

crime of terrorism may be prosecuted under article 84 (terrorism). Under article 17 (preparation for committing offences), acts of “seeking to acquire, or preparing tools, means or other conditions” for the commission of an offence of terrorism may be prosecuted. In addition, pending the preparation for the commission of an act of terrorism, if the offender commits other independent offences, he may be prosecuted for such offences.

CXXXIII. YEMEN²²⁸

SUMMARY OF LEGISLATION OF YEMEN RELATED TO TERRORISM

(a) Constitution

Article 36 of the Constitution of the Republic of Yemen provides as follows:

The State is the authority that establishes the armed forces, the police, the security forces and any other forces. Such forces belong to the people as a whole, and no body, individual, group, organization or political party may establish forces or military or paramilitary formations for any purpose and under any name whatsoever. The Ministry of Defence is the body legally authorized to recruit individuals.

(b) Act No. 66 of 1991, on political organizations and parties

Article 8, paragraph 6, provides against the following:

- (a) Establishment of military or paramilitary formations or assistance in their establishment;**
- (b) The use, threat of use or incitement to use violence in any form;**
- (c) The inclusion in the programmes, publications or printed materials [of an organization] of any incitement to violence or the creation of open or secret military or paramilitary formations.**

²²⁸ Transmitted to the Secretariat by that Government on 4 March 2002 (S/2002/240, enclosure) and on 17 October 2002 (S/2002/1213, enclosure). Information was also provided in respect of other legislation, including Act No.1 of 2001 regulating the establishment of domestic associations and institutions; Act No. 66 of 1991, on political organizations and parties; the Banking Act (Act No. 38 of 1998); Act No. 40 of 1992 on the bearing of and trade in firearms and ammunition; Act No. 47 of 1991 concerning the entry and sojourn of aliens; the Central Bank Act (Act No. 14 of 2000); the Financial Code (Act No. 8 of 1990); the Commercial Code (Act No. 32 of 1991); the Civil Code (Act No. 14 of 2002); the Exchange Act (Act No. 20 of 1995).

(c) Act No. 24 of 1998, on the combating of the offences of kidnapping and armed interception

The Act provides a number of penalties, including the death penalty in case of the person who heads a band for kidnapping, armed interception or the looting of public or private property.

It calls for a penalty of 12 to 15 years' imprisonment for anyone who kidnaps a person, increased to 20 years if the kidnapping involves a female or a youth.

It provides for a penalty of 10 to 15 years' imprisonment for anyone who seeks, in a foreign country or a band, to commit any act of kidnapping, armed interception or looting of public or private property.

The Act further establishes a penalty of 10 to 12 years' imprisonment for anyone who hijacks any means of air, land or sea transport, the penalty being increased to 15 years if any person is injured as a result of the hijacking.

In cases where persons are taken hostage for the purpose of exerting pressure on public authorities or obtaining a benefit or advantage, the Act provides for a penalty of 10 to 12 years' imprisonment.

In the case of assault by any person on any individual charged with combating the crimes of kidnapping, hijacking, armed interception or looting during the performance of that individual's duty, the penalty is from 7 to 10 years' imprisonment, the said penalty being increased to 15 years if the assault results in bodily injury.

The penalty provided by the Act for assisting a kidnapper or hijacker or for concealing a kidnapped person or objects hijacked or seized is 5 to 8 years' imprisonment.

(d) Code of Criminal Procedure (Act No. 13 of 1994)

Article 17 (2) provides that "The Code of Criminal Procedure applies to citizens as well as to nationals of foreign States and stateless persons". The article states that Yemeni law applies to aliens resident in Yemen, as mentioned in the preceding article.

Article 234

1. Jurisdiction shall be determined locally by the place where the offence took place, the place in which the accused is resident or the place in which he was apprehended. The jurisdiction of the court before which the action was first instituted shall remain unchanged.

2. In the case of an attempt, the offence shall be deemed to have been committed in every place where an attempt at perpetration was made.

Article 236

1. If an offence to which the provisions of Yemeni law apply occurs outside the country and the perpetrator does not have a known place of residence in the Republic and has not been apprehended there, a criminal action shall be instituted against him before the courts of the capital;
2. If the offence is committed partly outside the Republic and partly within, the court within whose jurisdiction the place where the acts were perpetrated within the Republic is located shall be competent locally.

Article 246

The Yemeni courts are competent to try any Yemeni who has committed, outside the territory of the State, an act considered an offence under Yemeni law, provided that he has returned to the Republic and that the act is punishable under the law of the State in which it was committed.

Article 247

The Yemeni courts are competent to try any person who commits, outside the territory of the State, an offence prejudicial to the security of the State, as provided in book two, chapter I, of the Penal Code, or the crime of imitating or falsifying seals of the State or of any public agency or of counterfeiting a national currency in lawful circulation, exporting such currency or obtaining it for the purpose of circulating it or operating with it.