

The Constitution of the Republic of Yemen

Amended via a Public Referendum – held on February 20, 2001

Translated by:

Dr. Ahmed noman Al – Madhagi

Dr. Abdelrahman A. Abdrabou

Revised by:

Counselor; Hossein ALI. Hubeishi

Dr. Mohammed M. Mottahar

PART ONE
THE FOUNDATIONS OF STATE

Chapter I
The Political Foundations

Article (1): The Republic of Yemen is an Arab, Islamic and independent sovereign state whose integrity is inviolable, and no part of which may be ceded. The people of Yemen are part of the Arab and Islamic Nation.

Article (2): Islam is the religion of the state, and Arabic is its official Language.

Article (3): Islamic Shari'ah is the source of all legislation.

Article (4): The people of Yemen are the possessor and the source of power, which they exercise directly through public referendums and elections, or indirectly through the legislative, executive and judicial authorities, as well as through elected local councils.

Article (5): The political system of the Republic of Yemen is based on political and partisan pluralism in order to achieve a peaceful transformation of power. The Law stipulates rules and procedures required for the formation of political organizations and parties, and the exercise of political activity. Misuse of Governmental posts and public funds for the special interest of a specific party or Political organization is not permitted.

Article (6): The Republic of Yemen confirms its adherence to the UN Charter, the International Declaration of Human Rights, the Charter of the Arab League, and Principles of international Law which are generally recognized.

Chapter II
The Economic Foundations

Article (7): The national economy is based on freedom of economic activity which benefits both the individual and society and which enhances national independence. The national economy should be founded on the following principles:

- a. Islamic social justice in economic relations which aims at developing and promoting production, achieving social integration and equilibrium, providing equal opportunities and promoting higher living standards in society.
- b. Lawful competition between the public, private, cooperative and mixed economic sectors, and realisation of equal and just treatment in all sectors.
- c. Protection and respect for private ownership, which cannot be confiscated unless necessary in the public interest, in lieu of fair consideration and in accordance with Law.

Article (8): All types of natural resources and sources of energy, whether above ground, underground, in territorial waters, on the continental shelf or the exclusive

economic zone are owned by the State, which assure their exploitation for the common good of the people.

Article (9): The state's economic policy shall be based on scientific planning which ensures the best utilization of all resources and the promotion of capabilities for all economic sectors in all socio-economic fields of development and within the state's development plan which serves the common interest and the national economy.

Article (10): The state shall sponsor free trade and investment in a way that serves the national economy. It shall issue legislation that guarantees protection for producers and consumers alike, assures availability of basic commodities and promotes anti-trust Laws. The state shall undertake to promote private capital investments in all socio-economic development fields all in accordance with the Law.

Article (11): The law shall regulate the state's official currency and the financial and banking systems. It shall also define measurements, standards and weights.

Article (12): Taxes should be assessed with regard to the public interest in order to achieve social justice among citizens.

Article (13):

a. The imposition, adjustment and Revocation of taxes shall only be authorized by Law. No one shall be partially or fully exempted from tax-payments unless the law stipulates so and no one shall be subject to taxes, or other charges unless so dictated by law.

b. The imposition, collection, adjustment, exemption and disposition of duties and fees shall only be dictated by law.

Article (14): The state shall encourage cooperation and savings. It shall sponsor efforts to establish cooperative projects and activities of all kinds.

Article (15): The Law shall specify the basic rules for the collection and disbursement of public funds.

Article (16): The executive power is not authorized to contract loans or guarantee them or associate itself with a project that entails the spending of public funds in a coming year/years without the approval of the House of Representatives.

Article (17): The Law shall specify the scales of salaries, wages. compensations, subsidies and bonuses payable from the government treasury.

