



Update (9)

COURT TRIAL OF NISS/SUDAN AGAINST PASTORS AND ACTIVIST

The tenth (10th) court hearing was held on 7th November 2016 at 12:30 pm. The hearing was before Justice Dr. Osama M. Abdalla and all parties were present. During this session, the defendants' panel cross examined the prosecutor/ investigator. The whole process ended at 03:00 pm and the judge adjourned court to 14th November 2016.

Summary of the court session

On 7th November 2016 at 12:30 the tenth (10th) session was presided over by Justice Dr. Osama M. Abdalla at Khartoum Centre Court and all parties were present. The defendants' panel examined the investigator counsel/ Abdurrahman. The order of the accused was as follows;

1. The first defendant, Mr. Peter Justin
2. Second defendant, pastor/ Hassan Abduelraheem Kodi
3. Third defendant, activist/ Abduelmoneim Abdalmwlla
4. Fourth Defendant/ Kuwa Shamal Abu Zumam

The defendants' lawyer asked a number of questions which investigator counsel/ Abdurrahman Ahmed had to answer. Advocate/ Shemaina (1st defendant's lawyer) was the first to cross-examine, followed by Advocate Muhanad (2nd and 4th defendants' lawyer) and Advocate Saleh Mahmoud (3rd defendant's lawyer) was the last.

Some questions of 1st defendant's lawyer:

- Did you read the objectives of the two organizations and are they related to war or provoking hatred?
- Is there any condition in issuing Sudanese visa that prevents the visitor from meeting Sudanese?
- Did you see his visa? Is there any kind of war between Sudan and Czech?
- According to your investigation most of those photos and videos were taken in 2011 at Nuba Mountains, was Mr. Justin there?
- Justin's laptop was with the accuser/ NISS. After how long period was it delivered to you?
- Are you aware that the burnt student's photo is available on internet since 2013 and had spread widely?
- Did the first defendant mention that he is working with POM? Did the photos and the receipt prove that the donated money was from him (Justin) personally not from the organization?
- Which language was used in taking plea and were you in attendance? Who brought the translator?
- About Afraa meeting, did you carry out voice comparison? Do you know that voices could be tampered with using technology?
- The camera brought as exhibit, was it the same camera used in taking photographs?



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Prosecutor's Response (answer):

- I did not read through their objectives.
- I did not see his visa and there is no war between Sudan and Czech.
- The defendant was not there in 2011 but he visited in 2012.
- Yes the laptop was with NISS and they brought it in March (after three months).
- I do not know if the burnt student's photo is available on the internet.
- The defendant did not mention that he is working with POM. Yes, the receipt approves that the donation is personal.
- The plea taking was in English and I was not in attendance. I brought the translator and the defendant accepted.
- I did not make voice comparison. Yes the voice can be modified technically.
- This is not the same camera but this very one was used in photographing the burnt student.

Some questions of 2nd & 4th defendants' lawyer:

- The defendants are pastors at Sudanese Christ church, were they arrested by the complainant before opening the case or after?
- Nine pastors attended Addis Ababa conference including the accused (two), did you carry out investigations about the other seven?
- In the mentioned conference, presentations of many activities were showcased by different churches. Apart from religious activities they presented humanitarian activities carried out like water filters for communities which benefit Muslims and Christians.
- Did you investigate on the demolished churches?
- Do you know that the photo of the burnt student was displayed in Sudanese court on 2015?
- Many institutions contributed in treating the burnt student. Institutions like ALZAKA (Muslim religious tax) and the second defendant contributed many times. Do you know that the photos which were taken by the 1st defendant were intended to be presented to doctors for the purpose of assisting/treating the student?
- The burnt student was detained by NISS together with the third defendant on 18th Dec. 2015 and later released? The accusation witness Telal was also detained on 18th Dec. 2015 and the other witnesses were members in NISS. Why did you accept to investigate with them while you ignored to investigate the pastors who attended the conference?

The lawyer submitted the demolition notice of Taiba Alahamda church (the subject church) which was issued by the ministry of Urban Planning.

Prosecutor's Response (answer):

- Yes, I know they are pastors but, I do not know that they were arrested by the complainant before or after opening the case.
- I did not investigate with the other pastors.
- I did not investigate on the humanitarian activity of the church. Yes the 2nd and 3rd defendants presented the water filter and training people on filtering water.
- I did not investigate on the demolished churches.



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- I do not know whether the photos were displayed in court or not.
- Yes, many surgical operations were done on the burnt student and he needs more in Plastic surgery.
- I do not know that the burnt student was detained but, all I know is the detention of Telal.

Some questions of 3rd defendant's lawyer:

- The 3rd defendant and the burnt student were Muslims. The 3rd defendant is friend and classmate of the burnt student's brother (Jamal) and all of them are IDPs from Kalma and Outash camps in Darfur. According to accusation articles, the 3rd defendant proved hatred, do you have any information that he published even a single article against religion?
- According to your investigation with the 1st defendant, did he claim that he is representing Czech Republic? The burnt student's photo is not part of state secrets and the 3rd defendant is not working to any government body? You cited article (53) against the 3rd defendant?

The (3rd defendant) met with the 2nd defendant in order to find treatment for the burnt student.

Prosecutor's Response (answer):

- Yes, I know that and I do not have any information that he published such an article.
- Yes, the first defendant did not claim. Yes, the photo is not one of state's secrets and the third defendant is not working in any government body. I did not put spying article for him (then he remembered and said yes, I did).

At 03:00 pm the 3rd defendant's lawyer finalized his cross examination and the judge adjourned court to 14th November 2016 for the accusing panel to re cross-examine the defendants' lawyers.

Notes;

- The judge rejected some questions e.g. visa questions, tourism, discussing people opinions, Nuba Mountains coordinates and demarcations of Sudan and South Sudan border.
- The third and fourth defendants order was changed.
- Many times the defendants' panel complained about the intervention of other investigators which forced the judge to warn them
- The prosecutor/ investigator many times gives answers contradict with what he presented before in which the judge asked him to concentrate.

Recommendations/ Appeal

- HUDO urges the Sudan court to conduct this trial fairly.
- HUDO urges all the diplomatic missions and embassies to continue attending the court sessions.
- HUDO calls upon the activists and defendants' supporters to keep attending the trial. However, the court session entered the stage of approving or rejecting the accusations.
- HUDO calls on Sudanese media to give more coverage for the court.

End

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