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Yemeni man sentenced to hand and foot amputation for armed robbery

The Yemeni authorities must immediately commute a sentence of amputation imposed on a man convicted of theft and assault, said Amnesty International.

The defendant received the “cross-amputation” sentence at Sana’a’s Specialized Criminal Court on Sunday 15 September. The sentence, which he can appeal, requires his right hand and left foot to be amputated.

“Amputation is a cruel punishment that amounts to torture and accordingly is a crime under international law,” said Philip Luther, Amnesty International’s Middle East and North Africa Director.

“The Yemeni authorities must immediately take steps to abolish this brutal punishment.”

Sunday’s sentence is the first reported cross-amputation sentence passed in Yemen in more than 10 years.

The man was convicted of ambushing and assaulting a man as he transported cash in his car. Six other men also received prison sentences ranging from one to four years for banditry, theft and forming a criminal gang.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Civil and Political Rights (ICCPR) prohibit torture and other cruel, inhuman or degrading treatment or punishment, including the use of corporal punishment. Yemen is a state party to both of these treaties. However its Criminal Code still prescribes corporal punishment, including amputation and flogging, for specific types of “hudud” crimes under Islamic law.

Under Yemeni law, punishment by amputation of the right hand at the wrist is enforced for theft that meets the conditions of a “hudud” crime. A second theft is punished by amputation of the left leg at the ankle. A third offence carries a sentence of 15 years in prison.

Flogging, too, continues to be used as punishment by Yemeni courts in clear violation of Yemen’s obligations under international law.

Yemeni judges enjoy wide discretionary powers to impose corporal punishment raising concerns that it can be imposed inconsistently and in a manner which discriminates against individuals from minority and disadvantaged groups.

Background:

Article 298 of the Yemeni Criminal Code provides for amputation as a punishment for “anyone who steals and in his action all the other conditions of hodoud are met”. Not only does the prescribed punishment violate international law, but the definition of the offence is vague and does not state precisely the conditions of “hudud” which must be met. This is contrary to the principle of legal certainty, which requires that the law must be formulated with sufficient precision for people to be able to regulate their conduct and is a central requirement for the rule of law.

“Hudud” are serious offences that carry fixed punishments under some interpretations of Islamic law.