

Republican Decree for Law No 12 for the Year 1994 Concerning Crimes and Penalties

The President of the Republic:

*After referring to the Constitution of the Republic;
And based on the Proposal of the Prime Minister;
And after the approval of the Council of Ministers*

It is hereby decreed:

Book ONE

General Provisions on Crimes and Punishments

Part One Crimes

Chapter One

The Limits for the Application of the Law of Crimes and Penalties

General Definitions

Article (1): The following words and expressions shall have the meanings adjacent thereto, unless the context dictates otherwise, or the inference indicates another meaning thereto.

The State Territory: The Territory of the State is deemed to be the country's territorial lands, waters and what lies above or below such territory, including the airplanes and ships that carries Yemeni nationality and the Yemeni flag, wherever the latter are situated.

Public Employee or those in similar positions: according to the provisions of this Law, a public employee is deemed to be the President of the Republic, the Vice President, the Prime Minister and the Ministers; whoever assumes the burdens of public employment, in return for wages or without, notwithstanding the righteousness of the decree designating him to such an employment position; this includes members of the Judicial Authority, personnel of the Armed Forces and Police, members of the public authorities, elected or appointed members of the national or local houses of representatives, arbitrators, experts, litigation representatives, agents, representatives, judicial guards or custodians who are entrusted with the property, members of the Board of Directors and employees of companies and banks, which the Government is partial or full shareholder of the capital stock thereof.

Public Institution: This is deemed to mean the facilities or corporations which the Government is full or part owner of the capital stock thereof, aiming at serving public

interest, which includes public authorities and corporations, political parties, labor or professional unions or syndicates and federations, associations, administrative units and local councils.

Legal Person: Includes companies, authorities, institutions and associations that acquire such legal status in accordance with the Law and which are governed as natural persons, with respect other crimes stipulated in this Law and for which only those punishments that can be practically applied thereto shall be adequate.

Punitive Facilities: These are the Facilities that are identified in the Law of Prisons.

Official Document¹: This is intended to imply any correspondence to which a public authority, institution or corporation is responsible for issuing, or any of the latter, which the Government is owner of, more than 51 % thereof.

Absentee: This is a person whose whereabouts are unknown, unheard of and it is uncertain whether if such person is alive or dead.

Blood Heirs: These are deemed to be the legal heirs of the victim of a crime or their legal representatives

Principles of Legitimacy

Article (2): Criminal Liability is personal and any crime and punishment must be defined by law as such.

Territorial Jurisdiction

Article (3): This Law is applicable for all the crimes that occur within the territory of THE REPUBLIC OF YEMEN, notwithstanding the citizenship of the perpetrator thereof; a crime is deemed to have occurred in THE REPUBLIC OF YEMEN territory, if any of the deeds that constitutes such a crime occur, any time such crime is perpetrated partially or fully in THE REPUBLIC OF YEMEN territory, this Law shall be applicable thereto on anyone who participates therein, even if such participation is undertaken overseas.

This law also applies to the crimes that occur outside THE REPUBLIC OF YEMEN territory; which Yemeni courts have jurisdiction over in accordance with the Law for Criminal Proceedings.

The Reference to the Most Appropriate Law

Article (4): The effective Law is applied at the time that a crime is perpetrated, provided that if a law or laws are issued after the occurrence of a crime and prior to a decisive ruling issued thereto, the most appropriate law shall apply

¹ I.e., any written document, deed, notice, record, etc.

thereto on the perpetrator thereof; after a decisive ruling has been issued, if a law was issued which renders the deed, for which the ruling was issued on the perpetrator of such deed, not punishable, the execution of the ruling shall be suspended and its penal effects shall be terminated. Notwithstanding the latter, if a law was issued that incriminates a deed or a decline [sic in original], or which a more severe punishment than previously set thereof, is provided for accordingly , within a specific period thereafter, the end of such period shall not prevent the application thereof to any deed perpetrated during such a period.

Response and Compensation

Article (5): The provision of punishments stipulated hereunder does not infringe upon the rights of the plaintiffs for retribution [qisas] or compensation.

The Application of Provisions of this Law relates to Special Crimes

Article (6): The crimes that are stipulated in other laws shall be subject to the provisions of Book I of this Law, unless otherwise stipulated contrary to this.

Chapter Two Crimes

Section One The Elements of a Crime

Causal Linkage

Article (7): A person shall not be liable for a crime, which the Law requires for its consummation a specific result thereof, unless the conduct of such a person in deed or omission was the cause leading to the occurrence of such result; Causal Linkage is shall stand, whenever in the normal course of events in life, the conduct of the perpetrator was the cause of the result; what ever he caused which leads to a loss, provided that such linkage is rejected if another factor is involved, which in itself is adequate to lead to the same result, wherein such case the liability of the person for his conduct, if the Law incriminates such a person for anything separate from such result.

Liability

Article (8): A person shall only be liable for a crime unless this person carried out such a crime intentionally or by negligence.

Intent

Article (9): Intent is there if the perpetrator of a crime carries out such a deed willfully, knowingly and with the intent of realizing the result that is punishable;

neither the existence of an intent with cause for carrying out a crime or the purpose thereof shall be taken into account, unless the law stipulates otherwise. Intent is also realized if the perpetrator expects a criminal result for carrying out a deed and he perpetrated the deed accepting such result accordingly.

Unintended Error

Article (10): Unintentional error is there if the perpetrator acted when carrying out the deed in a manner that is not committed by a normal person, if in the circumstances the deed is characterized by carelessness, excessiveness, or negligence or without consideration to the relevant laws, procedures and decrees.

A perpetrator is considered to act as such if he did not expect the result, which a normal person would expect or did expect, but thought that such result can be avoided accordingly.

Section TWO Types of Crimes

Punishable and Retribution [qisas] Juridical Crimes and Crimes with Further Punishment

Article (11): There are two kinds of crimes:

1. Crimes that are punished according to limits set out in religious jurisdictions [hodoud] and by retribution [qisas].²
2. Crimes that punishable by slandering.

The Definition and Number of the Jurisdictional [hodoud] Punishments

Article (12): There are seven crimes for which punishments prescribed by religious jurisdiction are meted out; they are crimes for which a specific religious Jurisdictional [hodoud] stipulation exists and is a pure or mixed Devine right, which religious jurisdiction expresses as "limits."³ These are seven in number as follows:

- | | |
|---------------------|-------------|
| 1. Transgression | 2. Apostasy |
| 3. Banditry | 4. Theft |
| 5. Adultery | 6. Slander |
| 6. Drinking Alcohol | |

² I.e., "An eye for an eye, ..., etc".

³ Perhaps "boundaries" would be a better definition in English than "limits", because these are punishments that are proscribed by Devine decree and are seen as mandatory and cannot be changed..

The Definition and Number of Crimes Punished by Retribution [qisas]

Article (13): Crimes for which retribution [qisas] is mandatory are those stipulated by religious Jurisdictional [hodoud] stipulations and they are rights due to human beings; they comprise two kinds of crimes:

1. Crimes that are carried out against the lives of persons that lead to death.
2. Crimes that are carried out falling short of taking the lives of persons, which are perpetrated against the body of a person but do not lead to his death.

Identification of Crimes Requiring Slandering

Article (14): Crimes that require slandering are all the acts that are punishable under the provisions of this Law.

Division of Crimes According to Seriousness

Article (15): Crimes are broken down into two types in terms of the seriousness thereof:

- serious crimes; and
- minor crimes⁴

Definition of Serious Crimes

Article (16): Serious crimes are crimes, which are punishable by absolute religiously ordained punishments [hodoud], by death in retribution [qisas], or by severing a limb or limbs; similarly, all crimes that are convicted and sentenced to the death penalty or imprisonment for a maximum period of three years.

Definition of Minor Crimes

Article (17): Minor crimes are crimes that are fundamentally punished by blood money, compensation for injuries, or imprisonment for a maximum of three years or a fine.

Section THREE Attempting a Crime

Article (18): Attempting a crime is starting to carry out an act with the intent of perpetrating a crime; for reasons that do not have anything to do with the desire of the perpetrator the conduct of the perpetrator was halted as

⁴ Literally translated as "Non – serious crimes".

such, or the consequences thereof were foiled, even if the realization of the crime intended by the perpetrator were impossible to achieve due to the deficiency in the method used to carry out the crime, or to the failure of the targeted object of the crime to appear, or to the absence of the victim of the crime.

The Punishment for an Attempted Crime

Article (19): An attempted crime shall always be punished with such punishment not to exceed half of the maximum punishment meted out for the complete crime, unless otherwise stipulated by Law; if the punishment for the completed crime was the death sentence, wherein such a case the punishment shall be imprisonment for a maximum of ten years and the complimentary punishments that are ordained for completed crimes are applicable to the similar attempted crimes.

Exceptions to Religiously ordained punishments [hodoud] or Punishment by In-Kind Retribution [qisas]

Article (20): If the act which occurred was itself a crime which is punishable by a religiously ordained punishment or a punishment by In-Kind retribution [qisas], other than the death penalty, the sentence shall be meted out accordingly.

Section Four Participation in A Crime

The Perpetrators

Article (21): Anyone who, by his conduct, leads to the realization of the elements of a crime, including anyone in flight found at the scene of the crime at the time of its occurrence is regarded as a perpetrator; anyone who carries out a crime as an irresponsible executioner is regarded as an intermediary perpetrator-this being applicable even if the intermediary perpetrator is lacking any of the characteristics called for by law for the perpetrator; and those who together carry out acts of a crime by common intent or negligence are regarded as perpetrators.

Provocateurs

Article (22): Anyone who tempts the perpetrator to carry out a crime is regarded to be a provocateur, who is subject to punishment if the perpetrator has attempted to carry out the crime; however, in certain crimes, provocation of a crime can be punishable, even if there is no consequence thereof.

Accomplices

Article (23): An accomplice is whoever provides collateral assistance with the intent of committing a crime and such assistance may be prior to the execution of the crime, concurrently therewith, or subsequently thereto, whenever as such agreed to prior to the implementation of the crime accordingly. However, subsequent assistance, which is not agreed to prior to the perpetration of the crime, shall be punished as a special crime.

Punishment for Participation in a Crime

Article (24): For crimes of slandering, anyone who participates in the crime as a perpetrator, provocateur, or accomplice shall be punished by the punishment ordained thereto, unless otherwise stipulated by Law; however, if the intent of a participant differs from the intent of the other participants, each participant shall be punished according to such intent.

Circumstances

Article (25): All contributors of In-Kind mitigating circumstances realized shall benefit from such circumstances, even though they are not aware of them; only those who are aware of inured circumstances are liable as such and personal conditions or circumstances shall have an impact only on those they apply to, whether they were conflicting, mitigating or intensifying to the legal responsibility involved or preventive to meting out a punishment thereof.

Chapter Five

Reasons for Rejecting the Characteristic of a Crime

Section One

Reasons of Permitted Lawfulness

Article (26): An act is not deemed to be a crime if it entails the use of a right ordained by law, or the performance of a duty imposed by law or the use of an authority delegated by law therein.

Legitimate Self-Defense

Article (27): Legitimate Self-defense arises when a person faces an immediate danger from a crime to himself/herself,⁵ his/her honor or his/her property, or the lives, honor and property of others without resorting to the public authorities to evade this danger in due time. Accordingly the defending person may repel such danger by any appropriate means or any appropriate method.

Limitations of Self-Defense

⁵ Gender Pronoun added by translator.

Article (28): Intentional murder is not lawful in self-defense, unless it was intended to repulse any act that threatens to lead⁶ to any of the following crimes, with such fear being reasonable:

1. Murder or serious injury, if such injuries fall on the defendant or any of his relatives.
2. Attempted forced rape or sodomy on the defendant thereof, his spouse or any person who is considered his kin or relative⁷.
3. Forced or threatened armed kidnapping of the defendant, his spouse, children or one of his "sanctified relations"⁸ to whom the latter's marriage is forbidden. Strong evidence must be presented for all forms of self-defense; if they prove as such, there is no punishment by In-Kind retribution [qisas], blood money or compensation for injury to be meted out to the defendant accordingly.

Article (29): The right of self-defense for the defense of property does not allow for intentional murder, unless it is intended to repulse any of the following:

1. Intentional arsenals.
2. Serious robbery cases.
3. Unlawful entry at night to an inhabited house or any of its auxiliaries.

Exceeding the Limitations of Lawfulness

Article (30): If a person negligently exceeds the limitations of lawfulness, necessity or self-defense, such excess shall be punishable if the law incriminates such excess as a non-intentional crime.

Section Two The Responsibility of Juveniles and those in such Condition

The Phases of Juvenile's Responsibility

Article (31): Any person who has not reached the age of seven years old is not accountable at the time of the act that constituted the crime; if the event was perpetrated by a minor who has reached the age of seven years old,

⁶ Literally translated as "raises fear of leading...".

⁷ In the latter case, the defendant is obligated by Sharia'a Law to protect persons, particularly women, who he may not marry and thus he is entitled to accompany such kin on trips, etc to act as guardian. This also entails breast - feeding ladies, who are not necessarily mothers of the infant and who may not even be close in kinship.

⁸ The phrase refers to an Islamic term which covers all female or male relations who are related to the person in such a way as rendered by Shariah illegal to marry.

but still has not reached the age of fifteen years old, the Judge may order any of the arrangements stipulated in the Law of Juveniles in lieu of the normal punishment for the crime; if the perpetrator has reached the age of fifteen years old but not eighteen years old, the latter shall be sentenced to a maximum of half the punishment set forth legally. If the latter sentence was the death penalty, he/she minor shall be punished by imprisonment for a minimum of three years up to a maximum of ten years. In all cases, imprisonment shall be carried out in special facilities, subject to appropriate treatment of the indicted Juveniles. No minor shall bear full criminal responsibility, unless the latter has reached the age of 18 years old at the time of committing the crime. If the age of the defendant is not easily determined, the judge may estimate it with the assistance of an expert's council.

Article (32): The provisions of the previous article shall have no prejudice to the rights of blood money or compensation for injury to the victim of the crime or the heirs thereof. The amount of blood money or compensation for injury shall be paid by the mature kinship of the minor; if it could not meet thereof, from the property of the minor.

Mental Defects

Article (33): A person shall not be legally accountable for committing a crime if, at the time of the occurrence of the crime, the latter was unable to perceive the nature and consequence thereof, because of:

1. Permanent or temporary insanity or mental disability.
2. Forcefully, or unknowingly or compelled by necessity to be under the influence of an intoxicating substance or drug. However, if such⁹ was by the perpetrator's own choice and full knowledge, the sentence to be meted out to the latter shall be made as if the crime was committed without being intoxicated or drugged.

Article (34): The provisions set forth in the previous article shall have no prejudice to the rights of blood money or compensations for injury to the victim and the heirs thereof. The amount of blood money, in the event of death or other lesser related crimes, or compensation for injuries shall be set forth clearly; if more serious, what applies to it is for a mature woman, except when the case is related to the compelled, wherein the blood money is for the mature kinship, who may have recourse to it from the compelled accordingly.¹⁰

Section Three

The Rejection of Material Ground and the Negation of Error

⁹ Always vague reference in this word and its like.

¹⁰ Text unclear or incomplete here.

Physical Coercion and Force Majeur

Article (35): A person is not deemed to have committed a crime if such an act which constituted the crime was committed under substantial compulsory pressure that is impossible to resist or due to force majeure, where in such case the compelling person¹¹ is, responsible for the crime committed accordingly. This excludes murder and human torture, wherein the responsibility is not waived for both the compelled perpetrator and the compelling person thereof.

Necessity and Moral Compulsion

Article (36): Anyone who commits an act dictated by the necessity to protect himself or others, or the property of such a person or of others from any serious imminent danger that such a person did not cause intentionally; the latter could not prevent it by any other means, he shall not be responsible for such act, provided that the act so committed is in proportion with the danger intended to be avoided and the act shall not be considered as such, in the event that it is perpetrated by anyone who is legally obligated to confront such a danger.

Error in Events and in Law

Article (37): Intent is negated if the act constituting a crime occurred based on a mistake on an event that is considered one of the legal elements thereof or in such a situation that, if it arises, the act becomes lawful; yet this shall not prevent the punishment of the perpetrator thereof for any consequences to crimes that are committed unintentionally or any other crime committed.

Not knowing the provisions of this Law shall not be accepted as an argument, although unawareness is accepted by a rule set forth in another law, whenever it was raised on a matter that is considered an element in the crime.

Part Two Punishments

Book ONE Fundamental Punishments

Listing of the Fundamental Punishments

Article (38): The Original Punishments are eleven in number, as follows:

¹¹ Owner of the compelling deed.

