

Law on the press and publicationse

Section One: Definitions and General Principles

PART ONE

Article 1: This law shall be known as the 'Press and Publications Law'.

Article 2: For the purposes of the application of this law the words set out below shall bear the meanings appearing opposite them, provided it is not specified otherwise.

JOURNALISM: The profession of seeking facts, information and news, collecting them and writing or translating articles, columns, investigations and analyses and preparing programs and commentaries, drawing of cartoons, photography, press publication and the review and writing of headlines via the written, audio and visual media.

NEWSPAPER: Any journal or magazine which appears regularly under a single name at specified intervals for the purpose of public circulation.

JOURNALIST: A person who practises the profession of journalism ? written, audio or visual, or at a Yemeni news agency or a foreign news agency operating in Yemen ? as his/her principal means of livelihood.

NEWS AGENCY: An institution of the press which monitors and seeks news, prepares news reports, produces written., audio and visual investigations and analyses and distributes them by various means.

PRINTING PRESS: Any machine or group of machines or equipment intended for the printing or recording of words, drawings or pictures for publication or circulation. This does not include equipment for photography, normal typewriters or the machinery used for the photocopying of documents and papers.

PUBLISHING HOUSE: Anyone who prepares and puts together printed material for printing, publication and sale.

PUBLISHER: Any individual or company who publishes any printed material on which his/her name must be recorded.

DISTRIBUTOR: Any individual or company who takes it as his/her profession to trade in the sale and distribution of newspapers and printed material and to

offer it for circulation.

PRINTED MATERIAL: All writings, drawings, audio and visual tape recordings, pieces of music and photographs when carried by modern scientific or technical means or otherwise transmitted and suitable for circulation..

PUBLIC CIRCULATION: The offer of newspapers, magazines and printed material for sale or distribution or its display on shop fronts or any other activity which in any way places it before the public.

BOOKSHOP: Premises intended for the display and sale of printed material.

NATIONAL LIBRARY: Premises for the storage of historical books and manuscripts. It also acts as the repository for printed material whether issued regularly or irregularly..

DEPOSITION: Preservation and recording of printed material at the repository.

PART TWO

Article 3: Freedom of knowledge, thought, the press, expression, communication and access to information are rights of the citizen which enable him/her to express his/her thoughts orally, in writing or in pictorial or in drawing form or by any other means of expression. These rights are guaranteed to every citizen by the Constitution and by the provisions of this law.

Article 4: The press shall be independent and shall have full freedom to practise its vocation. It shall serve society, form public opinion and express its different outlooks within the context of Islamic creed, within the basic principles of the Constitution, and the goals of the Yemeni Revolution and the aim of solidifying of national unity: No obstacles may be placed in the way of its activities except in accordance with the provisions of this law.

Article 5: The press shall be free to print what it pleases and to gather news and information from their sources. It shall be responsible before the law for what it prints.

Article 6: The law assures the protection of journalists and authors, and it provides the legal guarantees necessary for them to the practise their profession, to enjoy freedom of expression and immunity from interference so long as they do not contravene the provisions of this law.

Section Two: Terms of Work of Yemeni and Foreign Journalists

PART ONE: CONDITIONS OF WORKING IN JOURNALISM

Article 7: Any person working as a journalist shall:

- a) be a Yemeni national,
- b) be at least 21 years old,
- c) enjoy full citizen's rights,
- d) not have been found guilty by a court of an offence against honour and integrity unless his/her reputation has been restored in accordance with the law,
- e) be the holder of a qualification from a college or institute or have journalistic experience of not less than three years,
- f) work effectively and continuously in journalism.

Article 8: In addition to fulfilling the conditions set out in Article 7, a chief editor shall:

- a) not work for a foreign state,
- b) be at least 25 years old,
- c) have perfect knowledge of the language in which the newspaper is published,
- d) have experience and knowledge of journalism not less than five years for holders of qualifications in journalism, and eight years for others,
- e) have to work in this job full-time.

Article 9: A journalist shall lose his journalist status if he/she:

- a) ceases to fulfil any one of the conditions set out in Article 7 of this law,
- b) is dismissed in accordance with the law for an offence which brings disrepute to the profession,
- c) leaves the profession voluntarily to take up work elsewhere.

