

REPUBLIC OF YEMEN

LAW NO. 66 (1991) GOVERNING PARTIES AND POLITICAL ORGANIZATIONS*

Section One: Names and Definitions

Article (1): This Law is called “The Law Governing Parties and Political Organizations”.

Article (2): The words and expressions used hereunder are defined as follows, unless explicitly specified otherwise:

REPUBLIC): The Republic of Yemen

CONSTITUTION): The Constitution of the Republic of Yemen.

PARTY or POLITICAL ORGANISATION): Any group of Yemenis, organized according to common principles and objectives based on constitutional legitimacy, which undertakes political and democratic activities with the aim of achieving the transfer of power or sharing thereof using peaceful means.

COMMITTEE): The Committee for Parties and Political Organizations established according to this Law.

Section Two: Foundations, Objectives and General Principles

Article (3): According to Article (39) of the Constitution of the Republic of Yemen, general liberties including political pluralism and a party system based on constitutional legitimacy are considered a right and a pillar of the political and social system of the Republic of Yemen. This right may not be cancelled, limited or restrained, and no measure may be taken to hinder the freedom of citizens to exercise it. At the same time, no party or political organization may misuse this right contrary to the national interests and to the preservation of sovereignty, security, stability, and national cohesion.

Article (4): This Law aims to define the rules and procedures concerning the establishment and activities of parties and political organizations.

Article (5): All Yemenis are entitled to form parties and political organizations, and they have the right to voluntary affiliation with any party or political organization, in accordance with constitutional legitimacy and the principles of this Law.

Article (6): A party or political organization shall carry out its activities by peaceful and democratic means in order to achieve a clearly defined and declared program relating to the political, economic, social and cultural affairs of the Republic, through participation in the political and democratic process, to ensure the peaceful transfer of power or sharing thereof through free and honest general elections.

Article (7): Parties and political organizations contribute towards the achievement of political, social, economic, and cultural progress and strengthening of national unity through democratic practices in accordance with the principles established by the constitution, considering that parties and political organizations are national, popular, and democratic political organizations which organize citizens and represent them politically.

Article (8): For the establishment or the continuation of the activities of any party or political organization, the following are the requirements):

First: That its principles, objectives, programs, and means do not contradict):

* Unofficial translation, prepared by IFES Yemen.

1. Islamic precepts and values.
2. The sovereignty, integrity, and unity of the country and the people.
3. The Republican system, and the objectives and principles of the September and October Revolutions, and the Republic's Constitution.
4. The national unity of Yemeni society.
5. The basic freedoms and rights, and the international declarations on human rights.
6. The Yemeni society's affiliation to the Arab and Muslim nations.

Second: When applying for the establishment of a party or political organization, the programs and policies on which it depends to achieve its objectives in the political, economic, social and cultural fields, must not replicate those of other parties and political organizations.

Third: The applying party or political organization must have an internal system of regulations, by-laws, and a political program approved by its members.

Fourth: The party or political organization must not be established on a regional, tribal, sectarian, class, or professional basis, or on any other form of discrimination among citizens based on sex, racial origin, or color.

Fifth: The party or political organization may not be based on concepts contrary to Islamic law, and should not charge other parties or political organizations as infidels or atheists, or claim to be the only representative of the true Islam, or patriotism, or nationalism, or the Revolution.

Sixth: Parties and political organizations are prohibited from the following): (i) the establishment of a military or paramilitary force or helping to establish them; (ii) the use of violence in any form, or threats or instigations thereof; (iii) including in their literature or programs anything that instigates violence or the establishment of military or paramilitary structures, openly or in secret.

Seventh: A party or political organization may not be affiliated with any party or political organization in a foreign country. Yemeni parties and political organizations may however, establish bilateral ties on an equal footing with any non-Yemeni party or political organization, in a manner that is not contrary to Yemen's supreme national interests, the constitution or the laws in force.

Eighth: The party or political organization must declare openly its principles, objectives, methods, political structure and form, and leadership.

Ninth: The party or political organization must be organized nationally and may not limit membership to any geographic region.

Article (9): The by-laws and the political programs of the party or political organization must include the principles regulating all its political, organizational, financial and administrative affairs, which may not contradict the provisions of this Law. In particular, they must include:

- (a) The full name of the party or political organization which may not replicate that of any other existing party or political organization.
- (b) The addresses of the head office of the party or political organization, and the branches, if any. All offices and branches must be located within the Republic of Yemen, and they may not be located in mosques, industrial and public service areas, military, educational or judicial sites, or in any other public property. The headquarters of the party or political organization must be in Sana'a.
- (c) The principles and objectives of the party or political organization and the means and programs it will employ to achieve these objectives.
- (d) The membership conditions, the procedures for application, admission, withdrawal and expulsion. Conditions thereof must not be tailored with the intent of discriminating on the basis of sex, color, racial origin, language, profession, or social status.

