

Republican Decree Pertaining to
Law No. (12) of 1994 on Crimes and Penalties

Book I

General Principles of Crimes and Penalties

Principle of Legality

Article (2)

Punitive responsibility is personal. There are no crime and penalty without a law.

Principle of Regionalism

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 an act composing it takes place therein. When a crime is partially or wholly committed in the state's territory, this law shall be applicable to the one takes part therein even if one's 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.

Chapter III

Concerning Safeguards

Obliging the Convict to Deposit a Sum of Money or Provide a Bailsman

Article (106)

A convict may be obliged to sign an undertaking to pay a certain amount in case (s)he commits a crime within a period of time specified by a judge, not exceeding two years. The judge may ask the convict to provide a bailsman who undertakes to pay the amount; instead, the bailsman may be obliged to deposit the amount in the court's treasury as a surety for the convict's appearance when the terms of the undertaking are violated by the convict. The amount deposited remains property for its payer until a judgment on the

confiscation thereof is delivered when the convict violates the terms of the undertaking. The amount may be taken back if the period stipulated in the undertaking has come to an end if no violation related to the terms of the undertaking has been imputed to the convict, or a breach has been imputed to him/her but not found guilty. This safeguard shall be taken with any person to be proved that his/her behaviour and tendency indicate (s)he would commit a crime if one of the following conditions are met:

1. (s)he was sentenced to imprisonment for a year or more in any crime;
2. (s)he was seriously accused of committing any crime related to assault on individual life, honour, or wealth, and was not tried or not sentenced because evidence was insufficient;
3. (s)he is notorious for committing the crimes of assault on individual life, honour, or wealth; or
4. (s)he does not have an occupation or craft, has no assets or legitimate resources to live thereon, and is notorious for making money by illegal means.

Surveillance in lieu of Previous Measure

Article (107)

In lieu that the safeguard provided for in the previous article is taken, a judge may keep a convict under the surveillance of police for the period of not less than a year nor more than three years. This measure must be decided if the convict refused to sign the undertaking or failed to provide a bailman or to deposit the amount as the court has decided.

Article (108)

The safeguard to be taken shall be applied for by the Public Prosecution where the accused resides in its area or where the crime, because of which the safeguard is requested to be taken, was committed in its area.

Book II

Part III

Crimes Damaging National Economy

National Economy-Related Funds Sabotage

Article (147)

Whoever sabotages, with the intention of causing collapse in the national economy, a factory, annexes thereof, facilities thereof, 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 individual-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 Superior Servant

Article (148)

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

Part IV
Crimes Damaging Public Position
Chapter I
Crimes of Public Servants and Those with Similar Status
Section I
Bribery

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 the 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 (s)he confesses it before closing the initial investigation.

Bribery by Law
Article (152)

Every public servant who receives anything stipulated hereinbefore to perform an act or refrain from an act that the servant thinks, by mistake, or claims it is a part of his/her job duties, shall be sentenced to the penalty provided for in the previous article.

Subsequent Bribery
Article (153)

Every public servant who performs or refrains from an act in violation of his/her job duties, afterwards the servant requests or accepts money or an advantage considered as a reward or gift for him/her in return for the act, even if there was no prior agreement, shall be sentenced to imprisonment for the period of not more than seven years.

Bribe

Article (154)

Whoever offers a public servant a gift, benefit, or promise thereof to perform or refrain from an act to violate his/her job duties, and it has not been accepted from him/her, shall be sentenced to imprisonment for the period of not more than three years; however, if the act or refrain is pursuant to the law, one shall be sentenced to imprisonment for the period of not more than a year or shall be fined.

Briber and Mediator

Article (155)

Every person whose interest is to offer a public servant a bribe as stipulated in the previous articles is held a briber; whoever knowingly assists a briber and a bribee by any means to commit the crime of bribery is deemed a mediator. Both shall be sentenced to the same penalties stipulated for the crime in which they have involved.

Bribee

Article (156)

Whoever is seen taking a bribe without having the mediator' character shall be imprisoned for not more than three years if one was aware that it is a bribe as one takes it.

Article (157)

An offender who takes the initiative to report the crime to the administrative or judicial authority or who confesses the crime before closing the initial investigation, shall be exempted from the penalties stipulated in the previous articles; this provision shall not apply to the crime provided for in Article (153).

Bribery of Private Sector Employees

Article (158)

Whoever makes a request for oneself or for someone else, accepts or takes a promise or a gift without the knowledge of one's employer and the employer's satisfaction to perform or refrain from an act assigned to one, shall be sentenced to imprisonment for the period of not more than two years or shall be fined an amount not exceeding four thousand Yemeni Riyals.