Article 10: The Ministry of information. shall issue Press Facility Cards. In

addition to the conditions set out in Article 7 of this law, recipients shall:

- a) have a degree from a college of journalism or information or from a higher institute of journalism or information and not less than one year's experience in journalism, or
- b) have a degree from a college or institute and not less than two years' experience in journalism, or
- c) have the general secondary school graduation certificate or its equivalent and at least five years' experience in journalism, or
- d) have sufficient experience in journalism of at least 10 years.
- e) the design of the Press Card, the data on it and the rules for issue, renewal, withdrawal and cancellation shall be laid down by the Ministry of information.

Article 11: Holders of Press Cards shall enjoy all the facilities and privileges provided by the authorities to journalists in accordance with a decision of the Cabinet.

Article 12: Subject to the provisions of Article 10 of this law, applications for the issue of a Press Card shall be made to the Ministry of Information supported by the necessary documents. If a justified refusal is given or no answer has been received within 30 days, the applicant has the right to appeal to the courts within 30 days of receipt of the refusal or of the passage of thirty days since the application with no response.

PART TWO: RIGHTS AND DUTIES OF JOURNALISTS

Article 13: A journalist may not be interrogated on opinions which he has expressed or published, and which may not be used to inflict harm on him/her provided what he/she published is not contrary to the law.

Article 14: A journalist has the right to obtain information, news, data and statistics from their sources and to publish or not publish them. He has the right to preserve the confidentiality of his/her sources he/she can not be forced to disclose in accordance with the provisions of this law.

Article 15: A journalist has the right to refuse to prepare or to write press material which is in conflict with his/her beliefs or views or offends his conscience as a journalist. He has the right to comment as he/she sees fit within the provisions and principles of the Constitution in order to explain

his/her opinions and express his/her point of view regardless of differences in opinion or intellectual judgement.

Article 16: A journalist has the right to peruse official reports, facts, information and data, and authorities possessing such items shall make it possible for him/her to have cognisance of and to use from them.

Article 17:

a) A journalist shall have the right to be correspondent for one or more Yemeni or foreign press bodies provided that he/she obtains a licence from the Ministry of Information renewable every two years.

b) A journalist has the right to cover any local, Arab or international event regardless of the nature of relations which link Yemen with the country in which that event occurs.

Article 18: A journalist shall not be dismissed or transferred to work other than journalism, suspended from working, prevented from writing or held to account for his articles, except as provided for in this law and regulations and by-laws.

Article 19: A journalist may protect his/her rights through his/her union and by the legal means provided for and guaranteed by the law and the Constitution or he/she may have direct recourse to the courts according to the laws.

Article 20: In what he/she publishes, a journalist shall respect the objectives and aims of the Yemeni Revolution and the provisions of the Constitution and shall not contravene this law.

PART THREE: TERMS OF WORK FOR ARAB AND FOREIGN JOURNALISTS

Article 27: A journalist may be accredited as correspondent of one or more of the media belonging to Arab or foreign governments or organisations once he has been granted a card as an accredited correspondent.

Article 28: The Ministry of Information shall accredit Arab and foreign journalists as correspondents of Arab and foreign newspapers, news agencies and radio and television stations for a period of a year, renewable regularly thereafter. They shall be able to carry out their journalistic work within the country. This privilege shall be on a reciprocal basis. It is for the Ministry to refuse or cancel accreditations.

Article 29: Arab and foreign journalists and the correspondents of the media

accredited in the Republic of Yemen shall enjoy the following rights:

- a) right of residence for him/herself and family,
- b) right to a visa for him/herself and family,
- c) the opening of an office with the permission of the Ministry of Information,
- d) trips to obtain information throughout the country, of which the Ministry is to be kept informed in advance,
- e) the privileges and facilities set out in the by-laws.

Article 30:

- a) A journalist or a correspondent of newspapers or other working in Yemen shall respect and adhere to the laws and regulations in force and shall also respect the sovereignty and independence of the country, the creed, religious law and the ethics and traditions of the Yemeni people. He/she shall engage in no activity which endangers the security of the country.
- b) Journalists referred to in item (a) above shall gather news and information only through legal channels.

Article 31: The Ministry of information has the right to grant a facility card to accredited journalists, and it may cancel, withdraw, or refuse to renew it, or cancel a licence without giving any reasons. This shall result in the loss of the right of residence in the country for such correspondent unless there is another reason, not contrary to the provisions of this law, to remain in the country.

