Civil and Political Rights and the United Nations Convention on the Rights of the Child which states that No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.;
- calling on the authorities to abide by their obligations under Article 37 of the Convention on the Rights of the Child and ensure that No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.;
- stating that children detained should only be held in juvenile offenders institutions and only tried in juvenile court with full protection of their rights as children;
- 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;
- 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 has been shown to have no 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

Telegrams: **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.