1. Capital Punishment: Execution [killing] through a religiously ordained punishment, Retribution [qisas] in Kind¹², or for slandering purposes.
2. Stoning until death
3. Amputation as a religiously ordained punishment
4. Retribution [qisas] for Other Than Murder¹³
5. Flagellation as a religiously ordained punishment
6. Imprisonment
7. Blood Money
8. Liable Injuries¹⁴
9. Fines
10. Crucifixion in the cases stipulated by Law
11. Compulsory Labor

Imprisonment

Article (39): Imprisonment shall not be meted out for less than 24 hours; shall not be more than 10 years unless otherwise stipulated by the Law.

Amount of Blood Money and Liable Injuries

Article (40): The full blood money for life is set at one thousand times the counterweight¹⁵ of pure gold which is equivalent to 500 "young boy" gold sovereigns, or its equivalent in paper currency at the prevailing price of gold at the date of execution of the sentence.

Liable Injuries is a specific proportion of the blood money, which is set according to the crime, based on what is stipulated in the following Article:

In unintentional [by mistake] homicide, the Blood Money is reduced by a fifth of the full compensation.

Cases of Blood Money

Article (41): Full Blood Money is entitled in cases of loss of life; loss of individual, paired or multiple organic members of a kind from the human body, or the loss of the benefit of the function thereof, or its beauty, through the loss of organs of a kind, or through rendering them useless, though their forms still remain. With regards to the prenatal child the financial retribution [qisas]s stipulated in Article (239) shall be applicable accordingly. The full blood money is reduced proportionally the remaining organs of the same kind or of their meanings. Those items of the same kind in the human body are:

- | | |
|-----------------------------|-----------------------------------|
| 1. The nose in its entirety | 2. The nose cartilage/tip/nostril |
| 3. The tongue | 4. The penis |
| 5. The Spine | 6. The brain |

¹² I.e., In keeping with an "A life for a life". Usually for intentional murder.

¹³ This is for retribution other than for intentional murder, in keeping with: "an eye for an eye, a tooth for a tooth, etc."

¹⁴ The valuation of physical injuries to determine liability for compensation thereof.

¹⁵ A standard weight usually attributed to the weight of grain or some other natural produce of which the equivalent of gold shall be weighted by.

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|--|--|
| 7. Speech | 8. Voice |
| 9. Urinary tract | 10. Fecal Tract |
| 11. Cease of reproduction | 12. Barrier between the two Excretory tracts |
| 13. All the senses | 14. Both eyes |
| 15. Both ears | 16. Both arms |
| 17. Both feet | 18. Both lips |
| 19. Both breasts or their nipples for females. | 20. Both testicles |
| 21. Both incisors for men | 22. Both lips of vagina [sic] for women |
| 23. Both eyebrows | 24. Both eye lids |
| 25. Fingers of both hands | 26. Toes of both feet |
| 27. The teeth | |

Determining of Body Injuries Compensation

Article (42): Compensation for body injuries other than those specified above shall be as follows:

Blood Money

1. For bone breakage, dislocation or skull concussion (to brain)/fracture	1/3	333 counterweight
2. Bone separation/disconnection/disjoint	3/20	150 counterweight
3. Bone fracture/crack	1/10	100 counterweight
4. Severe cut to removal of meat till bone leaving only skin and bone	1/20	50 counterweight
5. Cut to bone	1/25	40 counterweight
6. Cut 2/3 of way from bone	3/100	30 counterweight
7. Cut 1/2 way to bone	1/50	20 counterweight
8. Heavy bleeding (blood flowing out to other location)	1/80	12.5 counterweight
9. Light bleeding (blood clots over wound)	1/160	6.25 counterweight
10. Blow or bruise/swelling	1/200	5 counterweight
11. Bruise (greenish, reddish blackish-no swelling)	1/250	4 counterweight

The Blood Money for the women is half that for men, but for body injury compensations, they are the same as those for men until they reach to a third of the total compensation set for men, beyond which half shall be given. A specialist doctor or any experienced assessors shall determine the type of injuries thereof. If the injury lasts or continues without being assessed for compensation thereof, the court shall judge and assess the same based on its own observation thereof accordingly.

Fines

Article (43): A fine is an amount compelled upon one who has been convicted to pay to the State Treasury, which is set by the Court in the verdict. A fine shall not fall below YR One Hundred nor shall it exceed YR Seventy Thousand, unless otherwise stipulated by Law.

Compulsory Labor

Article (44): In crimes punished by imprisonment for terms that are not beyond three years may sentence alternatively the punishment of compulsory labor for the period that shall not exceed the prison term set for the crime, whenever the Court finds that the personality, past record and social standing of the Perpetrator indicate that the corrective effect of the punishment can be achieved without having to resort to imprisonment> The punishment, as such, shall be determined based upon the abilities of the Perpetrator in one of the public projects for the period to be set in the sentence of the Court. The sentence may impose on the convict to reside in the area of the project where the sentence is to be implemented, or in one of the correction facilities that are near the project.

The cost of whatever the project provides the convict in terms of services, such as accommodation clothing and lodging shall be deducted from his wages.

Article (45): If the convict is slack in carrying out the work he has been assigned, or fails to carry it out, or escapes from work, the General Prosecution may request the Judge of the Primary Court, which passed the sentence in the district where the sentence is being executed, to issue a court order for the execution of the prison sentence on the convict, whereby the convict shall complete the term of the punishment in one of the public penal institutions.

Chapter Two

Provisions on Religiously ordained Sentences [hodoud]

Inquiring on the Cases of Droppings¹⁶ to Religiously ordained Sentences [hodoud]

Article (46): The Judge shall, when considering the sentences to be meted out to a convicted Perpetrator, shall detail all the actions/procedures that will lead to the drop of a sentence from the Perpetrator. Otherwise slandering shall be annulled if the Judge was proven not to have done so.

Conversion of the Convict to Islam

Article (47): The sentence shall be dropped if the criminal convert to Islam after having committed the crime, even if after having regressed from Islam, except in the sentence for slander/defamation.

Dropping and delaying of Sentences

¹⁶ The actions or procedures that may be able to drop statutory sentence as stipulated in the Sharia'a Law accordingly.

Article (48): The President of the Republic may order the delay of a sentence, or drop it altogether whenever interest so dictates, in cases not involving any rights of human beings.

Article (49): If a sentence was not executed after having been meted out, the matter shall be presented to the court of proper jurisdiction to mete out a sentence of retribution [qisas] in accordance with the Law.

Chapter Three Provisions Concerning Retribution [qisas], Blood money and Injuries

Section One Provisions for Retribution [qisas]

Definition

Article (50): Retribution [qisas] is a right of the living victim of a crime, it goes to his legal heirs after his death. The sentence of retribution [qisas] may be meted out just based upon the demand of one of the heirs of the victim, or anyone representing him legally, or the General Prosecution in view of their responsibility to raise criminal charges. If the victim or the heirs thereof refuse to request the sentence of retribution [qisas] on the criminal, a sentence may be meted out, as such, upon the request of the General Prosecution, without prejudice to the provisions of this Law relating to the execution of retribution [qisas] sentences.

The Right to Pardon Retribution [qisas]

Article (51): Whoever is entitled to the right of retribution [qisas] also is entitled to the right to pardon, without any return, or on the condition of blood money or injury, with all due consideration to the following articles.

Article (52): This right of exoneration is not entitled to anyone other than the victim or his legal heirs.

Article (53): A convicted murderer may not inherit his victim, nor does he have any right to his blood nor is he entitled to pardon accordingly.

The Effects of Exoneration

Article (54): If Exoneration by those entitled thereto is issued prior to issuing a verdict and sentence on the charges, the retribution [qisas] shall be dropped; may not be sentenced upon the slandering of the Perpetrator; or if the exoneration was issued after the verdict and sentence were meted out, the

execution of the sentence for retribution [qisas] shall be suspended accordingly.

Conditional Exoneration upon Blood Money or Liable Injuries Compensation

Article (55): If exoneration is issued by those who are entitled to pardon, unconditionally or on condition of Blood Money or Liable Injuries Compensation, the convicted criminal must be sentenced to a maximum of 15 years imprisonment and the Blood Money or Liable Injuries Compensation as an alternative to retribution [qisas].

Exoneration after the Verdict

Article (56): If the pardon was issued after the issuance of the verdict and sentence of retribution [qisas], on the condition of Blood Money or Liable Injuries Compensation, the execution of the retribution [qisas] must be suspended, if the convict pays the Blood Money or Liable Injuries Compensation, in accordance with the conditional pardon, otherwise the retribution [qisas] sentence shall be executed. In the unconditional pardon, if the convict does not come up with the compensation, it shall be settled from his assets accordingly.

Unlawfulness of Combining Retribution [qisas] and Blood Money or Liable Injuries Compensation.

Article (57): Retribution [qisas] and Blood Money or Liable Injuries Compensation may not be combined together for the same crime committed by the same person. If there were multiple victims, each one of them is entitled to retribution [qisas] Blood Money or Liable Injuries Compensation, as well as the right to pardon, whether they agreed differed in their requests.

Article (58): A woman is entitled to retribution [qisas] from a man and an individual is entitled to retribution [qisas] from a group, irrespective of the number of the Perpetrators involved accordingly.

Article (59): A parent may not be reattributed for his branch, but shall be sentenced to Blood Money or Liable Injuries Compensation according to the case.

Article (60): The exoneration of a the victim is binding on him and on his heirs, notwithstanding the change in circumstances. If he pardons from retribution [qisas] or blood money, they are both dropped. If he is pardoned unconditionally, or conditional upon the payment of Blood Money or Liable Injuries Compensation, the right to retribution [qisas] is dropped; the victims or the heirs thereof are only entitled to the Blood Money or Liable Injuries Compensation accordingly.

Article (61): Sentencing of Blood Money or Liable Injuries Compensation may not be meted out until the conditions of the victim resulting from the crime have been fully determined with regards to what results from the injuries.

Article (62): If the present mature heirs demand retribution [qisas], it shall be executed, without having to await the maturity of the heirs who are still Juveniles, or the insane heirs reaching sanity, since they have no entitlement to blood inheritance, nor shall the attendance of the absent heirs, whose whereabouts is unknown, be awaited. Where the location of absent heirs is known, the General Prosecution shall set a date for reporting thereof, if he still does not show up the retribution [qisas] shall be executed in his absence. The heirs may not claim for Blood Money or Liable Injuries Compensation after the execution of retribution [qisas] in kind.

Article (63): The exoneration of any one of the heirs drops the right to retribution [qisas]; the rest of the heirs are thus only entitled to their respective share of the Blood Money or Liable Injuries Compensation, whereby his respective right thereof may not be dropped except by an explicit pardon thereof accordingly.

Article (64): The exoneration of one of those who are jointly convicted of a murder is jointly also effective, if it is proven that the involvement of another person would not lead to the homicide without participation of the former, whereby the retribution [qisas] shall be dropped from him as well as from the others; the victim or his heirs may only claim the Blood Money or Liable Injuries Compensation accordingly.

Article (65): The right to retribution [qisas] drops if the original heir thereto and the heirs of the convicted Perpetrator all die, or if the heir inherits a portion thereof, the rest of the heirs are only entitled to their respective shares of the Blood Money or Liable Injuries Compensation accordingly.

Article (66): Retribution [qisas] is on the direct Perpetrator thereof and those who fall within the same verdict and the participants who are not directly involved in the execution of the crime shall be judged in accordance with the Law.

Article (67): Retribution [qisas] is dropped upon the death of the Perpetrator, but it does not drop the claim to Blood Money or Liable Injuries Compensation from his assets, if he has such at all.

Article (68): A settlement for retribution [qisas] may be arrived for more or less than the amount of Blood Money or Liable Injuries Compensation; the right to a settlement is entitled to those who are entitled to retribution [qisas] or exoneration; only the victim or his legal heirs are allowed to reach such a settlement below the full amount set herein if there is a benefit that only the Judge the judge accordingly.

Article (69): The dropping of retribution [qisas] or its prevention for reasons other than the death of the Perpetrator does not prevent the remonstrance in public right. Thus if the dropping of retribution [qisas] or its prevention came after the verdict was issued and the matter shall be presented to the appropriate court of jurisdiction to set the sentence of retribution [qisas] in accordance with the Law.

Section Two

Provisions Concerning Blood Money or Liable Injuries Compensation

Article (70): Blood Money or Liable Injuries Compensations are alternative punishments to retribution [qisas] in the case that retribution [qisas] is dropped as shown in the previous section; otherwise are considered fundamental punishments under those situations stipulated by religious (Sharia'a) laws accordingly.

Article (71): Those who are entitled thereto may forfeit the right to Blood Money or Liable Injuries Compensation claims on the assets of the Perpetrator or his heirs.

Article (72): There shall be Blood Money or Liable Injuries Compensation claims on the assets of the Perpetrator alone, in the event retribution [qisas] is dropped or they are in lieu thereof. The unintentional¹⁷ is to be borne by the clan, with the responsible Perpetrator bearing a third of the amount due, if he has the assets, while the rest is distributed among his clan.

Article (73): The Blood Money or Liable Injuries Compensation is multiplied by the number of victims and the number of injuries of the single victim, whether intentionally or otherwise, unless the victim dies, wherein the full compensation is to be claimed for one such Perpetrator accordingly.

Article (74): the number of Perpetrators multiplies the Blood Money or Liable Injuries Compensations, if they are claimed for, or if retribution [qisas] is dropped for any reason. In homicide the victim must die by their combined direct act or sequential acts or joint acts, even of the act if one of them exceeds that of the others with the consequential effect being equal [the same] accordingly.

Article (75): One claim of Blood Money or Liable Injuries Compensation shall be meted out resulting by the unintentional (loss of life or injury) thereof by a single act on one victim, even if the perpetrators were more than one.

Article (76): If the crimes perpetrated on one person by a group differed without their consent, whereas some of these crimes were directly the cause of the death of the victim, while those of some of the others were a cause for injuries; full compensation was claimed, or the right to retribution [qisas]

¹⁷ The literal translation reads: the "Blood Money or Liable Injuries Compensation due to error".

was dropped, in any manner, the direct perpetrator of death, if he was ahead of the other perpetrators and the victim still remained alive, or both crimes were committed at the same time, or the times were apart, the direct perpetrator of the death shall be liable for full compensation, while the second perpetrator is liable for partial compensation for the injuries he inflicted, until the time of the direct perpetrator came to carry out his felony, in the event that the perpetrator of the injuries had been ahead of the direct perpetrator, whereby the injuries would precede the cause of death, or if the matter was confusing and it is hard to tell who is the direct cause of the death, all shall pay a full compensation, which they will pay an equal share each thereof accordingly.

Article (77): If the Perpetrators differed, whereby some lead to the death in series,¹⁸ while others did not lead to the death, without any collaboration, the perpetrator who lead to the death shall be liable for the full compensation, in the event that this was requested by those entitled thereto or the retribution [qisas] is dropped for any reason thereto, if he knew that his act was evil whether this was before or after the other Perpetrators had been perpetrated, with the others liable for the injuries they caused. If the murderer did not know of the series of blows, they are all liable for the compensation to be shared equally between them.

Article (78): The original killer and whoever falls in line with him shall be sentenced to full compensation, with the other participants only liable for remonstration who are not directly involved in the murder by the imposition of prison terms for a minimum of a year, unless the Law stipulates otherwise.

Article (79): The payment of Blood Money or Liable Injuries Compensation or the Pardoner thereof does not prevent the remonstration of the convict in accordance with the Law.

Article (80): The full compensation and partial compensation may be combined with the compensation for medical expenses incurred on the victim and the losses incurred during the period of injury.

Section Three **The Provisions for Sworn Oaths**

Article (81): Shared Sworn Depositions are sworn statements by the suspects, whenever there is a homicide victim or injured victim, of who the Perpetrator cannot be determined through legal evidence. This sworn statement is the denial of any accusation pointed at the accused suspects thereto. In any case, they are still liable for payment of the Blood Money or Liable Injuries Compensation along with the sworn deposition. No

¹⁸ The original Arabic word “shariah” is spelt differently twice in the same article. Hence the exact sense of the sentence could not be exactly determined.

consideration is given to those who evade the deposition and there is no collective sworn depositions for injury below that which is apparent, nor for beatings, assaults or annoyance, if it does not lead to death. The testimony of those who are sworn in is not acceptable, even if the case was dropped against them.

Article (82): The conditions for accepting the procedures of sworn depositions are as follows:

1. Confirmed killing or injury.
2. Those plaintiffs entitled to retribution [qisas] on one of a confined group of persons, with the actual murderer unknown.
3. The existence of strong suspicion based on strong suspicion that the killer is one of the suspects, such as the location of the corpse at the place of his enemies or the parting of a group of men from someone among them left dead.

