

PUBLIC

AI Index: AFR 54/011/2008

19 March 2008

Further Information on UA 302/07 (AFR 54/064/2007, 12 November 2007) Death Penalty

SUDAN

**Al-Tayeb Abdel Aziz (m), aged 16
Ishaq Mohammed Sanousi (m), aged 71
Abdel Hay Omar (m)
Mustafa Adam (m)
Mohammed Birgid (m)
Hassan Adam Fadel (m)
Adam Ibrahim (m)
Jamaleddin Isa (m)
Abdel Magid Ali Abdel Magid (m)
Sabir Hassan (m)**

On 13 March the Khartoum-North Court of Appeals confirmed the death sentences on 10 people sentenced to death in November for the murder of Mohammed Taha, Editor of *al-Wifaq* newspaper, in September 2006.

One of those facing execution, Al-Tayeb Abdel Aziz, was 15 years old at the time of the murder. Another of the group, Ishaq Mohammed Sanousi, is thought to be 71 years old. All those sentenced to death said that they had been tortured to confess to the murder and been forced to sign confessions, which were later produced in court. All 10 people retracted their confessions in court, but the Appeal Court accepted the confessions as evidence against them.

The 10 have now appealed to the Supreme Court, where a panel of three judges will hear the appeal. A further appeal is possible to the Constitutional Court, whose final decision has to be ratified by the President.

BACKGROUND INFORMATION

Mohammed Taha was an outspoken newspaper editor who had also angered Islamists after writing an article discussing the ancestry of the Prophet Mohammed, after which he was arrested by the security services. He was also said to have written articles attacking Darfuris.

During their investigation into the murder of Mohammed Taha, police focussed on Darfuris and rounded up 72 people, including women and children. Nearly all those detained said that they were tortured to give information or confessions. Most were released but 19 were brought to trial. During the trial, the judge released eight because they had confessed under duress but failed to release others who also said that they were tortured.

Amnesty International is concerned that the use of torture to extract confessions is built into the Sudanese system of justice by Article 10(i) of the Law of Evidence of 1993, which states that "... evidence is not dismissed solely because it has been obtained through an improper procedure, if the court is satisfied that it is independent and admissible".

Amnesty International opposes the death penalty unconditionally in all situations as a violation of the right to life and the ultimate cruel, inhuman or degrading punishment. The use of the death penalty against child offenders is prohibited under international law. The International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), both have provisions exempting children under 18 from execution. Sudan has a responsibility to adhere to these international laws.

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

- emphasise that the authorities have a right and duty to try those who are reasonably suspected of having committed crimes but defendants must be given fair trials;
- express concern at Article 10(i) of the Law of Evidence of 1993 which states that "... evidence is not dismissed solely because it has been obtained through an improper procedure, if the court is satisfied that it is independent and admissible", and stress that such a rule is incompatible with international standards which outlaw torture;
- stating your opposition to the death penalty which is the ultimate cruel inhuman and degrading punishment and is a violation of the right to life;
- calling on the authorities to abide by their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, Article 37 of which states that "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age";
- calling for the death sentences against the 10 to be overturned;
- calling for allegations of torture to be investigated, and any security official who is found to have used torture to be brought to justice.

APPEALS TO:

Abdel Baset Saleh Sabderat
Minister of Justice
Ministry of Justice
PO Box 302
Khartoum
Sudan

Fax: + 249 183 770883

Salutation: Dear Minister

Ibrahim Mohamed Hamed
Minister of the Interior
Ministry of the Interior
PO Box 2793
Khartoum
Sudan

Fax: + 249 183 776554 (Please mark, "FAO Minister of Internal Affairs")

Salutation: Dear Minister

COPIES TO:

Dr Priscilla Joseph
Chair of the Human Rights Committee
National Assembly
Omdurman
Sudan

Fax: +249 187 560 950

Salutation: Dear Dr Joseph

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 30 April 2008.