

**PUBLIC**

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To: Health professional coordinators  
From: Medical team / Middle East Program  
Date: 16 January 2003

**MEDICAL ACTION**  
**Participation of physician in executions**  
**Yemen**

**Key words** death penalty / professional ethics / doctors

**Introduction**

Amnesty International has learnt of the execution of three men in the city of coastal Aden, Yemen, with assistance of a physician. Amnesty International unconditionally opposes the use of the death penalty and furthermore opposes the participation of the physician which is in contravention of international medical ethics.

**Background information**

*The executions*

According to the Yemeni daily *Al-Ayyam* (21 November 2002) some 15,000 to 20,000 people gathered on 20 November in the city Aden. They had come to see the execution of three men: 'Abd al-Wareth Saleh Ahmad, Khaled Yahya 'Abdullah al-Yami, and Nasser Muhammad Hiba. 'Abd al-Wareth Saleh Ahmad was convicted of the rape and murder of Saber 'Ali Ahmad, aged 6, whose body was discovered on 16 July 2000. Khaled Yahya 'Abdullah al-Yami and Nasser Muhammad Hiba were convicted of the kidnapping, rape and murder of Mazen Ahmad Qahtan Murshed, who was aged 6 at the time of his abduction in December 1997. Amnesty International does not have any details of the trials at which they were convicted.

On 20 November police cars brought the prisoners to the execution site. The police cars were accompanied by an ambulance which carried the doctor who was part of the execution team. The first prisoner taken from one of the cars was Khaled Yahya 'Abdullah al-Yami. The judge read out the judgement to him and asked him if he wished to say anything, but he responded in the negative. He was then made to lie down flat facing the ground among bags of sands to prevent the ricochet of bullets. The executioner fired three shots, aiming at a sign drawn by the doctor on the body of the prisoner. However when the doctor examined him, he found him to be still alive and ordered the executioner to shoot a fourth time. A further two shots were fired after which the doctor pronounced him dead.

Then from a second car, Nasser Muhammad Hiba Fatli was taken to the execution site where he was killed by four gunshots. Then the two bodies were carried to the ambulance for removal. The third prisoner, Abdel Warith Salah Ahmad, was executed in a similar manner.

Women from the family of the two children killed were reported by the newspaper to have "shown their happiness by 'youyous' [a celebratory noise made in the throat]" according to the *Al-Ayyam* report.

#### *International legal and medical standards*

The Human Rights Committee established under the International Covenant on Civil and Political Rights has stated that "Public executions are ... incompatible with human dignity".<sup>1</sup>

Furthermore, the person reported to be a doctor played a role which is incompatible with existing standards of medical ethics. The World Medical Association, for example, adopted in 2000 (replacing an earlier statement from 1981) a resolution on this issue which stated "that it is unethical for physicians to participate in capital punishment, in any way, or during any step of the execution process". Many national medical associations either oppose executions completely or oppose a medical role in executions.

Amnesty International is calling on the Minister of Justice to introduce measures to bring an end to public, and eventually all, executions and the Minister of Health to investigate press reports of the involvement of a physician in the execution of the three men.

#### *Death penalty in Yemen*

Amnesty International has in the past expressed its concerns on the use of the death penalty in Yemen both directly to the government of Yemen and publicly. Amnesty International unconditionally opposes the death penalty and is particularly concerned at the large number of executions carried out and the large number of death row prisoners facing the death penalty. Amnesty International believes the current number of people under sentence of death in Yemen to run into the hundreds. Upon a visit to Ta'z prison in 1998, an Amnesty International delegation was informed that there were 79 prisoners under sentence of death held in Ta'z prison alone.

Further concerns of Amnesty International regarding the application of the death penalty include death sentences handed down following unfair trials and the large number of offences punishable by death, including adultery, kidnapping and a sentence of death for any Muslim who says or does anything contrary to Islam.

Finally, the pardon system, whereby those sentenced to death can ask the state or relatives of a murder victim to be pardoned for their crime, has serious limitations. Seeking pardon for a crime from the state against the death penalty is limited to those convicted of offences other than murder. In the case of murder, the offender has to seek pardon from relatives of the murder victim. Seeking pardon in this way requires large sums of money and access to influential people with the power of persuasion to convince the relatives of the victim to consider the pardon request. It is therefore a system which does not guarantee the right to seek pardon for everyone on an equal footing.

#### **Recommendations**

Please write letters in English or your own language to the authorities below, using professionally-headed paper if you use this in your profession:

- Introducing yourself in your professional capacity and/or as a member of Amnesty International;
- Expressing your deep sympathy for the family members of Saber 'Ali Ahmad and Mazen Ahmad Qahtan Murshed, both aged six, for the crimes committed against them;
- Expressing also concern at the executions of Abd al-Wareth Saleh Ahmad, Khaled Yahya 'Abdullah al-Yami, and Nasser Muhammad Hiba;

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<sup>1</sup> Concluding observations of the Human Rights Committee on the initial report of Nigeria submitted under Article 40 of the Covenant, UN document No. CCPR/C/79/Add.65, 24 July 1996, paragraph 16

- Explaining that you / Amnesty International oppose the death penalty no matter how heinous the crime, supporting every person's right to life, and noting that the death penalty brutalises those involved in the execution process and society in general;

In letters to the Minister of Justice, please add the following recommendation:

- Calling on the Minister of Justice to, as a first step, end public executions with a view to eventually ending executions completely.

In letters to the Minister of Health, please add the following recommendation:

- Expressing concern at reports that a physician participated in the executions;
- Calling on the Minister to investigate press reports that a physician was involved in the executions;
- Urging the Minister to make a public statement that, in accordance with international medical ethics, doctors should not participate in executions.

## **Addresses**

### **Minister of Public Health**

H.E. Dr. Abdul Nasser Munibari  
 Ministry of Public Health and Population  
 P.O.Box 299  
 Sana'a - Republic of Yemen  
 Tel: + 9671-252215  
 Fax:+ 9671-252247  
 Website: <http://www.moh.gov.ye/>  
 Salutation: Dear Minister

### **Minister of Justice**

Judge Ahmad 'Abdullah 'Aqabat  
 Minister of Justice  
 Justice Ministry  
 Sana'a  
 Republic of Yemen  
 Tel: ++967 1 262 170  
 Fax: ++967 1 251 610  
 Salutation: Dear Minister

### **Copies of appeals**

Please send copies of your letter to your national professional organization and to diplomatic representatives of Yemen accredited to your country.

If you receive no reply from the government or other recipients within six weeks of dispatch of your letter, please send a follow-up letter seeking a response, referring to your previous letter(s). Please check with the medical team if you are sending appeals after 30 March 2003, and send copies of any replies you do receive to the International Secretariat (att: medical team).

### **Monitoring of actions**

If you have access to e-mail you can help our attempt to monitor letter writing actions. If you write one, two or more letters please send us an e-mail and let us know. Please write in the subject line of your e-mail the index number of the action and the number of letters you write e.g. MDE 31/005/2002 - 2. Please send your message to [medical@amnesty.org](mailto:medical@amnesty.org) Thank you