

**LAW NO (30) OF 2006**

**ON**

**FINANCIAL STATEMENT DISCLOSURE**

**IN THE NAME OF THE PEOPLE  
THE PRESIDENT OF THE REPUBLIC**

**- HAVING PERUSED THE CONSTITUTION  
OF THE REPUBLIC OF YEMEN**

**- AND PERSUANT TO THE APPROVAL  
OF  
THE COUNCIL OF REPRESENTATIVES**

**BE IT ENACTED AS FOLLOWS:-**

**PART I**  
**CHAPTER ONE**  
**CITATION AND INTERPRETATION**

- Article (1)** : This Law may be cited as "Law on Financial Statement Disclosures."
- Article (2)** : In this Law, unless the Context otherwise requires:
- "Financial Statement Disclosure"** : The written statement in which a person reveals all property which he / she possesses whether that property is in cash, or in kind.
- " Property "** : Everything that may be possessed or used to derive benefits from in a casual manner including personal effects or money or animals or real estate or land or equipment or any other possessions .
- "Public Property"** : Everything that may be owned by the State or that may be owned by a Corporate Person, to be used for the public benefit.
- "Public Function"** : A Public Service rendered by a Public Official holding a public office .
- " Public Official "** : Everyone who performs a permanent or a temporary public function at any public office
- "Minors"** : The individuals who are still underage.
- " Authority "** : The Supreme National Authority for Combating Corruption responsible for implementing this Law.

## **CHAPTER TWO**

### **OBJECTIVES AND**

### **SCOPE OF APPLICATION**

**Article (3) :** This Law is designed to achieve the following:

- 1/ To protect the Public Property
- 2/ To consolidate trust in Public Officials and to maintain the integrity of the Public Function.
- 3/ To combat Illicit Enrichment and limit abusing the values and morale of the Public Function.
- 4/ To strengthen control over those who perform a Public Function to whom this Law is applied.

**Article ( 4) :** This Law shall apply to all those who perform a Public Function, as follows:-

#### **A- High Political Power Functions**

- 1- The President of the Republic
- 2- The Vice- President of the Republic
- 3- The Chairman of the Council of Representatives, his Deputies and all other Members of the Council of Representatives.
- 4- The Prime Minister, his Deputies and other Members of the Council of Ministers their Deputies and those of parallel ranks.
- 5- The Chief Justice and Members of the Supreme Council of the Judiciary.
- 6- Chairman of the Consultative (shoorah) Council, his Deputies and all other Members of the Shoorah Council.
- 7- The Chairman and Members of the Supreme Committee of Elections.
- 8- Head of the Presidential Bureau and his Assistants.
- 9- Rectors of Universities and their Deputies

- 10- Heads of the Administrative Units in the Governorates (Governors ) and the Secretary General of each Local Council in the Governorates
- 11- The Chief of Staff and his Assistants
- 12- Chief Officers, General Staff and Chiefs of Operations at military regions and zones.
- 13- Heads of the Diplomatic Corps abroad
- 14- The Consultants of the President of the Republic.
- 15- The Consultants of the Chairman's Bureau of the Council of Representatives and the Council of Consultatives.
- 16- The Consultants of the Prime Minister
- 17- The Secretary Generals and their Assistants of :
  - a/ The Presidency of the Republic
  - b/ The Council of Representatives
  - c/ The Council of Ministers
  - d/ The Supreme Committee of Elections
- 18- The General Managers at the offices of the Councils of Representatives, Ministers, Shoorah and their Deputies.
- 19- The President of the Central Bureau for Control and Audit and his Deputies.

## **B- High Administrative Posts**

- 1- Deputies at ministries, Governorates, Deputies ' Assistants and those with parallel ranks , Heads of Government Bodies , Authorities , Corporations , Banks , Public and Mixed Companies and their Deputies , and Deputies of the Central Bureau for Control and Audit and their Assistants.
- 2- Directors of Departments at :
  - The Council of Representatives –Bureau of the Presidency of the Republic Bureau of the Council of Ministers, The Supreme Council of the Judiciary, The Supreme Court, the Attorney General's Office and the Council of Consultants (shoorah) .
- 3- Members of the Diplomatic and Consular Corps.
- 4- Executive Officers of public Funds and Projects
- 5- Directors of Departments of the Ministry of Defense, Chief of Staff Office of the Military Forces.

- 6- Directors of Departments of the Ministry of Interior.
- 7- General Managers at Ministries, Governorates, Directorates, Government Bodies , Public Authorities , Corporations, Banks, Public and Mixed Companies , Public Projects ,and Projects of Public Funds , Universities, University Colleges , Community Colleges and High Institutes .
- 8- General Managers at:
  - The Council of Representatives, the Presidency of the Republic, the Council of Ministers, the Council of Consultatives (Shoorah), the Supreme Committee of Elections, the Central Bureau for Control and Audit.
- 9- Military Chiefs, Chiefs of staff, Chiefs of military Operations at Brigades, and at the Security.
- 10- Security Directors at the Governorates and Directorates.
- 11- Members of the Administrative Units of the Local Councils at the Governorates, and Secretary Generals of the Local Councils of the Directorates.
- 12- Chairmen and members of Boards of Directors nominated by Republican Resolutions.

