

EXTERNAL (for general distribution)

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Sections are strongly encouraged to seek appeals from members of the Muslim community residing in their own country who might invoke their own arguments based on the Islamic faith and culture, as these arguments are likely to carry more weight with the authorities in Sudan. Please bring this appeal to the attention of the Religions Coordinator in your section if you have one but please note that a large number of appeals from Christian organizations is not felt to be appropriate in this case.

UA 349/91

Fear of Execution and Crucifixion

21 October 1991

SUDAN

Baher Abdul Hamed
Juma Imam
Ali Mohamed Beshir
Ismail Yacoub

On 10 October 1991 the four men named above were sentenced to death by hanging after which their bodies are to be publicly crucified. They were convicted by a court in El Fashir, the capital of Darfur in western Sudan, of armed robbery, firearms offences and of "spreading corruption on earth", as defined under the Sudan government's interpretation of Islamic Shari'a law in the new penal code introduced in March 1991. The four men were described by government sources as "highway robbers" and were found guilty of having stolen 55,000 Sudanese pounds (approximately US\$ 3,665) from a vehicle. The four have the right to appeal to a higher court against their sentences, but it is not known if this has taken place. Their sentences have to be endorsed by Sudan's Head of State, President Omar Hassan al-Bashir.

BACKGROUND INFORMATION

These death sentences are believed to be the first involving hanging and crucifixion since two men convicted of murder and theft were hanged and then crucified in public in El Fashir in August 1990. They are also thought to be the first death sentences passed down in Sudan for "spreading corruption on earth". In the terms of the Qu'ran this offence involves making "war upon Allah and his messenger". The actual nature of the offence is open to interpretation by the authorities, but whatever is deemed to comprise it is by definition sacrilegious. It is possible for the charge to be used to refer to political offences, although it is not known if this is the situation in these cases.

Darfur has been the scene of complex intercommunal strife and frequent armed robberies for several years, a situation which has been exacerbated by conflict in neighbouring Chad, but which also involves acts of rebellion against the authorities in Khartoum. There have been reports of attacks by the army on villages of both the Fur and Zaghawa peoples in Darfur. The government has indicated that its military operations are against what it calls "armed bandits". However, there have been persistent reports of indiscriminate attacks on villages and of the extrajudicial execution of civilians. In August 1991 Colonel al-Tayib Ibrahim Mohamed Khair, formerly Minister of Cabinet Affairs, was appointed Regional Governor of Darfur. Since his appointment military operations in the area have intensified and there

have been reports of renewed operations involving attacks by the army on villages occupied by the Zaghawa.

At least 33 people have been executed since the 30 June 1989 coup which brought the current military government to power in Sudan. There are unconfirmed reports that 13 criminal prisoners were executed in early August 1991.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- expressing concern that Baher Abdul Hamed, Juma Imam, Ali Mohamed Bashir and Ismail Yacoub have been sentenced to death and that afterwards their bodies are to be publicly crucified;
- explaining Amnesty International's opposition to the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights;
- referring to Sudan's obligations under the International Covenant on Civil and Political Rights (ICCPR), which Sudan ratified in 1986, not to impose the death penalty except for "the most serious crimes", and as a quite exceptional measure;
- referring to basic safeguards adopted by the United Nations in May 1984 to protect the rights of anyone facing the death penalty, one of which stipulates that anyone sentenced to death should have the right of appeal to a court of higher jurisdiction;
- appealing for commutation of their death sentences.

APPEALS TO

His Excellency Lieutenant

Your Excellency

General Omar Hassan al-Bashir

Head of State and Chairman of the National Salvation
Revolution Command Council

People's Palace

PO Box 281

Khartoum, Sudan

Telegrams: Lt.-Gen. Omar Hassan al-Bashir, Khartoum, Sudan

Telex: 22385 PEPLC SD or 22411 KAID SD

Brigadier-General al-Zubeir Mohamed Saleh

Dear Brigadier-General

Vice-President of the National Salvation
Revolution Command Council

People's Palace

PO Box 281

Khartoum, Sudan

Telegrams: Brig.-Gen. al-Zubeir Mohamed Saleh, Khartoum, Sudan

Telexes: 22736 PROC SD

Brigadier Ahmad Mahmoud Hassan

Dear Minister

Minister of Justice and Attorney General
Ministry of Justice

Khartoum, Sudan

Telexes: 22459 KHRJA SD or 22461 KHRJA SD (via Ministry of Foreign Affairs)

COPIES TO:

Mr Jalal Ali Lufti

Mr Ali Sahloul

Chief Justice

Minister of Foreign Affairs

Law Courts

Ministry of Foreign Affairs

Khartoum, Sudan

Khartoum, Sudan

and to diplomatic representatives of Sudan in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 7 November 1991.