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Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Information on the death penalty

A report published by *Amnesty International* in May 2011 reviewing events of the preceding year points out:

“Courts in north and south Sudan continued to pass death sentences, including against juveniles. Although 50 men were released following the signing of the framework agreement for peace negotiations between the JEM and the government in February in Doha, 55 men remained in prison awaiting the results of the appeals against their death sentences. Eight of the 55 were believed to be children and although the government gave assurances that they would not be executed, their sentences had not been commuted by the end of the year” (*Amnesty International* (13 May 2011) *Annual Report 2011, Sudan*).

In May 2011 *Hands Off Cain* notes:

“The crimes punishable by death are murder, armed robbery, weapons possession and smuggling, treason, acts which may endanger the independence or unity of the state, waging war against the state, apostasy and prostitution. In accordance with Shari'a law, the Criminal Act provides for physical punishments including flogging, amputation, stonings, and crucifixion – in this case the public display of a body after execution” (*Hands Off Cain* (May 2011) *Sudan*).

In August 2011 *Reporters Sans Frontiers* states:

“Arrested in May 2010 and tortured, Abuzar Ali Al-Amin, the deputy editor of the now defunct opposition daily Rai Al-Shaab, was given a five-year jail sentence in July 2010 that was later reduced to one year. He should have been released on 3 July but the security forces demanded a new judicial investigation of articles he published in the paper, which was affiliated to the opposition Popular Congress Party and supported (South Sudan's) Sudan People's Liberation Movement (SPLM). But the newspaper no longer has any legal existence as it was suspended on 16 May 2010 and its licence was rescinded on 8 July 2011, so the new proceedings against Al-Amin are baseless, arbitrary and illegal, and are designed solely to keep him in detention. He is facing the possibility of life imprisonment or even the death penalty under article 50 of the criminal code for allegedly trying to undermine the constitutional system” (*Reporters Sans Frontiers* (12 August 2011) *Censorship, prosecutions and extended detention signal steady decline in media freedom*).

A comment by the Government of Sudan in a report published in July 2011 by the *United Nations Human Rights Council* notes that:

“There are strict legal safeguards in trials of cases punishable by the death penalty” (United Nations Human Rights Council (11 July 2011) *Report of the Working Group on the Universal Periodic Review; Sudan*, p.7).

The *Government of Sudan* in 2005 states:

“...No death penalty shall be imposed, save as retribution, hudud or punishment for extremely serious offences in accordance with the law...The death penalty shall not be imposed on a person under the age of eighteen or a person who has attained the age of seventy except in cases of retribution or hudud...No death penalty shall be executed upon pregnant or lactating women, save after two years of lactation” (Government of Sudan (2005) *The Interim National Constitution Of The Republic Of The Sudan*, 2005).

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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