### **C. Financial Functions**

- 1- The General Managers of Financial Affairs , Directors of Accounts, Treasurers , Procurement Officers and Storekeepers at the Ministries , Governorates Directorates , Public Bodies , Public Authorities and Corporations , Banks , independent and annexed Funds , and the like . The Council of Representatives, the Presidency of the Republic , the Council of Ministers , the Shoorah Council , the Supreme Council of the Judiciary , the High Court , the General Attorney's Office , the Supreme Committee of Elections , the Central Bureau for Control and Audit , the Universities and their Colleges , the Community Colleges and High Institutes.

- 2- Heads and members of bids, tenders, and procurement committees and those employees engaged in issuing licences and exemptions at all of the State's central and local bodies.
- 3- Any other Public Functions at any of the aforementioned levels , the Council of Ministers decides to subject them to this Law

## **PART II**

### **GENERAL PROVISIONS**

**Article (5):** All tangible or intangible property or right of benefit inside Yemen or abroad obtained by any person who is subject to the provisions of this Law whether for himself/ herself or for another person by means of abusing the Public Function or abusing his/her influence, shall be considered as an act of Illicit Enrichment.

**Article (6) :**The act of Illicit Enrichment shall be deemed to have happened if it was ascertained that one of those High Ranking Officials , who are subject to this Law , is performing directly or indirectly any of those occupations forbidden under Article 136 of the Constitution and the laws in force .

**Article (7):**The Authority, pursuant to the provisions of this Law is empowered to take all measures relating to examining the Financial Statement Disclosures and to refer to the Court those who have for certain infringed the provisions of this Law.

**Article (8):** Notwithstanding the provisions of Article 7 hereof, any added value to the property of a person to whom this Law applies whether in kind or personal or by way of benefiting from any tangible or intangible public property as a result of illegally using his/ her influence or job as well as making any reduction of his/her financial liabilities whether this addition or reduction was directly or indirectly done, shall be considered a kind of Illicit Enrichment.

**Article (9) :** The Authority shall have the right to form a committee or more for the purpose of conducting examination of the Financial Statement Disclosures and all data related thereto and all updatings of the same.

**Article (10):** The Authority is entitled to obtain any data and documents whatsoever from those persons who submitted their Financial Statement Disclosures or from any other party.

**Article (11) :** In the event the Authority becomes certain after examining and verifying the Financial Statement Disclosures, of the existence of clear proves that an offence of Illicit Enrichment is evident , then the Authority shall refer the case to the Judiciary for urgent prosecution.

**Article (12):** The right of inspecting the Financial Statement Disclosures and any of the Statements, explanations and documents related thereto and conducting studies and examinations of the same, shall be exclusively in the hands of the Authority and the competent interrogative parties.

**Article (13) :** A lawsuit of Illicit Enrichment against a person to whom this Law applies who is charged with committing the offence of Illicit Enrichment, shall not cease to be valid owing to the cessation of that person's services and influence ,unless otherwise required by other laws in force .

**Article (14) :** All Disclosures submitted by the persons to whom this Law applies shall be kept in absolute secrecy , and it is forbidden to circulate them or expose them for reading except where it is permitted under this Law.

**PART III**  
**THE FINANCIAL**  
**STATEMENT DISCLOSURE**

**Article (15):** Every person mentioned under Article (4 ) hereof , should , within sixty days of the issuance of this Law or of the date he /she becomes a person to whom this Law applies , submit a Financial Statement Disclosure to the Authority, describing all tangible and intangible property he /she , and his / her spouse and minor children own inside Yemen or abroad .

**Article (16) :** Everybody to whom this Law applies should on a regular basis submit his/ her Financial Statement Disclosure within two years of submitting the pervious one , or whenever asked to do so by the Authority throughout the time he/she is subject to this Law. He/she is obliged to submit his/her Disclosure within two months before the end of his / her service or in other circumstances, before ceasing to be subject to this Law. And in the event his / her service is over or he/she has ceased to be subject to this Law and he/ she has failed to submit his / her Disclosure then he/ she is obliged to submit the Disclosure within two months from the date of leaving his/her job for any reasons whatsoever.

**Article ( 17):** In the case when both spouses are bound to submit the Disclosure as provided for under Article (15) hereof , each of them should separately submit his/her Disclosure . The Public Official should submit the Disclosure of his/her minor children along with his/her own Disclosure.

**PART IV**  
**PROCEDURES FOR**  
**SUBMITTING THE DISCLOSURE**

**Article (18) :** All Financial Statement Disclosures from those to whom this Law applies should be submitted to the Authority which shall receive them , inspect and examine them.