Article (18): Contracting concessions regarding natural resources and public facilities should be undertaken according to the law. The law may illustrate some cases of limited significance in which concessions could be granted according to rules and procedures clarified in the law. The law shall define cases and ways of granting certain immobile and mobile property, and rules and procedures to be undertaken. The law shall also regulate the ways of awarding concessions to local entities/units and the free disposal/ use of public funds.

Article (19): Public funds and properties are inviolable. The state and all members of society shall maintain and protect them. Any attack on or misuse of these, shall be considered sabotage and an aggression on society, and those who violate their sacrosanctity shall be punished in accordance with the law.

Article (20): General confiscation of property is prohibited, private confiscation is not allowed without a legal judgment.

Article (21): The state shall collect the Zakat (Shari'ah tax) and shall spend it through its legal channels in accordance with law.

Article (22): Endowment properties are inviolable. Those who control them are obliged to improve and develop their resources and spend them in a way that secures the accomplishment of their objectives and legal aims.

Article (23): The right of inheritance is guaranteed in accordance with Islamic tenets (Shari'ah). A special law will be issued accordingly.

Chapter III **Social and Cultural Foundations**

Article (24): The state shall guarantee equal opportunities for all citizens in the fields of political, economic, social and cultural activities and shall enact the necessary laws for the realization thereof.

Article (25): Yemeni society is based on social solidarity, which is based on justice, freedom and equality according to the law.

Article (26): The Family is the basis of society, its pillars are religion, customs and love of the homeland. The law shall maintain the integrity of the family and strengthen its ties.

Article (27): The state shall guarantee freedom of scientific research and achievements in the fields of literature, arts and culture, which conform with the spirit and objectives of the Constitution. The state shall provide means conducive to such achievements and shall provide support and encouragement for scientific and technical invention, and artistic creation and shall protect achievements thereof.

Article (28): Public office is a duty and an honour. Persons in public office are to serve the public interest and the people. The law shall specify the terms of public service and the duties and rights of persons in public office.

Article (29): Work is a right, an honour, and a necessity for society's progress. Every citizen has the right to choose the appropriate work for himself within the law. No citizen can be compelled to do any work except within the law, and in which case it is to serve the common interest and be in return for a fair wage. The law shall regulate union activities and professional work, and the relationship between workers and employers.

Article (30): The state shall protect mothers and children, and shall sponsor the youth

and the young.

Article (31): Women are the sisters of men. They have rights and duties, which are guaranteed and assigned by Shari'ah and stipulated by law.

Article (32): Education, health and social services are the basic pillars for building and developing the society. Society shall with the state take part in providing them.

Article (33): In cooperation with society, the state bears responsibility for consequences resulting from natural disasters and public crises.

Article (34): It is the duty of the state and all members of society to protect and maintain the archaeological and historical sites. Any abuse of the sites or aggression on archaeological finds shall be considered sabotage and an assault against society. The law shall punish those who abuse their inviolability or sell them.

Article (35): Environmental protection is the collective responsibility of the state and the community at large. Each individual shall have a religious and national duty to protect the environment.

Chapter IV **The National Defense Foundations**

Article (36): The state is the authority to establish the armed forces, the police, the security forces and any such bodies. Such forces belong to all the people and their function is to protect the republic and safeguard its territories and security. No organization, individual, group, political party or organization may establish forces or paramilitary groups for whatever purpose or under any name. The law stipulates the conditions for military service, promotion and disciplinary procedures in the military, police and security forces.

Article (37): General mobilization shall be organized according to the law and shall be proclaimed by the President of the Republic following the approval of the House of Representatives.

Article (38): The National Defense Council, headed by the President of the Republic, will exist to attend to matters pertaining to means of safeguarding the Republic and its security. The law shall determine its composition, duties and other functions.

Article (39): The police is a civilian and Regular force which performs its duties for the service of the people and guarantees peace and security for the people. It shall preserve the law, keep public order, maintain common decency, implement the orders of the judicial authority and execute duties dictated to it by the Country's laws, and regulations.