Article 32: The Ministry of Information shall issue by-laws setting out the conditions under which Arab and foreign journalists may work in Yemeni written, audio or visual journalism and news agencies.

Section Three: Organisation of the Activity of Newspapers and Magazines

PART ONE: ISSUE AND OWNERSHIP OF NEWSPAPER AND MAGAZINES

Article 33: The right to own and issue newspapers and magazines is guaranteed by the Constitution for all citizens, for licensed political parties and for

public companies, for popular organisations and for Ministries and Government corporations in accordance with the provisions of this law.

Article 34: Any person wanting to issue a newspaper or magazine shall make an application to the Ministry of Information containing the following data:

- a) Full name and address and licensed title.
- b) Full name, title, address and qualifications of the responsible editor in chief, editors and publisher, if applicable.
- c) The name of the printing press at which the paper is to be printed if the publisher does not own his/her own press.
- d) The name of the newspaper or magazine, the language in which it is to be issued, its regularity, nature and title. A newspaper or magazine shall not bear the same or a closely similar name to that of an already existing newspaper or magazine.
- e) The emblem of a newspaper or magazine whether it be written or drawn or both, shall not be the same or similar to that of an already existing newspaper or magazine.
- f) A statement of the assets of the newspaper or magazine and the name of its bankers in accordance with the by-laws provided for in paragraph (e) of Article 46 of this law.

Article 35: The decision of the Minister of Information licensing the establishment of a newspaper or magazine shall contain the following

- a) the name of the newspaper or magazine,
- b) its address,
- c) its own printing press, if applicable in accordance with the provisions of this law,
- d) its nature ? political, economic, social, cultural, artistic, etc.,
- e) its frequency of issue,
- f) the responsible editor-in-chief.

Article 37: The licence of a newspaper or magazine shall be considered void in the following cases:

- a) Any change in the information presented when the application for the licence was made, unless the Ministry of Information is informed of such change within 10 days.
- b) For daily newspapers, if they fail to appear for a period of three months, if weekly and fortnightly magazines fail to appear for six months, and if quarterlies fail to appear for a year.
- c) If the newspaper or magazine is not issued during the six months following the granting of the licence.
- d) If the owner asks for the cancellation of the licence.
- e) If the company licensed to issue the newspaper is dissolved.
- f) After the death of the licensed owner, if his/her heirs are unable to issue the newspaper within a period of one year from the date of death.

Article 38: Two or more newspapers may be merged, in which case the individual licences (of both) are cancelled and an application shall be made for the issue of a new licence to the new newspaper.

Article 39:

- a) A person licensed to issue a newspaper or magazine or his representative shall inform the Ministry of Information in writing of any expected change in the information contained in the licence application at least one week in advance, or within one week of its occurrence, if it were unexpected.
- b) If the change involves the appointment of a new editor in chief, the conditions required for an editor in chief apply, and such change must be published in the paper. If the change relates to the name, emblem, or owner of the paper, the changes must be made published in another newspaper.

Article 40: The conditions in Articles 34 and 35 for the issue of newspapers and magazines do not apply to the newspapers and magazines of political parties, popular organisations, and ministries or government authorities.

Article 41: Political parties, popular organisations, ministries and government authorities shall submit the names of the responsible editor in chief and team of journalists, and shall inform the Ministry of Information of any changes within 10 days of their occurrence. The bodies referred to in this article shall register their newspapers, magazines and other publications with

the Ministry of Information.

Article 42: The editor in chief shall bear full responsibility for everything published in the newspapers of political parties, popular organisations, and government authorities according to the provisions of this law.

Article 43: Every newspaper and magazine shall have an editor in chief who shall be directly responsible for everything published in the paper and shall exercise effective control over all its contents. The paper shall also have a number of editors answerable to him and they shall exercise effective control over various sections. The owner of the newspaper may serve as the editor-in-chief or a responsible editor if he fulfils the conditions set out in this law.

Article 44: A newspaper or magazine shall carry the names of the editor in chief, the publisher, if any, and of the press where it is printed clearly visible on each copy. It shall also carry the date of issue, the cost of subscription, the price per copy and its frequency of publication.

Article 45: Supplements may be published by newspapers and magazines provided they carry the same name as the original publication and carry on the first page the fact that they are supplements to that publication.

