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Iran amputates fingers of two men in shocking act of cruelty

Iran's deeply flawed criminal justice system has generated another shocking act of cruelty, Amnesty International said after two young men convicted of theft had their fingers amputated in the Central Prison of Mashhad, north-eastern Khorasan Province, on Sunday 28 June.

According to *Khorasan*, a state-associated daily newspaper, one of the young men, referred to as M.A., 26, was sentenced to amputation of his right hand by Branch 136 of the General Criminal Court in Mashhad for breaking into people's houses at night and stealing their valuables. The other man was sentenced to the same punishment for 10 counts of burglary and theft but no information was given about his name and exact age. Both sentences were implemented after they were apparently upheld by the Criminal Court of Appeal in Khorasan Province. The men were reportedly transferred to a medical clinic immediately after the fingers on their right hand were chopped off without general anaesthetic, leaving only their thumb and palm intact.

These brutal punishments flagrantly violate international law and there is no place for them in the criminal justice system. The punishment of amputation is torture, a crime under international law. Iran, which is a party to the International Covenant on Civil and Political Rights (ICCPR), is legally bound to prohibit torture and other cruel, inhuman or degrading treatment and punishment in all circumstances and without exception, and prosecute those responsible for ordering and executing such practices.

However, Iran's Penal Code continues to prescribe corporal punishments, such as amputation, flogging and blinding, which violate the prohibition of torture and other ill-treatment. Under Article 278 of Iran's Penal Code, the punishment for first-time theft is "amputation of the full length of four fingers of the right hand of the thief in such a manner that the thumb and palm of the hand remain." Theft for the second time is punishable by "amputation of the left foot in such a manner that half of the sole and part of the place of anointing [during religious ablution] remain." Third and fourth time offenders are punished with life imprisonment and the death penalty, respectively.

Iranian authorities have on numerous occasions defended amputation, including in public, as the best punishment for deterring theft and regretted that they cannot practice it as widely as they would like to because of international condemnation. A month ago, Ayatollah Naeem Abadi, the representative of Iran's Supreme Leader in southern Hormozgan Province, bemoaned, during a speech in Mashhad, that amputation sentences are not firmly implemented "when security can be restored in society by cutting off a few fingers."

Dismissing the concerns of the UN Human Rights Council about the practice, Mohammad Javad Larijani, the head of Iran's Human Rights Council, denied, in October 2010, that corporal punishments such as amputation, flogging and stoning amount to torture and claimed that they are "culturally justified".

Far from providing any semblance of justice and order, the authorities' arguments in defence of amputation expose the outrageous inhumanity of a criminal justice system that is bent on enforcing cruelty. Instead of legalizing brutality, the Iranian authorities must immediately abolish all forms of corporal punishment and take urgent steps to bring the country's criminal justice system into conformity with international human rights laws and standards.

Reformation and rehabilitation

In addition to being a flagrant violation of international law, the punishment of amputation also impedes the ability of those found guilty of theft to reintegrate into society, obtain jobs and support themselves after their release.

Article 10(3) of the ICCPR provides that “The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.”

The UN Basic Principles for the Treatment of Prisoners call on states to provide, “with the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions for the reintegration of the ex-prisoner into society under the best possible conditions.”

Medical complicity in torture

The regulatory code for implementation of corporal punishments including amputation in Iran requires the presence of a physician for the assessment and enforcement of the sentence. This is in direct violation of ethical guidelines and international human rights law, which expressly prohibit health providers' involvement in torture and other ill-treatment.

According to the World Medical Association's Tokyo Declaration, “The physician shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures, whatever the offense of which the victim of such procedures is suspected, accused or guilty.” Physicians in Iran, including those belonging to Iran's Medical Organization, must refrain from engaging in actions that result in torture and other ill-treatment, and speak out more forcefully against laws and practices that compel health providers to be complicit in torture.

Data on amputations

Since 2008, Amnesty International has received reports of over two dozen people who have been subjected to amputation as a criminal punishment. These cases have been from different cities in Iran, including Abadan, Ahwaz, Karaj, Kerman, Kermanshah, Mahshahr, Malayer, Sari, Shiraz, Tehran, Yazd, and Zahedan. The real numbers are, however, believed to be much higher because the Iranian authorities do not publish comprehensive data on the use of amputation in order to avoid international condemnation. In September 2014, former Public Prosecutor of Esfahan Province Mohamad Reza Habibi, for example, announced that between March 2013 and March 2014, five recidivist thieves had their hands amputated in that province but this was kept a secret due to “foreign enmities”.

The Iranian authorities should publish regularly comprehensive disaggregated data on the number of amputation sentences that have been issued and carried out in Iran indicating (a) the nature of the crime; (b) the age, gender and ethnicity of the person convicted; (c) which court convicted them, (d) whether the conviction and sentence is awaiting appeal or have been confirmed; and (e) the circumstances of implementation.

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