

# Yemen: Law No. 66 (1991) Governing Parties and Political Organisations

## Section One: Names and Definitions

**Article 1:** This law is called "The Law governing Parties and Political Organisations".

**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, organised according to common principles and objectives based on constitutional legitimacy, who exercise 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 Organisations established according to this law.

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## 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 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 organisation may misuse this right in contradiction with the national interests and in preserving sovereignty, security, stability, and national cohesion.

**Article 4:** This law aims to define the principles and procedures in the establishment and activities of parties and political organisations.

**Article 5:** All Yemenis are entitled to form parties and political organisations, and they have the right to a voluntary affiliation to any party. or political organisation according to constitutional legitimacy and the principles of this law.

**Article 6:** The party or political organisation operates in peaceful and democratic means in order to execute clearly defined. and declared programs in the political, economic, social and cultural affairs of the Republic, through participation in the political and democratic life, to ensure the peaceful transfer of power or sharing thereof through free and honest general elections.

**Article 7:** The parties and political organisations contribute towards the achievement of political, social, economic, and cultural progress, and towards consolidation of national unity through democratic practices in accordance with the constitution and given that the parties are national, popular, and democratic political organisations which work to organise the citizens and to represent them politically.

**Article 8:** For the establishment or the continuation of the activities of any party or political organisation, the following are to be observed:

First: That its principles, objectives, programmes, and means do not contradict;

- a) Islamic precepts and values;
- b) The sovereignty, integrity, and unity of the country and the people.
- c) The Republican system, and the objectives and principles of the September and October Revolutions, and the Republic's Constitution.
- d) The national cohesion of the Yemeni society.
- e) The basic freedoms and duties, and the international declarations on human rights.
- f) The Yemeni society's affiliation to the Arab and Muslim nations.

Second: That when applying for the establishment of a party or political organisation, the programs and policies on which it depends to achieve its objectives in the political, economic, social and cultural fields, do not, replicate those of other (existing) parties and political organisations.

Third: That the applying party or political organisation has an internal system of regulations, by-laws, and political program approved by its members.

Fourth: That the party or political organisation is not based on regional, tribal, sectarian, class, professional, or any other form of discrimination among citizens on the basis of their sex, racial origin, or colour.

Fifth: That the party may not be based on concepts contrary to Islamic law, and may not base its activities on excommunication of other parties or members of society, or to proclaim to be singularly representing the true Islam, or patriotism, or nationalism, or the Revolution.

Sixth: The parties or political organisations are not allowed to: (i) to establish military or paramilitary forces or to help in establishing them; (ii) to use violence in any form, or threats or instigations thereof; (iii) to include in their literature or programs anything that instigates violence or the establishment of military or paramilitary structures, openly or in secret.

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

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

Ninth: The party must stand on a national base and may not limit membership to any geographic region.

**Article 9:** The internal regulations, standing orders, and political programs of the party or political organisation must include the foundations governing all its political, organisational, 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 organisation which may not replicate any other existing party or political organisation.
- b) the address of the head office of the party or political organisation, 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 other work places, military, educational judicial sites or any other locations of general service. The headquarters of the party must be in Sana'a.
- c) the principles and objectives of the party or political organisation and the means and programs it will employ to achieve them.
- d) the membership conditions, the procedures for application, admission, withdrawal and expulsion. Conditions thereof must not be tailored with the intent of discrimination on the basis of sex, colour, racial origin, language, profession, or social status.
- e) The procedures for establishing of units within the party, and the rising within the ranks of the party, and the duties and political and financial responsibilities of the party cadres, posts and units, and the way of executing activities thereof. All procedures and steps within the party must allow for the execution of democratic rights of all members.
- f) The financial structure of the party specifying its resources, the banks with which the party deals, and the procedures governing withdrawal of funds; besides information regarding book-keeping systems, auditing standard and the procedures for budget preparation and approval.
- g) the laws and procedures governing the party's merger with another party, its annulment, and how its assets are to be disposed of.

**Article 10:** Any member of a party or political organisation must meet the following conditions:

- a) Must be a Yemeni national. If he/she is a naturalised Yemeni, then the time requirement stipulated in the nationality law must apply.
- b) Must be at least 18 years old.
- c) Must be able to enjoy full political rights. Such rights can only be violated by a court decision.
- d) Must not belong to the judiciary, police or military forces, or assigned to the diplomatic corps outside Yemen.

**Article 11:** With due regard to items (c and d) of Article 10), the following conditions must apply to any person who will participate in establishing a party or political organisation:

- a) Must be born of a Yemeni father.

b) Must be at least 24 years of age.

c) A court decision against him/her must not have been issued depriving him/her of political activity or convicting him of a crime which touches his/her integrity or decency, unless he/she is rehabilitated.