Article 46: The owner of a newspaper or magazine shall:

- a) be a Yemeni,
- b) have full citizen's rights,
- c) not have been found guilty by the court of an offence against honour or integrity unless his/her reputation has been restored in accordance with provisions of this law,
- d) if the owner is a shareholding company, all its equity must be held by Yemenis only,
- e) provide capital to the newspaper or magazine on the scale specified in the by-laws to be issued by the Ministry of Information. Newspapers of political parties, popular organisations, ministries and government authorities are exempt from this provision.

Article 47:

- a) With the written consent of the Minister of Information, the owner of a newspaper may divest him/herself of ownership to another citizen who fulfils

the conditions set out in the law.

b) The person divesting him/herself of ownership shall present an application to the Minister of Information containing the data and documents necessary to prove that the new owner will fulfil the conditions laid down in this law.

Article 48: A newspaper may publish an article under a pen name provided that the real name of the writer is known to the newspaper.

Article 49: A newspaper may obtain information, data and statistics from its sources and has the right to publish them or not.

Article 50: The editor in chief shall accept material for publication submitted by the public. He may refuse to publish such material if it contravenes the provisions of this law. Writers whose articles have been refused publication may appeal to the Minister of Information.

PART TWO: FINANCIAL SUPERVISION OF NEWSPAPERS AND MAGAZINES

Article 51: Newspapers and magazines are strictly forbidden from accepting subventions or gifts of any sort from non-Yemeni bodies, whatever the purpose of such subventions or gifts.

Article 52: It is forbidden to open subscription lists to meet any fines, duties or compensation due from publishers or workers in newspapers.

Article 53: Owners of newspapers and magazines shall keep regular ledgers on sound accounting principles and shall select chartered accountants to supervise the accounts and audit the annual budget of the newspaper.

Article 54: The Ministry of Information shall scrutinise newspapers' financial accounts, budgets and vouchers to ensure that they comply with the provisions of this part of the law. The Ministry's agents in scrutinising the data shall preserve the confidentiality of the newspaper's operations except where the law has been violated.

PART THREE: CIRCULATION OF NEWSPAPERS, MAGAZINES AND PUBLICATIONS

Article 55: No newspaper, magazine or publication may be put into circulation unless it carries clearly, on any of its pages, the names of the newspaper, magazine or publication, the publisher and the editor in chief., the date and place of issue, the price per copy, the cost of subscription, the number of the issue and the name of the printing press and publishing house at which it was printed.

Article 56:

- a) Any person who wishes to import any cultural material and stationery and to open a cultural emporium shall obtain permission in writing from the Minister of Culture prior to such activity.
- b) Any person who wishes to carry on the business of import, sale, distribution and circulation of newspapers and magazines shall obtain permission in writing from the Ministry of Information prior to such activity.

Article 57: Any newspaper, magazine or publication printed outside Yemen may be circulated according to the law in force provided that it does not contain forbidden material. The Minister concerned has the right to prohibit the circulation of any newspaper, magazine or publication, whose contents contravene the provisions of this law.

Article 58:

- a) The owner of a newspaper, magazine or publication has the right to appeal against a prohibition of circulation.
- b) Measures taken to prohibit the circulation of a newspaper, magazine or publication do not bar the taking of legal measures in accordance with the regulations in force.

Article 59: Bookshops which sell and circulate newspapers, magazines, publications and stationery may be opened with the written permission of the appropriate department in the Ministry of Culture. No permission is required by those shops which distribute newspapers, magazines and publications as an additional activity and to which it is not their principal source of livelihood.

PART FOUR: RIGHTS OF CORRECTION AND REPLY AND OFFICIAL COMMUNIQUES

Article 60: The rights of reply and of correction are assured to citizens, political parties, popular organisations, ministries, government authorities and companies and may be exercised by their representatives if the material published concerns them.

Article 61: Whenever a newspaper or a magazine publishes an article in which an individual or a body has the right of reply under the conditions and in the circumstances set out in this part of the law provided that there is a legitimate interest even if the article did not contain aspersions or libels

against the complainant.

Article 62: The editor in chief shall publish the correction and reply in the same typescript, language and space and on the same page without recompense in the following fashion and circumstances:

- a) in accordance with the request of the person concerned,
- b) in accordance with the request of the heirs or of their accredited agents if the article concerned the deceased after death,
- c) provided that the reply or correction reaches the editor-in-chief not later than three months after publication of the item which for which the correction is being made.