Abuse of Power

Article (159)

Every public servant who makes a request for himself/herself or for someone else, accepts or takes a promise or gift to use real or alleged power in order to get or try to get from any public authority acts, orders, sentences, decisions, medals, commitment, license, import deal, bid, occupation, service, or a benefit of any kind, shall be considered as a bribee and punished with the penalty provided for in Article (151). In case the character of a public servant does not apply to the offender, (s)he shall be sentenced to imprisonment for the period of not exceeding three years or shall be fined an amount of not more than ten thousand Yemeni Riyals. Every agency subject to the supervision of public authority is held as public authority.

Bribery from a Foreign Agency

Article (160)

Whoever makes a request for oneself or someone else, takes, by mediation from a foreign country or from anyone who works for their interest, money or any other benefit, or accepts a promise thereof with the intention to commit an act causing damage to the interest of the country, shall be sentenced to imprisonment for the period of not more than ten years.

Confiscation

Article (161)

In all circumstances, the confiscation of all taken or given as a bribe or because of power abuse shall be decided.

Section II
Embezzlement and Violation of Job Duties

Forms of Embezzlement

Article (162)

Every public servant shall be sentenced to imprisonment for the period of not more than seven years in case:

1. the servant embezzles money found in his/her possession due to his/her post; or
2. the servant takes advantage of his/her post and takes over, without having a right, the property of the state, public organization or institution, or units thereof; or facilitates such an act to others.

In case the action provided for in the two previous paragraphs is not accompanied with the intention of possession, that is, the servant wants to use property and then gets them back, the penalty shall be imprisonment for the period of not more than three years.

Damage to the Country's Interest

Article (163)

Every public servant who is entrusted with the task of preserving the country's interest or the interests of one of the public organizations, institutions, or units thereof in a deal, operation, or case, and (s)he causes damage to such an interest in order to get a financial advantage or interest for himself/herself or for someone else, shall be sentenced to imprisonment for the period of not more than ten years.

Fraud in Fees Collection

Article (164)

Every public servant who is concerned with the collection of fees, fines, revenues, taxes, and the like, and requests or takes an amount undue or more than the due with one's knowledge, shall be sentenced to imprisonment for the period of not more than three years. In case the servant takes the amount over for himself/herself and does not deposit it in the public treasury, (s)he shall be sentenced in accordance with the penalty provided for in Article (162).

Hindering of Work Progress

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 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 servant leaves his/her work or refrains from performing it with the view to hindering work or violating its regularity;
3. the servant deliberately states, provides, or gives incorrect data from which others are impaired;
4. the 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.

Section III

Abuse of Post

Involuntary Confession

Article (166)

Every public servant who tortures during the performance of his/her post or uses force or threat himself/herself or by others with an accused, witness, or expert in order to make by force a confession of a crime, statements or to give information thereof, shall be imprisoned for not more than ten years, without prejudice to the victim's right in punishment, blood money, damages.

Violation of Individuals' Freedom

Article (167)

Any public servant who gives orders to punish an individual, punishes an individual himself/herself with a penalty other than the one decided or with a penalty more intense than the one decided, refuses to implement the order of an individual's release while the servant is charge thereof, or keeps deliberately an individual in a prison after the period determined for his/her imprisonment, shall be sentenced to imprisonment for the period of not more than three years or shall be fined; in all cases the servant shall be removed from his/her position.

Use of Cruelty

Article (168)

Every public servant who involves cruelty with the people, relying on his/her post's power without a right where the servant infringes their honour or causes pains in their bodies, shall be sentences to imprisonment for the period of not more than a year or shall be fined, without prejudice to the victim's right in punishment, blood money, or damages. In all cases the servant shall be removed from his/her position.

Illegal Inspection

Article (169)

Any public servant who inspects a person, residence thereof, or place thereof without one's 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.

Act Contrary to Position

Article (170)

Every public servant who does himself/herself or through others the acts stipulated in this article shall be sentenced to imprisonment for the period of not more than a year or shall be fined:

1. purchasing real estate or movable of which authorities offer for sale if it relates to the servant's post;
2. being a partner in a contracting work, tender, or any other works related to his/her job duties; or
3. renting a real estate with the intention to take advantage thereof in the area where the servant performs his/her post if such utilization is related to his/her job.

