

Non-Official Translation
For Selected Articles
Republican Decree Pertaining to
Law No. (12) of 1994 on Crimes and Penalties

Principle of Legality

Article (2)

Penal responsibility is personal. There is no crime nor penalty without a law.

Principle of Territoriality

Article (3)

This law shall be applicable to all crimes committed in the state's territory regardless the nationality of a perpetrator. A crime is deemed committed in the state's territory if one of the acts of a crime takes place therein. When a crime is partially or wholly committed in the state's territory, this law shall be applicable to the person who takes part in the crime even if his/her contribution took place abroad. This law shall also be applicable to crimes committed outside the state's territory, and Yemeni courts shall look into them in accordance with the Criminal Procedures Act.

Crimes Damaging National Economy

National Economy-Related Funds Destruction

Article (147)

Any person who destroys, with the intention of causing damage to the national economy, a factory, its annexes or facilities, or bridge, watercourse, dam, electrical line of high voltage, means of transportation and communications, grain mill, customs warehouse, building or warehouse for raw materials or consumer products or goods, or any other private-owned movable or immovable property which is designated to carry out the state's economic plan and which has essential significance to the national economy, shall be sentenced to imprisonment for the period of not less than a year nor more than ten years.

Betrayal of Responsible Servant

Article (148)

The penalty stipulated in the previous article shall be applied to a responsible public servant if (s)he defaults on his/her duties or is lenient in performing them with the intention of causing damage to the national economy; and such act has resulted in damage to property referred to the previous article.

Crimes of Public Servants and Those with Similar Status

Bribery

Article (151)

Every public servant who requests or accepts a gift, benefit of any kind, an undertaking thereof to perform or refrain from an act in violation of his/her job duties, shall be imprisoned for not more than ten years. A penalty shall be imprisonment for the period of not more than three years if the action or refrain is in accordance with the law. An accomplice shall be exempted from the penalty if (s)he takes the initiative to report the crime to the administrative or judicial authority, or if (s)he confesses it before closing the initial investigation.

Hindering Progress in Work

Article (165)

Any public servant shall be sentenced to imprisonment for the period of not more than three years or shall be fined in case:

1. the public servant uses his/her power of post to dispense with laws, regulations, or rules, to refuse implementing orders and judgments decided by a court or any other competent authority, or to refrain deliberately from implementing anything provided for hereinbefore while the implementation thereof is part of his/her duties;
2. the public servant leaves his/her work or refrains from performing it with a view to hindering work or violating its regularity;

3. the public servant deliberately states, provides, or gives incorrect information from which others are impaired;
4. the public servant abuses his/her post so as to make others work for him/her or for others in a way contrary to law; or
5. the servant takes advantage of his/her post in purchasing something from its owner for himself/herself or for others by force.

Illegal Inspection

Article (169)

Any public servant who inspects a person, his residence, or his place without his approval, not subject to terms and conditions stipulated in the law, with his/her knowledge thereof, shall be sentenced to imprisonment for the period of not more than three years.

Misguidance of Judiciary

Article (183)

Any person shall be sentenced to imprisonment for the period of not more than two years in case:

1. one changes, with the intention of misleading judiciary, the status of individuals, places, or anything else related to a crime; or
2. one hides things obtained from a crime or used therefor with one's knowledge.

Damage to a Document Which Can be Evidence before Judiciary

Article (184)

Any person intentionally damages a writing or document written to rely thereon or to resort thereto upon disagreement or to be useful if provided as evidence in judicial procedures shall be sentenced to imprisonment for the period of not more than a year or shall be fined. Damage is to make a writing or instrument in a state of being impossible to extract affecting particulars which it contains. An offender shall be exempted from punishment in case that the writing is evidence against him/her and he/she confesses the truth which was therein.

Interference in the Affairs of Justice

Article (187)

Any public servant or someone of distinction who interferes with a judge or a court in favour of one of the parties or to cause damage to a party through an order, request, appeal, or recommendation, shall be imprisoned for not more than three years.

