



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

February 10, 2015

President Omar Hassan Ahmad al-Bashir  
Office of the President  
People's Palace  
PO Box 281, Khartoum  
Republic of the Sudan

Office of the Treasurer

Osgoode Hall  
130 Queen Street West  
Toronto, Ontario  
M5H 2N6

tel 416-947-3415  
fax 416-947-7609

Your Excellency:

**Re: The arrest and continued detention of human rights lawyer Dr. Amin Mekki Medani**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the case of Dr. Amin Mekki Medani. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Dr. Amin Mekki Medani is a prominent human rights lawyer and defender, President of the Confederation of Sudanese Civil Society, Vice President of the Civil Society Initiative, and former President of the Sudan Human Rights Monitor. He earned a PhD in Comparative Criminal Law from the University of Edinburgh and served as head of the Office of the High Commissioner for Human Rights (OHCHR) in the West Bank and Gaza, Chief of Mission of the OHCHR in Zagreb, Croatia, legal advisor to the Special Representative of the U.N. Secretary-General in Iraq as well as Afghanistan, and a Regional Representative for the OHCHR in Beirut, Lebanon.

It is reported that Dr. Amin Mekki Medani was arrested without a warrant or explanation by National Intelligence and Security Services (NISS) officials on 6 December 2014, at his house in Khartoum. His whereabouts were unknown until December 21, 2014, when he was transferred from NISS custody to Kober Prison in Khartoum. On January 10, 2015, Dr. Amin Mekki Medani was charged under Article 50 (undermining the constitutional system) and Article 51 (waging war against the state) of the 1991 Sudanese Penal Code. Both of these charges carry the death penalty.

It is believed that he was arrested as the result of signing a political declaration referred to as the "Sudan Call". It is reported that he and others who signed the declaration, which took place in Addis Ababa, were arrested upon their return to Khartoum. The document is said to bring together opposition forces, political parties and civic organisations in a commitment to end wars and conflicts and to work towards the establishment of a democratic, citizenship-based state in Sudan.

Sources indicate that Dr. Amin Mekki Medani signed the unity agreement on behalf of a number of non-governmental organizations. Human rights groups and non-governmental organizations maintain that he was arrested as the result of taking part in his legitimate human rights activities.

Groups have expressed concern for Dr. Amin Mekki Medani's health and safety, noting his age of 76 years, and that he suffers from high blood pressure and diabetes, for which he has prescribed medication. According to one source, the NISS did not permit him to bring his medications with him when he was arrested.

The Law Society of Upper Canada expresses deep concern over the arrest, continued detention, and treatment of Dr. Amin Mekki Medani. The Law Society notes that the *Universal Declaration of Human Rights* under Article 3 gives everyone the right to life, liberty, and security of person. Dr. Amin Mekki Medani has the right to access medication for his medical conditions. Moreover, Article 9 prohibits arbitrary arrests and detentions.

Dr. Amin Mekki Medani's ongoing arbitrary detention also contravenes Principles 16 and 23 of the United Nations *Basic Principles on the Role of Lawyers*. His unlawful detention prohibits him from meaningful human rights work, in violation of Principle 16:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Principle 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation.

Human rights groups believe that Sudanese authorities continue to detain Dr. Amin Mekki Medani as part of a government campaign against the "Sudan Call" and its signatories. These groups are calling for his immediate release and for an end to arbitrary arrests and acts of intimidation against human rights advocates in the Republic of the Sudan.

The Law Society urges the government of the Republic of the Sudan to:

- a. release Dr. Amin Mekki Medani immediately, as he is a prisoner of conscience;
- b. guarantee in all circumstances the physical and psychological safety and integrity of Dr. Amin Mekki Medani;
- c. provide Dr. Amin Mekki Medani with regular access to his lawyer, family, his physician and adequate medical care;

- d. guarantee all the procedural rights that should be accorded to Dr. Amin Mekki Medani and other human rights lawyers and defenders in Sudan;
- e. conduct a fair, impartial and independent investigation into any allegations of misconduct in the arrest of Dr. Amin Mekki Medani in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- f. guarantee that adequate reparation would be provided to Dr. Amin Mekki Medani if found to be a victim of abuses;
- g. put an end to all acts of harassment against Dr. Amin Mekki Medani as well as other human rights lawyers and defenders in Sudan;
- h. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor

Treasurer

*\*The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 6,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

*The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.*

cc:

H.E. Mr. Mohammed Bushara Dousa  
Minister of Justice  
Ministry of Justice  
Justice Towers  
Gamhoria Street, PO Box 302  
Khartoum, Republic of the Sudan

H.E. Mr. Ali Ahmed Karti  
Minister of Foreign Affairs  
Office of the Ministry of Foreign Affairs  
Khartoum, Republic of the Sudan

H.E. Ambassador Mahomoud Fadl Abdelrasoul  
Embassy of the Republic of the Sudan  
354 Stewart Street, Ottawa, ON  
K1N 6K8

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the High Commissioner for Human Rights

Gabriella Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales

Al Tayeb Haroun, Secretary General, Sudan Bar Association