

EXTERNAL (for general distribution)

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Further information on UA 353/93 (AFR 54/36/93, 6 October 1993) -
Flogging/Legal Concern

SUDAN Kamal Mekki Medani, chief cotton classifier, Sudan Gezira Board
Mamoun Mekki Medani, businessman
Al-Haj Mekki Medani, administrator Gezira University
Hisham al-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

Amnesty International has learned that on 2 November 1993 a sentence of 40 lashes by flogging was carried out on eight of the men named above. The imposition of the sentence on Hisham al-Kareb and Abdin Miheisi is reported to have been postponed for two weeks after they submitted medical reports indicating that they were not physically fit enough to withstand the punishment.

However, Kamal Mekki Medani was flogged despite medical evidence that he suffered from hypertension and diabetes. Amnesty International is concerned that Hisham al-Kareb and Abdin Miheisi remain liable to a cruel, inhuman and degrading punishment after an unfair trial.

The 10 men were arrested on 2 September 1993 at a party in the Sudanese city of Wad Medani and convicted at a Public Order Court hearing on 11 September 1993 of consuming alcohol. They appealed to the High Court but the sentences are reported to have been confirmed following the intervention of Sudan's Chief Justice.

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 party was raided by security officials because of the political activities in exile of Amin Mekki Medani, the brother of three of the accused. Amin is a senior member of the National Democratic Alliance (NDA), an umbrella grouping of Sudanese political parties in opposition to the Islamist military government, and is the President of the Sudan Human Rights Organization (SHRO).

There is concern that the trial was 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 accepted the word of security officials that alcohol had been smelt on the breath of the accused. It does not appear as if the intervention by the Chief Justice constituted an appeal.

Flogging is a penalty widely used in Sudan for public morals and minor public order offences. Amnesty International considers flogging to be a cruel, inhuman and degrading punishment which, as such, is prohibited internationally

by the United Nations' Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

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

- expressing concern that eight of individuals named above have each received a flogging of 40 lashes;
- expressing concern that Hisham al-Kareb and Abdin Miheisi remain at risk of being flogged;
- expressing concern that the trial was unfair since the accused were reportedly not allowed to call witnesses in their defence nor allowed to read out their defence statement;
- appealing for the sentences of flogging on Hisham al-Kareb and Abdin Miheisi 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 or Punishment (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 Omar Hassan al-Bashir
 President of the Republic of the Sudan
 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
Salutation: Your Excellency

2) Brigadier-Engineer 'Abd al-Rahim Muhammad Husayn
 Deputy Prime Minister and Minister of the Interior
 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
Salutation: Dear Deputy Prime Minister

3) Mr 'Abd al-Aziz Shiddu
 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)
Salutation: Dear Minister

COPIES TO:

Mr Jalal Ali Lutfi
 Chief Justice, Law Courts
 Khartoum, Sudan

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, but apparently created to counter what the government perceives as hostile human rights propaganda.

and to diplomatic representatives of Sudan accredited to your country.

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