

EXTERNAL (for general distribution)

AI Index: MDE 14/05/94
Distr: UA/SC

UA 319/94

Amputation / Tattooing

1 September 1994

IRAQ

Sham'un Bulos
Isma'il Ahmad Sa'id

Two men convicted of theft in July 1994 have been sentenced to amputation of the right hand and to having two lines tattooed on their foreheads. Sham'un Bulos and Isma'il Ahmad Sa'id were convicted of theft; one was convicted of stealing a car, the other of stealing from a factory. There is no indication as to when the sentences will be carried out.

According to Decree Number 59 of 4 June 1994, people convicted of theft face the punishment of amputation of one hand, followed by amputation of the left foot if they offend a second time. If theft is committed by a person carrying a visible or concealed weapon, or if the crime results in someone's death, the person convicted will be sentenced to death.

The sentence of having a tattoo is unprecedented in Iraq. It was introduced in a separate decree more recently, and is not an Islamic judicial punishment.

On 18 August 1994, the Revolutionary Command Council, headed by Saddam Hussain, ruled that a tattoo will be applied to the forehead of every person whose hand has been amputated as a punishment for committing a crime. The decree stated that the tattoo, of at least one centimetre long and one millimetre wide, will be done in the hospital that performs the amputations. Like amputation, Amnesty International considers this punishment to be cruel, inhuman and degrading.

As such, it is prohibited internationally by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR) which Iraq ratified on 25 January 1971. Iraq is not a State Party to the UN Convention against Torture, but the amputation sentences contravene Iraq's obligations under its Unilateral Declaration against Torture or Other Cruel, Inhuman and Degrading Treatment or Punishment which Iraq made on 3 September 1979.

BACKGROUND INFORMATION

These are the second known amputation sentences to have been passed since Islamic judicial punishments for theft were introduced in early June 1994, apparently in response to the rapid rise in crime resulting from worsening economic conditions being experienced in Iraq since the imposition of UN sanctions in 1990. Two men convicted of stealing carpets from a mosque were sentenced to amputation of the hand by the Criminal Court in Diyala, north east of Baghdad in June 1994. Their sentences were reportedly carried out in July (see UA 248/94, MDE 14/04/94, 24 June 1994).

RECOMMENDED ACTION: Please send telegrams/telexes and airmail letters either in English or in your own language:

- expressing grave concern at the sentences of amputation imposed on Sham'un Bulos and Isma'il Ahmad Sa'id, and expressing further fears that they may have a tattoo put on their foreheads;
- appealing that the sentences be replaced by another penalty which is compatible with international human rights standards;
- expressing concern at the introduction of this cruel, inhuman and degrading punishment into Iraqi Law;
- stating that punishment by amputation contravenes provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and

Political Rights, as well as Iraq's Unilateral Declaration against Torture or Other Cruel, Inhuman and Degrading Treatment or Punishment of 1979;
 - urging that Iraq abolish this penalty from its law and replace it with another more humane punishment not involving torture or cruel, inhuman or degrading punishment.

APPEALS TO

1) H.E. President Saddam Hussain
 President of the Republic
 Presidential Palace
 Karadat Mariam
 Baghdad, Iraq
Telexes: 212299 alqasr ik
Telegrams: President Hussain, Baghdad, Iraq
Salutation: Your Excellency

2) H.E. Muhammad Sa'id al-Sahhaf
 Minister of Foreign Affairs
 Baghdad, Iraq
Telexes: 212201
Telegrams: Foreign Affairs Minister al-Sahhaf, Baghdad, Iraq
Salutation: Your Excellency

3) H.E. Watban Ibrahim al-Hassan
 Minister of Interior
 Ministry of Interior
 Baghdad, Iraq
Telegrams: Interior Minister al-Hassan, Baghdad, Iraq
Salutation: Your Excellency

4) H.E. Shabib Lazem al-Maliki
 Minister of Justice
 Ministry of Justice
 Baghdad, Iraq
Telegrams: Justice Minister al-Maliki, Baghdad, Iraq
Salutation: Your Excellency

Regular postal services to Iraq have been suspended since the imposition of sanctions in 1990. However, it appears that recently postal services to Iraq have resumed in some countries on a limited basis. **Before sending appeals, please check with the postal services in your country to find out what services are available.** If you cannot write directly to Baghdad, send appeals to Iraq's diplomatic representative in your country.

COPIES TO: diplomatic representatives of IRAQ accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 12 October 1994.