Article (40): Military, security, police and other forces shall not be employed in the interest of a party, an individual or group. They shall be safeguarded against all forms of differentiation resulting from party affiliation, racism, factionalism, regionalism and tribalism in order to guarantee their neutrality and the fulfillment of their duties in the proper manner. The members of all forces are banned from party memberships

and activities according to the law.

PART TWO **THE BASIC RIGHTS AND DUTIES OF CITIZENS**

Article (41): Citizens are all equal in rights and duties.

Article (42): Every citizen has the right to participate in the political, economic, social and cultural life of the country. The state shall guarantee freedom of thought and expression of opinion in speech, writing and photography within the limits of the law.

Article (43): The citizen has the right to elect and nominate himself as a candidate in an election, as well as the right to demonstrate his opinion in a referendum. The law shall regulate the provisions regarding the practice of this right.

Article (44): The law shall regulate Yemeni nationality. Any Yemeni shall not be deprived of his nationality. Once Yemeni nationality is acquired it may not be withdrawn except in accordance with the law.

Article (45): A Yemeni national may not be extradited to a foreign authority.

Article (46): Extraditing political refugees is prohibited.

Article (47): Criminal liability is personal. No crime or punishment shall be undertaken without a provision in the Shari'ah or the law. The accused is innocent until proven guilty by a final judicial sentence, and no law may be enacted to put a person to trial for acts committed retroactively.

Article (48):

a. The state shall guarantee to its citizens their personal freedom, preserve their dignity and their security. The law shall define the cases in which citizens freedom may be restricted. Personal freedom cannot be restricted without the decision of a competent court of law.

b. No individual can be arrested, searched or detained unless caught in the act (in flagrant delicto) or served with a summons from a judge or the Public Prosecutor, which is necessary for the progress of an investigation or the maintenance of security. No person can be put under surveillance unless in accordance with the law. Any person whose freedom is restricted in any way must have his dignity protected. Physical and psychological torture is prohibited. Forcing confessions during investigations is forbidden. The person whose freedom is restricted has the right not to answer any questions in the absence of his lawyer. No person may be imprisoned or detained in places other than those designated as such and governed by the law of prisons. Physical punishment and inhumane treatment during arrest, detention or imprisonment are prohibited.

c. Any person temporarily apprehended on suspicion of committing a crime shall be presented in front of a court within a maximum of 24 hours from the time of his

detention. The judge or Public Prosecutor shall inform the detained individual of the reason for his detention and questioning and shall enable the accused to state his defense and rebuttals. The court then gives a justified order for the release of the accused or for the extension of his detention. In any cases, the Prosecutor is not entitled to continue detention of the accused individual more than several days except with a judicial order. The law shall define the maximum period of custody.

d. Upon arrest, for whatever reason, a person may immediately contact someone of his choice. The same notification shall be repeated whenever a court orders the continuation of the detention. If the nominated person can not be notified, the detainee's relative or concerned persons shall be notified.

e. The law shall determine the punishment for whosoever violates any of the stipulations of this Article and it shall also determine the appropriate compensation for any harm the person suffers as a result of such a violation. Physical or psychological torture at the time of arrest, detention or jail is a crime that cannot be prescribable. All those who practice, order, or participate in executing, physical or psychological torture shall be punished.

Article (49): The right to defend oneself in person or by representation is guaranteed during all periods of investigation and in front of all courts, in accordance with the rules of the law. The state shall guarantee judicial assistance to those who cannot afford it, according to the law.

Article (50): Execution of punishments shall not be undertaken by illegal means. The law shall organize such matter.

Article (51): Citizens have the right of recourse to the courts to protect their rights and lawful interests. They also have the right to submit their complaints, criticisms, and suggestions to the various government bodies directly or indirectly.

Article (52): Residences, places of worship, and educational institutions have a sanctity which may not be violated through surveillance or search except in the cases stipulated by the law.