Article 63: The editor in chief shall publish a reply or correction within three days of receiving it if the newspaper is a daily or in the next issue of the newspaper or magazine if it is not a daily.

Article 64: The editor in chief shall publish without recompense in his next issue and in the area reserved for important news items any communiqué, statement or news item sent to him by a ministry or a government body which concerns the public good and corrects an item previously published in the newspaper.

Article 65: The newspaper or magazine may refuse to print corrections if:

- a) the conditions stipulated in Article 65 no longer apply,
- b) if the newspaper or magazine has already run the corrections,
- c) if the request is signed by an alias or is not in the language in which the news item or article to be corrected or the facts were written.

Article 66: The complainant may appeal to the Minister of Information or to the courts if the editor-in-chief does not publish the reply or correction.

Article 67: A publisher shall correct false information, data or facts which have appeared in his/her publication as soon as he is aware of the truth. The complainant may appeal to the Minister of Culture or to the courts if the publisher or printing house does not publish the reply.

PART FIVE: ADVERTISEMENTS

Article 68: Once written permission from the Ministry of Culture has been obtained, public relations and advertising agencies may be opened to carry services in public relations and advertising in any form and to show commercial advertisements on film in cinemas and public places.

Article 69: Newspapers shall fix their tariffs for advertisements in consultation with the pricing authorities and shall deposit this tariff and any subsequent changes with the Ministry of Information to guarantee adherence to it by the newspaper.

Article 70: Advertisements shall be distinguished from other material published in newspapers by the placement of a tag reading "advertisement".

Article 71: If a newspaper publishes an advertisement without the written approval of the concerned party, then such a party is under no obligation to pay for the advertisement.

Article 72: Any pictures, articles or special features sent for publication by international organisations to record their achievements is treated as advertisements.

Article 73: The fees for such advertisements shall be the same and not more than those for other advertisements.

Article 74: No advertisement shall contain material which is prohibited according to the provisions of this law. The editor in chief is responsible for not publishing such material.

Article 75: The Ministry of Culture is responsible for issuing the by-laws regulating the granting of licences for practice of public relations and advertising, and the premises for that purpose. It shall define the conditions necessary upon applying for such a licence.

Section Four: Provisions governing printing presses, publishing houses and the legal repository

PART ONE: PRINTING PRESSES

Article 76: A licence from the Ministry of Culture shall be obtained to set up and invest in a printing press and the application, which shall be directed to the appropriate department of the Ministry, shall contain the following information:

- a) The name, residence address and date of birth of the owner of the printing press,
- b) The name of the printing press, the number and types of machines installed, its location and address of, its administration,
- c) The name, address and date of birth of the person responsible for running the printing press,
- d) The number in the commercial register.

Article 77: The responsible director of a printing press shall:

- a) possess full citizen's rights,
- b) not have been found guilty of a criminal offence concerned with this profession unless his/her reputation has been restored through due process of the law,
- c) be at least 25 years of age, (i) have no less than five years experience in printing presses, (ii) not be the director of another printing press at the same time.
- d) Where the printing press takes the form of an establishment or a shareholding company: (i) the shares must carry the names of the owners, (ii) the necessary information on the owner of the printing press and its board of directors and structure must be presented to the Ministry of Culture.

Article 78: The Ministry of Culture shall take the decision on the licence application within 30 days of its presentation. If 30 days passes without a decision or if the application is refused the applicant has the right to appeal directly to the courts 30 within days of notification of the refusal or of the passage of without a reply.

Article 79: The owner or responsible director of a printing company must inform the Ministry of Culture of any changes which may occur in the information contained in the application for a printing press a week before the changes become effective, or if the change was unexpected, within a week of its occurrence.

Article 80: The owner of a printing press may divest him/herself of ownership subject to obtaining prior written authorisation from the Ministry. The application for authorisation shall contain the information and supporting documents as may be necessary to fulfil the conditions.

Article 81: Should the owner of a printing press die, his/her heirs shall inform the Ministry of Culture in writing within two months of the date of death and the licence will accordingly be transferred to them unless they express their desire to discontinue the business.

