

Law No. 8 of 2003 Autopsy of Human Corpses 8 / 2003

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Articles (1-13)

We, Jasem Bin Hamad Al-Thani, Deputy-Emir of the State of Qatar,
Having perused the Amended Provisional Constitution, particularly articles 22, 23, 34 and 51 thereof,
Qatar Penal Code issued by Law No. 14 of 1971 and the amending laws thereof,
Law No. 15 of 1971, concerning the criminal procedures and the amending laws thereof,
Law No. 5 of 1982, regulating the registration of births and deaths and the amending laws thereof,
Law No. 2 of 1983, concerning the practicing of the professions of human medicine and dentistry in Qatar and the amending laws thereof,
Law No. 13 of 2002 regulating the Ministry of Public Health and defining its competences,
The proposal of the Minister of Public Health,
The draft law presented by the Council of Ministers,
And after consulting the *Shura* Council,
Hereby promulgate the following law:

Articles

Article 1

In the implementation of the provisions of this law, the following words and expressions shall have the following meanings ascribed to each of them:

"The Ministry" means the Ministry of Public Health.

"The Minister" means the Minister of Public Health.

"Death" means the complete cessation of all the vital functions of a person.

Article 2

An autopsy on a human body shall be prohibited, except in legal cases where possible criminal behaviour is being investigated, or for medical reasons to help establish the cause of death, which may be otherwise unclear, or for educational purposes, and only after clearly ascertaining and certifying that death has occurred, in accordance with the provisions of this law.

Article 3

The autopsy shall be performed in relation to legal proceedings in the following circumstances:

1. When there is a suspicion that the death was directly caused by a criminal act.
2. When there is a suspicion that the death was somehow associated with or linked to a criminal act.

A forensic physician shall carry out the autopsy in both cases if permission is granted by the competent investigating authority. It is not necessary to obtain the permission of the family of the deceased.

Article 4

An autopsy for pathological purposes shall be performed in cases where the cause of death remains unclear despite clinical evaluation and examination, laboratory and imaging investigations and other medical analyses. The autopsy shall be carried out in a period not exceeding 24 hours since the time of death or the time when the death was certified. In these circumstances, the autopsy shall be carried out only after permission is granted by the minister or another nominated person, and permission must first be sought from the religious court (*Mahkama Shariayah*). Moreover, the autopsy shall be performed by a physician who is a qualified pathologist. It is not necessary to obtain the consent of the family of the deceased.

Article 5

An autopsy for educational purposes may be carried out to further educational objectives. In these circumstances the autopsy shall be carried out by specialist faculty members in medical colleges, with their students under the supervision and guidance of their professors. It is not permissible to carry out an autopsy for educational purposes without documented permission from the deceased person, composed and witnessed before his death, or the permission of his next of kin with the consent of the religious court. It is also possible to perform an autopsy on deceased persons whose identity, or the identities of their next of kin are not known. In all cases, it is not permissible to carry out an autopsy if the deceased has stated in his will that he did not want his corpse to be subjected to an autopsy.

Article 6

It is prohibited to sell or buy a corpse, or to exchange it for any consideration.

Article 7

It is prohibited to perform an autopsy on the body of a deceased women except by professional women physicians and except when the autopsy is being performed for educational purposes, or in cases of absolute necessity and when women physicians are not available.

Article 8

In all cases, the autopsy shall be carried out in accordance with Islamic *Shariah* rules and provisions defined by the executive resolutions of this law.

Article 9

An Autopsy shall be carried out in the premises specified by the Ministry for this purpose, in accordance with the terms and resolutions issued by the minister.

Article 10

Without prejudice to any more severe penalty stipulated by any other law, any person breaching the provisions of Article 6 of this law shall be punished by imprisonment for a period not exceeding five years and a fine not exceeding (50000) QR, or either penalty. Furthermore, any person breaching the provisions of Articles 2, 3, 4, 5 and 7 of this law shall be punished by imprisonment for a period not exceeding one year and a fine not exceeding (10000) QR, or either penalty. In all cases, the court has the right in its ruling, to order the revocation of the doctor's license to practice the profession for a period not exceeding the upper limit of the penalty stipulated for the crime.

Article 11

Only religious courts (*Mahakim Shariayah*) are competent to investigate and rule on cases related to the implementation of the provisions of this law.

Article 12

The minister shall issue the resolutions necessary for the implementation of the provisions of this law.

Article 13

All competent authorities, each within the scope of its competence, shall implement this law and it shall be published in The *Official Gazette*.