

EXTERNAL

AI Index: MDE 31/01/91  
Distrib: PG/SC

Date: 23 September 1991

*MEDICAL CONCERN*  
**@ AMPUTATIONS**  
**£THE REPUBLIC OF YEMEN**

On 13 August 1991 five men had their right hand amputated in public in the town of Sana'a as punishment for the following crimes of theft:

- . al-'Azi Muhammad 'Abdullah Mihib - allegedly for stealing 12 cars
- . Hussein 'Abdullah 'Ali Suhail - allegedly for stealing 10 cars
- . 'Ali Muhammad 'Ali Hassan - allegedly for breaking into 13 houses
- . 'Abdullah Ghalib Jubran - allegedly for house breaking and breaking into five shops
- . Sa'eed Salih Sa'eed - allegedly for house breaking

According to eye-witness accounts, the severed hands were then publicly displayed in al-Tahrir Square and Bab-al-Yaman.

These amputations are the first known to have taken place since the unification in May 1990 of the Yemen Arab Republic (YAR) and the People's Democratic Republic of Yemen (PDRY) to form one state, the Republic of Yemen.

Amputations had previously been carried out in the Yemen Arab Republic where Shari'a law was applied and amputation was one of the punishments for theft. The last amputations recorded by Amnesty International in the former YAR were in February 1989; they also took place in Sana'a, the capital of the then YAR. Sana'a remains the political capital of the new united Republic.

At the time of unification, the parliaments of the former PDRY and YAR merged, a new Constitution was approved and a Presidential Council was set up to oversee the executive functions of the state during a 30-month transitional period. The new Constitution guarantees civil and political rights and prohibits the use of "inhuman methods" of punishment or the promulgation of laws allowing such practices. However, although the legal systems of the former republics are to be merged, they currently remain separate until a common Penal Code and other relevant legislation are agreed. In the interim, laws applicable in the former republics remain in force.

Amnesty International holds amputation to be a cruel, inhuman and degrading punishment which, as such, is prohibited internationally by the United Nations' Convention against Torture or Other Cruel, Inhuman or Degrading Treatment of Punishment, and by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In 1990, in

accordance with the Unity Agreement, the Republic of Yemen became a State Party to the International Covenant on Civil and Political Rights. It also agreed to accede to the UN Convention against Torture.

Amputations in the former YAR have in the past generally been carried out in the presence of a large public audience and the YAR's Code of Criminal Procedure required that a doctor and other representatives from the judiciary and police be present.

The exact role of the doctor attendant at the amputations is not known. Amnesty International believes that the use of any medical skill by physicians to assist in the infliction of any form of cruel, inhuman or degrading treatment would be contrary to international codes of medical ethics. The World Medical Association's Declaration of Tokyo, adopted in 1975, states at Article 2:

"The doctor shall not provide any premises, instruments, substances or knowledge to facilitate the practice of torture or other forms of cruel, inhuman and degrading treatment or to diminish the ability of the victim to resist such treatment."

Amnesty International believes judicial amputations to be incompatible with international human rights standards and is urging the government of Yemen to suspend such punishments until legislation can be introduced to end amputations in law. It is also urging the medical profession in Yemen to publicly oppose any medical involvement in amputations.

INTERNAL

AI Index: MDE 31/01/91  
Distrib: PG/SC

To: Medical professionals  
From: Medical Office / Research Department - 18 September 1991  
Date: 23 September 1991

*MEDICAL LETTER WRITING ACTION***AMPUTATIONS  
THE REPUBLIC OF YEMEN**

Keywords

Theme: Amputations

**Summary**

In August 1991 five judicial amputations were carried out in Yemen, the first known to have taken place since the unification of the country in May 1990. Sentences of amputation had previously been carried out in the north of the country (formerly the Yemen Arab Republic) where Shari'a law applied, but had not been part of the penal system in the south. At present the legal systems of the former Yemen Arab Republic and the People's Democratic Republic of Yemen remain separate pending the agreement of a common judicial system.

**Recommended Actions**

Letters are requested from medical professionals to the address given below:

- expressing concern at the amputations which were carried out on 13 August, stating that you hold amputation to be a form of cruel, inhuman and degrading punishment which violates international standards of human rights
- noting that although internationally-agreed codes of medical ethics prohibit a doctor from countenancing, condoning or facilitating such practices, amputations are in the past reported to have been carried out in the presence of a doctor
- asking what the role of the doctor is during the amputation, who carries out the amputation and how, and whether medical instruction is given to those who perform the amputations
- noting that the Constitution of Yemen prohibits any form of inhuman punishment and urging that legislation is introduced to prevent further amputations from taking place and that the punishment be suspended

**Address:** H.E. General 'Ali 'Abdullah Saleh  
Chairman of the Presidential Council  
Sana'a  
Republic of Yemen

Letters could also be sent to the Union of Doctors and the Deans of the Faculties of Medicine in Sana'a and Aden

### **To the Union of Doctors**

- making the above points and asking politely whether information is available on the role of the doctor attendant at amputations
- urging that the Union state its opposition to such punishments and to the presence of a doctor at such a procedure

#### **Address:**

The Secretary General  
General Union of Doctors  
Sana'a  
Republic of Yemen

### **To the Faculties of Medicine**

- expressing your concerns as outlined above and asking whether the ethics of punitive amputation have been discussed in medical circles and, if so, with what conclusions

#### **Addresses:**

The Dean  
Faculty of Medicine & Health Sciences  
Sana'a University  
POB 1247  
Sana'a  
Republic of Yemen

The Dean  
Faculty of Medicine  
University of Aden  
POB 7039  
Al-Mansoorah  
Aden  
Republic of Yemen