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Sudan: Death sentences must be not be carried out

Amnesty International is gravely concerned that time is running out for 88 people, including two children, sentenced to death by hanging or crucifixion in Sudan, for their alleged role in ethnic clashes in Rizeigat, Southern Darfur.

"Everything is wrong with this case. Not only have death sentences been passed, which Amnesty International opposes unconditionally, but they were passed after an obviously unfair trial. Those sentenced include two children, despite the worldwide ban on sentencing children under the age of 18 to death," the organization said.

Emergency Courts, sometimes known as the "special courts" sentenced the 88 people to death by hanging or crucifixion in Nyala on 17 July 2002, on charges including murder, armed robbery and public disturbances. The charges were all related to recent clashes between the Rizeigat and Maalayia ethnic groups in Southern Darfur.

A week later the same court reportedly sentenced 15 people including a woman, to death for alleged attacks on two villages of the Four ethnic group. They were convicted on charges of murder, banditry and illegal possession of firearms.

The two children sentenced among the group of 88, Gadim Hamdoum Hamid and Kabashi Alayan, are both aged 14. All the accused were tried without proper legal representation and some were reportedly tortured before trial. Emergency Courts were established in Darfur under a 1998 State of Emergency, which grants wide powers to circumvent Sudan's Criminal Procedures Act. The State of Emergency is also in breach of international standards of fair trials.

An appeal by the group to the Chief Justice of Darfur was rejected on 11 August. They must now appeal to the High Court in El Obeid before 26 August. If this fails, their last recourse will be the Constitutional Court.

"The government of Sudan must now ensure that the sentences are not carried out. It should put an end to this cruelty," Amnesty International said, adding that the international community should send out the strongest signals of its opposition to the carrying out of the executions."

Background

Darfur has been the scene of complex strife between ethnic groups, and frequent armed robberies by bandits, for many years. The region is prone to a proliferation of small arms, often aided by the government's strategy to arm and support local ethnic groups as auxiliary forces to fight in its 19-year

war against the main armed opposition group, the Southern People's Liberation Army.

The government has 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 were 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 for legal representation for the accused.

Sudan's Penal Code, which is based on the government's interpretation of Shari'a (Islamic law), includes penalties such as limb amputation, death, and death followed by crucifixion. These are inconsistent with international human rights law and Sudan's obligations under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, both of which Sudan has ratified, and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Sudan has signed.

Amnesty International takes no position on the adoption of Shari'a law *per se*, but is unconditionally opposed to the death penalty, as the ultimate violation of the right to life established in international law. The organization opposes all forms of cruel, inhuman or degrading treatment or punishment, such as amputations, and campaigns for these to be removed from all penal codes without exception.

Public Document

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