

PUBLIC

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28 November 2008

Further Information on UA 302/07 (AFR 54/064/2007, 12 November 2007) and follow-up (AFR 54/011/2008, 19 March 2008 - Death penalty)

SUDAN

Ishaq Mohammed Sanousi (m), aged 72
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)

Sentence commuted:

Al Taieb Adelaziz Ishag (m), aged 17

On 23 October, a council of Supreme Court judges confirmed the death sentences of nine people found guilty of the murder of newspaper editor Mohamed Taha, and sentenced to death by a first instance court in November 2007.

The ruling followed an appeal submitted by lawyers for the nine, against the Supreme Court's judgment issued on 26 August 2008. The Supreme Court confirmed the nine death sentences, but overturned the death sentence of a tenth defendant, Al Taieb Adelaziz Ishag, who was 15 years old at the time of the murder of Mohamed Taha. The Supreme Court decided that Al Taieb Adelaziz Ishag was not guilty of murder, but found him guilty of the lesser offence of "harbouring offenders", and commuted his sentence to four years' imprisonment, effective from the date of his arrest (21 October 2006). He is currently held in Kober prison, Khartoum.

Amnesty International believes that the 10 defendants did not receive a fair trial. All the defendants alleged that they were tortured or ill-treated while they were being held incommunicado, in order to force them to sign statements implicating themselves or others in the murder. During the trial, all the defendants retracted their alleged confessions, which were presented as the main evidence against them. Defence lawyers asked repeatedly for the 10 to have medical examinations to substantiate the allegations of torture, but these were refused, and the alleged torture has not been investigated. The court did not take any steps to investigate the conditions of the pre-trial detention of the 10, as requested by the defence lawyers. They are currently held in the death row section of Kober prison, Khartoum.

The defence lawyers have now filed an appeal against the nine death sentences at the Constitutional Court. In mid-November, the Constitutional Court issued a stay of execution until it has finished deliberating on the case. The appeal is based on article 122 of the Interim National Constitution, which provides that "the Constitutional Court shall protect human rights and fundamental freedoms" and "adjudicate on the constitutionality of laws or provisions in accordance with this Constitution".

If the Constitutional Court confirms the death sentences, the President of Sudan will need to approve the verdict before the executions can be carried out. The timing of the Court's decisions is not predictable. Amnesty International fears that should the death sentences be confirmed, the nine defendants might be

executed in a matter of days. Amnesty International opposes the death penalty unconditionally and in all situations as a violation of the right to life and the ultimate cruel, inhumane or degrading punishment.

BACKGROUND INFORMATION

On 10 November 2007, a Criminal Court sentenced 10 people to death for the murder of Mohammed Taha, editor of Sudanese newspaper *al-Wifaq*, who was found beheaded in Khartoum on 6 September 2006. Mohammed Taha was an outspoken newspaper editor who had angered Islamists after his paper published an article discussing the ancestry of the Prophet Mohammed. He is also said to have angered some Darfuri factions after his newspaper also published articles questioning the morality of Darfurian women in response to widespread reports of rape in Darfur. During the investigation into his murder, the police and the security services conducted large-scale arrests focussing mainly on the Darfuri community of Khartoum, and rounded up some 72 people. Most were released, while nineteen people, all but one of Darfuri origin, were brought to trial. The court proceedings started in February 2007. In August 2007, nine of the nineteen defendants were acquitted and released after almost one year in detention.

The defence lawyers appealed the death sentences against the nine defendants at the Court of Appeal. On 10 March 2008, the Court upheld the verdict of the first instance court reportedly without a review of the procedural irregularities. A second appeal was then filed by the defence lawyers at the Supreme Court.

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

- expressing your concern that these death sentences were imposed in judicial proceedings that appear to be in violation of international fair trial standards;
- calling for investigation to be conducted into the allegations of torture and ill-treatment;
- 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;
- calling for the nine men's death sentences not to be executed and to be commuted, should the Constitutional Court confirm the death sentences;
- stating your opposition to the death penalty, which is the ultimate cruel inhumane and degrading punishment and is a violation to the right to life;

APPEALS TO:

His Excellency Lieutenant General Omar Hassan al-Bashir
President of Sudan, Office of the President, People's Palace, PO Box 281, Khartoum, Sudan

Fax +249 183782541

Salutation: Your Excellency

Mr Abdel Basit Sabderat
Minister of Justice, Ministry of Justice, PO Box 302, Khartoum, Sudan

Fax: +249 183 770883

Salutation: Dear Minister

COPIES TO:

Dr Abdel Moneim Osman Taha
Rapporteur, Advisory Council for Human Rights, Khartoum, Sudan

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

Fax: +249 187 560 950

Copies should also be sent to diplomatic representatives of Sudan accredited to your country, and to diplomatic representatives of your countries accredited in Sudan.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 January 2009.