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To: Health professionals
From: Medical office / East Africa team
Date: 23 February 2001

MEDICAL LETTER WRITING ACTION
**Fear of amputation for 19 men,
Sudan**

Key words fear of torture / amputation / lack of medical care

Summary

Nineteen men are awaiting "cross amputation" (amputation of the right hand and left foot) after they were convicted of armed robbery. Five other defendants in the same trial have already suffered "cross-amputation" on 25 and 27 January 2001. A doctor reportedly oversaw the amputations. The other 19 men are expected to face the same torture.

Recommended actions

Please write letters in English, Arabic or in your own language:

- expressing grave concern that the five men named above have suffered cross amputation and that 19 others are awaiting the same sentence;
- urging the authorities to commute the sentences of cross amputation against the 19 men to a more humane penalty;
- expressing concern that such punitive surgery would be contrary to international law, including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which Sudan has signed - signing a convention constitutes a preliminary and general endorsement of the convention, and, under article 18 of the Vienna Convention on the Law of Treaties, creates an obligation to refrain from acts that would defeat the objectives of the convention;
- expressing concern that such punitive surgery would also be contrary to international codes of medical ethics such as the UN Principles of Medical Ethics and the World Medical Association's Declaration of Tokyo (article 1: the doctor shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures, whatever the offence of which the victim of such procedures is suspected, accused or guilty);
- asking the authorities to provide the five men who have already suffered amputation with adequate medical care as a matter of urgency;

- asking for an investigation into allegations that the 24 prisoners were tried unfairly, and if these allegations are confirmed, for them to receive a prompt and fair trial, according to international standards and without resorting to cruel, inhuman or degrading punishment;
- appealing for the law in Sudan to be amended to bring it into line with international standards.

If you receive no reply from the government or other recipients within two months of dispatch of your letter, please send a follow up letter seeking a response. Please check with the medical team if you

are sending appeals after 23 April 2001, and send copies of any replies you do receive to the International Secretariat (att: medical team).

Addresses

His Excellency Lieutenant Omar Hassan al-Bashir
President of the Republic of Sudan
People's Palace
PO Box 281, Khartoum, Sudan
Fax: + 24911 787676/783223
Telegrams: President al-Bashir, Khartoum, Sudan
Salutation: Your Excellency

Mr Ali Mohamed Osman Yassin
Minister of Justice and Attorney General
Ministry of Justice
Khartoum, Sudan
Telegrams: Justice Minister, Khartoum, Sudan
Salutation: Dear Minister

Mr Mustafa Osman Ismail
Minister of Foreign Affairs
Ministry of Foreign Affairs
PO Box 873, Khartoum, Sudan
Fax: + 24911 779383
Telegrams: Foreign Minister, Khartoum, Sudan
Salutation: Dear Minister

Dr Ahmad al-Mufti
Advisory Council for Human Rights
PO Box 302
Khartoum, Sudan
Fax: + 24911 779173

Copies

Mr Hafez al-Sheikh al-Zaki
Chief Justice, Supreme Court
Khartoum, Sudan

and to diplomatic representatives of Sudan accredited to your country.

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MEDICAL CONCERN
**Fear of amputation for 19 men,
Sudan**

Nineteen men are awaiting "cross amputation" (amputation of the right hand and left foot) after they were convicted of armed robbery. Five other defendants in the same have already suffered "cross-amputation" 25 and 27 January 2001. A doctor reportedly oversaw the amputations. The other 19 men are expected to face the same torture.

There are allegations that most of the men did not receive a fair trial: there was not enough evidence to convict them and the usual judicial procedures were not followed properly. According to their lawyers, an appeal has been rejected by the highest court with jurisdiction on this matter, the Constitutional Court, leaving them with no more prospect of escaping the sentence.

The men are held in Kober prison, in the capital, Khartoum. The five who have already undergone amputation are reportedly held in isolation, without proper medical treatment, putting them at risk of death or serious infection. These five were also sentenced to pay a very high fine before they are released, leaving them with the prospect of staying in prison indefinitely.

Background information

Sudan's penal code, which is based upon the government's interpretation of Shari'a (Islamic law), includes penalties such as limb amputation, death and death followed by crucifixion. The sentence for armed robbery is cross amputation, under the Criminal Act of 1991. Amnesty International regards these as torture and cruel, inhuman or degrading punishments and therefore inconsistent with international human rights law and Sudan's obligations, in particular under the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Sudan has ratified the ICCPR and has signed the Convention against Torture. Signing a convention constitutes a preliminary and general endorsement of the convention, and - under article 18 of the Vienna Convention on the Law of Treaties - creates an obligation to refrain from acts that would defeat the objectives of the convention. The Convention against Torture states that no circumstances whatsoever may be invoked as a justification of torture.

Amnesty International is unconditionally opposed to torture and other forms of cruel, inhuman or degrading treatment or punishment, and campaigns for these to be removed from all penal codes without exception. The organization takes no position on the ideological or religious basis of any penal code.

Medical ethics and human rights

Saudi Arabia continues to impose a number of punishments contrary to international law, including amputations and floggings, and international codes of medical ethics. The *UN Principles of Medical*

*Ethics*¹ address the issue as follows:

Principle 2

It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.

Principle 4

It is a contravention of medical ethics for health personnel, particularly physicians, to (..) participate in any way in the infliction of any treatment or punishment which is not in accordance with the relevant international instruments.

The World Medical Association's *Declaration of Geneva*, a modern equivalent of the Hippocratic Oath first adopted in 1948 and most recently amended in 1994, includes the following:

"I solemnly pledge myself to consecrate my life to the service of humanity(..);
The health of the patient will be my first consideration (..);
I will maintain the utmost respect for human life from its beginning even under threat and I will not use my medical knowledge contrary to the laws of humanity."

In 1975 the World Medical Association adopted the Declaration of Tokyo, which is the most comprehensive statement produced by the medical profession on the question of torture and cruel, inhuman or degrading treatment of detainees. It states that:

1. The doctor shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures, whatever the offence of which the victim of such procedures is suspected, accused or guilty (..).
2. The doctor shall not provide any premises, instruments, substances or knowledge to facilitate the practice of torture or other forms of cruel, inhuman or degrading treatment or to diminish the ability of the victim to resist such treatment.

¹UN Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.