

URGENT ACTION

YOUNG MAN AT IMMINENT RISK OF EXECUTION

Amnesty International is alarmed that the Constitutional Court of Sudan confirmed the death sentence against Abbas Mohammed Nur Musa on 20 May 2019. Abbas had appealed his death sentence after being convicted of stabbing a 17-year-old boy to death. The incident happened on 27 August 2013 when Abbas was 15 years old. International human rights law strictly prohibits the use of the death penalty for offences committed by persons below 18 years of age.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

*Head of the Transitional Military Council
Abdel Fattah al-Burhan
The People's Palace
PO Box 281
Khartoum, Sudan
Salutation: Your Excellency*

Your Excellency Abdel Fattah al-Burhan,

I am writing to you because I am alarmed that the Constitutional Court of Sudan confirmed the death sentence against Abbas Mohammed Nur Musa on 20 May 2019.

Abbas had appealed his death sentence after being convicted of stabbing a 17-year-old boy to death. The incident happened on 27 August 2013 when Abbas was a child, aged 15 years old. According to Article 1 of the Convention on the Rights of a Child, which Sudan has been party to since 1990, "a child means every human being below the age of eighteen years."

Under Article 37(a) of the Convention, "Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age".

However, the Constitutional Court used an ambiguous determination of childhood as "attainment of puberty" in accordance with Article 3 of Sudan's Criminal Act of 1991 to justify the death sentence against Abbas.

I urge you to ensure that;

- The death sentence imposed on Abbas Mohammed Nur Musa, who was 15 years old at the time of the crime he was convicted of, is immediately commuted;*
- Amend the Child Act, 2010 to completely abolish, without any discretion by the courts or other exceptions, the use of the death penalty for crimes committed by people below the age of 18;*
- Harmonize legislation and practice with regard to the definition of the child or childhood in line with Sudan's obligations under international law;*
- Establish an official moratorium on executions with a view to abolishing the death penalty.*

Yours sincerely,

**AMNESTY
INTERNATIONAL**



ADDITIONAL INFORMATION

Abbas Mohammed Nur Musa, was 15-years-old, when he stabbed a 17-year-old boy to death on 27 August 2013. Abbas was a child at the time of the crime. He was first detained at the Aljraif East juvenile detention centre. During his detention he was sentenced to five years in prison, and to pay blood money (Diyya) valued at 40,000 Sudanese pounds for murder. When he turned 18, he was transferred to Madani prison.

The prosecutor filed an appeal with the Court of Appeal for Abbas to be sentenced to death. The Court of Appeal convicted the accused of murder and sentenced him to death. An appeal was filed by Abbas' lawyers at the Higher Court. The Higher Court decided to cancel the decision of the Court of Appeal and annul the death sentence.

Notwithstanding the above Higher Court ruling, the case was remitted back to the trial court which resentenced Abbas to death. This court used an ambiguous determination of childhood such as "attainment of puberty" in accordance with Article 3 of Sudan's Criminal Act of 1991. This determination contradicts Article 1 of the Convention on the Rights of the Child, which states: "A child means every human being below the age of eighteen years." Sudan became a party to the convention in 1990.

Abbas's lawyers appealed to the Constitutional Court. The Constitutional Court confirmed the death sentence on 20 May 2019. The Constitutional Court was in violation of the Convention on the Rights of the Child and the Sudan Child Act 2010, both acknowledge a child is below the age of eighteen years.

PREFERRED LANGUAGE TO ADDRESS TARGET: [English or Arabic]

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: [11 09 2019]

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Abbas Mohammed Nur Musa (he/his/him)

LINK TO PREVIOUS UA: N/A