Article 82:

a) The owner of a printing press or the responsible director shall maintain a register stamped by the Ministry of Culture in which all details of material printed on the press are recorded. These include the titles of the publications entered according to the date of order, the names of the authors and the number of copies printed.

b) The owner or responsible director of a printing press shall submit the register to the appropriate department of the Ministry of Culture so that it may be endorsed on the first or last page indicating the register's number of pages, the date of submission, the name of the printing press and its owner or responsible director and the number of the licence.

Article 83: Printed materials shall carry clearly on one of their pages the name and address of the printing press, the name and address of the publisher and the date of the printing. It shall also carry in an appropriate place the name of the author and copyright details.

Article 84: No printed material may be printed or reprinted without the permission of the copyright holder whether that is an individual or a company.

Article 85: The owner and the responsible director of the printing press shall bear full responsibility for the release of any material which contravenes the provisions of this law.

Article 86: Articles 83, 84, and 85 of this law do not apply to commercial printed material.

PART TWO: PUBLISHING HOUSES

Article 87: A person wishing to establish a publishing house shall apply to the appropriate department in the Ministry of Culture. The application shall contain the following information:

a) The name, address and date of birth of the owner of publishing house.

b) His address,

- c) The name and location of the printing house,
- d) Its nature,
- e) The name, address, title and date of birth of the responsible director,
- f) The name of the printing press which prints publications for the publishing house if it does not possess its own printing press.
- g) If the publishing house is a share-holding company, the names with the name and address of each board member, consultative bodies, and the capital of the company. A copy of the articles of association of the company and of its constitution shall be deposited.

Article 88:

- a) The owner of a publishing house shall be: (i) a person who has not been found guilty of a criminal offence concerned with the profession unless his/her reputation has been restored according to the law (ii) if the publishing house is an establishment or share-holding company, the shares must carry the names of the owners.
- b) The director of a publishing house shall fulfil the conditions laid down in Article 77 of this law.

Article 89: Every publishing house shall have an advisory board composed of persons with ability, knowledge and background in the area of its activities.

Article 90: The publisher's name and address shall appear on the first or last page of all printed material issued by the publishing house.

PART THREE: ARTISTIC COMPOSITION

Article 91: No one shall exercise the profession of export, import, renting, sale, reproduction, showing or distribution of artistic compositions such as cinema films, video cassettes or any other form of artistic composition without a prior licence from the Ministry of Culture.

Article 92: Any composition may be exhibited in public provided that it does not contain forbidden material and is circulated in accordance with the law.

Article 93: The provisions of this law do not apply to exhibitions by political parties, popular organisations, ministries or other government authorities in the course of their duties nor do they apply to films shown by

diplomatic and consular missions on their premises and to their own members.

Article 94: Any person may produce, direct, participate in, or assist in producing theatrical, cinematic, televisual, song or musical work or any similar work, provided that it does not contravene the provisions of this law.

Article 95: The Minister of Culture shall issue the by-laws and regulations setting out conditions for and information to be included in applications for licences provided for in this part of the law.

PART FOUR: LEGAL REPOSITORY

Article 96:

- a) All printed material shall carry on the first or last page reference to the number of their deposit at the National Library,
- b) Printed materials, newspapers magazines, books, literary and artistic works of all kinds shall be deposited at the repository.

Article 97: When a newspaper, its annexes or its associated prints, a magazine or printed material is issued, five copies shall be deposited with the appropriate departments of the Ministries of Information and Culture or their branches in the governorates in which the publication is issued, and five copies with the National Library in the capital or in the governorate. A receipt shall be given for these deposits.

Article 98: If a reprint of printed material is carried out without alteration, five copies shall be deposited with the appropriate departments of the Ministries of Information and Culture or with the governorate within whose region the issue takes place, and two copies with the National Library.

Article 99: Five copies of any printed material published by any Yemeni author or translator outside the country shall be deposited with appropriate department of the Ministry of Culture.

Article 100: Importers of printed material shall deposit two copies of each publication imported with the Ministry of Culture before circulation. If the number of copies imported is limited, only one copy may be deposited.

Article 101: Any printed material may not be circulated unless it is registered and deposited according to the law.

Article 102: The provisions of Articles 97, 98, 99, 100, 101, do not apply to

printed material of commercial nature.

