

PUBLIC

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Death Sentence / Unfair trial

19 February 2004

SUDAN

Alakor (Madina) Lual Deng (f), aged approximately 30, from the Dinka ethnic group

Alakor Lual Deng is at risk of being stoned to death after being convicted of “adultery” by the Criminal Court in Nahud in Western Kordofan State in July 2003. An appeal against her sentence has been sent to the Supreme Court, which must decide whether the sentence will be confirmed or rejected.

Alakor Lual Deng has four children with a man from Kordofan, whom it seems she is not “formally” married to. In 2003, she was convicted of committing adultery with another Dinka man called Bol Yak Akoon, by whom she became pregnant.

Bol Yak Akoon was reportedly freed after paying a fine of 20,000 Sudanese dinars and receiving 100 lashes which is the penalty for unmarried men convicted of unlawful sexual intercourse in the Sudanese Penal Code. Alakor Lual Deng was apparently convicted on the basis of her confession of adultery. She was not represented by a lawyer at her trial, nor was she apparently provided with a Dinka interpreter during a trial which was conducted in Arabic.

Alakor Lual Deng is originally from the town of Gogrial in southern Sudan, but reportedly moved to Western Kordofan when she was a child. She is now awaiting her sentence at the prison in El Obeid, Northern Kordofan State with her baby who is reportedly ten months old.

BACKGROUND INFORMATION

The Sudanese Penal Code, which is partly based on interpretation of Islamic Law, allows for penalties such as flogging, amputations and deaths by hanging or stoning. While Amnesty International does not take a position on Islamic or any other religious law, it considers such penalties to be cruel, inhuman and degrading punishments which are inconsistent with Sudan’s obligations under the International Covenant on Civil and Political Rights (ICCPR). Amnesty International opposes the death penalty unconditionally and under any circumstances.

Alakor Lual Deng and Bol Yak Akoon were sentenced according to Article 146 of the Penal Code, which states that “whoever commits *zina* shall be punished with execution by stoning if [the offender] is married or flogging a hundred times if [the offender] is not married.” *Zina* is defined in the Sudanese Penal Code as sexual intercourse without lawful relationship.

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

- urging the authorities to immediately annul the sentence of death by stoning against Alakor Lual Deng;
- explaining that in your view such a sentence constitutes torture or other cruel, inhuman and degrading punishment, which contravenes international human rights treaties to which Sudan is a party, including the International Covenant on Civil and Political Rights (ICCPR);
- stating your opposition to the death penalty, which is a violation of the right to life;
- calling on the government to amend Sudanese law to bring it into line with the international standards which the Sudan government has ratified and which prohibit cruel punishments.

APPEALS TO:

Mr Ali Osman Mohammad Taha

First Vice-President

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Telegram: First Vice-President, Khartoum, Sudan

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Salutation: Your Excellency

Mr Mustafa Osman Ismail
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Mr Ali Mohamed Osman Yassin
Minister of Justice and Attorney General
Ministry of Justice, Khartoum, Sudan
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COPIES TO:

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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 01 April 2004.