

EXTERNAL (for general distribution)

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Further information on UA 47/92 (MDE 31/01/92, 13 February 1992) - Flogging and Amputations/Legal Concern

YEMEN:New Penal Code/Code of Criminal Procedure

Amnesty International has recently learned that the new Penal Code in the Republic of Yemen was not promulgated by Presidential Decree during the holy month of Ramadan (5 March 1992 to 3 April 1992) as had been expected. Amnesty International had been concerned that the Penal Code for the new Republic of Yemen would provide for amputations and flogging to be imposed as penalties for some offences.

Laws in the Republic of Yemen are promulgated after a debate and vote in the Parliament. If, however, the Parliament is adjourned as was the case during the holy month of Ramadan, the Presidential Council can promulgate laws by decree.

The Penal Code must be ratified by November 1992 when the 30-month transition period ends, and the first national elections in the country are scheduled to take place. The Unity Agreement of May 1990 stipulated that during this transition period the legal systems of the former Yemen Arab Republic (YAR) and the People's Democratic Republic of Yemen (PDRY) would remain separate until common laws were promulgated. Amputations had previously been carried out in the YAR where *Shari'a* (Islamic Law) was in force and amputation was one of the punishments for theft. In the former PDRY, amputations and flogging were banned.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters:

- welcoming the fact that the draft Penal Code which was thought to provide for amputations and flogging to be imposed as penalties for some offences has not yet been promulgated;

- stating that the use of the judicial punishments of amputations and flogging contravenes the spirit of the Convention Against Torture, to which Yemen is a State Party, and to Article 33 of the Republic of Yemen's own constitution;

- urging that the new Penal Code should not provide for these punishments to be imposed or carried out.

APPEALS TO:

His Excellency General 'Ali 'Abdullah Saleh
Chairman of the Presidential Council
Sana'a
The Republic of Yemen

**Telegrams: President 'Ali 'Abdullah Saleh, San'a
Republic of Yemen**

Faxes: + 967 1 262 017

Telexes: 2422 RIASAH YE

Salutation: Your Excellency

COPIES OF YOUR APPEALS TO: diplomatic representatives of Yemen in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 19 June 1992.