The number of deaths or injured victims multiplies the number of cases for sworn depositions. The depositions are dropped when the charges are conflicting.

Article (83): Sworn depositions take place when the victim's blood guardian¹⁹ shall select 50 designated persons from those suspected who were present at the time of the killing, whether they are citizens or residents. Each one of these 50 people will swear that he did not kill or injure the victim, nor does he know who the killer or perpetrator of the injuries is.

If the number of the suspects presented for this deposition is less than 50, the blood owners can choose from among those selected to repeat the depositions until the number is completed to 50.

The form of swearing shall be final for the one swearing; it may be reconfirmed as the Judge so sees it.

Article (84): The judge may order the arrest of anyone of the deposition group who avoids making the oath until he has come to make the oath and pays his share of the full compensation or admits to himself in writing, which is acceptable or he may designate someone else as the suspect, which is not taken as evidence accordingly. If there is no legal evidence of his identified person as such, he will have to pay his share of the full compensation accordingly.

Article (85): The liability for the full compensation is divided among the suspects and their clans. Any parts thereof they are unable to pay shall be paid by the public treasury.

¹⁹ The victim or heirs thereof.

Article (86): If the victim was found in his place where there are only women and children, the public treasury will pay the full compensation.

Article (87): If the victim was dead in a place not belonging to any particular person, or belonged to people of which the killer cannot be confined to any group thereof, the full compensation shall be borne by the public treasury.

Article (88): If the victim was found dead between two locations, the deposition shall be made by the people of the place whose residences have an apparent animosity with the victim. If there was no animosity or the animosity was with the people of both places the people of the closest place to the location of the victim, if they were equidistant, they shall both carry it together.

Article (89): If the crime occurred in a place of business, craft or skill and the suspicion was restricted to within the people therein, they shall have to make the deposition accordingly.

Article (90): If the victim was found in a house or an attached garden thereto, which belongs to or is under the disposition of a specific person, the latter and his clan are liable for the full compensation, unless the owners of the blood charge other people. The owner of the house and garden is the one who has the right of disposition thereof unless the holding of the property is transferred, by agreement or without, such as a lessee, borrower or trespasser, whereby the latter and his clan shall be held liable for the compensation accordingly.

Chapter Four On the Clan

Article (91): The clan is the group of mature, sane relatives of the convict, who are of the same religion and whose ancestry is recognized as the grandfather (ancestor) of the killer or the perpetrator of the injury, whether they are present or in absentia, well or in illness, including the children of the convict and his spouse if they are from the same group.

Article (92): The rich members of the clan shall bear whatever they must pay from the Blood Money or Liable Injuries Compensation, which is quasi-intentional or in error, which is 1/3 of the amount, with the closest amongst them having precedence. This includes the heirs and those who are not heirs. Each one of them bears according to what he is able to afford up to a maximum of one quarter of a tenth of two-thirds of Blood Money or Liable Injuries Compensation until they compile all that is required. A rich relative is considered one who possesses what he needs for his sustenance from one income period to another and can pay the amount due from the surplus thereof.

Article (93): If the killing was caused by a person who is a member of a tribe, or a member of a profession, vocation craft or employment; he has no known relations as indicated in the previous 2 articles, or the relatives are not sufficient to come up with the amounts due from them for Blood Money or Liable Injuries Compensation, the fellow tribesmen, professionals, craftsmen, or those from the same place of employment shall be regarded as his clan; they shall be made to contribute three days income. If the amount so collected exceeds the amount required the excess balance shall be returned to the contributors in proportion to their contribution accordingly.

Article (94): The mature members of the perpetrator's clan are not charged with anything if it was proven that the crime was resolved by a settlement or by the confession of the perpetrator, unless it is approved by the mature members of the clan or refuses to swear; the mature members of the clan shall not bear anything if the amount of compensation for injuries of the crime do not exceed a specified amount or greater.

Article (95): If the victim of the crime or the latter's heirs exonerate the perpetrator, the mature members of the clan are also exonerated, if this was done before the issuance of the verdict thereof.

Article (96): The mature people acting on behalf of bastards or children out of adultery the mature members of their mothers' clans.

Article (97): The Government shall be the heir to anyone who has no heirs or mature members of the clan to act on his behalf; the Government shall not issue any pardons unless for a benefit or interest.

Article (98): If the amount to be borne by the mature members of the clan are insufficient for the amount that is due as blood money or compensation for injuries, the rest must be covered by the Public Treasury.

Article (99): The amount due from the perpetrator and the mature members of his clan may be repaid in three fully equal installments in three subsequent years; if the amount that is due is two-thirds the amount of blood money or less than the amount shall be paid in two equal subsequent annual installments; if it is a third thereof or less, it shall be paid in one year's time. Anyone who refuses to make payment as such and has the funds to do so, shall be imprisoned until he meets payment; fulfillment may be obtained from his assets.

Chapter Five Complimentary Punishments

Definition

Article (100): Complimentary Punishments are punishments that compliment the statutory fundamental punishments, which rest on the announcement of the Judge thereof and may only be executed unless they are stipulated in the verdict. Complimentary punishments include being deprived of all or some of the rights stipulated in the following article, being put under observation, confiscation, in addition to the complimentary punishments stipulated in the Law for certain crimes.

Deprivation of Certain Rights and Privileges

Article (101): In addition to the punishment set forth for the crime, the court may rule that the Perpetrator shall be deprived of all or some of the following rights and privileges, or shall be punished by one or more of the following complimentary punishments, subject to the nature of the crime and the circumstances surrounding its perpetration, the past record of the suspect and the type of fundamental punishment sentenced:

1. Engagement in public employment or services or employment with the prosecution or professional fields.
2. Election for or election to the public councils or assemblies.
3. To be a member of the Board of Directors or Manager of a company.
4. To be the holder of a commitment or a concession from the Government.
5. To be a trustee or custodian or agent.
6. To be an expert or a witness in any agreement or disposition.
7. To be a manager, publisher or editor of a newspaper.
8. To be responsible for the management of an academic school or institute or to engage in any educational activity.
9. To carry any national or foreign decoration or honors.
10. To bear arms.
11. To continue to practice a profession.
12. Freedom of movement or relocation (under police observation)
13. Use or exploitation of a shop (closing a shop).
14. Continued residence of a foreigner.

15. Presentation of an undertaking not to disrupt security and to be committed to good conduct, to be with or without a guarantee.

If the sentenced Perpetrator, at the time of sentencing, was enjoying any of the above rights and is sentenced with deprivation of some of them, the deprivation shall be implemented upon the issuance of the sentence accordingly.

The deprivation shall be permanent and its effectiveness shall not be removed until the rehabilitation of the convicted Perpetrator. The deprivation may also be temporary for a period of a minimum of one year and a maximum of three years, starting from the date of executing the fundamental punishment or from the date that the punishment has been terminated for any other reasons unless the law stipulates otherwise.

Article (102): The Court may rule that a convicted Perpetrator, who was sentenced to imprisonment, may be placed under probation for a minimum period of one year and a maximum period of three years starting from the day of the termination of the prison term; the judge shall set forth the obligations required of the Probation, such as residence in a specific location that could only be changed with the approval of the administrative authority, or to ban him from being found in certain places. If there are no specific Probation boards existing, the police shall be in charge of this responsibility and the prosecution of jurisdiction over the area where the Probation is residing shall begin supervising the execution of the Probation based on periodic reports presented to such prosecution on the conduct of the Probation every three months at the most; the prosecution may amend or waive some of the restrictions of the Probation after at least half of the Probation term has expired. If the Probatione violates the conditions of the Probation, the judge may harden the conditions thereof or to sentence the convict to imprisonment for up to a maximum of one year.

Confiscation

Article (103): When convicting a Perpetrator, the Court may rule for the confiscation of apprehended objects obtained from the crime, those which were used to perpetrate the crime or which were prepared for use therein. The order for confiscation of apprehended items, of which the manufacture, possession, acquisition, use, sale and offer for sale is considered a crime in itself, even if it was not owned by the suspect, or the suspect was not convicted. In both cases, the Court shall give consideration to the rights of other parties with good intentions.

Chapter Six Precautions

Section One Precautions Set Forth for Juveniles

Article (104): The Law shall set forth the arrangements for Juveniles that will insure their reforms, education and protection.

Section Two Precautions for the Mentally III

Placement in a Therapeutic Shelter

Article (105): If it is proven to the judge that the suspect, at the time of perpetrating the act, which constitutes the crime, was unaware of his action due to a mental illness, can order the entry of such a suspect any of the Government facilities for the treatment of mental illnesses; the administration of such a facility shall present to the Judge reports on the conditions of the patient periodically, with such periods not to exceed six months. The Judge may decide, after taking an opinion from a specialized medical entity, to release the patient or submit him to any members of his family to take care and custody of the patient; the Judge may, at the request of the General Prosecution or the concerned persons; after obtaining the opinion of the relevant medical authority, also order that the patient be returned to the facility if necessity so dictates.

The Judge may also implement the provisions of the above paragraph on the convicted Perpetrator by a light sentence due to a deficiency in the suspect's awareness. The period spent in a treatment facility shall be deducted from the sentenced prison term. If the Judge saw that the convicted Perpetrator shall be released from the facility prior to the termination of the term, the convict shall spend the rest of the term so sentenced in a penal facility.

Section Three Preventive Precautions

Compelling the Convict to Deposit a Bond or Present a Guarantor

Article (106): The convicted Perpetrator may be compelled to sign an undertaking to pay a certain amount, if the Perpetrator carries out a crime within a period up to a maximum of two years, to be set by the Judge. The Judge may also request the convict to present a guarantor as a guarantee to be obtained whenever the convicted Perpetrator violates the terms of such an undertaking.

The deposited bond shall be the property of the depositor thereof until a ruling is issued for the confiscation thereof whenever the convicted Perpetrator violates the terms of the undertaking; the bond may be refunded at the expiry of the period stipulated in the undertaking and the convicted Perpetrator has not violated any of the terms of the undertaking, or the latter was accused thereof but was found innocent thereof.

This preventive measure is taken with every person proven to have a conduct with criminal inclinations, if the following conditions are realized:

1. That the person has been sentenced to imprisonment for a year or more for any crime.
2. That the person was accused seriously of a perpetrating an assault on a person's life, honor²⁰ or property but was not tried or convicted due to insufficient evidence.
3. That the person is well known for habitually perpetrating crimes of assault on life, property or honor.
4. That the person is not engaged in a profession or skill, lacks any apparent assets or legitimate revenues to live on and has achieved renown for acquiring income by means of illegitimate methods.

Probation Instead of the Previous Arrangement

Article (107): In lieu of taking the preventive measure stipulated in the above article may place the convicted Perpetrator on Probation, under the supervision of the police, for a minimum period of a year and a maximum of up to three years. Such a sentence shall be meted out if the convicted Perpetrator refuses to sign an undertaking or failed in providing a guarantor or to post bond, subject to the order of the Court accordingly.

Article (108): The request to take a preventive measure is presented by the General Prosecution with jurisdiction over the area where the suspect resides or the place where the crime, for which taking preventive measure was being requested, took place.

Section Seven **The Implementation of Punishments**

Singling of Punishment

Article (109): The Judge shall set the appropriate slandering punishment between the a maximum and minimum punishment set for the crime, subject to the mitigating and hardening circumstances, in particular the degree of responsibility for the crime and the motives behind it, the seriousness of the act, the circumstances in which it occurred, the past criminal record, the personal standing and the action of the perpetrator subsequent to the crime, the relations to the victim of the crime and the compensation made to the victim or his heirs. When setting the fine, the Judge shall consider the economic position of the perpetrator. If the punishment set forth for the crime was the death penalty and it was under mitigating circumstances, the Judge can mete out imprisonment for a maximum term of fifteen years and a minimum term of five years.

²⁰ I.e., sexual assault.

Multiple In-Kind Retribution [qisas] Punishments

Article (110): If there were multiple punishments for retribution [qisas]-In-Kind, before the execution of the sentence on the convicted Perpetrator, the following should be pursued:

- I. If the multiple sentences for retribution [qisas]-In-Kind were due to crimes perpetrated on one person, it would be adequate to execute the most severe punishment, in which other punishments are included within it, whereby there would be nothing remaining after its implementation for carrying out any other retribution [qisas]-In-Kind sentences thereon.
- II. If multiple retribution [qisas]-In-Kind punishments were due to crimes perpetrated on a number of individuals, the lighter punishments shall first be executed, the next most severe as so on, until the convict has completed undergoing all the punishments sentenced accordingly.

Multiplicity the Religiously Ordained Punishments

Article (111): If multiple religiously ordained punishments [hodoud] were sentenced before executing such punishments, the following shall be followed:

- I. The flogging punishment for Defamation shall have precedence and the punishment for drinking shall be included with it.
- II. All religiously ordained punishments [hodoud] shall be implemented, with the most severe having precedence and the rest to be included along with it, subject to the victim maintaining his right of getting back whatever still remains of the stolen goods.

Multiplicity of Punishments for Defamation

Article (112): If there were Multiplicity of religiously ordained punishments [hodoud] for Defamation, prior to execution thereof the following shall be pursued:

- I. If the Defamation was on one person, one punishment shall be adequate accordingly.
- II. If the Defamation was on more than one person with the same words, one punishment shall be adequate accordingly.
- III. If the Defamation was on more than one person, with different words, each of those, who are living, with repeated Defamations shall be accorded one punishment for all similar Defamations.

- IV. If there was more than one punishment, in accordance with the proceeding, the earlier shall precede and so on until the convicted Perpetrator has completed undergoing all the religiously ordained punishment that he was sentenced accordingly.

Conflict in Religiously Ordained Punishment and In-Kind Retribution [qisas]

Article (113): If there were multiple religiously ordained punishments [hodoud] and punishment by In-Kind-retribution [qisas] the following shall be followed:

- I. The punishment of flogging for Defamation shall have precedence.
- II. The implementation of the punishments by In-Kind-retribution [qisas] in accordance with the stipulations of Article (110)
- III. The execution of all the rest of the religiously ordained punishments [hodoud] in accordance with provisions of Article (111).

Article (114): If there were multiple punishments by In-Kind-retribution [qisas] and religiously ordained punishments [hodoud], in accordance with the provisions of the preceding articles, they shall not be executed one after the other, until the wounds of the convicted Perpetrator have become healed; his life is not threatened; the assistance may be used of the reports from the relevant specialized medical authorities .

The Mutability of Censurable Crimes and their Effects on Punishments

Article (115): Without prejudice to the previous provisions, if a person perpetrates two censurable crimes or more; a definitive ruling has yet to be made on any of them, the verdict shall set out the punishment for each of the crimes, a single punishment for all the crimes, being that for the severest of all such punishments, which is the sentence that will be pronounced and which shall be the one to be exclusively implemented. If it appears that the convicted Perpetrator has been convicted prior to the verdict of a crime undergoing trial, the punishment for such crime shall be implemented subject to the provision of the previous paragraph. In such a case, the Judge shall order the deletion of what was already executed from the previously issued ruling; the ruling cited in the previous two paragraphs is without prejudice to the sentence or the execution of the complimentary punishments which were sentenced for any of the crimes the perpetrator was tried for.

Multiple Punishments for Blood Money, Compensation for Injuries and Fines

Article (116): If there were multiple punishments for blood money, compensations for injuries and fines, they shall all be executed.

Multiple Probation Punishments

Article (117): If there were multiple Probation punishments, they shall not exceed five years from the commencement of their execution, with respect to the previous crimes²¹

Suspension of Sentences

Article (118): In meting out sentences of fines or imprisonment for a maximum of one year, the Judge may order to suspend the implementation of the sentence, if it is apparent from the examination of the personality of the convicted Perpetrator and the circumstances in which his crime occurred that there was the belief that the latter will not return to committing another crime. The Judge may make the suspended sentence inclusive of any complimentary sentences except for sophistication. The Judge may, when ordering suspension of a sentence, compel the convicted Perpetrator to fulfill the compensation he was sentenced to pay to anyone who was injured by the crime, within a period that shall be set forth in the ruling. The suspension of the sentence shall be for a period of two years from the date of the final verdict; if such a period expires without any reason for terminating the suspended sentence, the verdict shall be considered null and void.

Refusal to Pronounce a Sentence

Article (119): If the conditions for the application of the previous article persist, the Judge may refuse to pronounce the verdict of the punishment, along with compelling the Perpetrator or his guardian to undertake, in writing, that he shall not any other crime in the future; the Court may set a certain amount which takes into consideration the means of the Perpetrator; require a capable guarantor. If two years pass from the date of the final verdict during which the Perpetrator did not commit any crime, the bond shall be cancelled and the sentence shall not be announced. However, if the Perpetrator did commit a crime, the Court shall compel the guarantor to cash the bond and the verdict is proclaimed and the procedures stipulated in the following article shall be applied for the cancellation of the suspended sentence; this being without prejudice to trial for the new crime committed by the Perpetrator.