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

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## Section Three: Procedures for Establishing a Party

**Article 13:** A committee called "Committee for the Affairs of Parties and Political Organisations" is to be formed as follows: The Minister of State for Parliamentary Affairs as chairman, The Minister of Interior as member, The Minister of Justice as member, four persons as members provided they are not members of any party or political organisation and they must be nominated from among non-functioning judges or from among lawyers accredited to the Supreme Judicial Council. The four persons, concerning whom a republican decree is to be issued, have to satisfy the following conditions:

a) They have to enjoy personal integrity, impartiality and independence;

b) They must adhere to the principle of democracy and multi-party political system;

c) They have to swear the constitutional oath in front of the Presidential Council that they will adhere to the conditions above during their term in the Committee which is responsible for receiving, screening and ensuring that applications to establish parties and political organisations satisfy the requirements of this law and any other stipulations.

**Article 14:** To establish any party or political organisation, the following steps have to be followed:

a) A written request is to be submitted to the Chairman of the committee. This request has to be signed by at least seventy-five founding members, whose signatures are to be notarised by a primary court of law.

b) At the time when an application is submitted, the party or Political organisation must have at least 2,500 members from most of the governorates including Sana'a city.

c) The application must include a complete set of documents, notably the political program, the by-laws, a statement on the resources, the assets and their sources, the party's banker, and the name of the person authorised on behalf of the party or political organisation to complete the establishment procedures.

d) The committee chairman has to present the application to the committee within 15 days thereof.

e) The committee, once satisfied that all the conditions are met, has to publish a statement, for seven days, in one of the daily papers, indicating that an application was deposited with it. Such a statement must include the name of the party or the political organisation and the names, titles, professions, and dates of birth of the founding members. Such

a statement must be published within a maximum of one month of the application date. If the committee fails to publish the statement, then this fact has no (delaying) consequence on the establishment of the party. Any person who has any objection to whatever is published in the statement may approach the committee within 15 days of the date of publication.

f) The committee may, within 45 days of the application, whether before or after the publication of the statement, may decide to object to the establishment of the party. Such a decision must give detailed justification for the decision. If the committee does not object to the establishment of the party within 45 days, then the party's establishment is considered automatically approved.

**Article 15:** With due regard to the final item in Article 14 above, the chairman of the committee shall convey, by registered correspondence and within a maximum of one. week of the committee's objection decision, to the applicants of the party to be founded the decision and the justifications thereof The chairman shall also allow the founders of the party 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 relevant court by the committee or through a lawsuit filed on behalf of the founding members of the party. Such a case is to be treated as an urgent by the courts,. and all parties are entitled to petition the court decision according to the law.

**Article 16:** The party or political organisation enjoys all legal rights and performs its political activities from the day following the 45-day period stipulated under Article 14, unless the committee has objected to the establishment. In case the committee had objected, the party or political organisation may start its activities from the date of the issuance of a court order nullifying the committee's objection. All documents pertaining to the establishment of the party are to be published in the official gazette.

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## Section Four: Resources and Financial Provisions

**Article 17:** The resources of the party include:

- a) subscriptions and contributions of members,
- b) the subsidies allocated by the government
- c) return on the party's investments in fields other than commercial activities. Party investments in issuing newspapers and magazines and publishing houses are not considered commercial if they aim to serve the objectives of the party,
- d) gifts and donations.

The party or political organisation may not accept from non-Yemeni individuals or parties (even if they acquired Yemeni nationality) any gifts, merits, or services. The party or political organisation must put on verifiable accounting records the name of the donor/s and amount/s donated. The relevant authorities must be informed of any

contribution that exceeds YR 100,000 in one donation, or if the total annual donations, of one person or party exceed YR 200,000. The donations given to parties and political parties may not deducted for income tax purposes.

**Article 18:** The Committee for the Affairs of Parties and Political Organisations shall propose to the Council of Ministers annually the total amount of support or subsidy which the state will allocate for the parties and political organisations 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 to the parties and political parties is divided as follows:

- a) 25% of the total in equal instalments to all parties which are represented in the House of Representatives.
- b) 75% of the total is pegged in proportion to the votes the candidates of the parties and political organisations obtained in the race for the seats of the House of Representatives. The party or political organisation is not entitled to a share in this amount if the total number of votes its candidates got was less than 5% of the total votes.

During the transitional period, the Presidential Council shall decide the way the subsidy will be distributed on. the basis of a proposal by a committee formed from among the parties and to be presented through the committee for the Affairs of Parties and Political Organisations.

**Article 20:** In any case, the total amount of subsidy from the state may not exceed the total amount of subscriptions and dues paid by the members to the party. In case the subsidy amount entitled to a party exceeds the total of its subscription, the excess amount is transferred to the government treasury.

