

EXTERNAL

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To: Medical professionals
From: Medical Office / Research Department - Middle East
Date: 27 February 1992

MEDICAL LETTER WRITING ACTION

Corporal punishment REPUBLIC OF YEMEN

Keywords

Theme: amputations/ corporal punishment/ medical ethics/ whipping

Profession/association: doctors

Summary

On 13 February 1992, AI issued an Urgent Action on the imminent introduction of a new Penal Code and Code of Criminal Procedure by decree. This is expected during the holy month of Ramadan, beginning 5 March 1992. AI is seriously concerned that the new Penal Code will provide for whipping and amputations as punishment for certain offenses.

AI is now seeking further letters to be sent by medical professionals to the Yemeni Minister of Public Health reiterating international concern at the possible introduction of such punishments and at the possible involvement of doctors in training non-medical personnel in amputation techniques, supervising whipping or amputations or carrying out amputations themselves, all of which would be in breach of international human rights standards and international medical ethical codes.

Background information

The Republic of Yemen was forged out of the union between the People's Democratic Republic of Yemen (PDRY) and the Yemen Arab Republic (YAR) on 22 May 1990. 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, which ends in November 1992. The Unity Agreement stipulated that during this period the legal systems of the former YAR and PDRY would remain separate until a common Penal Code and Code of Criminal Procedure are 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. The Constitution of the new Republic of Yemen guarantees civil and political rights and Article 33 prohibits the use of "inhuman methods" of punishment or the promulgation of laws allowing such practices. The agreement on a common Penal Code for the Republic of Yemen has been an obstacle to the merger of the legal systems of the former republics.

Amnesty International considers flogging and amputation to be cruel, inhuman and degrading punishments which, as such, are prohibited internationally by the United Nation's

Convention against Torture or Other Cruel, Inhuman and Degrading Treatment or 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. In November 1991 Yemen also became a State Party to the UN Convention against Torture, without making any reservations to that treaty.

Medical involvement in corporal punishment has been condemned by the World Medical Association as contrary to the doctor's healing role and is in breach of the WMA's Declaration of Tokyo which states that: "the doctor shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures..." (article 1); "the doctor shall not provide any premises, instruments, substances or knowledge to facilitate the practice of torture or other forms of cruel, inhuman or degrading treatment..." (article 2) and "the doctor shall not be present during any procedure during which torture or other forms of cruel, inhuman or degrading treatment is used or threatened" (article 3).

Recommended Actions

Please organise as many letters or telexes as you can (with or without mention of Amnesty International) to the Minister of Health (address below):

- expressing concern at reports that the new Penal Code of the Republic of Yemen, scheduled to be promulgated soon, includes the judicial punishments of amputations and flogging;
- stating that the use of these punishments 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 Penal Code should not provide for these punishments to be imposed or carried out.
- stating your view that any involvement of medical personnel in such punishments would be in gross breach of international medical ethical standards such as the World Medical Association's Declaration of Tokyo

If you have written already to the Chairman of the Presidential Council (as recommended in UA 47/92, 13 February 1992 and in medical action MDE 31/01/91, 23 September 1991), please write again to the Minister of Health mentioning your earlier letter.

Minister of Health

His Excellency
Dr Muhammad 'Ali Muqbil
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Ministry of Public Health
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Please arrange at least one **express** letter per group to the Minister of Public Health and send copies of letters by fax or mail to the nearest diplomatic representative of the Republic of Yemen.