The Cancellation of a Suspended Sentence

Article (120): A ruling may be issued for the cancellation of a suspended sentence in any of the following cases:

1. If the convicted Perpetrator did not fulfill the obligations for compensations to be paid.

²¹ As it is in the original.

2. If during the trial period the Perpetrator commits a crime intentionally, for which he spent no more than three months in prison, whether a slandering ruling was issued during this period or after the expiry thereof, whenever the case procedures were begun during such a period.
3. If, during the trial period, a ruling appeared, which stipulated the previous case and the Court had not been aware of such a ruling.

The ruling for halting the suspended sentence is issued based on the request of the General Prosecution to the Court, which ordered the suspended sentence, or the Court that the reason for the cancellation thereof was proven, this being without violating the levels of litigation. The ruling for the cancellation of the suspended sentence shall be with consideration to the provision of Article (115), concerning the multiplicity of crimes and the effect thereof on the sentences.

Book TWO

The Special Section

Chapter One

The Crimes Related to the Security of the State

Section One

Special Definitions

Defense Secrets

Article (121): The following shall be regarded as defense secrets:

1. Defense, political, diplomatic, economic and industrial information which by their nature require that only persons concerned with such information and for the interest of the country such information shall remain secret to anyone else other than such persons accordingly.
2. Letters, correspondences, documents, drawings, maps, designs, photographs, etc., which for the sake of the defense of the country, shall only be known to those who are designated to keep or use such documents, which otherwise shall remain secret to any other people, for fear that that could lead to exposing such information as indicated in the previous article.
3. News and information related to the armed forces; the formations, movements, military equipment, supplies and personnel thereof; in general all information touching upon military affairs and strategic plans; for which a written order for publication or broadcasting

thereof has been issued by the delegated authority in the armed forces accordingly.

4. News and information related to the arrangements and procedures, which are taken to discover, investigate and try the perpetrators of the crimes, herein stipulated in this chapter. Notwithstanding this; however, the Court, which is in charge of the trial thereof, may authorize the broadcast of any such information it deems appropriate.

Yemenis

Article (122): Yemenis are those who enjoy the citizenship of the Republic of Yemen by virtue of their origin or by acquiring such citizenship in accordance with the Yemeni laws.

Enemies

Article (123): An enemy is every state, which is in a state of animosity with the Republic of Yemen. Included as enemies are political groups, which are not recognized by the Republic, in the form of the State; which was dealt with as warring factions.

Article (124): Transgression is the rebellion against the state outrageously based on its forbiddance. People who carry out transgressions are punished, in accordance with the sentences meted out against crimes that touch upon the security of the state, which are stipulated in this Law.

Section Two Crimes Involving the Security of the State

Offences Against the Independence of the Republic

Article (125): Anyone who undertakes an act with the intent of violating the independence, unity or territorial integrity of the Republic shall be punished by the death penalty.

A sentence for the confiscation of all or some of the perpetrator's assets may be issued accordingly.

Weakening the Strength of Defense

Article (126): Anyone who intentionally undertakes an act, with the aim of weakening the armed forces shall be sentenced to the death penalty by:

1. Destroying, spoiling, distorting or impairing any military site, base or facility or any factory, boat, aircraft, transportation road, transport vehicle, Facilities, ammunition, supplies, medicine or any other items that were prepared for the defense of the country, or which are used

accordingly, or manufactured, repaired or rendered unfit for use for the purpose it was so prepared-even temporarily-or made to cause damage or become hazardous.

2. Broadcasting false biased news, data or rumors or willfully disseminating inciting propaganda that lead to causing damage to the military preparedness for the defense of the country or the war operations of the armed forces in order to incite fear and weaken morale among the people.
3. Revealing a defense secret of the country.

A sentence for the confiscation of all or some of the perpetrator's assets may be issued accordingly.

Assisting the Enemy

Article (127): The death penalty shall be meted out to any:

1. Yemenis who, in any way, enlist with the armed forces of a state that is at war with the Republic.
2. Whoever surrenders any personnel of the armed forces to the enemy, or whoever assists any prisoners to return to their ranks.
3. Whoever supports the enemy with troops, personnel, funds or whoever act as a guide to the enemies.

A sentence for the confiscation of all or some of the perpetrator's assets may be issued accordingly.

Article (128): The death penalty shall be meted out to any:

1. Anyone who works for a foreign state, or with anyone who works in the interest thereof, or exchanged information with either of them, thus leading to damages to the military, political, diplomatic or economic position of the Republic.
2. Anyone who provides a foreign government or anyone working for the interest thereof, in any form and by any means, any news, information, objects, correspondences, documents, drawings, photographs or any other material that is related to the government authorities, public authorities, corporations that work for the benefit of the public while there was an order by the relevant concerned entity to bar the dissemination or broadcast thereof accordingly.
3. Anyone who submits to a foreign government or anyone working for its interests, or exposed to the former or the latter, by any means, a

defense secret, or who was able to have access by any means to any such secrets, with a view to submitting or exposing such secrets to a foreign government or anyone who is working for its interests. [The same also applies to] anyone who destroys, for the interest of any other state, anything, which is deemed to be a defense secret or made such thing unfit for use.

Provocation, Criminal Collaborations and Criminal Attempts

Article (129): Anyone who provokes or participates in a Criminal Collaboration to commit any of the crimes stipulated in this Section or attempted to commit any such crimes shall be punished by the very punishment set thereof, even if such action did not lead to any consequential impact.

Waiver of Punishment

Article (130): The punishments set forth for the crimes stipulated in this section shall be waived for any of the criminals who informs the administrative and judicial authorities, before beginning to commit the crime. The Court may also mitigate the sentence of imprisonment for less than two years; the Court may also waive the penalty of the sentence, if such information was given after the crime has been committed if the Perpetrator enabled the apprehension of the other culprits during the primary investigation of the crime.

Section Three

Crimes Involving the Internal Security of the State

Violations of the Constitutions and the Constitutional Authorities

Article (131): The punishment of imprisonment for a term of a minimum of three years up to a maximum of ten years shall be meted out to anyone who, was able to, or attempted to, violently or threateningly, or by any other means:

1. Cancel, amend, or suspend the Constitution or some of its stipulations.
2. Change or amend the formation of the legislative, executive and judicial branches of authority, prevent such authorities from exercising their constitutional authorities or compel such authorities to make a certain decision.

Armed Disobedience

Article (132): The punishment of imprisonment for a minimum of one year up to a maximum of ten years to:

1. Anyone who takes charge of a military command, whatever forms it takes, without any designation thereof by the concerned relevant authority or without any legitimate reason. Similarly, anyone who continues in a military command after an order has been issued by the relevant concerned authority for such a person to step down, or whoever maintains his troops under arms or together after the order of the relevant concerned authority to release or break them up.
2. Anyone who commands the armed forces or police personnel, and who requests them or assigns them to work towards frustrate the orders of the existing authorities under the Constitution, if this was for an illegitimate purpose.
3. Anyone who occupies or attempts to occupy a military command, position, aircraft or ship, or any thing such as public buildings or those which are geared for government authorities or public utilities or corporations or wire and wireless communication Facilities that are allocated for public use or audio or visual broadcasting stations without being assigned to do so by the relevant concerned authority.
4. Whoever publicly incites troops to disobedience or to divert them from their military duties.
5. Anyone who incites or attempts to incite armed disobedience among the people against the existing authority under the Constitution.
6. Anyone who incites or attempts to incite a civil war, distributing arms to a multitude of the population, or who calls them to take to arms against another multitude of the population.
7. Anyone who incites for committing murder or looting or arson.

Article (132): Imprisonment for up to a maximum of ten years to:

1. Takes part in an armed gang with the intention of taking over land or looting property owned by the Government or to a group of people, or in order to resist a military force that is assigned to chase perpetrators of such crimes.
2. Anyone who takes part in an armed group, which attacks a group of people or undertake armed resistance against people in public authorities who are charged with upholding the Law.

If death to a human being arises out of the acts of the perpetrators of the crimes cited in the previous two articles, the punishment shall be the death penalty as a religiously ordained punishment, without prejudice to

the blood heirs for blood money, if the victim was not the intended target of the crime.

Provocation, Collaboration, Attempted Crimes and Pardoning

Article (134): With respect to provocation, criminal consort, attempted crime and Pardoning of punishment, Articles (129 and 130)) of this Law for the crimes shown in Articles (132 and 133) shall be applied accordingly.

Provocation to Break the Law

Article (135): Anyone who incites people to disobey or not to adhere to the effective laws shall be punished by imprisonment for up to three years.

Spreading News for the Purpose of Disrupting General Security

Article (136): Anyone who broadcasts false or biased news, declarations or rumors or statements, or any other publicity that is provocative, with the intention of disrupting general security or raise fear among the people or to cause damage to public interest shall be punished by imprisonment for a maximum of three years.

Chapter Two

Crimes that Pose Danger to the Public

Fires and Arsenals

Article (137): Any perpetrator who causes a fire or an explosion to fixed or movable assets, even if it is his own property shall be punished by imprisonment for a maximum of 10 years, whenever such actions that put the lives or property of people to risks. If the fire or explosion occurs in a place in which people are residing or occupied by a group of people or in a public building or one that caters to public interests, a three year

Exposing Transport Vehicles and Communication Facilities to Danger

Article (138): Anyone who carries out the following shall be subject to imprisonment for a maximum of 10 years:

Anyone who intentionally exposes any land, sea or air transport vehicle to danger or who impairs its function by any means.

Anyone who impairs any form of communications equipment or telecommunications facility that is catered for public use.

Causing Floods

Article (139): Anyone who causes flooding leading to drowning intentionally, thus endangering the life or property of people shall be subject to imprisonment for a maximum of 10 years.

Pollution

Article (140): Anyone who exposes the lives and safety of people by the placement of poisonous or damaging material in the territorial waters and the ports of Yemen or in a water well or water tank, or another similar object that is set up for public use, which causes the death or severe damages to the public health, shall be subject to a maximum of ten years imprisonment.

The Occurrence of a Catastrophe, Death or Human Injury

Article (141): If any of the crimes cited in Articles (137-140) lead to the malfunction of any public facility or severe property damages, or lead to severe injuries of a number of people, the punishment shall be a minimum three years to a maximum fifteen years imprisonment.

If they lead to the death of a human being the punishment shall be the death penalty without prejudice to the entitlement of the blood owners to the full compensation accordingly.

If they lead to the injury of a person the punishment shall be added to the punishment set for the crime the retribution [qisas] of the injury or the Blood Money or Liable Injuries Compensation as the case may be.

Damage to Public Roads

Article (142): Anyone who intentionally damages or disrupts the conditions of a public road by any means leading to a threat to the safety of the movement of traffic in it, shall be subject to a maximum of five years imprisonment.

Damages Caused By Negligence

Article (143): Anyone who negligently causes a fire or an explosion or flooding or impairment of any transport vehicles, or pollution, shall be subject to a maximum of three years imprisonment. If any such negligent acts lead to a disaster, the perpetrator shall be subject to a maximum of five years imprisonment.

Possession and Trading of Firecrackers

Article (144): Anyone who possesses, or brings in or makes or imports firecrackers, or engages in trading them without the permit thereof shall be subject to a maximum of five years imprisonment.

All substances that are of the composition of firecrackers and a decree so identifying them as such is issued by the concerned entity shall be subject to the provisions herein provided, including the tools and equipment used in their manufacture.

The Misuse of Permits

Article (145): Anyone who violates the terms and conditions applicable to the permit cited in the previous article shall be subject to a maximum imprisonment of one year and a maximum fine of YR Two Thousand.

Transport of Firecrackers

Article (146): Anyone who transports explosions or any inflammable materials in a public transport vehicle, or through the postal service in violation of the applicable laws and regulations in effect shall be subject to a maximum imprisonment of one year and a maximum fine of YR Two Thousand.

Chapter Three Crimes that threaten the National Economy

The Destruction of National Economic Assets

Article (147): Anyone who intentionally destroys a structure that leads to the collapse of the national economy, such as a factory or any of its annexes or facilities, a bridge or, water channel, dam, or high voltage electricity line, transport vehicles or communication facilities, grain silos or customs warehouse, or a building or warehouse storing primary basic goods, consumer products or any other materials such as fixed and movable assets that are publicly owned; which are set up to carry out the government's economic plans which have vital importance to the national economy, shall be subject to a minimum of one year to a maximum ten years of imprisonment.

Treason by a Public Employee

Article (148): The punishment cited in the previous article shall be applicable to the responsible public employee if he violates his duties or is slack in carrying them out with the intention of causing the collapse of the national economy, thus leading to the destruction of property cited in the previous article.

Incitement and Consort Beginning and Pardoner

Article (149): With regards to criminal incitement and Collaboration and the initiation of and the Pardoner from punishment, Article (129 & 130) of this Law shall be applicable for the crimes cited in the previous two articles.

Waste Not Intended to Cause Damage

Article (150): Anyone who intentionally causes the impairment of any of the tools of production or raw materials or manufactured or agricultural products that lead to severe damage to production or noticeable shortage of consumer goods, or if waste arises due to negligence the punishment shall be a maximum imprisonment of one year and a maximum fine of YR Two Thousand.

Chapter Four Crimes Related to Public Employment

Section One Public Employment Crimes and other Similar Cases

Sub-section One Bribery

Article (151): Any public employee who demands or accepts a gratuity or privilege of any kind or a promise thereof for carrying out a task or not carrying out one in violation of the duties of his position shall be subject to a maximum imprisonment of ten years and a maximum fine of YR Two Thousand. If the task undertaken or not undertaken represents a right or an entitlement, the imprisonment shall be punishable by a maximum of three years' imprisonment. A partner is pardoned from the punishment if he notifies the judicial or administrative authorities of the crime or confesses to it prior to the closing of the primary investigation thereof.

The Judgment for Bribes

Article (152): The punishment of the previous article shall be meted out on the public employee who obtains any of the mentioned gratuities to undertake or not to undertake a task, which he believed in error, or claims to it to be within his duties of employment.

Consequential Bribe

Article (153): Any public employee who demands or accepts a gratuity or privilege of any kind or a promise thereof after carrying out a task or not carrying out one in violation of the duties of his position, shall be subject to a maximum imprisonment of seven years, even if there was no prior agreement thereof accordingly.

Bribery

Article (154): Any person offering a government employee a gratuity or privilege or a promise thereof for carrying out a task or not doing so, in violation of the

duties of his position, and such was not accepted by the employee, this person shall be punished up to three years imprisonment. If the task or the non-implementation thereof was a right or entitlement, the person shall be punished for a maximum of one-year imprisonment or a fine.

Briber and Intermediary

Article (155): Any person with an interest involved thereof who offers a public employee a bribe as shown in the previous articles shall be considered a briber and the intermediary is considered anyone who helps the briber and the receiver of the bribe by any means to carry out the crime of bribery, knowingly. Each of them will be punished by the same punishment set for the crime they are involved in accordingly.

Collectors of Bribes

Article (156): Any person designated to collect bribes without having to take on the role of the intermediary; if he knows at the time of collecting that it is a bribe shall be punished by imprisonment for a maximum of three years.

Article (157): If any of the perpetrators of the above crimes initiate the informing of the judicial and administrative authorities or confesses of them prior to the primary investigation shall be pardoned from the punishments set out in the previous articles. This does not apply to the crime stipulated in Article (153).

Bribing Employees of the Private Sector

Article (158): Any employee who demands for himself or for others, or if he accepts or takes a promise or a gratuity for performing or non-performance of any of his assigned duties without the knowledge and approval of his employer shall receive an imprisonment sentence of not more than 2 years or a fine no more than YR 4000 Ryals.

Influence Peddling

Article (159): Any employee generally who demands for himself or for others or takes a promise or a gratuity for exploiting a real influence, or one he claims to have with a view towards attempting to obtain from any public authority any orders, rulings, decrees, awards, a commitment, permit or agreement to supply, contract, employ or service or for any privilege whatsoever shall be regarded as a person receiving a bribe and shall accordingly be punished as per punishment set in Article (151).

If the concerned employee is not a public employee, the imprisonment shall not exceed three years, and the fine shall not exceed YR 10,000, what is construed to be public authority as being any entity that falls under its supervision.

Bribery from a Foreign Authority

Article (160): Anyone who demands for himself or for others or acts as an intermediary for a foreign entity of another state, or from anyone acting in the interest thereof any money, or any other benefit, or if he accepts a promise of anything to that extent, with a view to that is damaging to the interest of the state, shall be punished with imprisonment for a period not exceeding ten years.