Article (53): The state shall guarantee the freedom and confidentiality of mail, telephone, telegram and all other means of communication, none of which may be censored, searched, exposed, delayed or confiscated except in cases specified by law and according to a court order.

Article (54): Education is a right for all citizens. The state shall guarantee education in accordance with the law through building various schools and cultural and educational institutions. Basic education is obligatory. The state shall do its best to obliterate illiteracy and give special care to expanding technical and vocational education. The state shall give special attention to young people and protect them against perversions, provide them with religious, mental and physical education, and the appropriate environment to develop their aptitude in all fields.

Article (55): Health care is a right for all citizens. The state shall guarantee this by building various hospitals and health establishments and expanding their care. The

law shall organize the medical profession. The expansion of free health services and health education among the citizens.

Article (56): The state shall guarantee social security for all citizens in cases of illness, disability, unemployment, old age or the loss of support. The state shall especially guarantee this, according to the Law, for the families of those killed in war.

Article (57): Freedom of movement from one place to another within the country is guaranteed for all citizens, and may not be restricted except by law and for reasons necessitated by the security and safety of the people. The law shall regulate entry and exit from Yemen. No citizen may be deported from or denied return to Yemen.

Article (58): In as much as it is not contrary to the Constitution, the citizens may organize themselves along political, professional and union lines. They have the right to form associations in scientific, cultural, social and national unions in a way that serves the goals of the Constitution. The state shall guarantee these rights, and shall take the necessary measures to enable citizens to exercise them. The state shall guarantee freedom for the political, trade, cultural, scientific and social organizations.

Article (59): Paying taxes and public dues is a duty according to the law.

Article (60): Defending religion and the homeland is a sacred duty, military duty is an honour, and national service is to be organized by law.

Article (61): Preserving national unity, safeguarding secrets of the state, respecting the laws and following their provisions are every citizen's duty.

PART THREE **ORGANIZATION OF THE STATE AUTHORITIES**

Chapter 1 **The Legislative Authority** **The House of Representatives**

Article (62): The House of Representatives is the legislative authority of the state. It shall enact laws, sanction general state policies and the general plan for economic and social development as well as approve state budget and the balance sheet. It shall also oversee the activities of the Executive Authority as stipulated in this constitution.

Article (63): The House of Representatives consists of 301 members, who shall be elected in a secret, free and equal vote directly by the people. The Republic shall be divided into constituencies equal in number of population with a variation of not more than 5% plus or minus. Each constituency shall elect a member to the House of Representatives.

Article (64):

1. A voter must meet the following two conditions:

- a. must be a Yemeni citizen.
 - b. must be at least 18 years old.
2. A candidate for the House of Representatives must meet the following conditions:
- a. must be a Yemeni.
 - b. must be at least 25 years old.
 - c. must be able to read and write (literate).
 - d. must be of good character and conduct, fulfill his religious duties and have no court convictions against him for committing crimes that contradict the rules of honour and honesty, unless he was pardoned/ reprieved.

Article (65): The term of the House of Representatives is six calendar years starting from the date of its first session. The president of the Republic shall call for a new Parliamentary elections at least sixty (60) days before the House of Representatives concludes its term. If in extraordinary circumstances elections cannot be held, the existing House shall continue to function until such circumstances are over and elections are duly held.

Article (66): The House of Representatives is to be located in Sana'a, the capital. Internal regulations determine the conditions under which the House may hold meetings outside the capital city.

Article (67): The House of Representatives issues its internal regulations, stipulating the procedures of its working committees, and its rules for practicing constitutional competence. Such regulations, enacted and amended by law, may not contradict or amend any clause in the constitution

Article (68): The House shall be competent to determine the legitimacy of its membership. Any appeal shall be submitted to the Supreme Court within 15 days of its delivery to the House. The Court's findings and verdict must be submitted to the House, which will judge the validity of the appeal within 60 days of receiving the verdict of the court. Membership of the House may not be nullified except by a resolution taken by two thirds of the House. The investigation must be completed within 90 days from the date of the submission of the appeal to the Supreme Court.

