

EXTERNAL (for general distribution)

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~~UA 47/92 Flogging and Amputations/Legal Concern 13 February 1992~~

THE REPUBLIC OF YEMEN: New Penal Code/Code of Criminal Procedure

Amnesty International has recently learned that the Presidential Council of the Republic of Yemen intends to issue a new Penal Code and Code of Criminal Procedure by decree, sometime during the holy month of Ramadan, beginning on 5 March 1992. Amnesty International is gravely concerned that the new Penal Code will provide for flogging and amputations to be imposed as penalties for some offenses.

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.

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

- 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.

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APPEALS TO:

His Excellency General 'Ali 'Abdullah Saleh
Chairman of the Presidential Council
San'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 TO: diplomatic representatives of the Republic of Yemen in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 3 April 1992.