Confiscation

Article (161): Anything gained or offered through bribery or influence peddling shall be ruled, in all cases, to be confiscated.

Sub-section Two

Defrauding and Violation of the Duties of Employment/Service

Types of Fraud

Article (162): Any public employee who carries out the following shall be punished with imprisonment for a maximum of seven years:

1. Who steals what he does not originally possess due to his position.
2. Whoever uses his position and illegally embezzles government funds/property or that of any of the authorities, corporations or units of the government or facilitates such actions for others; if the actions stipulated in the previous two paragraphs did not combine any intentions to return it back after using it as such, the imprisonment shall be a maximum of three years.

Damages to the Interests of the Government

Article (163): Any public employee entrusted with the safeguarding of the interests of the state/government, any of its authorities, public corporation or any other units thereof in any transaction, deal or case; who willfully damages the interest thereof for the sake of gaining a profit or material benefit for himself or for others, shall be subject to a punishment of a maximum imprisonment of ten years.

Defrauding in the Collection of Official Fees

Article (164): Any public employee involved in the collection of fees, fines, returns, taxes or other revenues and who knowingly demands or takes what he is not entitled to, or beyond what he is entitled to; he takes possession thereof for himself rather than depositing it in the State Treasury, shall be subject to the punishment stipulated in Article (162)

Obstructing Work Progress

Article (165): Any public employee who carries out the following shall be punished for a maximum of three years or the payment of a fine:

1. Any public employee who uses the authority of his position to hinder the implementation of the laws, procedures or rules, or refuses to carry out the orders or rulings of a court or any concerned authority, or who willfully refuses to execute any of the previously cited provisions which falls within his responsibility.
2. Any public employee who willfully states, presents, or gives incorrect information that leads to damages to others.
3. Any public employee who exploits his position to facilitate obtaining work for himself or for others in a manner that is against the law.
4. Any public employee who uses his position to buy something for himself or for others, from its owners by force.

Sub-section Three Misuse of Public Employment

Forced Confession

Article (166): Any public employee who tortures or uses force, by himself or through others while carrying out his job, with any suspect or witness or expert, in order to force him to confess to a crime or give testimony or relevant information thereof, without prejudice to the right of the victim thereof to the right of retribution [qisas] or Blood Money or Liable Injuries Compensation, shall be subject to a maximum imprisonment of ten years.

Obstruction of the Rights of Individuals

Article (167): Any public employee who orders or by himself carries out any punishment that is different from the punishment sentenced to a person, or a punishment that is more severe, or if he refuses to implement the release order of the person to be released; he is as such responsible for this, or if he intentionally keeps the person in imprisonment beyond the sentence meted out to him, shall in all cases be dismissed from employment.

Use of Brutality

Article (168): Any public employee who uses brutality against people, relying on his public employment position illicitly as such, whereby he violates their dignity or brings bodily harm to them shall be subject to imprisonment,

this being without prejudice to the right of the victims thereof to retribution [qisas] or Blood Money or Liable Injuries Compensation, shall, in all cases be dismissed from position.

Illegal Searches

Article (169): Any employee who knowingly carries out the search of a person, his home, or place of business, without the permission thereof or any other causes or without due consideration to the conditions stipulated by Law, shall be subject to imprisonment for a maximum of three years.

Work that Conflicts with the Job Description

Article (170): Any public employee who, by himself or through others, carries out the following shall be punished with a maximum of one year or the payment of a fine:

1. Buys a real estate or transferable property that is being offered for sale by the government, if this is related to the responsibilities of his profession accordingly.
2. Participates in the contracting or tendering, etc. for any works that are related to his employment.
3. Rents a real estate with a view towards exploiting it within the department where he is assigned to, if this exploitation is related to his job.

Section Two

Crimes against Public Employees and General Authorities

Assaults on Employees

Article (171): Anyone who infringes upon a public employee, by force or by a threat thereof, while he is carrying the duties of his position or service, or as a result thereof shall be punished by imprisonment for a maximum of two years.

The punishment thereof shall be a maximum of five years if this was intentionally done to impose upon an employee to carry out a task within his duties or to prevent him from doing so without the right to do so accordingly.

Insulting a Public Employee

Article (172): Anyone who directs or carries out an insult, by word or indication, or in writing or through others or through communications or telecommunications facilities, or threatens to do so by such means against a public employee while he is in the performance of his duties or

as a result thereof shall be imprisoned for a period not exceeding one year.

Impersonation of Employment Positions or Features

Article (173): Anyone who wrongfully wears an official uniform or outfit, which by law is attributed to a special group of people, or carries an honor or award of the government or the sign of mark of an employment position or takes on an officially recognized title of honor or academic or university credentials, or a military rank or acts as a member of the General Prosecution shall be punished by imprisonment for a maximum of a year or by a fine. This is also applicable if any such impersonation of uniform or medal belongs to a foreign country.

Disturbance of the Authorities

Article (174): Anyone who disturbs the public authorities, the administrative agencies, or individuals assigned to carry out a public service through wrongfully notifying, by any means whatsoever, of a catastrophe or risks that are false shall be punished for a maximum of six months and a fine, in addition to the reimbursement of any expenses incurred because of this disturbance.

Breaking of Seals

Article (175): Whosoever takes or destroys a seal that is set out for a certain place or used on documents or other objects based on the order of any of the judicial or administrative authorities, or whoever hinders the purpose thereof shall be punished by imprisonment of one year or the imposition of a fine. If the perpetrator thereof is the guard, the punishment becomes a maximum of two years or a fine.

Stealing or Destroying Documents

Article (176): Anyone taking, destroying or swindling documents, papers, bills, records, books related to the government or any of its authorities, public corporations or companies which the government is a shareholder in, or any judicial or court papers, shall be punished for a maximum of three years. If the perpetrator happens to be a guard, safe-keeper thereof, or entrusted person thereof, the punishment shall be an imprisonment for a period not exceeding five years.

Article (177): If crimes cited in the previous two articles took place as a result of the negligence of the guard or the person entrusted with the keeping or the entrusted person, the punishment shall be imprisonment for a period not exceeding six months or fines.

Chapter Five Violations of the Judicial Process

Section One Obstructing in the Judicial Process

False Reports

Article (178): Anyone who gives false reporting with the intention of misinformation about the General Prosecution or any of the courts or any of the administrative authorities shall be punished by imprisonment for a maximum of three years or a fine, or a against a person by an order shall be considered a crime even if the criminal charges was presented.²²

False Testimony

Article (179): Anyone who gives lies intentionally to misinform the General Prosecution, any of the Courts or any administrative organ against a person on a situation shall be punished for a maximum of three years imprisonment; it will be considered a crime even if it does not lead to an charges accordingly.

False Testimony

Article (179): Any witness that gives false testimony after having taken the oath in a Court of Law, or who hides all or some of what he knows relating to the criminal charges he is testifying on shall be punished by imprisonment for a maximum of three years or a fine. If such leads to a verdict against the suspect involved thereof and a punishment that is more severe than that which is set for the actual crime, the sentence as such will be meted out against the said witness accordingly.

The Judge can pardon the witness from the crime, if the witness revises his testimony and gives the truth prior to the issuance of the ruling on the charges he has testified to. This is applicable on all those asked by the Court to testify for their expertise or translation and change the facts intentionally. If the false testimony leads to the verdict of capital punishment, stoning, amputation of the suspect, the false witness shall be punished for a maximum of seven years imprisonment, if the verdict was not implemented. If the verdict was indeed carried out, the witness shall be executed, stoned or amputated accordingly.

Article (180): Anyone who is ordered by the Court to swear and he did so falsely, shall be punished by a maximum of two years imprisonment or a fine. If he confesses to the rights of his opponent, he may be pardoned.

²² The last 2 lines in this article were not clear. There may have been some skipping during the typing of the original text.

Attempts to Influence Witnesses

Article (181): Anyone who uses force, threats, offers a gratuity or benefit of any kind, or promises to deliver the same thereof in return for withholding testimony or to give false testimony, while not able to achieve the aim thereof, he shall be punishable by imprisonment for a maximum of a year or a fine. This is applicable to the experts or translators who are called in to testify as well.

Withholding Testimony

Article (182): Any witness who refuses to attend a court or investigative authority after being summoned to do so, or who refuses to provide the information or to withhold the oath without providing justification thereof with an acceptable excuse he shall be punishable by a maximum fine of YR Five Thousand. The court may pardon him from the punishment if he attends after the second summons and alters his refusal to testify prior to the end of the Court's session.

Misleading Justice

Article (183): Anyone who carries out the following shall be punished for a maximum of two years:

1. Anyone who intentionally seeks to mislead the court through changes in the conditions of individuals, places or objects related to a crime.
2. Whoever knowingly hides evidence related to the crime or around the crime, or which are used in carrying out the crime
3. Whoever hides a corpse of a person that died due to an accident or buried it without informing the concerned authorities prior to the search or investigation thereof.

Destruction of a Document that could be Used As Evidence in Court.

Article (184): Anyone who intentionally destroys a document or bill which is referred to when settling differences that could arise, or was useful for the use as evidence in any judicial proceedings. Such will be considered as being destroyed if it has become impossible to read the contents thereof that will have a bearing accordingly shall be punishable by imprisonment for a maximum of a year or a fine.

The perpetrator thereof shall be pardoned if the evidence was to be used against him and he confessed thereof to the truth proven against him accordingly.

Insulting the Judiciary

Article (185): Anyone who violates the respect, honor, authority or position of a judge in writing, words or deed or by any manner, or if he tried to influence him while conducting a session concerning any case, shall be punishable by imprisonment for a maximum of a year or a fine.

This punishment is also applicable if the act was thus perpetrated against the investigating authorities while it is carrying out a criminal investigation.

Denial of Justice

Article (186): Any judge who refuses to issue a ruling shall be punished by dismissal or the payment of a fine. Any judge shall be regarded as refusing to issue a ruling or suspend the issuance thereof after having been presented with a request to do so.

Interference in the Judicial Affairs

Article (187): Any employee or social dignitary who interferes with a judge or a court on behalf of one of the litigants or against him, by issuing an order or a request or a plead or a recommendation shall be punishable by imprisonment for a maximum of three years.

Leaning of the Judiciary

Article (188): Any judge who intentionally issues an improper rulings as a result of a request or a recommendation to, or interference by an intermediary to, lean on the side of one of the litigants shall be punishable by imprisonment for a maximum of 7 years.

Disclosure of the Secrets of Proceedings

Article (189): Anyone disclosing information related to an investigation pending in court or the General Prosecution that was to be conducted secretly shall be punishable by imprisonment for a maximum of a year or a fine.

Section Two

Intervention in the Execution of Judicial Decisions

Concealing Criminals

Article (190): Anyone concealing a suspect or convicted Perpetrator shall be punishable by imprisonment for a maximum of 3 years, the punishment of which shall not exceed the maximum penalty of the original crime of the Perpetrator. This provision is not applicable to anyone who conceals a wife or any of his direct relatives or branches thereof, his brothers or sisters or anyone in his household or in-laws shall be punishable by imprisonment for a maximum of three years or a fine.

Escape of a Prisoner:

Article (191): Anyone who escapes after being apprehended legally shall be punishable by imprisonment for a maximum of a year, or shall be punishable by imprisonment for a maximum of three years if the escape was accompanied by violence or threats. This punishment shall be applicable to anyone who assists the fugitive/escapee if he was assigned to guard him. If the escape was due to negligence of the guard or his slackness, this shall be punishable by imprisonment for a maximum of six months or a fine of a up to YR 1,000.

Chapter Six Crimes of Publicity and Publication.

Definition of Publicity:

Article (192): Publicity in the application of this section means publicity or dissemination or publication or display or posting or distribution to persons without discrimination amongst them in a public or authorized place or in a place where one is able to hear it or see it through speech or shouting or writing or drawings or pictures or any other means of expression of the mind.

Part of publicity is the mere distribution to persons without discrimination amongst them even if that was in a non-public place.

Public Incitement

Article (193): Whoever induces or instigates publicly for the commitment of a crime, or a number of Crimes; it happened accordingly, is considered an accomplice thereof, and is penalized with the punishment set for them unless it is a penalty or punishment the sentence of which shall be imprisonment for a period not exceeding five years or a fine.

Ridiculing Religion and Instigation that Disturbs Public Peace

Article (194): To be sentenced to imprisonment for a period not exceeding three years or to a fine:

First: Whoever disseminates in public ideas containing ridicule or contempt of religion in its beliefs or rituals or teachings.

Second: Whoever instigates in public or ridicules a faction of people or empowers a faction to dominate for the purpose of disturbing public peace.

Ridicule of the Islamic Religion or any of its Sects

Article (195): The sentence shall be imprisonment for a period not exceeding five years or a fine if the religion or the sect which is affected by ridicule or contempt or inferiority is the Islamic religion.

Scientific Research is not an Instigation.

Article (196): It is not considered an instigation or seduction or improvement the dissemination of a scientific research on religion or sect in a lecture or an article or a book in a quiet, sober scientific method devoid of provoking expressions and it is proved that the tendency of the author is towards true scientific criticism.

Insulting the President of the State and the Regular Institutions.

Article (197): It is punishable by imprisonment for a period not exceeding two years or a fine of not more than four thousand Ryals:

First: Whoever insults in public, the President of the State so as to offend him or damage his personality in the society.

Second: Whoever criticizes in public the person of a King or a President of a country or a Representative of a foreign country accredited in the Republic of Yemen due to matters pertaining to his position.

Third: Whoever insults the presidency of the country or the premiership or others of parliamentary or systematic institutions or the army or the courts or the authorities or public services.

Disseminating News That Disrupts General Peace

Article (198): The punishment of imprisonment for a maximum of one year or a fine of a maximum of YR 1,000 to:

I. Anyone who publicly broadcasts or disseminates with bad intentions, false, forged or fabricated news or papers, or those that are said to be of other sources, if they lead to disrupting general peace or cause damage to public interest. If the broadcast and dissemination as such did lead to the disruption of public peace or damage to the public interest, the punishment shall be doubled.

II. Anyone who publicly broadcasts or disseminates the proceedings of secret sessions of the legislative, executive or judicial councils or courts, or who dishonestly, with bad intentions, disseminates the public proceedings thereof.

Acts or Pictures That Are In Violation of Public Conduct

Article (199): The punishment of imprisonment for a maximum of one year or by a fine of a maximum of YR 1,000 to:

- I. Anyone who publicly broadcasts or disseminates printouts, pictures, publicity, carved or engraved pictures, hand illustrations, photographs, symbolic signals or any other public material or pictures that are in violation of public conduct
- II. Anyone who announces on the material cited previously, presents them for public viewing, sells them, leases them, or offers them for sale or rent, even if not in public, or if they are presented to the public in an indirect or direct way, even if offered free of charge, and in any form, or who distributes them or submits them for distribution by any means, publicly or secretly, with a view towards corrupting public morals.
- III. Anyone who makes, or possesses with the intention of trading, distributing, renting, importing, materials stipulated above for the purposes mentioned.
- IV. Anyone who publicly prepares songs, calls, or speeches that violate the rules of public conduct.
- V. Anyone who tempts for licentiousness or spreads advertisements or instruments for this purpose whatever expression they take.

Possessing Pictures that Project a Bad Image of the Country

Article (200): The punishment with imprisonment for a maximum of one year or by a fine of a maximum of YR 1,000 to:

- I. Anyone who possesses or makes, with a view towards trading, distributing, leasing, posting, publicly or secretly exhibiting or showing himself, or through other pictures, thus leading to distorting the image of the country, whether this was to violate the truth or to distort it, or to give an incorrect description, or to show images that are improper or by any other means.
- II. Anyone who imports photographs or conveys, by himself or through others any of the material cited above for the purpose cited; anyone who advertises, or exhibits, sells, leases or offers for sale or rental, even if not in public, or anyone who offers, distributes or submits such material free of charge.

The Responsibility of Editors-In-Chief, Publishers, Etc.

Article (201): If the above mentioned crimes were committed through newspapers, the editors-in-chief and publishers thereof shall be responsible as original perpetrators for merely publishing such material. In all cases, which the perpetrators cannot be identified, the importers, printers, distributors,

posters and exhibitors shall be responsible as original perpetrators accordingly.

Article (202): In all cases, a ruling must be issued for the confiscation and removal of the material that are the object of the crime; the house that published or exhibited the material shall be closed for a maximum of one month.