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

**Article 22:** State subsidy to a party or political organisation is terminated if:

- a) a court order is issued terminating the activities of the party according to Article 34 of this law.
- b) the party does not present, to the relevant authorities, a copy of its annual report and final accounts regarding the sources and expenditures.
- c) the party receives donations, gifts or services in contradiction to Article 17 of this law, and on the basis of a court order.
- d) the party does not adhere to the provisions of Article 24, and on the basis of a court order.
- e) the party voluntarily decides to cease to exist.

**Article 23:** State subsidy is stopped if:

- a) the party or political organisation ceases to exist by its own decision.

b) the party or political organisation ceases to exist by a court order according to Article 34.

**Article 24:** Party resources may not be dispensed except in the service of its objectives and according to the procedures stipulated in its by-laws. The party is required to keep books in accordance with proper accounting principles showing the revenues and expenditures. The party must present its annual report including the final accounts to the relevant authorities.

**Article 25:** The Committee for Parties and Political Organisations, once having gone over the annual report of the accounts, has the right to actually inspect the books and review the expenditures and revenues to determine their legality. The committee may assign a specialised team to do this job, provided a copy of the team's report is given to the party or political party, and provided complete secrecy is guaranteed except if a violation is discovered, in which case the matter is reverted to the judicial authorities according to the law.

**Article 26:** The party and political party has to register with the Committee all its assets.

**Article 27:** The assets of the party or political organisation, for the purposes of application of the penal code, are treated as government property, and those in charge of dealing with such property as government officials.

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## Section Five: Rights and Duties

**Article 28:** The offices and the non-investment properties of the parties and political organisations are exempted from all taxes and fees.

**Article 29:** The offices of the parties and political organisations and their documents, correspondence, communications may not be subject to surveillance, search, or forceful seizure except in cases of flagrante delicto in which case, such action may be carried out in the presence of the relevant Chief of Prosecution, and a representative of the party. If the party representative refuses to attend, such a refusal is documented in the minutes and the investigation proceeds in the presence of two witnesses. In case these rights/procedures are violated, the investigation and all its consequences are rendered nullified. The General Prosecution Office has to inform the Committee of any steps taken in this regard within forty eight hours.

**Article 30:** The party or political organisation has the right to issue any number of newspapers to express its viewpoints without having to obtain the permit stipulated in the Press Law. The party may also use any other means to express its opinions according to the constitution and the laws in force.

**Article 31:** The government media has a duty to enable all parties and political organisations to equally use them to carry their view-points to the citizens. The by-laws shall regulate such access.

**Article 32:** The Chairman of the Committee is to be informed, within ten days, of any change in the structure of the party such as change of the President of the party, or its merger with another party, or any changes in its by-law.

**Article 33:** All parties and political organisations have to observe the following in executing their activities:

- a) Not to contradict Islam.
  - b) 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 and Democracy are forbidden.
  - c) Not to disrupt the general order and security, or to be involved in plots or violence or to motivate others in them.
  - d) Not to use the government posts of service or public funds for party. gains. Such violations shall be punished by the laws in force.
  - e) Not to carry out membership drives in contradiction of item 4 of Article 10 of this law.
  - f) Not to use mosques, or the educational and governmental facilities to promote or criticise any party or political organisation.
  - g) It is permissible to use public grounds and sites for political activities on condition of a prior co-ordination with the relevant authorities.
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## Section Six: Penal Provisions

**Article 34:** Except by its voluntary consent, or by merger, it is not permitted to dissolve a party or stop its activities or decisions, except according to a court decisions based on the request with justification submitted to the courts by the Committee. The decision also determines to whom the assets of the party are then turned over. Such a step is taken if:

- a) any of the conditions for its establishment, according to Article 8 is no longer applicable.
- b) the party or political organisation commits any of the forbidden activities stipulated in Article 33. The Chairman of the Committee, after the approval of the Committee, may deposit an urgent request with the relevant court to stop the activities of the party or any of its decisions, until a final court decision is taken regarding the dissolution of the party. A copy of such a request with the full justifications are forwarded to the President of the party with 48 hours of their deposit. The court must decide on the request of the Committee within fifteen days, and the final decision must be taken within 90 days.

**Article 35:** The party or political organisation is considered defunct if:

- a) the party dissolves itself.
- b) a final court order is issued dissolving it.
- c) two or more parties are merged.



d) the party joins an existing party.

e) Under items (c) and (d) above, the new entity inherits all the rights and duties of the dissolved party.

**Article 36:** The Committee may issue a warning to any party or political organisation in case of violations, which may be transferred to the General Prosecutor to take the appropriate measures.

**Article 37:** A person may not belong to more than one party.

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## **Section Seven: General and Transitional Provisions**

**Article 38:** Existing parties 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, specially regarding articles 4 and 10.

**Article 39:** The Presidential Council shall issue the by-law for this law.

**Article 40:** This law comes into force upon its issuance on 16/10/1991.

*Signed: Lt-General Ali Abdullah Salih, Chairman of the Presidential Council*