- (e) The procedures for establishing alliances with any party or political organization, for selecting its leaders, for carrying out its activities, and for the relationship among the members; also the procedures for specifying the political and financial duties and responsibilities of these alliances and leaders. All procedures must allow for the exercise of democratic rights within these alliances.
- (f) The financial structure of the party or political organization specifying its resources, the banks with which the party or political organization deals, and the procedures governing withdrawal of funds; and information regarding book-keeping systems, auditing standards and the procedures for budget preparation and approval.
- (g) The laws and procedures governing the party's or political organization's voluntary merger with another party or political organization, its voluntary dissolution, and how its assets are to be disposed of.

Article (10): To become a member of a party or a political organization, one must meet the following conditions:

1. Must be a Yemeni national. If he is a naturalized Yemeni, then the time requirement stipulated in the nationality law must apply.
2. Must be at least (18) years old.
3. Must be able to enjoy full political rights. Such rights can only be revoked by a court order.
4. Must not belong to the judiciary, police or military forces, or be assigned to a diplomatic mission outside Yemen.

Article (11): With due regard to paragraphs (3) and (4) of Article (10), the following conditions must apply to anyone who participates in founding a party or political organization):

- (a) Must be born of a Yemeni father.
- (b) Must be at least (24) years of age.
- (c) A court decision against him must not have been issued depriving him of political activity or convicting him of a crime relating to his honor or honesty unless he is exonerated.

Article (12): The president of the party or political organization represents the party or political organization in front of the judicial system or any other party or political organization. The president of the party or political organization may, according to the regulations of the party or political organization, authorize any of the party's or political organization's leading members to represent it in such forums.

Section Three: Procedures for Establishing a Party

Article (13): A committee called "The Committee for the Affairs of Parties and Political Organizations" is to be formed as follows

- the Minister of State for Parliamentary Affairs Chairman
- the Minister of Interior member
- the Minister of Justice member
- four persons not affiliated with any party or political organization, who are nominated by the Supreme Judicial Council from among non-functioning judges or from lawyers accredited to appear before the Supreme Court. The four persons, concerning whom a republican decree is to be issued, have to satisfy the following conditions:
 - (a) personal integrity, impartiality and independence;
 - (b) adherence to the principles of democracy and the multi-party political system;

- (c) take an oath in front of the Presidential Council that they will adhere to the conditions above during their term.

This Committee is responsible for receiving, screening and ensuring that applications for establishing parties or political organizations comply with the requirements of this Law, and for any other responsibilities stipulated by this Law .

Article (14): To establish any party or political organization, the following steps have to be followed:

- (a) A written application is to be submitted to the Chairman of the Committee. This application has to be signed by at least (75) founding members, whose signatures are to be notarized by the Head of a Court of First Instance.
- (b) When an application is submitted, the minimum membership level of the party or political organization must be at least (2,500) members from most of the governorates including Sana'a city.
- (c) The application must include a complete set of documents, specifically the political program, the by-laws, a statement on the financial resources, the assets and their sources, the name of the party's or political organization's banks, and the name of the person authorized on behalf of the party or political organization to complete the establishment procedures.
- (d) The Committee Chairman has to present the application to the Committee within (15) days thereof.
- (e) Once the Committee is satisfied that the application and the supporting documents meet the conditions stipulated in this Law, it must publish an announcement concerning the application for the establishment of the party or political organization for (7) days in one of the daily newspapers. Such an announcement must include the name of the party or the political organization and the names, titles, professions, and dates of birth of the founding members. Such an announcement must be published within a maximum of one month of the application date. If the Committee fails to publish the announcement during this period, this has no effect on the establishment of the party or political organization. Any person who has any objection to what is published in the announcement may approach the Committee within (15) days from the first date of publication.
- (f) The Committee may, within (45) days from the application, whether before or after the publication of the announcement, decide to object to the establishment of the party or political organization. Such a decision must give a detailed justification for the objection. If the Committee does not object to the establishment of the party or political organization within the above-mentioned period, then the party's or political organization's establishment is considered automatically approved.

