

EXTERNAL (for general distribution)

AI Index: AFR 54/36/93
Distr: UA/SC

UA 353/93 Flogging/Legal concern

6 October 1993

SUDAN Kamal Mekki Medani, chief cotton classifier, Sudan Gezira board
 Mamoun Mekki Medani, businessman
 Al-Haj Mekki Medani, administrator Gezira University
 Hisham El Kareb, manager of a book shop
 Gaafar Mohamed Ahmed, engineer
 Mohamad al-Amin Gaith, bank manager
 Amir al-Tilib, director of Wad Medani Theatre
 Salah Disougi, agriculturalist
 Abdin Miheisi, consultant engineer
 Kamal Ahmad Saleh, manager of a pharmaceutical company

A Public Order Court in the Sudanese city of Wad Medani has imposed a sentence of 40 lashes by flogging on the 10 men named above. The men, who were arrested at a private house in the suburbs of Wad Medani, were convicted on 11 September 1993 of consuming alcohol. They are appealing to the High Court.

Amnesty International is concerned that the 10 men have been sentenced to a cruel, inhuman and degrading punishment after an unfair trial. In addition, the organization is concerned that their house may have been deliberately raided because they were family members of a well known opponent of the government.

The men were arrested at midnight on 2 September 1993 by security officers who entered the home of Kamal Mekki Medani through the womens' quarters, reportedly without a warrant. The arrested men, who were initially accused of holding a political gathering rather than a private party, were taken to a nearby security house where Kamal Mekki Medani was beaten.

The brewing, possession and consumption of alcohol is illegal under the Sudan Penal Code, which is based on the government's interpretation of Shari'a (Islamic) law. However, it is believed that the gathering was raided because of the political activities of Amin Mekki Medani, a family member in exile. Amin is a senior member of the National Democratic Alliance (NDA), an umbrella grouping of Sudanese political parties in opposition to the military government, and the President of the Sudan Human Rights Organization (SHRO). Each of the men was questioned about alleged involvement in political activities and his connection to Amin Mekki Medani. Although all were released on bail by late afternoon on the 3 September, Kamal, Mamoun and Al-Haj, brothers of Amin Mekki Medani, were freed several hours after the others.

The mens' trial was evidently unfair. The accused were not allowed to call witnesses in their defence nor to read their own defence statement. Medical evidence concerning alcohol levels in their bloodstream was ignored and the judge chose to accept the word of security officials that alcohol had been smelt on the breath of the accused. During the trial a security officer admitted having beaten Kamal Mekki Medani but it is reported that the authorities have not taken any disciplinary action. In addition to the 40 lashes, Kamal Mekki Medani was sentenced to four months imprisonment and a fine of £S 15,000 (US \$1,155 equivalent).

Flogging is a penalty widely used in Sudan for public morals and minor public order offences as defined under the government's interpretation of Shari'a law. Amnesty International considers flogging to be a cruel, inhuman and

degrading punishment which, as such, is prohibited internationally by the United Nation's Convention against Torture or Other Cruel, Inhuman and Degrading Treatment or Punishment, and by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

RECOMMENDED ACTION: Please send telegrams/telexes/express and airmail letters either in English or Arabic, or in your own language:

- expressing concern at the sentencing to 40 lashes each of the individuals named above;
- expressing concern that the trial was unfair: reportedly the accused were not allowed to call witnesses in their defence nor allowed to read out their defence statement;
- appealing for the sentences of flogging to be set aside and, if the accused are fairly tried, replaced by other penalties compatible with international human rights standards;
- pointing out that Sudan has signed the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (June 1986) and acceded to the International Covenant on Civil and Political Rights (March 1986), both of which prohibit cruel, inhuman or degrading punishment;
- urging that laws providing for flogging penalties be abolished as flogging is a cruel, inhuman and degrading punishment.

APPEALS TO

1) His Excellency Lieutenant General **Salutation: Your Excellency**
Omar Hassan al-Bashir
Head of State and Chairman of the National Salvation Revolutionary Command Council
People's Palace
PO Box 281
Khartoum, Sudan
Telegrams: Lt Gen Omar Hassan al-Bashir, Khartoum, Sudan
Telexes: 22385 PEPLC SD or 22411 KAID SD
Faxes: + 249 11 71724

2) Brigadier-Engineer 'Abd **Salutation: Dear Deputy Prime Minister**
al-Rahim Muhammad Husayn
Deputy Prime Minister, Minister of the Interior
and Deputy Chairman of the National Salvation Revolutionary Command Council
People's Palace
PO Box 281
Khartoum, Sudan
Telegrams: Brig-Engineer 'Abd al-Rahim Muhammed Husayn, Khartoum, Sudan
Telexes: 22842 WZARA SD or 22604 IPOL SD
Faxes: + 249 11 71724/76554/77900/73046/70186

3) Mr 'Abd al-Aziz Shiddu **Salutation: Dear Minister**
Minister of Justice and Attorney-General
Ministry of Justice
Khartoum, Sudan
Telegrams: Mr 'Abd al-Aziz Shiddu, Khartoum, Sudan
Telexes: 22459 KHRJA SD or 22461 KHRJA SD (via Ministry of Foreign Affairs)
Faxes: + 249 11 74063

4) Mr Jalal Ali Lutfi **Salutation: Chief Justice**
Chief Justice
Law Courts
Khartoum, Sudan
Telegrams: Mr Jalal Ali Lutfi, Khartoum, Sudan

COPIES TO:

Mr Hussein Suleiman Abu Salih
Minister of Foreign Affairs
Ministry of Foreign Affairs
PO Box 873
Khartoum, Sudan

Dr A. al-Mufti
Secretary of Human Rights Commission*
Khartoum, Sudan

* The Human Rights Commission is a government-backed body, nominally independent, apparently created to counter what the government perceives as hostile human rights propaganda.

and to diplomatic representatives of Sudan in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 November 1993.