Judiciary Bias

Article (188)

Any judge who delivers deliberately an unfair judgment as a result of an appeal, recommendation, connections, or bias towards a party shall be sentenced to imprisonment for the period of not more than seven years.

Disclosure of Procedures Secrecy

Article (189)

Any person discloses information related to an investigation made before a court or general prosecution and determined to be made confidential shall be sentenced to imprisonment for the period of not more than a year or shall be fined.

Crimes of Publicity and Dissemination

Definition of Publicity

Article (192)

Publicity in the implementation of this part means overtness, broadcasting, dissemination, display, sticking, or distribution to individuals without distinguishing between them in a public or authorized area for all people or in a place where whatsoever available in a public area can hear or see, through saying, shouting, writing, drawing, photographs, or any other means of freedom of thought. Publicity is also just distribution to individuals without distinguishing between them even if it is not in a public area.

Dissemination of News Which Disturbs Public Peace

Article (198)

Any person does the acts set in this article shall be sentenced to imprisonment for the period of not more than a year or shall be fined not more than a thousand Yemeni Riyals:

Firstly: broadcasting or disseminating publicly, with bad faith, news or false, forged, or fabricated papers, or papers attributed falsely to others which result in disturbing public peace or damaging the public interest; in case the dissemination and broadcast did result in disturbing public peace, the penalty shall be doubled.

Secondly: broadcasting or disseminating publicly what discussed in secret sessions of legislative, executive or judicial councils or courts; or promulgating unfaithfully, with bad faith, what happened in its public sessions.

Acts and Pictures Contrary to Public Morals

Article (199)

Any person performs an action set in this article shall be sentenced to imprisonment for the period of not more than two years or shall be fined:

Firstly: broadcasting or disseminating publicly publications, drawings, advertisements, inscribed or sculptured pictures, handmade or photograph designs, coded signs, or anything else contrary to public morals.

Secondly: Advertising anything set above; displaying them to the public; selling, hiring, or displaying them for sale or renting even if not publicly; presenting them publicly either directly or indirectly even if for free and in any form; or distributing them or submitting them for distribution in a public or confidential manner with a view to spoiling morals.

Thirdly: Manufacturing, possessing, or importing with the intention of trading, distributing or renting things stipulated hereinbefore for the above-mentioned purposes.

Fourthly: Publicizing songs or delivering a speech in a way contrary to public morals.

Fifthly: Tempting publicly obscenity or disseminating advertisements or means for this purpose regardless the words used.

Falsification and Forgery of Seals and Official Marks

Article (208)

Any person who falsifies or forges the seal of the State, the President of the Republic, public servant, or of any other agency in which employees are deemed public servants, shall be sentenced to imprisonment for the period of not more than ten years. Any instrument which is used by such an agency in its own affairs to have a particular mark is considered as a seal; any person who uses anything stipulated herein shall be punished with the same penalty. However, any person who uses, without any right, a true seal or instrument which results in damaging a public or private interest shall be sentenced to imprisonment for the period of not more than two years. Any person who reports to a public competent authority prior to the completion of the crime and commence of search for its perpetrators or makes the arrest of the rest of committers easier even if after starting search for them, shall be exempted from the punishment.

Falsification and Forgery of Seals and Foreign Marks

Article (209)

Any person who falsifies or forges anything provided for in the previous article concerning a foreign country shall be sentenced to imprisonment for the period of not more than three years; any person uses anything provided for hereinbefore shall be punished with the same penalty.

Falsification and Forgery of Private Marks and Seals

Article (210)

Any person who falsifies or forges a seal or mark that belongs to an individual, one of the agencies whatsoever, companies permitted by the government, or to one of the commercial banks, associations, unions, syndicates, or of parties, shall be sentenced to imprisonment for the period of not more than three years. Any person uses anything provided for shall be punished with the same penalty. However, anyone harmfully uses,

without having a right, a true thing provided for hereinbefore shall be imprisoned for not more than a year.

