

# PARTIES AND POLITICAL ORGANIZATIONS LAW

## PARTIES AND POLITICAL ORGANIZATIONS

### LAW NO.(66) OF 1991

#### CHAPTER ONE:

##### NAMES AND DEFINITIONS:

###### Article (1):

This law is called "The Law governing Parties and Political Organizations".

###### Article (2):

The words and expressions used herein are defined as follows, unless explicitly specified otherwise:

**-Republic:** - Republic of Yemen

**-Constitution:** - The Constitution of the Republic of Yemen.

**-Party or Political Organization:** - Any group of Yemenis, organized 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 Organizations established according to this law.

#### CHAPTER 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 organization may misuse this right in contradiction with the national interests and in preserving sovereignty, security, stability, and national solidarity.

###### Article (4):

This law aims to define the principles and procedures in 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 a voluntary affiliation to any party, or, political organization according to constitutional legitimacy and the principles of this law.

###### Article (6):

The party, or, political organization 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 organizations 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 organizations which work to organize the citizens and to represent them politically.

**Article (8):**

For the establishment or the continuation of the activities of any party or political organization, the following are to be observed:

**First:** that its principles, objectives, program, 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 Republic's Constitution.
- d. The national solidarity 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 nation.

**Second:** That 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, do not replicate those of other (existing) parties and political organizations.

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

**Fourth:** That the party, or, political organization 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 color,

**Fifth:** That the party may not be based on concepts contrary to Islamic law, and may not base its activities on excommunication of the 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 organizations are not allowed to:

- i- to establish military or par-military forces, or to assist in establishing them;
- ii- to use violence in any form, or threats, or instigation thereof;
- iii- to include in their literature, or, programs anything that instigates violence or the establishment of military, or par-military structures, openly or in secret.

**Seventh:** The party or, political organization may not be affiliated to a political system in a foreign country. Yemeni parties, may however, establish ties-on 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 and the laws in force.

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

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

**Article (9):**

The internal regulations, standing orders, and political programs of the party, or, political organization must include the foundations governing all its political, organizational, financial and administrative affairs that 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

- any other existing party or political organization.
- b. The address of the head office of 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 other work premises, military, educational, judicial sites or any other locations of public service. The headquarter of the party 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 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, color, 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 to 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 organization must meet the following conditions:

- a. Must be a Yemeni national. If he/she is a naturalized 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 missions 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 organization:

- 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 that touches his/her integrity or decency, unless he/she is rehabilitated.

**Article (12):**

The president of the party, or, political organization 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, authorize any of the party's leading members to represent it in such forums.

**CHAPTER THREE:****PROCEDURES FOR****ESTABLISHING A PARTY**

**ESTABLISHING A PARTY****Article (13):**

A committee called "Committee for the Affairs of Parties and Political Organizations" 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 organization, and they must be nominated from among non-functioning judges or from among lawyers accredited to the Supreme Judicial Council. The four persons, in concern 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 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 organizations satisfy the requirements of this law and any other stipulations.

**Article (14):**

To establish any party, or, political organization, 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 notarized by a primary court of law.
- b. At the time when an application is submitted, the party, or, political organization must have at least 2500 members from most of the provinces 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 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. The committee, once satisfied that all the conditions are met, has to publish a statement, for seven days, on one of the daily papers, announcing that an application was deposited with it. Such a statement 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 a statement has to 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. 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-days period from the date of their receipt of the committee's objection decision, during which they can complete other 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 matter by the courts, and all parties are entitled to petition the court decision according to the law.

**Article (16):**

The party or political organization 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 organization 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.

**CHAPTER FOUR:**

**RESOURCES AND FINANCIAL PROVISIONS OF FUNDS**

**Article (17):**

The resources of the party shall include:

- a. Subscriptions and contributions of members,
- b. The subsidies allocated by the government,
- c. Return of the party's investments in fields other than commercial activities. Party investments in issuing newspapers and magazines and publishing houses are not considered commercial, as they aim to serve the objectives of the party,
- d. Gifts and donations.

The party, or, political organization may not accept from non-Yemeni individuals of parties (even if they acquired Yemeni nationality) any gifts, merits, or services. The party or, political organization 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, or, 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 state will allocate for the parties and political organizations in accordance with the provisions of this law. This amount, once approved, is then included annually in the government budget.

**Article (19):**

The total amount of government subsidy to the parties, or, political organizations is divided as follows:

- a. 25% of the total in equal installments to all parties represented in the House of Representatives.
- b. 75% of the total is pledged in proportion to the votes the candidates of the parties and political organizations obtained in the race for the seats of the House of Representatives. The party or, political organization is not entitled to a share in this amount if the total number of votes its candidates obtained was less than 5% of the total votes.

During the transitional period, the President 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

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 Organizations.

**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 organizations 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 of the last year's figure, until the new budget is approved.

**Article (22):**

State subsidy to a party or political organization shall be 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 submit, to the relevant authorities; a copy of its annual report and final accounts regarding the revenues 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 provision of Article (24), and on the basis a court order.
- e. The party voluntarily decides to cease to exist.

**Article (23):**

State subsidy shall be stopped if:

- a. The party, or political organization, ceases to exist by its own decision.
- b. The party, or political organization, 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 Organizations, once having approved 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 specialized team to do this job, provided a copy of the team's report is given to the party or, political organization, 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 or political organization has to register with the Committee all its assets (properties).

**Article (27):**

The assets (property) of the party or political organization, 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.

## **CHAPTER FIVE:**

### **RIGHTS AND DUTIES**

#### **Article (28):**

The offices and the non-investment properties of the parties or, political organizations are exempted from all taxes and fees.

#### **Article (29):**

The offices of the parties and political organizations 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 organization, 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 organizations to equally use them to carry their viewpoints to the citizens. The by-laws shall regulate such access.

#### **Article (32):**

All parties and political organizations 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. The laws in force shall punish such violations.
- 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 criticize any party, or, political organization.
- g. It is permissible to use public grounds and sites for political activities in condition of a prior coordination with the relevant authorities.

## **CHAPTER SIX:**

### **PENAL CODES**

#### **Article (34):**

Except by its voluntary consent, or by merger, it is not permitted to dissolve a party or stop

Except by its voluntary consent, or by merger, it is not permitted to dissolve a party or stop its activities or decisions, unless according to a court decision based on their 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 organization, 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 request, with the full justifications, is 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 ninety days.

**Article (35):**

The party, or political organization, 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 together.
- d. The party joins an existing party.
- e. Under item (c) and (d) above, the new entity inherits all rights and duties of the dissolved party.

**Article (36):**

The Committee may issue a warning to any party, or, political organization 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.

**CHAPTER 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, especially regarding article (4) and (10).

**Article (39):**

The Presidential Council shall issue the by-law for this law.

**Article (40):**

This law runs in force upon its issuance as from 16/10/1991.

**Signed: Lieutenant-General Ali Abdullah Saleh,**

**President of the Yemen Republic**