

EXTERNAL (for general distribution)

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Amputation Sentences

27 September 1991

PAKISTAN: Daniel Boyd
Charles Boyd

Amnesty International is concerned that two US nationals, Daniel and Charles Boyd, have been sentenced to have their right hand and left foot severed after a speedy trial court in Peshawar found them guilty of robbery. The brothers can appeal against this sentence within seven days to a Supreme Appellate Court which must decide the appeal within 30 days. There is no further possibility of appeal. Though Islamic laws adopted in 1979 provide for amputation as a punishment for theft, to Amnesty International's knowledge no amputation has been carried out so far.

BACKGROUND INFORMATION

Daniel (aged about 22) and Charles Boyd are converts to Islam and have adopted Muslim names. Together with their American wives they came to Pakistan to work for a Muslim organization which assists Afghan refugees in Peshawar.

International media reported that on 25 September 1991 Daniel and Charles Boyd were found guilty of the robbery of a local bank in June 1991. According to a Reuter report of the judgment, the court "ordered the amputation of their right hands at the wrist and left feet from the ankle". In addition, Daniel and Charles Boyd were sentenced to a fine and ten and five years of hard labour respectively before deportation to the United States. Both brothers reportedly maintained their innocence. Their lawyers are filing an appeal on their behalf to the Supreme Appellate Court in Peshawar.

Special courts for speedy trial began operating on 31 August 1991. A constitutional amendment adopted by parliament in July 1991 empowers the federal government of Pakistan to set up such courts to ensure the speedy trial of offences considered "gruesome, brutal and sensational in character, or shocking to public morality". Special courts for speedy trial decide a case within 30 days. An appeal against a sentence passed by a speedy trial court may be filed by a convict within seven days after the sentence in a Supreme Appellate Court. This court must decide the appeal within 30 days. The latter court's verdict is final and cannot be appealed before any other court. Amnesty International is concerned that the proceedings of the special courts for speedy trial and the Supreme Appellate Courts do not satisfy international standards for fair trial. For instance, they contravene the right of the accused to a full defence and the right to be presumed innocent.

Apparently the brothers have been sentenced under the Offences against Property (Enforcement of Hudood) Ordinance, 1979. According to this Ordinance an offence is liable to a hadd punishment, that is, a specific mandatory punishment laid down in the Koran or Sunnah which cannot be altered by any court, if certain conditions are fulfilled and sufficient evidence is available. The hadd punishment for theft and other offences involving property is amputation. Amputation has to be carried out by an authorized medical officer. To Amnesty International's knowledge no sentence of amputation has been carried out in Pakistan so far.

RECOMMENDED ACTION: Please send courteously worded telegrams/telexes and express letters:

- urging the Government of Pakistan to suspend the punishment of amputation of Daniel and Charles Boyd as it is considered cruel, inhuman and degrading by international human rights standards;
- expressing concern to the Government of Pakistan that the special courts for speedy trial in many ways fall short of international norms for fair trial;
- urging the Government of Pakistan to try Daniel and Charles Boyd before a regular court affording them all the legal safeguards provided under Pakistan law. If they are then found guilty they should be awarded a punishment consistent with international human rights standards.

APPEALS TO:

1. Ghulam Ishaq Khan

President

[Salutation: Dear President]

The Presidency

Murree Brewery Road

Rawalpindi, Pakistan

Telegrams: President Khan, Rawalpindi, Pakistan

2. Mian Nawaz Sharif

Prime Minister

[Salutation: Dear Prime Minister]

Office of the Prime Minister

Islamabad, Pakistan

Telegrams: Prime Minister Sharif, Islamabad, Pakistan

Telexes: 5742

3. Amir Gulistan Janjua

Governor

[Salutation: Dear Governor]

Governor's Office

NWFP Administration

Peshawar, Pakistan

Telegrams: Governor Janjua, NWFP Administration

Peshawar, Pakistan

4. Mir Afzal Khan

Chief Minister

[Salutation: Dear Chief Minister]

Office of the Chief Minister

Peshawar, Pakistan

Telegrams: Chief Minister Khan, Peshawar, Pakistan

5. Ali Afzal Khan Jadoon

Minister of Law and Parliamentary Affairs

[Salutation: Dear Minister]

Ministry of Law and Parliamentary Affairs

Peshawar, Pakistan

**Telegrams: Minister Law and Parliamentary Affairs Jadoon
Peshawar, Pakistan**

COPIES TO: Diplomatic representatives of Pakistan in your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 26 October 1991.