Chapter Seven Begging

Article (203): Anyone who habitually engages in begging in any place shall be punished by imprisonment for up to a maximum of six months, if he has or has access to legitimate means of livelihood; the punishment shall be an imprisonment for up to a maximum of one year, if the act was accompanied by threats, claims of disease, or accompanying children without their branches [sic]. The Court may also order the perpetrator to compulsory labor for a period of up to a year, in lieu of the set punishment, if the perpetrator is able to work; or it may order to place the perpetrator in a home for the elderly or with a recognized charity, if the perpetrator is unable to work, whenever such placement is possible.

Chapter Eight Fraud/Forgery

Section One Counterfeit Money, Stamps and Official Seals

Counterfeiting of Money

Article (204): Anyone who makes, or forges minted or paper negotiated money of the country or of any other country with a view towards transacting therewith shall be punished by imprisonment for up to a maximum ten years.

Article (205): Anyone who may not have participated in the making or forging of counterfeit money, but knows about it and imported it into the country or placed it for circulation, or possessed it, with a view towards transacting with it. However, anyone who, with honest intentions, accepts counterfeit or forged money; , transacted with it after knowing its real nature, shall be punished by imprisonment for up to a maximum of three months or by the imposition of a fine.

Rejecting Money

Article (205): Anyone who refuses to accept the legal tender or minted currency of the country, if it is not counterfeit, shall be punished by imprisonment for up to a maximum of three months or the imposition of a fine.

Promoting Money Not in Circulation

Article (206): Anyone who promotes minted or paper currency that is null and void and who returns it to circulation or enters it into the country for this purpose shall be punished by imprisonment for up to a maximum of one year or by the imposition of a fine; a ruling shall be issued for the confiscation of such currency.

Forging Stamps and Other Related Items of Value

Article (207): Anyone who fabricates or forges revenue or postage stamps, travel and transportation tickets or any other alternative material to the above cited material shall be punished by imprisonment for up to a maximum of five years. The same punishment shall be meted out to anyone who may not have contributed to the fabrication or forgery of any of the cited material, but placed such material in circulation knowing their true nature. However, anyone who uses a used stamp or placed it in circulation knowingly shall be punished by imprisonment for up to a maximum of six months or the imposition of a fine.

Fabrication or Forgery of Official Seals and Ensigns

Article (208): Anyone who fabricates or forges the seal of the Government, President, public employee or any other entity, the staff of which are considered a public employees, shall be punished by imprisonment for up to a maximum of ten years. A seal shall be considered as any instrument used by such entities in their affairs to create a specific mark. Anyone who uses any such forged items shall receive the same punishment. However, anyone who uses any correct seal or instrument, which leads to damaging the public interest, the latter shall be punished by imprisonment for up to a maximum two years.

Anyone who informs the relevant concerned public authority, before the crime is committed and prior to the attempt to find its perpetrators or who aids in the apprehension of the perpetrators, even after the attempted search for them shall be pardoned from punishment.

Fabricating and Forging Foreign Seals and Marks

Article (209): Anyone who fabricates or forges any of the items cited above that are related to a foreign country shall be punished by imprisonment for up to a maximum of three years. Anyone who uses such cited items shall be punished by the same punishment.

Fabricating and Forging Private Seals and Marks

Article (210): Anyone who fabricates or forges a seal or a mark belonging to any individual or entity, or registered companies, commercial banks, associations, federations, unions or political parties shall be punished by imprisonment for up to a maximum of three years. Anyone who uses such items shall be punished by the same punishment. However, anyone who illicitly uses a correct thing [sic] of the items cite in such damaging manner, then he shall be punished by imprisonment for up to a maximum of one year.

Fabricating or Possessing Forging Instruments and Confiscation of Apprehended Material

Article (211): 1. Anyone who fabricates or possesses any equipment, tools or materials with a view towards using them for fabrication or forging any of the items cited above shall be punished by imprisonment for up to a maximum of five years.

2. The tools and material apprehended in the crimes stipulated in this section shall be apprehended by a ruling accordingly.

Section Two **Forging Written Documents**

Material Forgery of Written Official Documents

Article (212): Anyone who fabricates a written official document, or who amends a correct official document, with a view towards using it in arrange certain legal conditions shall be punished by imprisonment for up to a maximum of five years.

If a public employee did this while the latter is performing his employment duties, the latter may be punished by imprisonment for up to a maximum of five years

Immaterial Forgery in Official Correspondences

Article (213): Any public employee who writes occurrences or conditions that are incorrect, or fails to note reports or conditions, which he knows are true in any correspondence that is within his duties to write, shall be punished by imprisonment for up to a maximum seven years.

Forgery by Employees

Article (214): Any public employee who forges in an official correspondence, even if outside of his area of responsibility shall be punished by imprisonment for up to a maximum of five years.

Forging Traditional Correspondences

Article (215): Anyone who forges in a private letter which leads to damages for the owner thereof or to whomever the letter is considered a legal document thus harming its author shall be punished by imprisonment for up to a maximum of three years.

Breach of Trust on Paper

Article (216): Anyone who was trusted with a blank paper signed, stamped or thumb – printed paper; filled it or used it in violation of what was agreed upon, and which led to damages to the signature, stamp or thumbprint owner.

Use of Cancelled Documents

Article (217): Anyone who uses a written document or a copy thereof that has lost its legal force by its annulment or cancellation or suspension of its impact or consequence or the cancellation of its impact knowingly and intentionally giving the false impression that it is still valid shall be punished by imprisonment for up to a maximum of one year or the imposition of a fine of a maximum of YR One Thousand.

Article (218): Anyone who makes a false report or incorrect data which were recorded in a valid document, on the basis of which the perpetrator acquired a right, characteristic or condition shall receive the same punishment as that for forgery.

Article (219): Anyone, who knowingly uses a forged document, as the case may be, shall be punished by the same punishment as that for forgery.

Chapter Nine Military Crimes

Section One Desertion and Escape

Desertion

- Article (220):
- i. Any Yemeni who deserts from compulsory national defense service shall be punished by imprisonment for up to a maximum of five years.
 - ii. If the desertion took place at a time when the general reserves were called up, the deserter shall be punished by imprisonment for up to a maximum of ten years.
 - iii. Any person who deserts or refuses to carry out his duty or to carry out his assignment during general mobilization shall be punished by imprisonment for up to the maximum of the same punishment as in (B) above.

Cheating to Evade Military Duty

Article (221): Anyone who, by means of incorrect papers, by self-inflicted injury or poor health, or by any other means, in order to be waived from compulsory national defense service and whoever entered military service by cheating or helped other persons accordingly, in a manner that is in violation of the laws, shall be punished by imprisonment for up to a maximum of five years.

Article (222): Any personnel of the armed forces who escape from service in the armed forces at peace time shall be punished by imprisonment for up to a maximum two years during peace time and ten years in war time.

Concealing Escapees

Article (223): Anyone who himself or through someone else conceals any escapee from military service shall be punished by imprisonment for up to a maximum of six months or by the imposition of a fine.

Section Two Disobedience

Refusal to Obey Orders of the Commanding Officer

Article (224): Any personnel in the armed forces who refuses to obey the orders of his commanding officer, or willfully carries out the same improperly or deficiently shall be punished by imprisonment for up to a maximum of five years. If this crime occurred when facing an enemy, he shall be punished by imprisonment for up to a maximum of ten years.

Illegal Orders

Article (225): Any personnel of the armed forces shall not be responsible for:

1. Carrying out an illegal order issued by his commanding officer alone, unless it is not clear whether the order is in violation of a provision in the Penal Law or in the general international law, wherein such a case, the officer and the subordinate are both responsible for what occurred.
2. If the personnel refuses to obey a clearly illegal order of a commanding officer, which is in violation of the Penal Law or the general international law.

Resisting a Commanding Officer

Article (226): Any person who resists his commander officer, in any way, in the execution of military duty shall be punished by imprisonment for up to a maximum five years. The punishment shall sentenced to ten years in the event that such resistance accompanied by the use of arms or by the

threat to use such weapons, or if committed by more than one person, or led to serious results.

Sentence may be made for the death penalty or imprisonment for a maximum of fifteen years, if the resistance led to the commanding officer's, or any other person's, death during the perpetrator's military duty or while confronting an enemy.

Section Three Field Crimes

Cowardly Behavior while Confronting an Enemy

Article (227): Any personnel of the armed forces shall be punished by the death penalty for cowardly conduct, in the following manner:

1. Refusal to carry or use arms.
2. Hiding, deserting or leaving his position without permission.
3. Surrendering voluntarily to the enemy.
4. Inciting his colleagues or subordinates accordingly.

Surrender

Article (228): The same punishment of the previous article shall be meted out to:

Every commander of a troop formation, naval corps, air force, naval vessel, military aircraft, who was proven to have surrendered to the enemy prior to the exhaustion of all the means of resistance available thereto; similarly for ordering to halt the fighting, lowering the flag, leaving the ship, aircraft, weapons, ammunition, fortification, position, port or airport or any other similar thing prepared for defense purposes.

Refusal to Destroy Military Equipment

Article (229): Any commanding officer who was forced to surrender to the enemy, but did not exert all effort to destroy, whatever could be useful to the enemy, or to render it useless shall be imprisoned for a period not exceeding 5 years.

Chapter Ten Crimes Occurring to Individuals and Families

Section One Assault on Life or Body Safety

Sub-section One General Provisions

The Soul

Article (230): The newborn is considered a human being having human rights if he comes out alive from the womb of his mother, whether the blood circulation is connected to his body in whole or in part and whether the navel cord is cut or not; his life has become certain by continuing to scream or sneeze or breathe or move so that life is ensured therewith.

Definition of the Infallible Person.

Article (231): The infallible person is:

- 1- The Moslem whatever nationality he has.
- 2- The Yemeni whatever his religion is.
- 3- Whoever is associated with a peace treaty state that is not at war, or there is a truce between it and the Republic.
- 4- Whoever enters the territories of the Republic in peace even if he is associated with a warring country, so long as the peace exists.

Permission to enter the country is considered peaceful unless invalidated by a resolution by the concerned authority.

The Husband Murdering His Wife and the Person Committing Adultery With Her When Caught “red-handed”

Article (232): If the husband murders his wife and whoever commits adultery with her when both are caught “red-handed”, or assaults both of them leading to either death or disability, no punishment is required thereof, but the husband is reprimanded with imprisonment for a period not exceeding one year or a fine. The same judgment applies to whoever surprises any of his ancestors or offspring or sisters caught “red-handed” with the crime of adultery.

The Ancestor Murdering His Offspring.

Article (233): If the ancestor assaults his offspring by way of murder or injury, there shall be no punishment, but he is punished with blood money or indemnity for permanent and partial disability; it is admissible to rebuke the guilty in this case with imprisonment for a period not exceeding three years or a fine in murder and with imprisonment for a period not exceeding three months or a fine in the case of injury, unless a pardon is obtained.

Sub-Section Two. **Murder.**

Premeditated Murder

Article (234): Whoever murders an infallible soul deliberately shall be punished by the death penalty unless the guardian of the blood forgives. If the pardon is absolute or conditioned with blood money, or the guilty dies before judgment, blood money is ruled and there is no consideration for satisfying the victim before the occurrence of the act.

It is a condition for the judgment by punishment to be demanded by the blood guardian and his legal evidence is provided. If any or both of the two conditions fail and the Judge is convinced of the evidence by establishing the crime against the accused, or if the punishment becomes impossible or null and void without the pardon, the guilty is reprimanded with imprisonment for a period not less than three years and not more than ten years.

It is admissible that the reprimand reaches a death sentence if the guilty is known for his evilness or has committed the murder in a savage manner or on two persons and more, or being a person who has previously committed a premeditated murder or prepared for the committal of another crime or for concealing it, or on a pregnant woman or an employee entrusted with a public service during, or by reason, or on the occasion of the performance of his position or service, even if the punishment ceases to be valid through pardon.

Slandering Upon Pardon of the Blood Guardian.

Article (235): If the blood guardian pardons absolutely or gratuitously or on condition of the blood money, it is possible for the court to rebuke the guilty by imprisonment for a period not exceeding five years; it is lawful that the sentence reaches the death penalty in this case if it is made available with the murder under any of the circumstances stated in paragraph three of the preceding article.

Attempting Murder

Article (236): Punishment with slander any one who attempts murder is to be carried out:

First: If its effect has failed entirely or resulted in injuries imposing indemnity for permanent and partial disability only by imprisonment for a period not exceeding five years in addition to the indemnity for permanent and partial disability.

Second: If injuries result in a way that deserves punishment with what is less than the soul or blood money, punishment or blood money is sentenced. In addition it is legal to reprimand the guilty by imprisonment for a period not exceeding two years or a fine.

Mistake by the Person on the Victim and its Effect

Article (237): No effect on the mistake by the person on the victim or his personality considering that the guilty is a murderer whenever conditions for a premeditated murder stipulated in this law are made available.

Involuntary Manslaughter

Article (238): He shall be punished with blood money whoever causes through his fault, the death of a Person. The guilty could also be reprimanded by imprisonment for a period not exceeding three years or a fine. If the crime has occurred on account of the violation of the guilty of what the principles of his position or occupation or profession impose on him or his breach of the laws and regulations or he was under the influence of intoxication or drugs during the occurrence of the incident, the reprimand shall be imprisonment for a period not exceeding five years.

Abortion Without Consent

Article (239): Whoever deliberately aborts a woman without her consent shall be punished with the blood money of the embryo at first with half tenth of the blood money if her embryo is aborted while creation or dies inside her abdomen.

If the embryo is detached alive due to miscarriage and died, the guilty will be punished with full blood money, and in any of the above mentioned two cases, the guilty will be reprimanded in addition to the above with imprisonment for a period not exceeding five years. If the abortion leads immediately to the death of the victim or the one who has attended to the abortion is a doctor or a midwife, the punishment of the reprimand shall be imprisonment for a period not exceeding ten years.

Abortion by Consent.

Article (240): If the abortion is done with the consent of the woman, the perpetrator is punished with blood money of the embryo or full blood money according to the circumstances and the woman in this case is not entitled to anything of that or blood money. If the mother dies, the perpetrator is punished by paying blood money for the fault and in case of abortion by the woman herself, she bears blood money or that according to circumstances. There is no punishment if a specialist doctor determines that the abortion is necessary for the preservation of the life of the mother.

Sub-Section Three

Injury of the Body

Assaults Leading to Death

Article (241): Punished with the doubled blood money and imprisonment for a period not exceeding five years whoever makes an assault on the safety of the body of another person's body by any means and did not intend to murder, but the assault has led to death.

Definition of Permanent Disability.

Article (242): Permanent disability is realized if the injury has led to the amputation or detachment of a limb or removal of a part thereof or the loss of its benefit or paralysis of the function of any of the senses completely or partially in a permanent manner. Any serious deformity of which its disappearance cannot usually be tolerated is to be regarded as a disability.

The Premeditated Permanent Disability and Exact Injury.

Article (243): Whoever assaults another person by any means and inflicts on his body willfully a permanent disability, by breaking a joint or extracting an eye or deafening an ear or causing a wound which can be measured in size, shall be sentenced to in-kind punishment. If the act of the guilty is confined to the removal of an intended limb or sense while the picture remains, or if the punishment becomes impossible or ceases to be valid without pardon to the guilty, he is punished with blood money or indemnity for permanent and partial disability; imprisonment for a period not exceeding seven years. If the assault leads to a permanent disability without the guilty intending to cause it, he shall be punished with imprisonment for a period not exceeding three years along with blood money and the indemnity for the permanent and partial disability according to circumstances.

Mild Premeditated Injury

Article (244): Whoever assaults the safety of the body of another by any way and causes him an injury of whose size could not be determined or has caused damage to the health if the assault does not result in sickness or inability in the personal functions for more than twenty days shall be punished with the indemnity for permanent and partial disability and imprisonment for a period not exceeding one year, or the indemnity for permanent and partial disability and a fine. The punishment shall be imprisonment for a maximum period of three years or a fine in addition to indemnity for permanent and partial disability, if the assault leads to sickness or inability in the personal functions for more than twenty days.

Injury By Mistake.

Article (245): Punishment is through blood money or indemnity for permanent and partial disability according to the circumstances for whoever causes through his fault a detriment to the safety of the body of another person; with imprisonment for a period not exceeding one year or with a fine. If

a permanent disability results from the crime or if it has occurred as a result of the violation of the guilty as imposed on him by the principles of his position or occupation or profession or his breach of the laws and regulations, or he was under the influence of intoxication or drugs upon occurrence of the incident, his punishment shall be imprisonment for a period not exceeding two years or a fine.

Chapter Two Assault On The Personal Freedom.

Restraint on Freedom

Article (246): Punishment with imprisonment for a period not exceeding three years is to whoever arrests a person or detains him or deprives him of his freedom by any means without a legal cause. The punishment shall be imprisonment for a period not exceeding five years if the act has originated from a public servant or by impersonating his character or by a person carrying arms or by two persons or more, or for the purpose of abuse or the victim is a minor or lacking perception or short of it, or for the sake of dispossession of freedom exposing his life or health to danger.

