

**PUBLIC**

**AI Index: AFR 54/093/2003**

**UA 319/03**

**Death Penalty/Unfair Trial**

**6 November 2003**

**SUDAN**

**Mariam Azreq Haroun (f), singer  
Hafiz Mohamed Dahab (m)  
Ali Omar Daw Albait (m)  
Adam Hussein Abdel Rahman (m)  
Issa Dahab Abaker (m)  
Doudain Adam Ebaid (m)  
Zakaria Saleh Yaqoub (m)  
Mukhtar Abdella Kabbashi (m)  
Abdel Raham Zakara Khareif (m)  
Mohamed Haggar Khareif (m)  
Fadel Mukhtar Abdella (m)  
Osman Doudain Adam (m)  
Adam Hussein Fadel (m)  
Habib Abdel Rahim Yaqoub (m)  
Ali Hussein Abdel Rahman (m)**

---

On 13 October, the fifteen people named above were sentenced to death by hanging following a retrial in a Special Court in Nyala, South Darfur State. Amnesty International is concerned that the death penalty has been imposed following a judicial process which falls far short of international standards of fair trial.

The fifteen were arrested on 26 May 2002 and following an unfair trial were convicted and sentenced to death on 23 July 2002. They were denied an adequate defence and were tried before a Special Court which composed of one civilian judge and two military judges.

The fourteen men were accused of attacking the villages of Jukhma and Jerba in Darfur, Western Sudan, on 15 May 2002 and killing at least eight people. They were convicted on charges of murder, banditry and illegal possession of firearms. Mariam Azreq Haroun was sentenced to death for inciting the men to fight, through the lyrics of her songs. Following their conviction, the accused appealed to the High Court in the capital Khartoum, and in January 2003 were granted permission to have a retrial.

At the retrial in October 2003, they were represented by three defence lawyers, who contested the evidence against them. According to the defence lawyers, the attacks on the villages involved at least one hundred people and the fifteen appear to have been randomly detained. The retrial was also held under a Special Court, where one of the civilian judges was the same person who sentenced the fifteen to death in their original trial. Their lawyers have launched another appeal against their conviction.

#### **BACKGROUND INFORMATION**

Over the past few years hundreds of civilians, mostly from agricultural ethnic groups like the Fur, Masalit and Zaghawa, have been killed or wounded, homes have been burnt and herds looted by nomadic groups in Darfur, western Sudan. This has led to the deaths of scores of civilians. Darfur has also been prone to an increase in banditry and a proliferation of small arms.

The Sudanese Government has responded to the increasing violence by introducing Special Courts in the region, to deal with offences related to killings, armed robbery and possession of firearms. These courts pass down heavy sentences, including the death penalty, after summary trials and do not guarantee the rights of defence. The security forces have also arrested leaders of villages and ethnic groups and others, holding them in prolonged incommunicado detention without charge or trial.

In February 2003, members of sedentary ethnic groups announced that they had formed the "Sudan Liberation Army" (SLA), which has called for more development in the region and attacked military targets. They criticised the perceived lack of protection of sedentary villagers from attacks by the government.

Amnesty International urged the government to solve problems by reconciliation, rather than by committing human rights violations such as detention without charge, unfair trials or displacement of villagers. The organization is campaigning for the reform or abolition of the Special Courts in Darfur, which contravene international standards of fairness. Amnesty International has also called for an independent commission of inquiry to be set up to investigate the reasons behind the deteriorating situation in Darfur and make recommendations to solve the problem, which should be in accordance with human rights. As of yet, such a commission has not been established.

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

- recognizing that whilst the authorities have a right and duty to try those accused of violent crimes, this must be done according to international standards for a fair trial;
- expressing grave concern over the fact that the fifteen people named above, have been sentenced to death following a flawed judicial process, during which they were denied adequate legal defence and tried before a Special Court in which the evidence against them was unsound;
- expressing alarm at the conduct of their retrial, during which one of the civilian judges was the same person who sentenced them to death at their original trial;
- urging the authorities to grant the fifteen another retrial, which should be conducted according to international standards for a fair trial;
- urging the authorities to abolish the use of Special Courts in Darfur and to ensure that all trials are conducted according to international standards of fair trial;
- 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.

**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 771024/771651/ 783223/ 779977**

**Salutation: Your Excellency**

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

**Telegram: Justice Minister, Khartoum, Sudan**

**Fax: + 249 11 770883**

**Salutation: Dear Minister**

Lieutenant-General Adam Hamid Musa  
Governor of South Darfur state  
c/o People's Palace  
PO Box 281, Khartoum, Sudan

**Telegram: Wali, Nyala, Sudan**

**Fax: + 249 11 771 024**

**Salutation: Dear Sir**

**COPIES TO:**

Dr Yasir Sid Ahmad  
Advisory Council for Human Rights  
PO Box 302, Khartoum, Sudan

**Fax: + 249 11 770883**

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 18 December 2003.