Article (69): The House of Representatives alone shall have the exclusive right to maintain order and security within the premises of the House. The Speaker of the House shall take charge of such responsibility through a special guard force under his command. No other armed force may enter the House premises or take positions near its entrances except at the request of the Speaker.

Article (70): The House of Representatives shall, on an invitation from the President of the Republic, hold its first meeting no later than two weeks after the announcement of the results of the elections. If no such invitation is made, the House shall meet on the morning following the date of expiration of the said two weeks.

Article (71): At its first meeting, the House of Representatives shall elect from among its members, the Speaker and three Deputies to from the Presiding Board of the House. The oldest member shall chair the House during the election of the Speaker and the House's internal regulations shall specify all the procedures for electing the Presiding Board of the House, its duration and its other functions. The House shall include a General Secretariat, presided over by a Secretary General, the internal regulations of the House shall specify the rules that relate to its formation and other rules connected to it.

Article (72): For the meetings of the House of Representatives to be valid, it is necessary for more than half of its members to attend, excluding those whose seats were declared vacant. Decisions shall be taken by an absolute majority of the attending members except in cases where the Constitution or House regulations demand a specific majority. If the results of voting are equally divided, further deliberations must be rejected within the same session, but shall be given priority if submitted in another session.

Article (73): Meetings of the House of Representatives shall be open to the public but the House may hold closed meetings at the request of the Speaker, the President, the Government, or at the request of at least twenty members of the House. The House shall then decide whether the discussion of the subject should be conducted openly or in closed meetings.

Article (74): The House shall annually hold two ordinary sessions. It may be called to hold extraordinary session. The internal regulations of the House shall specify the dates of the ordinary sessions and their duration. In times of necessity, the House may call for extraordinary sessions by Presidential decree, a decision by the Presiding Board of the House, or a written request from one third of the members. The House session shall not be adjourned during the last quarter of the year before the endorsement of the General Budget of the state.

Article (75): A member of the House of Representatives represents the whole nation, guard the public interest and his representative may not be subjected to any restriction or special condition.

Article (76): A member of the House of Representatives shall, prior to his assumption of membership duties, swear the Constitutional oath before the house in an open session.

Article (77): The Speaker and members of the House of Representatives, the Presidency Board and other members of the House shall receive a fair remuneration specified by law. The Chairman of the council of Ministers, his deputies and ministers shall not be entitled to such remuneration if they happen to be members of the House Representatives.

Article (78): If a seat of a member of the House of Representatives becomes vacant for more than a year before the expiry of the House's tenure, a replacement shall be elected within sixty days of the House's declaration of the vacancy and this membership ends when the existing House duration comes to an end.

Article (79): A member of the House of Representatives shall not interfere with the work of the Executive or the Judicial authorities.

Article (80): Membership of the House of Representatives may not be combined with membership of a local council or with any public employment. Membership of the Council of Ministers may concur with membership of the House of Representatives.

Article (81): A member of the House of Representatives shall not be held responsible for facts he comes across or matters he raises in the House or any of its committees, or for his voting pattern in open or closed meetings. This does not apply to cases of slander or defamation by members.

Article (82): A member of the House of Representatives may Not be subject to procedures of investigation, inspection, arrest, imprisonment, or punishment except with the permission of the House of Representatives save in the case his being caught in the act, and in such a case, the House shall be notified forthwith. The House shall make sure of the rectitude of the procedures followed in such cases. If the House is in recess, permission shall be sought from the Presidency Board of the House, and the House of Representatives shall be notified at the first meeting following the procedures taken.

Article (83): Member of the House of Representatives submit their resignations to the House, which has the exclusive right to accept them.

