

PUBLIC

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UA 41/05 Fear of Imminent Execution / Legal concern

SUDAN Nagmeldin Abdallah (m), aged 17

Nagmeldin Abdallah may be executed at any time for the murder of a trader in the town of Al-Damazin, Blue Nile State, eastern Sudan. He was 15 years old at the time of his arrest. This contravenes Sudan's obligations under international law, which prohibits the use of the death penalty against those who were under 18 at the time of the crime.

Nagmeldin Abdallah had been working in the market in Al-Damazin prior to his arrest, after leaving school before completing his primary education. He was arrested in connection with the murder on 13 April 2003. Though he was 15 years old at the time, he did not have a birth certificate to prove his age. Since then, his family have obtained his birth certificate, and have presented it to the authorities. He was charged with murder on 17 May 2003 under article 130 of the 1991 Penal Code. Nagmeldin Abdallah was tried at the Criminal Court in Al-Damazin. He had no legal representation during the trial, as his family could not afford to hire a lawyer.

The Blue Nile Appeal Court rejected Nagmeldin Abdallah's appeal on 1 June 2003, and the Supreme Court confirmed his death sentence on 1 November 2003. He has no other rights to appeal. He is reportedly being held in the prison in Port Sudan, Red Sea State, eastern Sudan. His father, a farmer, and his family have been unable to visit him, as the prison is around 900 kilometres from the family home.

BACKGROUND INFORMATION

Sudan has ratified the UN Convention on the Rights of the Child on 3 August 1990 and is party to the International Covenant on Civil and Political Rights (ICCPR). Under the terms of these treaties, Sudan has undertaken not to execute anyone for an offence committed when they were under 18 years old.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic and 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;
- noting that Nagmeldin Abdallah had no legal representation during his trial, and urging the authorities to retry him;
- 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;
- reminding the authorities that, under the terms of the UN Convention on the Rights of the Child and the International Covenant on Civil and Political Rights (ICCPR), they are obliged not to use the death penalty against people under the age of 18 at the time of the crime;
- calling for Nagmeldin Abdallah's sentence to be commuted immediately.

APPEALS TO:

Mr Ali Osman Mohamed Taha

First Vice-President
People's Palace
PO Box 281
Khartoum, Sudan
Fax : + 249 183 771025
Salutation: Your Excellency

Mr Ali Mohamed Osman Yassin
Minister of Justice and Attorney General
Ministry of Justice, Khartoum, Sudan
Fax: + 249 183 770883 (difficult to get through to, please keep trying)
Email: info@sudanjudiciary.org
Salutation: Dear Minister

Major General Abdul-Rahim Muhammed Hussein
Minister of Internal Affairs
Ministry of Interior
PO Box 281
Khartoum, Sudan
Fax: + 249 11 774339 / 776554/ 773046 / 770186 / 777900
Salutation: Dear Minister

COPIES TO:

El Tayeb Harun Ali
Head of Complaints Committee
Human Rights Advisory Council
Khartoum, Sudan
Fax: + 249 183 781343

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 1 April 2005.