



July 13, 2015

Dr. Awad Al-Hassan Al-Noor  
Minister of Justice  
PO Box 302



VIA E-Mail and Facsimile

*Re: Urgent Request for Engagement in Case No. 41/2015 Khartoum Bahri Criminal Court*

Your Excellency:

We would like to bring to your attention the matter of two Christian pastors, Reverend Yat Michael Ruot and Reverend Peter Yein Reith, and respectfully request your help in ensuring that these two men receive a fair trial, are permitted adequate access to their legal counsel to prepare a defense, and that based on the government's lack of evidence as to their guilt presented at trial their case be immediately dropped and the accused acquitted on all counts.

Presently, both Reverends are being held in Kober Prison in the North of Khartoum and their case (No. 41/2015) is being heard before the Honorable Mohaned Ahmed Gaboush in the Khartoum Bahri Criminal Court. The attorney for the accused is expected to present a defense on Tuesday, July 14, 2015. Yet, he has not been granted adequate access to his clients to prepare their defense, despite the charges carrying a potential death sentence. Since the beginning of June 2015, the prison has neither permitted family visitations nor allowed their legal counsel to visit them in preparation for their legal defense. Although Judge Gaboush offered the defense counsel 10 to 15 minutes time to meet with his clients at the court in advance of Tuesday's trial, with the severity of the charges, such time is gravely inadequate to prepare a legal defense. The directorate of Kober Prison, who holds sole discretion for visitation rights at the prison, has denied every request for access to the accused. While we recognize the separation of the various governmental branches, we believe that with your assistance the directorate of the prison will recognize Sudan's international obligations to permit the accused access to their legal counsel.

As background, both Reverend Ruot and Reverend Reith are nationals of South Sudan who had traveled to Khartoum to participate in religious services. Reverend Ruot arrived in Khartoum on December 13, 2014, with his wife and their son, whom they brought to receive medical treatment. While there, Reverend Ruot was asked to preach a sermon at the Evangelical Church of Khartoum in Bahri. On December 14, 2014, he was arrested after delivering his sermon. Reverend Reith is also an ordained clergyman in the South Sudan Presbyterian Evangelical Church. Sudanese officials arrested him on January 11, 2015, shortly after he inquired about Reverend Ruot's wellbeing in a letter to the Religious Affairs Office in Khartoum.

Their trial began on May 4, 2015, despite the defendants' inadequate access to their legal counsel. The government presented several witnesses, but no witness provided concrete or even convincing evidence against the men, despite the court granting the government extra time to prepare its case. Despite a lack

of evidence, on July 2, 2015, the judge charged both men with serious crimes, including acting to undermine Sudan's constitutional system and espionage, both which carry potential death sentences. The defense attorney must now present his defense on July 14, 2015, despite not having access to his clients.

This case has attracted significant international attention out of concern that these men have been targeted because of their religious beliefs and nationality without evidence of any criminal wrongdoing and that they will not receive a fair trial. Attached to this letter, we provide you with 208,385 individuals who petition the Sudanese government to ensure that these men receive a fair trial and that unless the government proffers significant new evidence of guilt hereafter that the case be dropped for a lack of evidence. In addition, 147,121 individuals personally signed their names to the letter attached specifically requesting your engagement in this matter. Though time is of the essence, the Sudanese government still has time to ensure that it upholds its obligations under various international agreements.

One of the fundamental guarantees under various international laws, to which Sudan is a signatory, is that each individual taken into custody must be informed of the reasons for the detention and be given a fair and public trial. To date, the actions of officials in the Sudanese government, in particular the denial of access to legal counsel to prepare a defense, violate numerous international agreements to which the Sudan is a signatory that recognize that human dignity demands a fair and public trial and, therefore, require the presumption of innocence until proven guilty, an independent and impartial tribunal, and adequate access to legal counsel of the accuseds' choosing in proportion to the severity of the alleged charges.<sup>1</sup>

Article 10 of the Universal Declaration of Human Rights states: "Everyone is entitled in full equality to a *fair and public hearing by an independent and impartial tribunal*, in the determination of his rights and obligations and of any criminal charge against him." Additionally, article 14 of the International Covenant on Civil and Political Rights requires that

[a]ll persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be *entitled to a fair and public hearing* by a competent, *independent and impartial tribunal* established by law. . . . Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law. . . .

