

AMERICAN BAR ASSOCIATION

SUDAN-SUDANESE BAR ASSOCIATION

OFFICE OF THE PRESIDENT  
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PLEASE REPLY TO  
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January 17, 1990

His Excellency Lt. Gen. Omar al Bashir  
Head of State, Defense Minister  
and Commander-in-Chief  
Army Headquarters  
Khartoum, Sudan

Your Excellency:

I am writing to you in my capacity as President of the American Bar Association. Our Association and its more than 350,000-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 objectives are embodied in a "Rule of Law Resolution" adopted by the Association's House of Delegates in February 1975.

Pursuant to this Resolution, I am writing to you to express our deep concern regarding the dissolution of the Sudanese Bar Association and the detention of five members of the Bar Association's Executive Council -- Mustafa Abdel Kadir, Galal el Din al-Sayid, Dr. Amin Meddi, Ishag Shaddad, and Kemal Gizouli -- and other members of the Bar Association. We are also deeply concerned over other actions which have resulted in the destruction of the independence of judges and lawyers in the Sudan.

According to press and other reports that we have received, the Bar Association, along with other non-religious associations, was banned shortly after the coup d'etat of June 30, 1989. On July 31, this ban was protested in a memorandum submitted by the Bar Association, the Association of Legal Advisors in the Attorney General's chambers, and other associations and trade unions. Shortly thereafter, Abdalla al-Hassan and other Bar Association members were detained. It is also our understanding that the detainees are being held incommunicado and that no formal charges have been brought against them. We were pleased to hear reports that the President has been released.

We have been advised that special military tribunals have been established to try members of the previous government for corruption. The judiciary protested the lack of independence of

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these tribunals because they are comprised of military officers. In response to these protests, at least fifty-seven judges have been dismissed, and more than twenty judges have been detained. Other judges have resigned, and more dismissals are anticipated. Eight attorneys in the Attorney General's office were also dismissed. We have received reports indicating that there are plans to replace the formerly independent secular judiciary with a non-independent Islamic judiciary which will not provide guarantees of due process of law.

These cases, if our information is correct, reflect serious violations of the rule of law in The Sudan. The ability of lawyers to represent their clients is fundamental to maintaining equal justice for all, as is the independence of the judiciary. The detentions and dismissals of judges and lawyers, the dissolution of the Bar Association, as well as other legal associations, and the supplanting of the regular courts by special military tribunals which do not provide due process of law would appear to have undermined the independence of judges and lawyers in The 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 responsibilities of any government. Nevertheless, these concerns cannot justify the assault on the independence of the judges and lawyers in The Sudan. Moreover, the replacement of the independent secular judiciary by an Islamic judiciary will undoubtedly exacerbate communal tensions in The Sudan.

We respectfully urge that you release all of the detained lawyers and judges unless they are to be charged with a criminal offense and brought promptly and fairly to trial. We also respectfully urge that the ban on the Sudan Bar Association and other legal associations be lifted and that all judges who have been dismissed without lawful cause be reinstated. Finally, we respectfully urge that the special tribunals be dissolved.

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

Sincerely,



L. Stanley Chauvin, Jr.  
President

cc: The Honorable James A. Baker, III  
His Excellency Mr. Hassan el Amin al Bashir