

PUBLIC

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Death Penalty/Unfair Trial

12 February 2004

SUDAN

**Al-Tayeb Ali Ahmad (m), aged 36, police officer
Two other men, names not known**

Al-Tayeb Ali Ahmad was sentenced to death on 27 January, after an unfair trial where he had no legal representation. His lawyers have appealed against the sentence, passed by the special criminal court in Al-Fasher, in western Sudan. The appeal will be heard by the Al-Fasher Special Court of Appeal. If rejected, it can then move to the Supreme Court.

Al-Tayeb Ali Ahmad and two others were convicted of opposing the government by using violence, and being members of terrorist criminal groups. They were reportedly convicted solely on the basis of confessions extracted under torture: they were allegedly punched and beaten with sticks, pipes and hoses, and denied any medical treatment. They are now held at Kober Prison, in Khartoum North.

They were accused of participating in the rebellion in Darfur, in western Sudan, and taking part in attacks by the Sudan Liberation Army (SLA) in the towns of Tina and Al-Fasher. According to press reports the court said it was proved that the three men took part in an April 2003 attack on Al-Fasher Airport, when some 70 government soldiers were killed and military planes were destroyed. Others who had been arrested in May 2003, reportedly in connection with the same attack, were freed, along with other political detainees, during prisoner releases which accompanied a short-lived ceasefire in September. However, Al-Tayeb Ali Ahmad and his co-defendants were arrested in November.

BACKGROUND INFORMATION

Over the past few 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 involving killings, armed robbery and possession of firearms. These courts pass severe sentences, including the death penalty, in summary trials which do not guarantee the rights of defence.

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

- recognizing that the authorities have a right and duty to try those accused of violent crimes, but pointing out that this must be done in accordance with international standards for fair trial;
- calling for Al-Tayeb Ali Ahmad's sentence to be commuted, and 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;
- expressing grave concern that Al-Tayeb Ali Ahmad and his co-defendants have reportedly been tortured, in violation of Article 7 of the International Covenant on Civil and Political Rights (ICCPR) to which Sudan is a state party, and calling for an immediate investigation;
- reminding the authorities that as a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment they have committed themselves to the eradication of torture;
- reminding the authorities that torture constitutes an offence under Article 115(2) of the 1991 Sudan Penal Code;
- calling on the authorities to ensure that any members of the Sudan security forces found to have carried out torture are tried in accordance with international standards of justice and fair trial;
- reminding the authorities that, under the Convention against Torture, statements made as a result of torture may not be used in evidence, except against the person responsible.

- urging the authorities to retry Al-Tayeb Ali Ahmad and his co-defendants in a fair trial and to ensure that all trials in Sudan are conducted according to international standards of fair trial, with a proper appeal process.

APPEALS TO:

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

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

Fax: **+ 24911 771651/ 783223/ 779977**

Salutation: **Your Excellency**

Major General Abdul-Rahim Muhammed Hussein
Minister of Internal Affairs
Ministry of Interior
PO Box 281
Khartoum, Sudan

Telegrams: **Minister of Internal Affairs, Khartoum, Sudan**

Fax: **+ 249 11 774339 / 776554/ 773046 / 770186 / 777900**

Salutation: **Dear Minister**

Mr Ali Mohamed Osman Yassin
Minister of Justice and Attorney General
Ministry of Justice
Khartoum, Sudan

Telegrams: **Justice Minister, Khartoum, Sudan**

Fax: **+ 249 11 771479**

Salutation: **Dear Minister**

Mr Mohammed Khair al-Zubair (Ahmed Hassan)
Minister of Finance and National Economy
Ministry of Finance
PO Box 700
Khartoum

Telegrams: **Minister of Finance, Khartoum, Sudan**

Salutation: **Dear Minister**

COPIES TO:

Mr Osman Mohammad Yusif Kubor
Governor of North Darfur State
c/o People's Palace
PO Box 281, Khartoum, Sudan

Telegrams: **Mr Osman Mohammad Yusif Kubor, Governor of North Darfur State,
People's Palace, Khartoum, Sudan**

Fax: **+ 249 11 771 024**

Salutation: **Dear Sir**

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 25 March 2004.