## وثيقة رقم (302-62-01) المؤرخة في ....

من: مكتب خارجية المستعمرات

الى: الحاكم الاداري لمدينة عدن

ملخص الوثيقة

- ♦ رد مكتب خارجية المستعمرات البريطانية على مذكرة حاكم عدن والذي اقترح
   فيها سحب تصريح صحيفة الفضول بدلاً من نفيه .
- ♦ يرى المكتب بأن لدى حاكم عدن الحق القانوني في ترحيل عبد الله عبد الوهاب 
  نعمان حيث ان المكتب يرى بأن اقتراح سحب رخصة جريدة الفضول في الوقت 
  الراهن يعد من القرارات الصعبة حيث أن هذا القرار يعد في تقيد حرية الرأي 
  والتي تتبناها الحكومة البريطانية وحكومات الدول المتقدمة ، وقد يسبب لها 
  الكثير من الانتقادات التي هي في غني عنها.
- ♦ اعادة التذكير بأن القانون الدولي يجيز لأي دولة تأوي اجانب بان تقوم بنفيه من اراضيها في حالة اخل هذا الاجنبي بقوانين البلد المضيف ومن ضمنها ممارسة انشطة تسي الى علاقة هذه الدولة مع الدول الصديقة، ويتم تحذير هذا الاجنبي بوقف نشاطة الذي قد يسيئ الى هذه العلاقات او مواجهه قرار الترحيل.
- ♦ ويرى المكتب بأن نشاطات عبد الله عبد الوهاب نعمان عبر صحيفته الفضول تسيئ للعلاقات الثنائية بين البلدين و تعد خرق للإتفاقية الموقعة بين الحكومتين البريطانية واليمنية في العام 1951 .
- ♦ يطلب المكتب من الحاكم الإداري لعدن امكانية ترحيل الفضول الى اليمن او إلى إي محمية يريدها بعد ان يتم تحذيرة للمرة الاخيرة وفي حالة تم ترحيلة واستمرت الصحيفة بانتقاداتها السياسية للنظام في الشمال فيمكن عندئذ التفكير في سحب ترخيص الصحيفة وإغلاقها.

CAA 302/62/01 Your Ref: N.S. 9/21

DRAFT FOR FOREIGH OF TOE CONCURRENCE
Cavingram to Governor, Aden.

Your saving telegram No. 459/53 of 1st June.

Aden newspapers dealing with the Yemen.

Your paragraph 3: I am advised

- (a) that if Abdulla Abdul Wahab were afraid to return to the Yemen lest he be persecuted, he could be offered the alternative of being sent to Aden Protectorate. It is true that if he refused to go anywhere else, he would have to be sent to the Yemen, but if he were offered the reasonable alternative of sanctuary in the Protectorate and refused it, he would only have himself to blame if he were exposed to persecution in the Yemen;
- (b) that there is no legal reason why the provisions of section 4 (i) (c) of Cap. 140 should not be employed even if other provisions of law couldbe employed without prejudice to the public interest.
- 2. It follows as a matter of law that the alternatives of dealing with Abdulla Abdul Wahab under section 4 (i)(c) of Cap. 140 or under Section 5 of Cap. 111 are both open to you.
- 3. I regret that in the circumstances I do not feel able to reconsider the advice given in my secret despatch No. 104 of 1st May, 1952 or to authorize you to proceed under section 5 of Cap. 111, as you suggest in paragraph 5 of your savingram. The suppression of a newspaper is a most serious matter, in view of the great sensitiveness

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that exists about any action leading to the impairment of the freedom of expression.

Great trouble has been spent over recent years in preventing the formulation of an international code on freedom of expression in which, if the Iron Curtain countries had had their way, States would have accepted, inter alia, an obligation to curb the publication of comment critical of other States. It would certainly not be consistent with our general policy to accept an obligation to discipline a paper merely on grounds of being critical of a foreign State, and I feel that if there is another way, as there is in this case, of dealing with the matter, that other way should be taken.

- 4. On the other hand I am advised that it is an accepted principle of international law that just as a State is competent to refuse edmission to an alien, it is competent to expel at any moment an alien who has been admitted into its territory, and if an alien persists in activities embarrassing to the government of the territory in which he is being permitted to reside after being asked to refrain, that government would be justified in exercising its discretion to order his expulsion.
- 5. I am further advised that Abdulla Abdul Wahads activities through the medium of Al Wadhool appear to constitute "propaganda which by its seditious or subversive character tends to impair friendly relations" between H.M.G. and the Yemen within the meaning of Article VIII of the Anglo-Yemeni modus vivendi of 1951.

6. I therefore consider that if he persists in these activities after being given adequate warning to desist, this would afford sufficient justification for his deportation, and that such deportation would involve no breach of principle.

That being so, I should be grateful if you would give return consideration to deporting him to the Yemen, or if he prefers to the Aden Protectorate, should he persist in publishing offensive articles about the Yemen after due warning. Should this action fail of its purpose, that is to say, should Al Fadhool continue after the deportation of Wahab to publish matter inconsistent with Article VIII of the Modus Vivendi, the question of the withdrawal of the paper's licence might then be reconsidered.