Falsification and Possession of Forgery Devices

and Confiscation of Seized Materials

Article (211)

1. Any person manufactures or possesses machinery, devices, or substances with a view to using them in the forgery or falsification of anything stipulated in the previous articles, shall be sentenced to imprisonment for the period of not more than five years.
2. The confiscation of devices and seized materials in the crimes provided for in this chapter shall be decided.

Writings Forgery

Tangible Forgery in Official Writings

Article (212)

Any person who falsifies an official writing or makes changes to a true official writing with a view to using it to result in legal effects shall be sentenced to imprisonment for the period of not more than five years. In case that it has been done by a public servant during the performance of his/her duties, the servant may be sentenced to imprisonment for not more than seven years.

Forgery Done by Public Servant

Article (214)

Every public servant who commits forgery in an official writing even if not in charge of its writing shall be sentenced to imprisonment for the period of not more than five years.

Disclosure of Job Secrets

Article (258)

Because of his/her occupation, craft, or status as secrets depository, any person who discloses a secret not in accordance with legally authorized conditions, or uses it for one's own interest or the interest of someone else unless permitted for its disclosure or its use by the one concerned with the secret, shall be punished with imprisonment for the period of not more than a year or shall be fined. The punishment shall be imprisonment for the period of not more than three years in case that the offender is a public servant that the secret was deposited during, because, or on the occasion of performing his/her post.

Crimes of Cheques

Article (311)

Anyone who gives a cheque while one is aware that the cheque has no sufficient counter payment and is not alienable, who, after giving the cheque, recovers all the payment or some thereof where it does not satisfy its value, who orders the drawee not to pay, or who signs the cheque intentionally with an unreliable signature for the drawee, shall be sentenced to imprisonment for the period of not more than three years or shall be fined. The same penalty shall be applied to anyone any person shows someone a cheque or hands it in to its holder while one is aware that the cheque has no payment satisfying its value or it is not payable.

The crime shall not be considered committed unless the committer has not satisfied the cheque's value to its holder within a week as from the date of notifying the committer of the payment.

Fraud

Article (312)

A punishment of imprisonment for not more than a year or fine shall be decided as follows:

Firstly: Any person cheats or starts cheating a contracting party with one of the

following ways:

1. quantity, size, measure, weight, or standard of merchandise;
2. if the merchandise submitted is not the one agreed upon;
3. substance, nature, or substantial specifications of merchandise, or the useful elements that merchandise contains; in general the inputs of merchandise; or
4. type, origin, or source of merchandise under conditions where it is deemed a main reason for contracting in accordance with the agreement or practice.

Secondly: Any person forges or scales down a balance, dry measure, sizes, stamps, marks, test tools, or uses anything thereof which is forged or unbalanced, or uses any means that make weight, measure, or test incorrect.

Thirdly: Any person cheats or starts cheating anything related to human or animal food, drugs, agricultural products, or natural products designated for sale; one offers or displays some thereof for sale or sells it while one is aware of its cheat or rottenness.

Fourthly: Any person offers or displays for sale or sells materials used for cheating human or animal food, drugs, crops, or natural products in a manner inconsistent with their legitimate use; the penalty shall be doubled in case that materials used for fraud are detrimental to human or animal health.

Fifthly: Any person violates accredited specifications or decisions issued by the state to impose a minimum standard or a certain standard of: the inputs of foodstuff; medical elements; merchandise or other products designated for sale; specific vessels or containers for preserving them; or a specific method for their preparation.

Damage to Property

Article (321)

Any person demolishes, sabotages, or destroys a real estate, movable, or plant which does not belong to him/her, or makes it useless, or damages or breaks it down by any means, shall be sentenced to imprisonment for the period of not more than a year or shall be fined. The penalty shall be imprisonment for the period of not more than five years in case: the crime was committed by force, threat or by many persons; it was committed during outbreak, disturbance, or catastrophe; it resulted in breaking down any public facility or a business of an authority of a public interest; or it resulted in putting the life, security, or health of the people at risk. In case the crime results in the death of an individual, the penalty shall be capital punishment, without prejudice to the right of the dead's guardian in blood money or compensation as applicable.