

UA 302/07

Death Penalty

SUDAN	<p>Al-Tayeb Abdel Aziz (m), aged 16  Ishaq Mohammed Sanousi (m), aged 71  Abdel Hay Omar (m)  Mustafa Adam (m)  Mohammed Birgid (m)  Hassan Adam Fadel (m)  Adam Ibrahim (m)  Jamaledin Isa (m)  Abdel Magid Ali Abdel Magid (m)  Sabir Hassan (m)</p>
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On 10 November, the Khartoum Criminal Court sentenced 10 people to death for the murder of journalist Mohammed Taha. One of those facing execution is 16 years old. All defendants in the case had allegedly been tortured to give confessions, which were used in court as evidence against them.

The 10, including Al-Tayeb Abdel Aziz who was then aged 15, were arrested during a murder investigation into the killing of Mohammed Taha, the editor of the newspaper *al-Wifaq*, who was found beheaded on 6 September 2006. During their investigation into this case the police focussed on the Darfuri community living in Khartoum, and rounded up some 72 people, including women and their children, originating from the Darfur region.

Reports suggest that nearly all of those arrested were beaten and otherwise tortured to obtain confessions, by police and also by the National Intelligence and Security Services. After up to five months in detention most of the 72 detainees were released. A total of 19 defendants were brought to trial. All defendants retracted their confessions in court, saying that they were extracted under torture. Defence lawyers asked for medical examinations into their torture, but these were refused, even though many of those detained reportedly carried marks of torture on their bodies. In August 2007, nine of the detained were acquitted after the judge said that the evidence against them rested solely on confessions made under duress.

All the 10 who have been sentenced to death have reportedly stated that they were tortured. One of the group, Hassan Adam Fadel, said that he was beaten all over his body, tied up and left outside in the sun for hours. The security forces allegedly used threats against wives, mothers and children, some of whom were detained, to put pressure on the detainees to confess: one detainee reportedly stated that his mother was shown to him naked. Amnesty International is concerned that the use of torture to extract confessions is built into the Sudanese system of justice by Article 10(i) of the Law of Evidence of 1993 which states that "... evidence is not dismissed solely because it has been obtained through an improper procedure, if the court is satisfied that it is independent and admissible."

Amnesty International opposes the death penalty unconditionally in all situations as a violation of the right to life and the ultimate cruel, inhuman or degrading punishment. The use of the death penalty against child offenders, people who were under 18 at the time of the crime, is prohibited under international law. The International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), both have provisions exempting this age group from execution. Sudan has a responsibility to adhere to these international laws.

**BACKGROUND INFORMATION**

Mohammed Taha was an outspoken newspaper editor who had also angered Islamists after writing an article discussing the ancestry of the Prophet Mohammed, after which he was arrested by the security services. He was also said to have written articles attacking Darfuris.

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

- expressing shock at the decision of the Khartoum Criminal Court to impose the death penalty on 10 people, and at the fact that these sentences were imposed largely on the basis of confessions obtained under duress;
- calling for allegations of torture to be investigated, and any security official who is found to have used torture to be brought to justice;
- calling on the authorities to abide by their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, Article 37 of which states that "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age";
- 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;

- stating your opposition to the death penalty which is the ultimate cruel inhuman and degrading punishment and is a violation of the right to life.

**APPEALS TO:**

Prof. Al-Zubair Bashir Taha

Minister of Internal Affairs

Ministry of Interior, PO Box 281, Khartoum, Sudan

**Fax:** + 249 183 776554 (Please mark, 'FAO Minister of Internal Affairs')

**Salutation:** Dear Minister

Mr Ali Mohammed Ali al-Mardi

Minister of Justice

Ministry of Justice

PO Box 302

Khartoum

**Fax:** +249 183 770883

**Salutation:** Dear Minister

**COPIES TO:**

Dr Abdel Moneim Osman Taha

Rapporteur, Advisory Council for Human Rights, Khartoum, Sudan

**Email:** [human\\_rights\\_sudan@hotmail.com](mailto:human_rights_sudan@hotmail.com)

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 24 December 2007.

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