Section Five: Prohibitions on Publications and Penal Provisions

PART ONE: PROHIBITIONS ON PUBLICATION

Article 103: Persons employed in radio, television and written journalism and especially those employed in responsible positions in radio and television journalism, owners and editors-in-chief of newspapers, owners of printing presses and publishing houses and journalists, shall be bound to abstain from printing, publishing, circulating or broadcasting:

- a) Anything which prejudices the Islamic faith and its lofty principles or belittles religions or humanitarian creeds,
- b) In accordance with the law, any secret document or information which might jeopardise the supreme interests of the country or expose any of its security or defence secrets.
- c) Anything which might cause tribal, sectarian, racial, regional or ancestral discrimination, or which might spread a spirit of dissent and division among the people or call on them to apostasise,
- d) Anything which leads to the spread of ideas contrary to the principles of the Yemeni Revolution, prejudicial to national unity or distorting the image of the Yemeni, Arab or Islamic heritage.
- e) Anything which undermines public moral or prejudices the dignity of individuals or the freedom of the individual by smears and defamation,
- f) Deliberations behind closed doors of the supreme bodies of the state,
- g) The details of cases during the stages of investigation and trial in ways which might prejudice the course of justice. During these stages, the criminal investigation departments, the police, the prosecution and the judiciary determine the items publication of which is forbidden,
- h) The intentional publication of false data or information with the aim of influencing the economic trends and situation or of spreading chaos and confusion in the country,
- i) Incitement to use violence or terrorism,
- j) Advertisements containing texts or pictures which are inconsistent with

Islamic values and public ethics, to defame or libel individuals, attack the rights of others or mislead the public,

k) Advertisements for pharmaceutical preparations, beauty aids or foodstuffs without the permission of the body concerned,

l) To criticise the person of the head of state, or to attribute to him declarations or pictures unless the declarations were made or the picture taken during a public speech. These provisions do not necessarily apply to constructive criticism.

PART TWO: PENAL PROVISIONS

Article 104: Without prejudice to any more severe penalty under another law, any person who contravenes the provisions of this law shall be subject to a fine not exceeding ten thousand riyals or a period of imprisonment not exceeding one year.

Article 105: The court may order the closure of a newspaper, printing press, publishing house or premises for the circulation of printed material, artistic compositions or similar products which have been opened without the proper licences provided for in this law.

Article 106: The court may order the imposition of any of the following supplementary penalties:

a) Prohibition of continued practice of the profession of journalism, circulation and printing of newspapers and printed materials or of the import, export, renting or sale of cinema films at the exhibiting of artistic compositions or any other of the professions covered by the provisions of this law for a period not exceeding one year.

b) Confiscation.

Article 107: A newspaper or printed material may, by a decision of the Minister or his deputy, be seized by administrative action if it has been printed, issued or circulated in violation to the provisions of this law. The matter shall be brought before the courts to rule on whether the material seized should be confiscated. The person concerned has the right to appeal to the courts against the decision of seizure and to claim compensation.

Article 108: The editor-in-chief shall be held fully responsible with respect of any breach of this law committed by a writer, artist, or any other author of other product of expression, unless it can be proven that publication took

place without his/her knowledge.

Article 109: The importer and distributor of any printed material, newspaper, magazine or artistic composition containing written pieces, symbols, photographs or other means of expression published abroad which contravene this law shall be liable to the penalties set out in Article 104.

Article 110: Any journalist or owner of a printing press or publishing house who is proven to have accepted money or gifts from abroad to create anxiety or disorder in the circles of public opinion shall be subject to the penalties set out in Article 104 of this law.

Article 111: Owners of publications, printing presses, newspapers, publishing houses and distribution houses already in existence shall adjust their affairs in accordance with the provisions of this law within a period of three months from its issuance.

Article 112: No newspaper, magazine, publication or similar material shall be confiscated except in accordance with this law.

Article 113: The establishment of offices and agencies for press and information services and of exhibition halls, bureaux and offices for translation shall be subject to the provisions of this law and to its by-laws and the regulations.

Article 114: The Minister of Information shall issue such decisions, by-laws, and instructions as are within his competence for the application of the provisions of this law.

Article 115: For the purposes of this law, all other provisions which are in conflict with it are hereby repealed.

Article 116: This law shall come into force from the date of its issue and shall be published in the Official Gazette.

Issued at the Presidential Office in Sana'a on 5 Jamadi Thani 1411 H (23 December 1990 AD).

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