

URGENT ACTION

DETAINED PASTORS' ACCESS TO LAWYER RESTRICTED

Reverend Yat Michael and Reverend Peter Yen have had restricted access to their lawyer from 4 June, only being allowed to meet him once in court for only 10-15 minutes. They are currently being held in solitary confinement and are at risk of flogging and the death penalty if convicted.

Reverend Yat Michael (49 years old) and **Reverend Peter Yen** (36 years old), both South Sudanese pastors, were transferred to Kober Prison in Khartoum, a maximum security facility, on 4 June after which their families and lawyer were not allowed to visit them. The Prison Directorate that is granted sole discretion under the law to allow visitation has rejected requests for visits. Their lawyer challenged this in court on 8 June, but his appeal was denied. He plans to appeal against the prison authorities on the grounds that it is unconstitutional to deny him access to his clients.

The lawyer was only allowed to meet the two South Sudanese pastors for 10-15 minutes during a court session on 2 July where the court ruled that there was sufficient evidence to warrant the defence's response. He protested that this was insufficient time to prepare a defence for his clients who are facing the death penalty.

Amnesty International believes that the trial against Reverend Yat Michael and Reverend Peter Yen is related to the exercise of their freedom of religion and thus considers them prisoners of conscience.

Please write immediately in English, Arabic or your own language:

- Calling on the authorities to immediately and unconditionally release Reverend Yat Michael and Reverend Peter Yen and drop all charges against them;
- Urging them to ensure that pending their unconditional release, Reverend Yat Michael and Reverend Peter Yen are not subjected to any further ill-treatment in detention;
- Urging them to ensure that, Reverend Yat Michael and Reverend Peter Yen are allowed unrestricted access to their lawyer and families;
- Urging them to abolish the punishment of flogging and the death penalty in law and practice.

PLEASE SEND APPEALS BEFORE 20 AUGUST 2015 TO:

The President

HE Omar Hassan Ahmad al-Bashir
Office of the President
People's Palace
PO Box 282
Khartoum, Sudan
Salutation: Your Excellency

Minister of Justice

Awad Al Hassan Alnour
Ministry of Justice
PO Box 302
Al Nil Avenue
Khartoum, Sudan
Email: moj@moj.gov.sd
Salutation: Your Excellency

And copies to:

Minister of Interior

Ismat Abdul-Rahman Zain Al-Abdin
Ministry of Interior
PO Box 873
Khartoum, Sudan

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 28/15. Further information:
<https://www.amnesty.org/en/documents/afr54/1820/2015/en/>

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ADDITIONAL INFORMATION

Reverend Yat Michael and Reverend Peter Yen have now spent almost seven months in detention since their arrests on 21 December and 11 January respectively.

There are eight charges against the two pastors. On 6 July, the lawyer received an amended charge sheet. Two of the initial eight charges: charges under Articles 21 (complicity to execute a criminal agreement) and 55 (disclosure and receipt of official information or documents) have been dropped and replaced with charges under Article 12 (right of self-defence) and Article 25 (abetment). The other six charges and possible sentences are as follows: undermining the constitutional system (death penalty, life imprisonment or confiscation of property); espionage (death penalty, life imprisonment or confiscation of property); promoting hatred amongst or against sects (two years' imprisonment); disturbance of the public peace (six months' imprisonment, fine or 20 lashes); and blasphemy or insulting religious creeds (one year imprisonment, fine, 40 lashes). The defence will present witnesses on 14 July on behalf of the two South Sudanese pastors.

The pastors' lawyer was arrested along with one Reverend Hafez of the Khartoum North Bahri Church on 1 July and charged under Article 99 of the 1991 Penal Code Act (obstructing a public officer from carrying out his duties). They were released on bail and have yet to appear in court to answer to these charges. During the trial of 2 July, the presiding judge questioned Reverend Yat Michael and Reverend Peter Yen about documents found on their computers including internal church reports, maps of Khartoum and a study guide on the National Intelligence and Security Service (NISS). Both pastors reported that they had never seen the study guide before it was presented in court.

Amnesty International has documented several cases of individuals being persecuted due to their religious affiliation in Sudan as well as several cases of people sentenced to flogging in Sudan. In August 2013, Meriam Yahya Ibrahim was convicted and sentenced to death on charges of adultery and apostasy. She was detained in prison along with her son and gave birth to her daughter in Omdurman prison while in shackles. She was released on 23 June 2014 when her sentence was reversed by an appeals court and due to international outcry.

Amnesty International also documented the arrest and detention of twelve Christian female students by the Public Order Police (POP) on 25 June. While two of the students were released, the other 10 were charged with "indecent dress" under Article 152 of Sudan's 1991 Criminal Act. This charge carries the punishment of flogging.

Punishment by flogging violates the absolute prohibition against torture and other ill-treatment in international human rights law. Also, Amnesty International considers the death penalty to be the ultimate cruel, inhuman and degrading punishment and a violation of the right to life and opposes its use in all cases and without exception, regardless of the nature of the crime.

Name: Reverend Yat Michael and Reverend Peter Yen
Gender m/f: m

Further information on UA: 28/15 Index: AFR 54/2051/2015 Issue Date: 9 July 2015