According to the United Nations, fairness of proceedings entails the absence of any direct or indirect influence, pressure or intimidation or intrusion from whatever side and for whatever motive. This includes undue pressure from any state security agents. Furthermore, these rights must be protected equally to the accused of a different faith than the majority the accusing government and without distinction because of the accused's nationality.

One of the minimum guarantees to a fair trial under the ICCPR includes that right that everyone charged with a crime is entitled "[t]o have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing." This right is also protected under the African Charter on Human and Peoples' Rights and the Cairo Declaration on Human Rights in Islam. Article 7 of the Charter guarantees "[t]he right to defence, including the right to be defended by counsel of his choice;" while Article 19 of the Cairo Declaration specifically states that "[a] defendant is innocent until his guilt is proven in a fast trial in which he shall be given *all the guarantees of defence*."

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<sup>1</sup>See The Cairo Declaration on Human Rights in Islam, art. 19; Int'l Covenant on Civil and Political Rights, arts. 9, 14; Universal Declaration of Human Rights, G.A. Res. 217 (III) A, arts. 10, 11(A), U.N. Doc. A/RES/60/1 (Dec. 10, 1948).

A defense without access to counsel with whom one can confer can hardly be considered a defense at all, especially when the charges carry severe penalties, such as life imprisonment or death. According to the United Nations, the right of defense inherently includes that the accused is granted prompt access to counsel. This right includes that counsel be able to meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications. Furthermore, lawyers must be able to advise and represent persons charged with a criminal offence in accordance with generally recognized professional ethics without restrictions, influence, pressure or undue interference from any quarter.

Likewise, under international treaties to which the Sudan is a signatory, the Sudanese government has an obligation to allow for peaceful freedom of expression and belief and to treat its citizens with basic human dignity. According to the Charter of the United Nations, all Member States pledge themselves to “promote . . . universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to [*inter alia*] religion.”<sup>2</sup> The UDHR states: “All are equal before the law and are entitled without any discrimination to equal protection under the law.”<sup>3</sup> Specifically, “[e]veryone has the right to freedom of opinion and expression.”<sup>4</sup> The ICCPR provides even stronger provisions: “Everyone shall have the right to hold opinions without interference,” and “[e]veryone shall have the right to freedom of expression; *this right shall include freedom to seek, receive and impart information and ideas of all kinds.*”<sup>5</sup> Such rights necessarily include the right to hold religious opinions, to obtain and disseminate information, and to express ideas. This right is also articulated in the African Charter on Human and Peoples’ Rights in Articles 2, 3, and 8.

In light of these obligations and the lack of evidence presented in this case, we respectfully request your immediate engagement in this matter to ensure that both men are permitted sufficient access to their legal counsel. Furthermore, should the government fail to proffer new and convincing evidence against the Reverend Ruot and the Reverend Reith, we urge Sudan to immediately drop their case.

Respectfully,



Tiffany N. Barrans  
International Legal Director  
AMERICAN CENTER FOR LAW & JUSTICE

*Enclosures:*

Letter signed by 147,121 individuals (names provided only by email)  
Petition signed by 208,385 individuals (names provided only by email)

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<sup>2</sup>U.N. Charter arts. 55, 56.

<sup>3</sup>Universal Declaration of Human Rights, *supra* note 1, art. 7.

<sup>4</sup>*Id.* art. 19.

<sup>5</sup>Int’l Covenant on Civil and Political Rights, *supra* note 1, art. 19.

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*Re: Urgent Request for Engagement in Case No. 41/2015 Khartoum Bahri Criminal Court*

Your Excellency:

As you have entered your new position, we implore you to look into the case of Yat Michael Ruot and Peter Yein Reith, two South Sudanese pastors currently on trial in Khartoum Bahri Criminal Court (No. 41/2015). Since early June 2015, prison authorities at Kober Prison have denied these men access to their legal counsel to prepare an adequate defense. Such denials run contrary to both Sudanese and International law governing the right to a fair trial.

Moreover, it is essential that the Sudanese Judiciary remain impartial and able to resolve cases without interference by various national security agents. During the trial, the government presented scant evidence these pastors had committed the alleged crimes, yet the judge has allowed the case to proceed. Serious crimes require serious evidence of guilt. In this matter, the government has failed to carry its burden of guilt.

It is our concern that these two men have been singled out because of their Christian faith and nationality. Due to the lack of credible evidence presented at trial, we respectfully request that you immediately inquire into this matter, ensure that these men are given proper access to their legal counsel, and that the case be dismissed for a lack of evidence.

Respectfully,

147,121 concerned individuals (names sent by email)