Article (15): Taking into consideration the time specified in the final paragraph of Article (14), the Chairman of the Committee shall, by registered correspondence and within a maximum of one week of the Committee's objection decision, inform the founding members of the party or political organization of the Committee's decision and the justifications thereof. The Chairman shall also allow the founding members of the party or political organization a (30)-day period from the date of their receipt of the Committee's objection decision, during which they can complete any requirements or respond to the objections of the Committee. In case the differences are not resolved, the case may be referred to the proper court by the Committee or through a lawsuit filed by the founding members of the party or political organization. Such a case is to be treated as urgent by the courts, and all parties are entitled to appeal the court decision according to the law.

Article (16): The party or political organization enjoys legal status and is entitled to perform its political activities from the day following the (45)-day period stipulated under Article (14)

or, if the Committee mentioned in Article (13) has objected to its establishment, from the date of the issuance of a court order nullifying the Committee's objection. Documents pertaining to the establishment of the party or political organization are to be published in the Official Gazette.

Section Four: Resources and Financial Provisions

Article (17): The resources of the party or political organization include:

- (a) Subscriptions and contributions of members.
- (b) The subsidies allocated by the government.
- (c) Returns on the party's or political organization's investments in fields other than commercial activities. The party's or political organization's investments in issuing newspapers and magazines, or utilization of printers and publishing houses, are not considered commercial if they aim to serve the objectives of the party or political organization.
- (d) Gifts and donations.

The party or political organization may not accept from non-Yemeni individuals or entities any gifts, benefits, or donations. The party or political organization must put on financial accounting records the name of each donor and the amount donated. The proper authorities must be informed if a single contribution exceeds (YR 100,000), or if the total annual donations from a donor exceed (YR 200,000). The donations given to parties and political organizations may not be deducted for income tax purposes.

Article (18): The Committee for the Affairs of Parties and Political Organizations shall propose to the Council of Ministers annually the total amount of support or subsidy which the government will allocate for the parties and political organizations in accordance with the provisions of this Law. This amount, once approved, is then included in the government budget.

Article (19): The total amount of government subsidy mentioned in the above article is divided among the parties and political organizations as follows:

- (a) (25%) in equal amounts to all parties and political organizations which are represented in the House of Representatives.
- (b) (75%) to the rest of the parties and political organizations according to the number of votes their candidates obtained in the election for the House of Representatives. A party or political organization is not entitled to a share of this amount if the total number of votes its candidates got was less than (5%) of the total votes.

During the transitional period, the subsidy will be distributed in accordance with the guidelines approved by the Presidential Council based on a proposal by a committee formed from among the parties and political organizations and a presentation by the Committee for the Affairs of Parties and Political Organizations approved by the Council of Ministers.

Article (20): In any case, the total amount of subsidy from the government to a party or political organization may not exceed the total amount of subscriptions and dues paid by its members. Any excess in the determined amount must be returned to the government treasury.

Article (21): The amount of state subsidy to the parties and political organizations is payable on the first day of January every year. If the government's budget is not yet approved, then an estimated amount is temporarily paid out on the basis of the previous year's figure, until the government's budget is approved.

Article (22): The state subsidy to a party or political organization is suspended if:

- (a) A court order is issued suspending the activities of the party or political organization according to Article (34) of this Law.
- (b) The party or political organization fails to present, to the proper authorities, a copy of its annual report and final accounts regarding the party's or political organization's revenues and expenditures.
- (c) The party or political organization accepts donations, gifts or benefits contrary to Article (17) of this Law, and following a court order.
- (d) The party or political organization fails to adhere to the provisions of Article (24), and following a court order.
- (e) The party or political organization voluntarily decides to cease its activities.

Article (23): A party or political organization loses its entitlement to a state subsidy if:

- (a) The party or political organization ceases to exist by its own decision.
- (b) The party or political organization is dissolved by a court order according to Article (34).

Article (24): The funds of the party or political organization may not be dispensed except towards its objectives and according to the procedures stipulated in its by-laws. The party or political organization is required to deposit its funds in local banks and to keep books in accordance with proper accounting principles showing the revenues and expenditures. The party or political organization must submit its annual report including the final accounts to the proper authorities.

Article (25): The Committee for the Affairs of Parties and Political Organizations, after reviewing the annual report of the final accounts, has the right to inspect and audit the books, documents, revenues and expenditures of a party or political organization to verify the legitimacy of the revenues and the spending methods. The Committee may do so through a non-partisan technical group arranged by the Committee to submit a report, with a copy to the head of the party or political organization. The Committee and the technical group must maintain the secrecy of the report, except in cases where a violation is discovered that must be brought before the judiciary according to the law.

