

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2005/09/06/sudan-detainees-suffer-arbitrary-arrest-execution>

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Sudanese Government Should Commute Death Sentences, Grant Fair Trials

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The Sudanese government has executed prisoners who were minors at the time of their arrest, Human Rights Watch said today. Despite the human rights commitments the government has made in the peace process with southern-based rebels, death penalty defendants are routinely denied fair trials, and arbitrary arrests and detentions remain commonplace in Sudan.

The government promised that the North-South peace accord would usher in a new day in Sudan, but we have yet to see it in the field of human rights, said Peter Takirambudde, Africa director at Human Rights Watch. Beyond the conflict in Darfur, Sudanese across the country still remain at risk of arbitrary arrest, detention and torture.

Human Rights Watch called on the Sudanese government to commute death sentences for all those sentenced to death, estimated at more than 300 persons, instead of executing them before the new government has time to form. New parliamentarians were appointed only last week, and ministries remain to be filled by new appointees under the Comprehensive Peace Agreement. Khartoum should also ensure full and unimpeded access for international monitors to all conflict-related and political detainees throughout the country.

Mohammed Jamal Gesmallah and Imad Ali Abdullah, both in their twenties, were executed on August 31 in Khartoums Kober Prison. According to their families, they were 16 and 17 years old at the time of the crimes for which they were punished. Under international law, the death penalty must not be imposed for crimes committed by persons below 18 years of age. The Convention on the Rights of the Child, a treaty to which Sudan is a party, also prohibits this.

Human Rights Watch opposes capital punishment in all circumstances because it is inherently cruel and inhumane. In Sudan, death sentences are often carried out without notice, and many of the trials leading to the sentences lack basic fair-trial protections for the accused, in violation of the International Covenant on Civil and Political Rights, to which Sudan acceded in 1986. Detainees continue to be arbitrarily arrested, held in inhumane conditions, subjected to torture and denied access to legal counsel.

Sudan has incorporated the Convention on the Rights of the Child and other human rights treaties into its interim national constitution, said Takirambudde. But such steps will be meaningless if Sudanese citizens continue to suffer arbitrary arrests, torture and death sentences after unfair trials.

In other cases, the death penalty is imposed on persons after denial of their right to a fair trial. Al-Tayeb Ali Ahmed, a 36-year-old policeman from Darfur, was accused of participating in the rebel insurgency in Darfur in January 2004 and given the death penalty. Based on a confession extracted through torture, he was convicted of crimes against the state after a summary trial at the Special Court in Fashir, North Darfur. At his trial, he had no lawyer and no opportunity to call witnesses in his defense.

The day before his scheduled execution in Kober Prison in July, Al-Tayeb's family was notified that they could collect his body the following day. They instead called an attorney and filed an appeal to the constitutional court. The execution was stayed only 10 minutes before it was scheduled to occur.

The death penalty cases are only one part of the problem, said Takirambudde. Politically-motivated arrests and detentions of individuals in conflict areas or linked to opposition groups are an almost daily event.

### Arbitrary arrests and detentions

Although Sudanese President Omar al-Bashir promised on June 30 to release all political prisoners and lift the nationwide state of emergency, except in Darfur and eastern Sudan, arbitrary arrests and detentions remain commonplace in Sudan. This public commitment followed Sudan's signing of the peace accord between the government and the southern-based rebels, the Sudan Peoples Liberation

Movement/Army, in January, and the report of the United Nations International Commission of Inquiry for Darfur later the same month.

The U.N. commissions report recommended that the International Committee of the Red Cross and U.N. human rights monitors be given full and unimpeded access to all those detained in relation to the situation in Darfur. The U.N. Mission in Sudan, established to support the peace process, is to field international human rights monitors as part of its work during the next six years of the CPAs term. Meanwhile, the Office of the High Commissioner for Human Rights has dozens of international monitors, mostly assigned to Darfur. Hundreds of people have been arbitrarily arrested and detained in Darfur over the past few years, often simply on the basis of their ethnicity or political affiliation. More than half of the estimated 150 people on death row in Kober Prison are believed to be from Darfur, many of them detained for politically motivated reasons. Arbitrary arrests and detentions, however, are not only linked to events in Darfur.

On August 1 and 2, during the unrest that followed John Garangs unexpected death in a helicopter crash, more than 1,500 people were reportedly arrested in Khartoum. Many of those who were arrested have not been charged, and there are fears that some may face torture and ill-treatment in detention. The Sudanese government also has reportedly detained dozens of individuals in eastern Sudan in early 2005 following riots in Port Sudan that resulted in the deaths of at least 20 people. The Sudanese government continues to use tactics like moving prisoners around different facilities and detaining individuals in unofficial security sites to divert scrutiny.

Unlawful Detention and Abuse in Unauthorized Places of Detention in Uganda

Torture and Unlawful Military Detention in Rwanda

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