URGENT: Implementation of Amputation Sentence in Khartoum, Sudan

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SUDO - UK

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Doctors in Al-Ribat University Hospital in Khartoum implemented a sentence of amputation on a man convicted with Brigandage (Haraba) after the convicted had exhausted all appeal stages. This is the first time in thirty years that this penalty has been implemented in Sudan.

Al-Sudani newspaper issued in Khartoum on Friday February 15, stated that the convicted had blocked the road in March 2006 stopping a car on its way to the market in West Kordofan, and threatening the passengers with a Kalashnikov rifle he was carrying.

According to Sudanese Penal Code which is based on Shari'a laws, article 167 Haraba (Highway Robbery) of the Penal Code 1991 states:

Whoever threatens the public or troubles the security of the roads by menaces intending to commit an offence against human body, honour or property, provided the act is committed:-

(a) Out of town, in land, sea or air or in town where help is difficult to get.

(b) By use of arms or any instrument capable of causing harm or threat to cause such harm is said to commit Haraba.

Article 168 states the punishment of Haraba as follow:

Whoever commits Haraba shall be punished with: -

(a) Execution or execution and thereafter crucifixion if his acts resulted in murder or rape.

(b) Amputation of the right hand and left foot if his act resulted in grievous bodily harm or theft of property which amounts to the required minimum (Nisab) for theft punishable with amputation (Sariqah Hadiya).

(c) Imprisonment by way of banishment for a term which may not exceed seven years in cases not covered by paragraphs (a) and (b).

SUDO UK condemns amputation and considers such penalties as cruel, inhuman and degrading punishments. In addition they are inconsistent with Sudan's obligations under the International Covenant on Civil and Political Rights (ICCPR).

SUDO UK urges on the Sudanases Government to:

- Amend articles within the 1991 Penal Code to bring it into line with international human rights standards ratified by the Sudan
- Monitor all courts in Sudan to ensure accordance with international human rights law and the rule of law.
- Guarantee respect for human rights and fundamental freedoms throughout Sudan in accordance with national laws and international human rights standards

SUDO UK calls on all doctors to refuse to carry out amputations in line with The UN Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by General Assembly resolution 37/194 of 18 December 1982 and applicable to all health professionals, which state that it is against medical ethics for health personnel to be in any relationship with detainees "the purpose of which is not solely to evaluate, protect or improve their physical and mental health".

http://www.sudouk.org/updates/updates/2013/amputation.html