Article (84): The membership of a member of the House of Representatives may not be nullified unless any of the membership conditions stipulated in this Constitution cease to apply, or if the member commits a grave violation of the membership duties according to the specifications of the internal regulations of the House.

Article (85): A member of the House of Representatives and the government have the right to propose bills for laws, and their amendments. In the case of financial laws that aim at increasing or abolishing an existing tax, or decrease or give exemption from part of it, or aim at allocating part of the state funds for a certain project, these may only be proposed by the government or by at least 20% of the representatives. All the proposed laws presented by a member or additional members of the House shall not be referred to one of the committees of the house before being studied by a special committee which will determine whether the proposal meets the requirements for action by the house. If the House decides to discuss any of these it can be transferred to the committee responsible for examining and reporting thereon. Any proposed law submitted by others than the government may not be submitted again during the same session.

Article (86): Within a maximum of twenty five days of the formation of the new government, the Chairman of the Council of Ministers shall present his government's programme to the House of Representatives in order to win a vote of confidence by the majority of the members of the house. If the House of Representatives is in recess, it is to be recalled for an extraordinary session. The members of the House and the House as a whole has the right to comment on the government's program. The failure of the government to win the required majority is to be considered a withholding of

confidence.

Article (87): The House of Representatives shall approve comprehensive social and economic development plans. The law shall be enacted to stipulate the process of the preparation of such plans, their submission to the House, the voting procedures and the process of issuance.

Article (88):

a. The proposed general budget shall be submitted to the House of Representatives at least two months before the beginning of the fiscal year. A vote shall be taken on each part of the budget. It shall be enacted by a law. The House may not change the proposed budget without the approval of the government. No allocation of revenue for a specific purpose may be authorized except by a law. If the budget law is not enacted before the beginning of the fiscal year, the previous year's budget shall be followed until the new budget is approved.

b. The law shall specify the way to prepare and categorize the general budget as well as specifying the fiscal year.

Article (89): The transfer of any amount from one section to another of the general budget must be approved by the House of Representatives. Every expenditure not provided for in the budget or any additional revenue shall only be authorized by law.

Article (90): The law shall specify the rules of the budgets of public authorities, corporations and companies, their accounts, the autonomous and supplementary budgets, and their final accounts. With the exception of the above, these budgets shall be subject to the approval of the House

Article (91): The final accounts of the Government's annual budget shall be submitted to the House within a period that does not exceed nine months from the end of the fiscal year. Voting on the Bill shall be made on a section by section basis and shall be approved by an enactment of law. Also the annual report of the organization concerned with the auditing and control of government accounts shall be submitted to the House, together with its comments thereon. The House of Representatives has the right to ask the organization to submit any supplementary documents or reports.

Article (92): The House of Representatives shall ratify international treaties and Conventions of a general political and economic nature, in whatsoever form or level, and in particular those connected to defense, alliance, conciliation, peace or border issues. All international Conventions and treaties which involve financial commitments on part of the State or require a law for enactment shall also be ratified by the House of Representatives.

Article (93):

a. The House of Representatives shall have the right to forward recommendations to the Government on matters of public concern or in connection with the performance of the Executive branch or the performance of any member of that branch. The Government shall be required to implement recommendations forwarded by the

House of Representatives. If such recommendations are deemed difficult to implement, the Government shall be required to justify such an action to the House

b. If the rationale provided by the Government is not convincing to the House of Representatives, the latter shall have the right to table a motion of no-confidence targeting any of the deputy-prime minister or any cabinet minister. The motion of no-confidence may not be submit to the house unless such a move is supported by, at least a quarter of the members of the House Representatives following a parliamentary hearing in the presence of the official in question. The House Representatives may not act upon a motion of no-confidence before at least (7) days following the submission of such a motion. A motion of no-confidence shall be sustained if supported by the House absolute majority.

Article (94): At least twenty per cent of the members of the House may table a motion to discuss a public issue, request explanation of government policies and exchange views concerning that issue.