Setting Up A Special Prison.

Article (247): Punishment with imprisonment for a period not exceeding three years or with a fine is to anyone who sets up a place for imprisoning or detaining in it without rightful aspect, or lending or leasing or providing it for this purpose without taking part in the arrest of a person or his imprisonment or detention.

The Crime of Slavery

Article (248): Anyone who buys or sells or presents or deals in any such way on a human being shall receive the punishment of imprisonment for a period not exceeding ten years is to :

First: Anyone who buys or sells or give as present or deal in any way in a human being.

Second: Anyone who brings to the country or imports from it a person for the purpose of dealing with him.

Kidnapping and Crimes Associated With It

Article (249): Punishment with imprisonment for a period not exceeding five years is to anyone who kidnaps a person. If the kidnapping happens to a female or a juvenile or an insane person or an imbecile, or if the kidnapping happened by force or threat or fraud, the sentence shall be imprisonment for a period not exceeding seven years. If the kidnapping is accompanied or followed by injury or assault or torture, the punishment shall be imprisonment for a period not exceeding ten years. All this is without

prejudice to punishment or blood money or indemnity for permanent and partial disability according to the circumstances if the consequence of the injury calls for that. In case the kidnapping is accompanied or followed by murder or adultery or homosexuality, the penalty shall be death.

Penalty Of The Accomplice.

Article (250): Punishment with the above sentences according to circumstances is to anyone who takes part in the kidnapping or harbors the kidnapped after his kidnapping if he is aware of the circumstances through which the kidnapping was carried out or the acts that accompanied or followed it. If the accomplice or the hidden [perpetrator] was acquainted with the kidnapping and ignorant of what has accompanied or followed it of other acts, the punishment shall be confined to imprisonment for a period not exceeding five years.

Refusal To Turn Over The Minor To His Custodian Or Kidnapping Him From Her

Article (251): Punishment with imprisonment for a period not exceeding three months or a fine is to whoever refrains deliberately from turning over the minor and whoever is within the category governing it, to his legal custodian and no punishment is inflicted on the father of the minor or whoever is within the category governing it, or mother or legal guardian if he kidnaps him believing in good faith that he is the person concerned in the guardianship legally or he has in his view a judgment thereof; if any of those mentioned above has kidnapped the minor and whoever is within the category governing it after the judgment to another with the guardianship, the punishment shall be imprisonment for a period not exceeding six months or a fine.

Kidnapping Of An Infant

Article (252): Anyone who kidnaps a newborn baby or harbors him or replaces him with another or traces him falsely to other than his parents, is punished with imprisonment for a period not exceeding five years.

Violation of The Sanctity Of Residence .

Article (253): Punishment with imprisonment for a period not exceeding one year or a fine is to anyone entering an inhabited place or set up for residence or one of its annexes or any place set up for safekeeping of money or estate property, against the wish of the person concerned and other circumstances stated in the law, as well as whoever stays in it against the wish of he who has the right to evict him.

The punishment shall be imprisonment for a period not exceeding five years or a fine if the crime happens at night or through violence on persons or the objects or by use of

weapons or carried out by two persons or more or by a public servant or whoever impersonates his character.

Intimidation

Article (254): Punishment with imprisonment for a period not exceeding one year or a fine is to whoever threatens another in any way with committing a crime or a harmful act or an act falling upon him or on the spouse a wife or any of his relatives up to the fourth category, if the threat is for the sake of causing terror on whoever it falls upon.

Violation On The Sanctity Of Correspondence.

Article (255): Punishment with imprisonment for a period not exceeding one year or a fine is to anyone who opens without right a letter sent to another or withhold a telegraphic or telephone message. Punishable with the same sentence is the one who steals or destroys any of these correspondence or discloses their contents to others even if the letter was sent open or opened by mistake or coincidence and imposes an imprisonment for a period not exceeding two years or a fine if the crime is committed by a public servant in violation of the duties of his position.

Assault On The Sanctity Of Private Life.

Article (256): Punishment with imprisonment for a period not exceeding one year or a fine is to anyone who assaults the sanctity of private life, by committing any of the following acts in circumstances other than those declared legally or without the consent of the victim:

- i. Eavesdrop secretly or record or transmit through any equipment whatever its type, a conversation which was conducted in a private place or through the telephone.
- ii. Photograph or transmit through any equipment of whatever type, the picture of a person in a private place.

If the acts referred to above in the past two paragraphs took place during a meeting within earshot of, or before the eyes of the attendants at that meeting, the consent of those shall be presumed; punishment with imprisonment not exceeding three years or a fine will be enforced on public servant who commits any of the acts stated in this article depending on the authority of his position. The sentence in all cases will be to confiscate the equipment and others which may have been used in the crime. The sentence will also include erasing the recordings obtained on the equipment or destroy them.

Threat With Dissemination Of Private Secrets.

Article (257): Punishment with imprisonment for a period not exceeding two years or a fine is to anyone who circulates or facilitates the dissemination or use, even if without publicizing a recording or document obtained through the

ways indicated in the preceding article or without the consent of the person concerned and the punishment with imprisonment for a period not exceeding three years for anyone threatening to reveal any of the matters which are obtained through the ways referred to make a person undertake to carry out an act or refrain from it. Punishment with imprisonment for a period not exceeding five years is enforced on public servant who commits any of the acts stated in this article counting on the authority of his position.

The sentence in all cases will be to confiscate the equipment and others which may have been used in the crime. Besides, the sentence shall include erasing the recordings obtained on the crime or destroy them.

Disclosure Of The Secrets Of The Profession

Article (258): Punishment with imprisonment for a period not exceeding one year or a fine shall be imposed on anyone who was by virtue of his occupation or profession or having been put in a place of trust and discloses it in cases other than those declared legally or use it to his benefit or for the benefit of another person unless the person concerned in the secret permits its disclosure or use.

The punishment shall be imprisonment for a period not exceeding three years if the guilty is a public servant keeping the secret during or as a result of or by occasion of the performance of his post.

Chapter Three Crimes Related Religion and the Sanctity Of The Dead.

Apostasy

Article (259): Anyone who turns back from or denounces the religion of Islam, is punished by the death penalty after being questioned for repentance three times and after giving him a respite of thirty days. The Apostasy in public by speech or acts is considered contradictory to the principles of Islam and its pillars in intention and determination. If the intention or determination is not established and the guilty shows repentance, there will be no punishment.

Distortion Of The Holy Koran

Article (260): Punishment with imprisonment for a period not exceeding five years or a fine is to anyone who distorts willfully the Holy Quran in a manner which changes its meaning with the purpose of harming the natural Religion.

Assault On The Sanctity Of The Faith

Article (261): Punishment with imprisonment for a period not exceeding one year or a fine not more than two thousand Ryals will be imposed on:

- 1- Whoever destroys or misrepresents or profanes a mosque or any other place set up by a license from the State to perform religious rituals or a symbol or other objects having religious sanctity.
- 2- Whoever distorts deliberately the establishment of recognized rituals of a sect or a celebration or religious meeting or disrupts something out of that or forbids it by force or threat.

Assaulting the Sanctity Of The Dead.

Article (262): Punishment with imprisonment for a period not exceeding one year or a fine not more than two thousand Ryals is to :

- 1- Whoever disturbs deliberately the funerals or death ceremonies or obstructs them by force or threat.
- 2- Whoever violates or profanes the sanctity of the graves or a place set up for burying the dead or for preserving their corpses or embarks willfully on destruction or spoilage or distortion of some of those objects.
- 3- Whoever steals a corpse or part thereof or its shroud whether this was before the burial or after. It is admissible for the person concerned to deliver the corpse or part thereof to a scientific or educational institute to achieve the purposes of this institute.

SECTION ELEVEN

Adultery, Defamation; Corruption of the Moral.

Chapter One

Adultery and the Category Governed Under It.

Adultery

Article (263): Sexual intercourse which is considered adultery is the intercourse in the outset; the adulterer and adulteress without suspicion or coercion are punished with whipping by one hundred strokes as a penalty if not married. It is lawful for the court to reprimand it with imprisonment for a period not exceeding one year. If the adulterer or the adulteress are married, they are punished by stoning them to death.

Homosexuality

Article (264): Homosexuality is the contact of one man to another through his posterior; both sodomites whether males or females are punished with whipping of one hundred strokes if not married. It is admissible to reprimand it by imprisonment for a period not exceeding one year punishment by stoning to death if married.

Definition Of The Married

Article (265): A person is considered married whenever the following conditions are applied to him:

- 1- He makes intercourse with his spouse according to a true contract.
- 2- Intercourse is taking place from front.
- 3- Intercourse is being made with a rational person suitable for intercourse.
- 4- The state of his intercourse is mature and sober.
- 5- Marriage is continuous.

Cancellations Of The Penalty Of Adultery.

Article (266): The penalty of adultery and whatever category is governed under it, ceases to be effective if it is established before the court the availability of one of the following cases:

- 1- Failure of one of the conditions of matrimony or its fault or confusion in one of its witnesses.
- 2- If any of the witnesses did not come forward to give the testimony.
- 3- Failure of the witnesses to start the stoning after a judgment is passed on it.
- 4- Confusion in the testimony or default in one of its conditions or its withdrawal before execution.
- 5- The saying of the females that the women on whom adultery falls is a virgin or patched after establishing the testimony on her with adultery.
- 6- Claim of possible suspicion.
- 7- Claim of coercion or necessity.
- 8- Silence of the adulterer before his admission or establishment of the testimony on him with adultery.
- 9- The convicted refrain from affirming his admission if the sentence of slandering is based on it.

Adultery With No Available Legal Evidence

Article (267): Reprimand of the adulterer and the adulteress with imprisonment for a period not exceeding three years if the necessary conditions are not provided for the application of the penalty or no legal evidence exists and it is necessary to apply the punishment stipulated in the preceding article whenever the court is convinced of the evidence existing with the establishment of adultery.

Lesbianism

Article (268): Lesbianism is intercourse between one female and another. Anyone engaged in this act with another shall be punished with imprisonment for a period not exceeding three years. If the act happens under coercion imprisonment may be expanded to seven years.

Rape

Article (269): Whenever the legal penalty has fallen for one of the fixed reasons, punishment is through imprisonment for a period not exceeding seven years for anyone who assaults by rape any person be it male or female without consent. The sentence shall be imprisonment for a period not less than two years and not more than ten years if the crime is committed by two persons or more or the guilty is in charge of the victim or under his protection or upbringing or care or treatment or the victim is injured because of the incident with a grave harm to his body or health or the victim happens to conceive due to the crime. The punishment shall be imprisonment for a period not less than three years and not more than fifteen years if the age of the victim does not exceed fourteen years or the act led to the suicide of the victim. It is deemed rape, every sexual insertion which is committed on the other person be it male or female, without consent.

Chapter Two Disgrace To Honor

Definition of Disgrace

Article (270): Any act that falls on the body of the human being and defames the honor thereof; is carried out from one person to another other than adultery, homosexuality or lesbianism is considered a disgrace to honor.

Punishment of Disgrace to Honor Without Coercion

Article (271): Punishment with imprisonment for a period not exceeding one year or a fine which is not more than three thousand Ryals shall be imposed on anyone who disgraces the honor of a living human being without coercion or fraud. Whoever falls on him the act with his consent is punished with the same sentence.

Punishment of Disgrace to Honor With Coercion

Article (272): Punishment with imprisonment for a period not exceeding five years to anyone who disgraces the honor of a living human being with coercion or fraud or if the victim is a female whose age is not more than fifteen years, or a male of not more than twelve years of age or devoid of will or is short of it for any reason, or if the guilty is in an ancestral relationship with the victim or in charge of his upbringing.

Chapter Three Disgraceful Act In Violation Of Chastity

Definition of the Disgraceful Act.

Article (273): Disgraceful act in violation of chastity is any act which conflicts with public ethics or loosing chastity including undressing and intentional exposure of the genital organs and the saying and gesticulation violating the chastity and contradictory to good conduct.

Punishment of the Disgraceful Act.

Article (274): Punishment with imprisonment for a period not exceeding six months or a fine is to anyone who commits a disgraceful act in public so that the others see or hear it.

Disgraceful Act With a Female.

Article (275): Punishment with imprisonment for a period not exceeding one year or a fine is to anyone who commits a disgraceful act with a female without her consent. If the act is with her consent, the two will be punished with imprisonment for a period not exceeding six months or a fine which is not more than one thousand Ryals.

Violating the Sanctity of Marriage.

Article (276): Punishment with imprisonment for a period not exceeding one year or a fine is to every married person whether male or female who commits acts conflicting with honesty and care that necessary for the marriage.

Chapter Four Immorality, Prostitution And Spoilage Of Morals.

Definition.

Article (277): Immorality and prostitution is committing one of the acts touching the honor and violating the law for the purpose of spoiling the morals of others or gaining thereof.

Punishment for Practicing Immorality and Prostitution.

Article (278): Punishment with imprisonment for a period not exceeding three years or a fine is to whoever practices immorality or prostitution.

Instigation on Immorality and Prostitution.

Article (279): Punishment with imprisonment for a period not exceeding three years is to whoever instigates others on immorality or prostitution. If the crime occurs in accordance with this instigation, the punishment with imprisonment will be not more than seven years.

If the crime committed is on a minor not reaching fifteen years of age, or the instigator supports in his living on immorality or prostitution whoever he instigates, it is lawful that the punishment of the instigator reaches imprisonment for a period not exceeding ten years.

If both cases are combined, it is possible that the punishment of the instigator reaches imprisonment for a period not exceeding fifteen years.

Punishment of the Procurer

Article (280): Punishment with imprisonment for a period not exceeding fifteen years is to whoever consents to his wife or any of his unmarried females or those to whom he is the guardian or whoever he undertakes to raise, to commit prostitution. If he returns [to his act], his punishment will be the death penalty and the woman who consents that her daughters commit prostitution will be punished with the same penalty.

Running a Place for Immorality or Prostitution.

Article (281): Punishment with imprisonment for a period not exceeding ten years is to whoever manages a house or a place as such for immorality or prostitution; the sentence in all cases is to close down the house or the place for a period not exceeding two years as well as the confiscation of the furniture and the tools and others which were found therein during practicing immorality or prostitution.

Chapter Five Libertinism²³, Gambling and Drugs

Definition

Article (282): Libertinism are deemed to mean every intoxicant, of any kind, without regards to the amount required to become drunk by.

Punishment for Libertinism, Drinking Alcoholic Beverages

Article (283): Every adult sane Moslem, who drank an alcoholic beverage shall be punished by being whipped fifty lashes in a public area in fulfillment of religious ordinances, which may be augmented thereafter by imprisonment for a maximum term of one year.

Pardoning of the Punishment for Drinking

²³ Specifically meant to imply alcoholic beverages, but because of the definition given in the Law, a more general name was used.

Article (284): The religiously ordained punishment for drinking alcoholic beverages is hereby waived if any of the following are proven to exist:

1. That the drinker thereof is unaware that what the latter drank was an alcoholic beverage.
2. Claim of coercion or a potential necessity.
3. If one of the witnesses thereto is not fit to testify.
4. If the drinker recants on the latter's confession thereto.

Manufacturing and Facilitating the Use of, and Trading in, Alcoholic Beverages

Article (285): Anyone who manufactures an inebriant, sells, gives or offers an inebriant to another person, or facilitates drinking an inebriant by another person, by whatever method; shall be punished by imprisonment for a maximum of one year or a fine of a maximum of YR Two Thousand; if the perpetrator was a trader of alcoholic beverages, or the place where the deed was consummated was a public area, the punishment accordingly shall be imprisonment for a maximum of three years or a fine of a maximum of YR Six Thousand and the shop shall be closed for a maximum of one year.

Definition of Gambling

Article (286): Anything that is hinged to a potential gain or loss based on factors that are not identifiable or controllable in advance thereof, even if it may involved some skill; contests²⁴, shooting²⁵ and awards that are given to the winners in a sports or scientific contest shall not be considered as gambling.

Gambling and Running Gambling Facilities

Article (287):1. Anyone who is found²⁶ to be gambling in a public area shall be punished by imprisonment for up to a maximum of six months or a fine up to a maximum of YR Two Thousand.
2. Anyone who operates a place for gambling, allows for gambling games to take place in a public place or area, or takes part, in any manner in arranging or supervising such gambling games shall be punished by imprisonment for up to a maximum of two months or a fine up to a maximum of YR Six Thousand.

²⁴ Literally translated as "races"

²⁵ Sharp shooting contests, including archery and with firearms.

²⁶ Literally translated as "apprehended".