**Article (19) :** The Financial Statement Disclosure should be written on the form prepared for this purpose, and the information written therein should be true and signed by the person who wrote it . The Executive Regulation of this Law shall prescribe in details the information required to be entered into the form .

**PART V**  
**CHAPTER ONE**  
**THE PENALTIES**

**Article (20):** Without prejudice to any penalty more severe provided for under any other law in force, every person who gave any information or statement which are untrue about an offence of Illicit Enrichment for the purpose of inflicting harm on others, shall be liable to a fine equivalent to the extent of the damage caused, or to imprisonment for a term not exceeding three years.

**Article (21):** Without prejudice to any penalty more severe provided for under any other law in force, every person who earned or paved the way for another person to earn illicit gains, shall be liable to imprisonment for a term not exceeding five years and that person should be enjoined to return all that was illicitly earned because of the mentioned act.

**Article( 22) :** The competent court is bound to enjoin those who made use of the illicit gains , to return the equivalent of what was gained to the Treasury of the State .

**Article (23) :** Without prejudice to any penalty more severe provided for under any other law in force, every person who submitted incorrect information in his/her Financial Statement Disclosure, shall be liable to imprisonment for a term not exceeding one year.

**Article ( 24) :** Whoever , refused or without any legally acceptable excuse failed to submit his/her Financial Statement Disclosure after being notified to do so according to the provisions of this Law shall be liable to imprisonment for a term not exceeding six months . And in case the same refusal or failure was repeated, that person shall be, without prejudice to the laws in force, interdicted from holding office.

**Article(25):**Whoever, being responsible for the confidentiality of the Disclosures , revealed the secrets of such Disclosures or published the statements, explanations and documents related thereto and all what is connected with the secrecy of such materials, shall be liable to imprisonment for a term not exceeding one year and to payment of compensation equivalent to the damage caused .

## **CHAPTER TWO**

### **CONCLUDING PROVISIONS**

**Article (26) :** The FINANCIAL STATEMENT DISCLOSURES , all documents and information related thereto , are considered as confidential material , and it is not permissible to duplicate them, read or expose them to other persons whoever they might be except to those parties specified by this Law

**Article (27) :** All persons mentioned under Article (4) hereof and to whom this Law is applied should send their Financial Statement Disclosures in closed envelopes to the party legally responsible for receiving such Disclosures within one month of becoming subject to the provisions of this Law.

**Article (28) :** When any incidental increase happens to the property of any person to whom this Law is applied , as a result of exploiting the occupation , or influence or the job he/she was entrusted to carry out ,then he / she shall be referred to the parties authorized by the current laws for interrogation and for taking such legal measures as may be necessary .

**Article (29) :** The Authority may open branches or offices in the Governorates to be established by Decrees of the President of the Republic as proposed by the President of the Authority.

**Article (30) :**The President of the Authority shall issue administrative resolutions instructions and forms necessary for the execution of this Law and its Executive Regulation.

**Article (31):**The Executive Regulation of this Law shall be issued by a Republican Resolution

**Article (32) :** This Law shall enter into force on the date of its issuance and shall be published in the Official Gazette.

**Issued at the Presidency of the Republic  
on 25<sup>th</sup> Rajab 1427 H  
19<sup>th</sup> August 2006**

**Ali Abdullah Saleh  
The President of the  
Republic**

**THE DECREE OF THE PRESIDENT OF THE  
REPUBLIC NO (12) OF 2007  
ON THE FORMATION OF  
THE SUPREME NATIONAL AUTHORITY  
FOR COMBATING CORRUPTION**

**The President of the Republic**

- Having perused the Constitution of the Republic of Yemen
- And Law No (39) of 2006 on Combating Corruption
- And based on the proposal of the Shoorah Council and recommendation of the Council of Representatives

**DECREE**

**Section (1):** The Supreme National Authority for Combating Corruption shall be formed of the following Persons:-

- 1- Ahmed Mohammed AL-Anisi
- 2- Dr. Bilqis Ahmed Mansoor Abu Osba'
- 3- Mohammed Hamood Hassan AL-Mattari
- 4- Abdurabbo Ahmed Garadah
- 5- Yasseen Abdo Saeed Noman
- 6- Sa'ad Addin Ben Taleb
- 7- I'ZZ Addin Saeed Ahmed AL-Assbahi
- 8- Ahmed Abul –Rahman Qarhash
- 9- Mohammed Ahmed Ali Sunhoop
- 10- 'Obeid A'wadh Sallem AL-Humor
- 11- Khaled Mohemmed Abul-Azeez

**Section (2):** This Decree shall enter into force on the date of its issuance and shall be published in the Official Gazette

**Issued at the  
Presidency of the Republic  
on 18/ Gumad theni / 1428H  
3<sup>rd</sup> of July 2007**

**Ali Abdulla Saleh  
The President of  
The Republic**