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President Olusegun Obasanjo
Abuja, Nigeria

Your Excellency:

I write to express Human Rights Watch's deep concern over reports that a fifteen-year-old boy has been sentenced to amputation by a Shari'a court in the state of Kebbi. We urge you to intervene on his behalf to prevent a gross abuse of his rights.

According to the information we have received, Abubakar Aliyu was found guilty of stealing 32,000 naira and sentenced to the amputation of his hand. Two accomplices, both sixteen years of age, received sentences of fifty lashes with a cane and eighteen months in jail.

Amputation is an extreme form of corporal punishment, which is expressly prohibited by article 37(a) of the Convention on the Rights of the Child. Similarly, rule 17.3 of the U.N. Standard Minimum Rules for the Administration of Juvenile Justice provides that "juveniles shall not be subject to corporal punishment." More generally, article 19 of the convention guarantees the right of children to be free from all forms of physical or mental violence; relying particularly on this provision, the Committee on the Rights of the Child has found that any corporal punishment is incompatible with the convention (see Report on the Seventh Session, Committee on the Rights of the Child, U.N. Doc. CRC/C/34, Annex IV, September-October 1994, p. 63).

In fact, amputation and other forms of corporal punishment are impermissible under international law whether they are imposed on children or on adults. As the Special Rapporteur on Torture has observed, "corporal punishment is inconsistent with the prohibition of torture and other cruel, inhuman, and degrading treatment or punishment enshrined, inter alia, in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (see Report of the Special Rapporteur, Commission on Human Rights, 53d sess., Item 8(a), U.N. Doc. E/CN.4/1997/7 (1997)).

The international legal obligation to protect all persons from torture and cruel, inhuman, and degrading treatment or punishment applies in all circumstances; a state may not invoke provisions of its domestic law to justify noncompliance with international law. In particular, the Special Rapporteur advises that "those States applying religious law are bound to do so in such a way as to avoid the application of pain-inducing acts or corporal punishment in practice.

The imposition of a sentence of amputation on a fifteen-year-old is a particularly egregious violation of international law. We urge you to ensure that this inhumane sentence is not carried out.

Sincerely,

Michael Bochenek
Counsel, Children's Rights Division

Unlawful Detention and Abuse in Unauthorized Places of Detention in Uganda

Armed Separatist Attacks on Students, Teachers, and Schools in Cameroons Anglophone Regions

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