In all cases the furniture, the tools or instruments, money, etc. of games set up or used for causing gains or losses shall be confiscated and the public place shall be closed for a maximum of one year.

Drugs

Article (288): The Law shall define the drug substances and shall identify the drug - related crimes and the respective punishments set thereof accordingly.

Section Six Slander and Defamation

Cursing and Hurling Accusations of Adultery²⁷

Article (289): Any one who defames a pure²⁸ person by accusing the latter of adultery or refutes the lineage of a person, and failing to prove such claims shall be punished by the punishment of whipping of 80 lashes as ordained by religious law.

Pardoning of the Punishment for Defamation of Adultery

Article (290): The religiously ordained punishment for defamation of adultery shall be waived if it is proven to the court that one of the witnesses²⁹ is no longer qualified prior to the execution thereof, if an charges arises subject to the substantiation of such claim of adultery, if the defamed confesses to the authenticity of the defamation by the forgiveness of the defamed prior to any litigation thereof, for cursing between spouses; a claim for slander by a branch offspring against a parent or higher root origin of claimant.

Definition of Defamation

Article (291): Defamation is attributing an offensive act or event to another person, which would legally require the punishment of the accused, or the disdain of the fellow citizens of the accused, if the Defamation was in order; similarly, every insult to another person, which dishonors or discredits another person, without attributing any specific event to the victim of the Defamation.

Punishment for Defamation

Article (292): Anyone who Defamations another person, excluding the defamation of adultery, shall be punished by imprisonment up to a maximum of two

²⁷ I.e., by accusing someone of committing adultery.

²⁸ I.e., innocent.

²⁹ Usually four witnesses are required for a claim of adultery on anyone.

years, or by a fine³⁰, even if the event attributed to the victim of the Defamation was true.

Rejection of the Claim of Defamation

Article (293): Claims for Defamation are rejected in the following cases:

- i. If it was a professional criticism for a literary or artistic work that is presented to the public.
- ii. If the Defamation came from a person who has control or guidance authority, within the scope of this authority and to the extent that it exposes the error of the Defamation person in his action and directs the latter in the proper course of action.
- iii. If the intent thereof is to express an opinion about the conduct of a public employee, concerning an event that is related to the latter's job; to the extent that it reveals the employee's deviation.
- iv. If the Defamation was included in a complaint to a relevant concerned person on the conduct of a person while carrying out a designated task assigned to the latter, provided that the expressions used are limited to the events related to such tasks, which the complaint deals with accordingly.
- v. If it was made in good intent by a person, with the aim of protecting his interest, or that of others, which is ordained by law, provided that the required fulfillment of this protection is adhered to.
- vi. If statements or expressions were circulated as being only a rephrasing or summary of the proceedings of a meeting, which was held according to the law, by a relevant concerned court, authority or committee in a specific field, as recognized by law, if there was no decree to ban publication of such proceedings was issued accordingly.
- vii. If a participant made the statements or expressions during court proceedings, therein, legally, such as a judge, lawyer, witness or one of the litigants.

Chapter Twelve Crimes Involving Property

³⁰ The amount of the fine was not specified in the original Arabic here and many other articles that follow.

Section One Thefts

Definition of Thefts and the Required Conditions For Considering Thefts as Worthy of the Respective Religiously Ordained Punishment

Article (294): Theft is when a person discreetly takes movable property, which may be rightfully owned by another person, by another person discreetly; the clearly defined stolen property is of the limits that require meting out the religiously ordained punishment for theft and falls in the hands of someone with a view towards taken possession thereof, without the rightful owner's permission; with the rightful owner having due title thereof; the property's value that meets the required legal limit of the value for carrying out the religiously ordained punishment for theft.

If it was taken by force, as shall be shown in the following section, it shall be punished by the religiously ordained punishment for forced robbery; any other form of robbery, looting or swindles, the perpetrator shall be rebuked upbraided according to the Law.

The Definition of the Legal Minimum

Article (295): The legal minimum of the value of stolen property that requires the religiously ordained punishment for stealing is what is equivalent in value to one half of one gold sovereign, or the equivalent thereof in Yemeni Riyals.

Definition of Safekeeping

Article (296): Safekeeping of property is placing property in a protected place where property is normally kept, whereby the owner thereof shall not be construed as having lost it by placing it therein; which in itself is safe for keeping such property in, if it was prepared for such safekeeping and prevents others from access to it except by permission of the owner thereof; if it is otherwise kept in a place that is not made for safekeeping; others can have access to it without permission, but is protected (by a guard), wherein such case it falls under property in safekeeping and the effectiveness of access to safekeeping areas is confined to the parts that permission for access to has been given exclusively and to no other parts thereto nor to the objects that are within such areas, which are considered as property in safekeeping by themselves.

Proving Theft

Article (297): To prove a crime of theft that requires the religiously ordained punishment for theft:

1. By a confession in court, unless such confession is dropped prior to execution of the punishment.
2. By testimony of two witnesses.
3. By testimony of a male and two appointed female witnesses.

The Religiously Ordained Punishment for Theft

Article (298): Anyone who steals what equals the legal minimum for a theft and complies to the conditions for meting out the religiously ordained punishment for theft shall be punished by amputation of the right hand at the wrist, if a recurrence is perpetrated by the same person, the left foot of the latter is amputated at the heel; if the latter again repeats the same crime, , imprisonment shall replaces amputation by imprisonment for a maximum of up to 15 years; in cases involving more than one thief, the punishment shall be meted out to all of them, regardless of their respective contribution in the theft.

Pardoning of the Religiously Ordained Punishment for Theft

Article (299): The religiously ordained punishment for theft shall be waived if any of the following events are evident to the court:

1. The (re) possession of the stolen item after the theft and prior to trial proceedings reaching the court.
2. Claim of potential ownership.
3. The reduction of the value of the stolen property to less than the minimum value required for meting out punishment for theft.
4. The forgiveness of the property owners prior to entering the case into court.
5. A theft is not considered as requiring meting out the religiously ordained punishment for a theft in the following cases.
 1. If the theft was from a public area during working hours therein, or in any other places that the perpetrator has access to, unless the stolen property was in safekeeping.
 2. If the theft was perpetrated by offspring or roots or by spouses or by unmarriageable persons of the owners thereof.
 3. If the owner of the stolen property is unknown.
 4. If the stolen article was a yield of a tree or any similar article; was eaten by the taker thereof at site of robbery and not taken away.

5. If the perpetrator was a lender to the owner of the owner of the stolen property of legal proven conclusive ruled debt; the owner of the stolen property stalled in repaying the debt and the stolen property was equal in value to the amount of debt or higher by an amount that does not exceed the minimum value for punishment according to religious ordinance.
6. If the thief returned the stolen property prior to trial proceedings.
7. If the number of the thieves was such that the share of each one did not reach the minimum for executing the religiously ordained punishment for theft.

Reprehension of Thieves

Article (300): If the perpetrator undertakes a theft, but the theft does not meet the conditions for meeting out the religiously ordained punishment for theft or when the religiously ordained punishment for theft is waived for any of the reasons for waiving such punishment; if the crime was not accompanied by any compulsion or threat, the perpetrator shall be punished by imprisonment for up to a maximum of three years.

Theft Under Coercion

Article (301): If the theft, which does not fulfill the conditions for meting out the religiously ordained punishment for theft and was done under coercion, which threatened the life or health of the victim, or if the crime was undertaken by two or more persons by the use of weapons or other implements that could be used as weapons; the use of force lead to serious injury, the punishment shall be imprisonment for a minimum of three years and up to a maximum of ten years, without prejudice to the right of retribution [qisas], blood money or compensation for injury, as the case may be.

Attempted Theft

Article (302): Attempted thefts, unless under coercion, shall be punished by imprisonment for a maximum of one year or a fine; if it was under coercion the punishment may be raised to imprisonment for up to a maximum of five years.

Prodding Juveniles to Steal

Article (303): Anyone who provokes Juveniles to steal, but the crime did not arise based on such prodding, shall be punished by imprisonment for a up to a maximum of one year and a fine of YR 2,000.

Possessing Missing Articles

Article (304): Anyone who gleans an article or something that is lost, or who takes possession of property that is legally owned by other persons, by mistake, force majeure, unexpected event or by any other means; who holds on to such property with the intent of owning it, unless he is not aware of the actual owner's whereabouts, or is not reported to the relevant concerned entities, in accordance with the adopted procedures in this respect, shall be punished by imprisonment for a up to a maximum of one year or a fine.

Taking Hold of Buried Treasure

Article (305): Anyone who illegally takes hold of buried treasure, which is fully or partially owned by someone else or the government, shall be punished by imprisonment for a up to a maximum of one year and a fine.

Section Two Concerning Banditry

Article (306): Whoever subjects people to any form of force, whatsoever, for any illegal purpose on a public road, desert or structure, at sea or on an airplane; thus scares them and frightens them for their lives or property or honor, whether the victim is an individual or a group whether by compulsion or by declaration shall be construed as shall be considered as being hostile.

The Punishment for Bandits

Article (307): Bandits shall be punished:

- i. by imprisonment for up to a maximum of five years if his Felony was confined to just threatening a roadway.
- ii. By amputation of the right hand from the wrist and the left foot from the ankle, if he took movable property owned by someone else, whereas his partners who do not take any property shall be punished by imprisonment of up to a maximum of ten years.
- iii. By execution, as a religiously ordained punishment if such coercion leads to killing a human being; any accomplices who do not take part in the killing shall be punished by imprisonment up to a maximum of fifteen years.
- iv. By execution and crucifixion, if he took property and killed an individual; the accomplices, who do not take part in the theft or the killing, shall be punished by a maximum of up to fifteen years imprisonment.

The preceding punishments shall have no prejudice to the rights of blood heirs to blood money or compensations for injury, as the case may be.

Attempted Coercion

Article (308): Attempt at Bandits, or cutting roads shall be punished by imprisonment of less than five years.

Waiver of Punishment

Article (309): The punishments hereby set in this section are waived on hostile perpetrators of coercion, before they were overwhelmed, with such waiver subject to being without prejudice to other people's rights of retribution [qisas] in kind, blood money or compensation for injuries, if the religiously ordained conditions thereof exist accordingly.

Section Three Taking People's Money Dishonestly

Fraud

Article (310): Anyone who ever illegitimately manages to obtain a material benefit for himself or for others, through the use of fraudulent means (misappropriation), or by using a false name or false characteristic or capacity shall be punished by imprisonment for up to a maximum of three years or by the imposition of a fine.

Crimes Involving Checks

Article (311): Anyone who gives a check knowing that it does not have the amount that is enough to back it up; cannot be negotiated, that it has been returned after the amount full to back it up has been returned in full or partially, whereby there is no backing to meet the value of the check anymore, that he has requested the drawer to stop payment, or accept the check under a different signature than the authentic signature with the drawer shall be punished by imprisonment for up to a maximum of three years or by the imposition of a fine and likewise for anyone who shows a check or hands a check to someone else or to bearer knowing that there is no amount to meet the value thereof or is not cashable shall be punished by the same punishment.

The crime will only occur if the perpetrator does not pay the value of the check to the holder thereof within one week of being notified to make payment accordingly.

Deception

Article (312): The punishment of imprisonment for up to a maximum of three years or the imposition of a fine shall be meted out to:

- i. Anyone whosoever cheats or attempts to deceive anyone else under contract with him by any of the following methods:
 1. By the number, measurement, Book, weight, or gauge of merchandise.
 2. The merchandise itself, if the merchandise actually handed over was different from the merchandise contracted for.
 3. The truth about the merchandise, or the substantial nature or characteristic of the merchandise, or the useful elements comprising the merchandise; in general the elements included in the fabrication of the merchandise.
 4. Type, origin and source of merchandise in the cases where these are considered a basic reason for entering into contract by agreement or common commercial practice.
- ii. Anyone whosoever forges or reduces weights, Books, measurements, stamps, marks, inspection instruments, or use anything thereof that is forged or deficient, or whoever uses any method whatsoever that will lead to make the weight, Book, measurement or inspection incorrect.
- iii. Anyone whosoever deceives or attempts to deceive something in human or livestock food, or in medicinal quantities or agricultural harvests or natural products in the preparation thereof for sale or when presenting or offering any such substances for sale or having sold such substances, knowing the deception thereof or that the merchandise is spoilt.
- iv. Anyone whosoever who puts up, offers or sells substances that are used in defrauding human and animal foods or in medicinal quantities or agricultural harvests or natural products in such a manner that is contrary to the legitimate uses thereof and the punishment shall be doubled if the substances used in the deception is hazardous to human and livestock health.
- v. Every person whosoever violates the approved standards or decrees issued by the Government, for the purpose of setting minimum limits or specific limits of the ingredients in the composition of food commodities or medicinal elements or any other merchandise or products that is prepared for sale or for the purpose of imposing specific utensils or packaging for the

preservation or a specific method for the preparation of such merchandise accordingly.

Embezzlement

Article (313): Any person whosoever intentionally extricates from any person fear of inflicting harm upon him or upon anyone who is of concern thereto and impels him, with bad intent, to hand the perpetrator or anyone else any funds, legal document or anything that he must sign with a signature or stamp that can convert such thing to a legal document.

Definition of Usury

Article (314): Any loan that is given to derive benefit thereto is usury, but delayed payment fines after stalling repayment, or the expenses incurred by the creditor in accordance with the amounts that are allowed by law.

Punishment to Usurer

Article (315): Any usurious lender shall be punished by imprisonment for up to a maximum of three years or by the imposition of a fine.

Stalling on Repayment by the Rich

Article (316): Anyone whosoever borrows funds for a certain tenor and does not repay it upon demand at the end of the tenor, although the borrower is able to repay accordingly, shall be punished by imprisonment for up to a maximum of one year or by the imposition of a fine.

Taking Advantage

Article (317): Any person who takes advantage of a person in need, inexperienced or careless and presented or obtained from him funds or a service, which is disproportional to the financial return demanded thereof.

Breach of Trust

Article (319): Any one whosoever takes over the ownership movable property that is owned by others, which was handed to him in any way shall be punished by imprisonment for up to a maximum of three years.

Killing the Animals/Livestock Belonging to Others

Article (320): Any one whosoever intentionally kills or inflicts severe harm, without any reason, a livestock a riding animal or livestock owned by others, shall be punished by imprisonment for up to a maximum of three years.

Section Four Assault on the Sanctity of the Property of Others

Damage to Property

Article (321): Any one whosoever in any way wrecks, destroys, dispossesses, spoils renders useless, damages or breaks down real estate movable or plant property, which is not in his possession shall be punished by imprisonment for up to a maximum of three years, or by the imposition of a fine; if the crime as such is perpetrated by force or under coercion, or was carried out by a number of persons during a disruption, unrest or a disaster, or caused the Division of a public facility or disrupted the work of an authority of public benefit, or which resulted in making the lives, security, health of people exposed to a risk shall be punished by imprisonment for up to a maximum of three years, or by the imposition of a fine; if the crime led to the death of a person, the punishment shall be execution as the religiously ordained punishment, without prejudice to rights of the blood heirs for the blood money or compensations for injury, as the case may be.

Breach of Trust in Real Estate Sale and in Action Taken for Property Held As Security

Article (322): Any seller, who resells a real estate that he has previously sold, or sold more than his share or more than the area of the property he actually owns shall be punished by imprisonment for up to a maximum of three years or by the imposition of a fine; this applies to guardians, estate executor, representative or agent; and the punishment may be raised to imprisonment for up to a maximum of three years, if the perpetrator caused by such Felony the occurrence of a serious crime between the disputants of the relevant real estate.

The same punishment shall be meted out to anyone holding real property as security, who acts in any way that damages the rights of the provider of the security.

Transfer or Removal of Real Estate Boundaries

Article (322): Any one whosoever destroys, moves or removes any boundary, or marks that are set up to set land areas, or settle land area holdings or to designate the borders or to divide between properties shall be punished by imprisonment for up to a maximum of one year or by the imposition of a fine; If the crime was carried out by use of violence on persons, or with the intention of taking over land owned by others forcefully, or if the marks were set up by the relevant concerned authority, the punishment be by imprisonment for up to a maximum of two years.

Chapter Thirteen Final Provisions

Article (323): Law No. 3 for 1976 Concerning Punishments, issued in Aden and the subsequent amendments thereof shall be cancelled and any provisions or provisions that conflict with the provisions of this Law shall also be cancelled.

Article (324): This Republican Decree As a Law shall be effective from the date of issuance and will be published in the Official Gazette.

Issued at the Presidency
On 8 Jumada I 1415 AH
Corresponding to 12 October 1994

Abdul Aziz Abdul Ghani
Prime Minister

General Ali Abdullah Saleh
President of the Republic