



Update (14)

COURT TRIAL OF NISS/SUDAN AGAINST PASTORS AND THE ACTIVIST

This update is a summary of five court sessions that were conducted between 19th December 2016 and 9th January 2017. The sessions were before Justice Dr. Osama M. Abdalla at Khartoum Centre court and all parties were present. During those sessions, three accusing witnesses and two defense witnesses delivered their testimonies. The witnesses were questioned by both lawyers' Panel and the judge. The judge also examined the defendants. On 9th January 2017, the twentieth court session was held and the judge adjourned court after instructing both panels of lawyers to submit their submission before 23rd January 2017, the day he had scheduled to make the court judgments/Ruling.

Summary of the sixteen court session

On 19th December 2016, the sixteen court session started at 12:30 pm and the main activity was testimony by the fourth and fifth accusing witnesses, both of them are soldiers in NISS. They informed court that they witnessed the searching of first defendant's luggage. By 01:30 pm the session was over and the next session date was announced by the judge.

Summary of the seventeenth court session

On 26th December 2016, the 17th court session started at 12:45 pm and the main activity was testimony by the 6th and 7th accusing witnesses. The sixth (6th) witness was Mr. Benyamin Breima Awad, a 68 year old teacher and he is one the people who attended the Addis Ababa conference. The seventh (7th) witness was Ms. /Dr. Rehab Mubarak Hassan, a 50 year old legal consultant at ministry of foreign affairs.

The conclusion of their testimonies was;

- The 6th accusing witness was invited to the conference by the 2nd defendant. In his testimony, he declared that, the 2nd defendant displayed the photo of the burnt student with comments that the burning was a result of the student's conversion to Christianity. He also informed court that the purpose of the conference was to conduct prayers for Sudan peace.
- The 7th witness agreed that, Dafaalla Alhaj Yousif¹ committee which was formed by the Sudanese president Omer Albashir had mentioned that "there are human rights violations in Sudan".

By end of the 7th witnesses, the accusation panel was contented by those witnesses and closed the accusation. The judge adjourned the court to the next session.

¹ A fact finding committee for Darfur formed in a year 2004, in which the first defendant's lawyer is a member.



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Summary of the eighteenth court session

On 28th December 2016, the 18th court session started at 12:35 pm. The main activity was examining the defendants by the court. The summary of the response was as follow;

1) *The first defendant/ peter Jasek;*

- I visited South Sudan in 2012, I didn't enter Sudan and I never met any military commander.
- I entered Sudan in 2015 using a tourist visa.
- I do not have any relations or contract with PPF. Once in a while have contracts with VOM but, I'm not a member of VOM because I'm not an American citizen.
- I attended the conference which was for Sudan peace prayers and I was invited by Daniel Edward.
- When I was taking plea the court did not allow my lawyer to accompany me yet the translator had (spoke) poor English and I believe my plea was altered.

2) *The second defendant, Pastor/ Hassan Abduelraheem Kodi*

- I got the photo of the burnt student from the internet, I did not mention the cause of the burning neither did I say that he converted to Christianity.
- The 3rd defendant (Abdelmoneim) came to me in 2013 seeking for assistance for to the burnt student. Thereafter I did not see him again up to 2015.

3) *The third defendant, activist/ Abdelmoneim Abdalmwlla*

- I got to know that the student was burnt during the students' demonstration from his brother and friends.
- I contacted Hassan in 2013 to assist in the treatment of the burnt student of which he did. He later contacted me in 2015 and informed me that there is a person willing to assist in the treatment.
- The translation is not perfect, it says things I did not say and leaves out some of the words that I had said.

4) *The fourth defendant, Pastor/ Kuwa Shamal Abu Zumam*

- I saw the 3rd defendant in 2013 when he came to Hassan seeking assistance for the burnt student. Then I saw him again at NISS office.
- In the conference we prayed for Sudan, South Sudan as well the whole world for peace.

Thereafter the court was adjourned to another date for the judge to release the court accusations.

Summary of the nineteen court session

On 2nd January 2017, the nineteen court session started at 12:30 pm, its activity was the court releasing its accusations facing the defendants.



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- The first defendant; accused by articles 21, 51, 53, 57 & 64 in Criminal Act, article 8 & 23 in Organizing the Voluntary and Humanitarian Activity Act and article 30 in Passport and Immigration Law². The first defendant lawyer rejected the accusations and considered his client innocent because what was presented was not supported by evidence. The lawyer requested the court to judge accordingly and he declared that he will not present witnesses.
- The second and third defendants were accused under articles 21, 53, 64 & 66 in Criminal Act. The defendants' lawyers denied the accusation and they declared to defend their argument by witnesses who shall appear before the court.
- The case of the fourth defendant was rejected and he was set free because the evidence did not approve the conviction.

The judge adjourned the session to 9th Jan 2017 where the defendant's witnesses were to be presented.

Summary of the twentieth court session

On 9th January 2017, the twentieth court session started at 12:30 pm. The main activity was to hear the testimony of two defendants' witnesses mainly brought by the lawyer of the 3rd defendant. The 1st defendant's lawyer announced that he has no witness from his side, the lawyer of the 2nd and 4th defendants' also decided not to present witnesses and after consulting their panel.

The two witnesses that were presented are; Mohamed Abakar Ahmed, 25 years and Adam Musa Mohammed Bosch, 25 years. Both of them are student and classmates of the burned student Ali Musa. Both witnesses are from Darfur internally displaced people (IDPs). They delivered their testimonies and were cross examined by the court and different lawyers' panels. Below is the highlight of their testimonies;

- Both of them did not see the photos of burnt student on the internet.
- The burning of the student (Ali Musa) happened at Alazhari University after the social event concerning Darfur student. The burning was a result of an attack using a Molotov by the National Congress Party (NCP)³ students and the NCP students used to attack the Darfurian student in different universities.
- They accepted that before his arrest, the 3rd defendant was the person responsible for the treatment of the burnt student.
- They used to collect money for the treatment because they do not have any source of income since they are IDPs.
- Both approved that the religion of the burned student and the 3rd defendant is Islam.

After examining the two defendants' witnesses, the defendants' panels closed their defense. Then the judge adjourned the court session to 23rd January 2017 of which he will deliver his judgment.

² For more information about the mentioned articles, please visit notes the in eighth update. <http://hudocentre.org/update-8-on-court-trial-of-nisssudan-against-pastors-and-activist/>

³ The ruling party in Sudan.



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Observation Notes;

- The 16th court session was at the same day of disobedience announced in Sudan by youth activist. There was low turn-up of people even among lawyers.
- The 6th defendant's witness was arrested by NISS five months after the Addis conference. He was announced by NISS not the court for his testimony.
- The last two sessions were attended by many supporters, Christian religious leaders and representatives of embassies in Sudan as well as the Sudanese media.
- The NISS personnel seemed happy with the court's conduct.
- Some of the defendants' lawyers were absent.
- The request by the 1st defendant's lawyer for getting back the defendants' belongs (passport and ID) was accepted.
- No translation in most of these court sessions apart from the eighteenth.

Recommendations/ Appeal

HUDO urges all the concerned to witness the release of the charges especially:

- The Sudan court to consider the justice standards.
- The diplomatic missions and embassies to attend the coming session.
- The activists and defendants' supporters to attend the coming session.
- The Sudan and international media to give coverage for the session.

End

For any further information please write to hudo2009@gmail.com