Part V

Crimes Contrary to Justice Progress

Misguidance of Judiciary

Article (183)

Whoever 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;
2. one hides things obtained from a crime or used therefor with one's knowledge; or
3. one hides an individual's corpse died as a result of an accident, or buries it without informing the competent authorities before searching or investigating in this respect.

Damage to a Document Which Can be Invoked before Judiciary

Article (184)

Whoever intentionally damages a writing or instrument 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 data 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 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)

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

Part VI

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 the freedom of thought. Publicity is also just to distribute to individuals without distinguishing between them even if it is not in a public area.

Public Incitement

Article (193)

Whoever publicly seduces or incites others to commit a crime or many crimes, and they were accordingly committed, shall be held an accomplice therein; (s)he shall be sentenced to a penalty in accordance with the one stipulated therefor unless the penalty is a doctrinal provision or lex talionis, in such a case the penalty shall be imprisonment for the period of not more than five years or shall be a fine.

Sarcasm on Religion and Incitement Disturbing Public Peace

Article (194)

Whoever does the acts stipulated in this article shall be sentenced to imprisonment for the period of not more than three years or shall be fined:

Firstly: to broadcast publicly opinions which imply sarcasm or contempt for a religion in its creed, rituals, teachings; or

Secondly: to incite publicly others to disdain a group of people or to give a group of people a preference, and so it resulted in disturbing public peace.

Dissemination of News Which Disturbs Public Peace

Article (198)

Whoever 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 Photographs Contrary to Public Morals

Article (199)

Whoever does the acts 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 printed matters, drawings, advertisements, inscribed or sculptured pictures, handmade or photograph designs, coded signs, or anything else contrary to public morals.
- Secondly: Advertising anything set hereinbefore; 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, shouts, or delivering a speech in a way contrary to public morals.
- Fifthly: Tempting publicly libertinism or disseminating advertisements or means for this purpose regardless the words used.

Falsification and Forgery of Seals and Official Marks

Article (208)

Whoever falsifies or forges the seal of the State, the President of the Republic, public servant, or of any other agency in which employees are held public servants, shall be sentenced to imprisonment for the period of not more than ten years. Any instrument used by such an agency in its own affairs to have a certain mark is considered as a seal; whoever uses anything stipulated herein shall be punished with the same penalty. However, whoever 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. Whoever 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)

Whoever 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; whoever uses anything provided for hereinbefore shall be punished with the same penalty.

Falsification and Forgery of Particular Marks and Seals

Article (210)

Whoever 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. Whoever 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. Whoever 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.

Chapter II

Writings Forgery

Tangible Forgery in Official Writings

Article (212)

Whoever 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.

Incorporeal Forgery in Official Writings

Article (213)

A public servant who writes down untrue events or particulars in a writing that (s)he is in charge of its writing, or neglects to prove true events or particulars therein with his/her knowledge, shall be sentenced to imprisonment for the period of 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.

Forgery of Customary Writings

Article (215)

Whoever commits forgery in a particular writing with a view to causing damage to its holder or to someone against whom the writing is deemed evidence, shall be sentenced to imprisonment for the period of not more than three years.

Betrayal of Trust in Blank

Article (216)

Whoever is trusted with or get a paper signed, sealed, or fingerprinted in blank, and fills it in or uses it in violation of what agreed upon with a view to causing damage to the one

signed, sealed or fingerprinted the paper, shall be punished with the penalty provided for in the previous article.

Use of Cancelled Document

Article (217)

Whoever uses a true writing that has lost its force through its nullification, cancellation, photocopying, discontinuation of its effect, or termination of such an effect while one is aware thereof and deludes intentionally that the writing is still preserving its force, shall be sentenced to imprisonment for the period of not more than a year or shall be fined not more than two thousand Riyals.

Disclosure of Job Secrets

Article (258)

Because of his/her occupation, craft, or status as secrets depository, whoever discloses a secret not under 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.

Chapter III

Pertaining to Taking Individuals' Properties in Unlawful Way

Trickery

Article (310)

Whoever illegally succeeds to obtain a financial benefit for one's own interest or the interest of someone else through resorting to tricky manners (swindling), or claims a false name or untrue character, shall be sentenced to imprisonment for the period of not more than three years or shall be fined.

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 whoever 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: Whoever 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 held a main reason for contracting in accordance with the agreement or practice.

Secondly: Whoever 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: Whoever cheats or start 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: Whoever 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: Whoever 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.

Chapter IV

Assault on Sacrosanctity of Property of Others

Damage to Property

Article (321)

Whoever demolishes, sabotages, or destroys a real estate, movable, or plant which does not belong to oneself, 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.