Article (26): The party or political organization must register all its assets with the Committee.

Article (27): For the purposes of application of the penal code, the funds of the party or political organization are considered as public property. Those who are responsible for the affairs of the party or political organization and those who are employees thereof are considered public officials.

Section Five: Rights and Duties

Article (28): The offices, properties and the non-investment funds owned by parties and political organizations are exempted from all taxes and fees.

Article (29): The offices of parties and political organizations and their documents, correspondence, and means of communications may not be subject to surveillance, interception, search, or forceful seizure. Excluding cases of criminal activity, no such action may be carried out except in the presence of the Head of the relevant Public Prosecutor's Office and a representative of the party or political organization. If the party or political organization representative refuses to attend, a report to that effect must be prepared and the investigation may proceed in the presence of two witnesses. If this Article has been violated, the search is invalid as well as any civil or criminal responsibility resulting therefrom. The Public Prosecutor's Office has to inform the Committee of the process that was carried out at the office of the party or political organization within (48) hours thereof.

Article (30): A party or political organization has the right to issue one or more newspapers to express its views without having to obtain the permit stipulated in the Press Law. A party or political organization may also use any other means of expression in accordance with the constitution and the laws in force.

Article (31): The official media shall give all parties and political organizations equal access to broadcast their points of view to the citizens. The by-laws shall provide for the guidelines governing such access.

Article (32): Within ten days of the date of the decision, the Chairman of the Committee must be informed by certified letter of any decision made by a party or political organization changing its president, or dissolving the party or political organization or merging it with another party or political organization, or any changes to its by-laws.

Article (33): All parties and political organizations have to observe the following in executing their activities:

1. Not to contradict Islam.
2. Not to endorse any of the former regimes of the Imam or the Sultans. Any actions contrary to the objectives of the Revolution, the Republic, Unity or Democracy are forbidden.
3. Not to disrupt the general order and security, or to be involved in plots or violence or to motivate others to do so.
4. Not to use any public service positions or public funds for direct or indirect political gain. Such violations shall be punished by the laws in force.
5. Not to recruit members for the party or political organization contrary to Article (10), paragraph (4) of this Law.
6. Not to use mosques, or educational or governmental facilities to carry out their activities or to campaign for or against or criticize any party or political organization.
7. It is permissible to use public places for political activities on condition of a prior coordination with the proper authorities.

Section Six : Penal Provisions

Article (34): Except where the party or political organization dissolves or merges voluntarily, it is not possible to dissolve a party or a political organization or stop its activities or any of its decisions, except following a court order based on a justified request by the Chairman of the Committee and after the approval of the Committee, requesting the dissolution of the party or political organization and the liquidation of its funds and specifying the recipients of its assets. This request may be based on one of the following):

First: any of the requirements for its establishment as specified in Article (8) is no longer applicable.

Second: the party or political organization commits any of the forbidden activities stipulated in Article (33).

The Chairman of the Committee, after the approval of the Committee, may submit an urgent request to the relevant court to stop the activities or decisions of the party or political organization for any of the reasons stipulated in this Article, until a final court decision is taken regarding the dissolution of the party or political organization. A copy of such a request and the basis on which it was made must be forwarded to the president of the party or political organization within (48) hours of the date on which it was submitted to the court. The court must decide within (15) days whether to stop the activities of the party or political organization and must make the final decision within (90) days.

Article (35): A party or political organization is considered dissolved if:

- (a) The party or political organization voluntarily dissolves itself.
- (b) A final court order is issued dissolving it.
- (c) Two or more parties or political organizations are merged into a new body.
- (d) The party or political organization joins an existing party or political organization.
- (e) Under items (c) and (d) above, the new body or the substitute inherits all the rights, duties and obligations of the dissolved party or political organization, and all its assets.

Article (36): The Committee may issue a warning to any party or political organization in case of violations of the rules of this Law. If the act committed is considered a criminal act under the penal code, then the case must be transferred to the Public Prosecutor to take the appropriate measures.

Article (37): A Yemeni is not permitted to belong to more than one party or political organization.

Section Seven : General and Transitional Provisions

Article (38): Existing parties and political organizations are to adjust their status according to this Law not later than 30/12/1991, based on by-laws to be issued by the Presidential Council, especially regarding paragraph (4) of Article (10).

Article (39): The Presidential Council shall issue the by-law for this Law.

Article (40): This Law comes into force upon its issuance and publication in the Official Gazette.

Signed): Lt-General Ali Abdullah Saleh, Chairman of the Presidential Council

Date): October 17, 1991
