August 4, 1997

His Excellency Abdel Basset Sabdrat
Minister of Justice and Attorney-General
Ministry of Justice
Khartoum, Sudan

Dear Minister:

The American Bar Association (ABA) and its more than 345,000 member lawyers have a deep commitment to the preservation of the rule of law in the international community. In particular, we seek to encourage the maintenance of judicial systems which are independent from government interference, and which respect the independence of judges and lawyers in order to maintain internationally recognized standards of fairness and justice. These principles are embodied in an ABA “Rule of Law Resolution” adopted by the House of Delegates in February 1975.


According to reports that we have received, the lawyers enumerated above were taken into custody between January and March 1997, and were held without charge. It is our understanding that many of these detainees have frequently represented individuals arrested by Sudan Security. We have been informed that there was reason for concern about the health of some of these attorneys, including Hashim Awad Abdel Majeed and Moatisim Abdel Rahim Medani, who may have been tortured or denied medical treatment, and that all of these individuals are being held incommunicado.

These facts, if our information is correct, reflect serious violations of the rule of law in Sudan. The independence of judges and lawyers, which includes the ability of lawyers to represent their clients, is fundamental to maintaining the international norms of equal justice and due process enumerated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other international human rights instruments.
The ABA has received word that all of these lawyers have been recently released. We continue to be concerned however, if there is a pattern in Sudan of holding lawyers for an unreasonable period of time without charge, in violation of international human rights norms. Therefore, we intend to monitor future arrests of lawyers in Sudan.

The sole concern of the American Bar Association is for the maintenance of the rule of law in the international community and the elements necessary to sustain it. We agree that preservation of the security of the state and public order are the responsibilities of any government. Nevertheless, these concerns cannot justify the imprisonment of lawyers who have not been charged with a recognizable criminal offense and received a fair and prompt trial.

Thank you for your consideration of these important matters. We look forward to your response.

Sincerely,

[Signature]

N. Lee Cooper

cc: The Honorable Madeleine Albright
    The Honorable Timothy Carney