Article (95): Upon a request signed by at least ten of its members, the House of Representatives may create a special committee or instruct one of its committees to investigate any issue which is contrary to public interest or to investigate the actions of any ministry, government agency, board, public/mixed corporation, or Local councils. To carry out such investigations, the committee may gather proof and hold hearings by seeking testimony from any party/person it deems necessary. All executive and special authorities shall comply with any request forwarded by the above cited committee and shall put at the disposal of the said committee all relevant documentation and/or information.

Article (96): The responsibility of the Council of Ministers is both collective and individual. Every member of the House of Representatives may pose questions to the Prime Minister, any of his deputies, ministers or deputy ministers on any matter falling within their responsibilities and they are under obligation to provide answers accordingly. The questioning may not be converted into an interpellation during the same sitting.

Article (97): Every member of the House has the right to direct an interpolation to the Prime minister, his deputies and ministers to hold them accountable for matters under their charge. Responses to and discussions of such interpellation shall take place after at least one week, except in cases which the House deems urgent, and to which the government agrees.

Article (98): The House of Representatives may withdraw confidence from the government. The House may not withdraw confidence from the government before an interpellation directed at the Prime Minister or he who is acting on his behalf. The request for interpolation must be signed by a third of the members of the House. The House cannot vote on the issue of no-confidence in the government without seven day's notification of such a vote. A majority is necessary to pass a vote of no-confidence.

Article (99): The Prime Minister, his deputies, ministers, and their deputies are given the floor whenever they ask to clarify any points in the deliberations of the House of

Representatives. They may also bring along any senior officials to assist in such deliberations. However, such representatives of governments may not participate in the votes of the House unless they are members thereof. The government or any of its members must comply with the request of the House of Representatives to attend any of its meetings.

Article (100): Voting on bills is done on an Article by Article basis. The final vote must be on the bill as a whole. The internal regulations of the House explain the procedures in this respect.

Article (101):

a. The President of the Republic may not dissolve the House of Representatives except in urgent circumstances and only after a nationwide referendum. The Presidential decree to dissolve the House must offer an explanation for the reasons underpinning the dissolution and must call for a new parliamentary elections to be held within (60) days following the House dissolution.

b. The President of the Republic shall have the right to call for an early parliamentary elections without a nationwide referendum under the following circumstances:

1. If no political party wins a clear majority in parliament to allow the President of the Republic to name a prime minister to form the Government or in circumstances where the formation of a coalition government is deemed impossible.

2. If the House of Representatives withhold confidence from the Government more than twice consecutively unless such action contravenes with the provisions of (b:1) of this Article.

3. If the House of Representatives withdraws confidence from the Government more than twice in two consecutive years. In all circumstances, if the dissolution decree or the call for an early parliamentary elections does not make provisions for re-elections within (60) days following the House dissolution, or if elections did not take place, that decree shall be deemed void and the House shall meet by power of the Constitution. If elections are held, the new House shall hold its first session within (10) days following elections completion. If the House is not called upon to convene, it shall nevertheless meet and hold its first session by the end of the (10) days period cited above in full compliance with the provisions of this Constitution. Once the House of Representatives is dissolved, the new House may not be dissolved again for the same reason. The House of Representatives may not be dissolved during its first session.

Article (102): The President of the Republic has the right to request a review of any bill which is approved by the House. Based on a reasoned decision, he must then return the bill to the House of Representatives within thirty days of its submission. If he does not return the bill to the House within this period, or if the requested review is not heeded the bill is then approved once again by the majority of the House, it shall be considered a law, and the President shall issue it within two weeks. If the President does not issue the law, it comes into effect under the power of the Constitution, and is, at once, published in the Official Gazette and come into operation two weeks later.

Article (103): All Laws are published in the official gazette, and are announced within two weeks of issuance, and shall come into force within thirty days of their publication. This period may be shortened or extended by specific provision in the law.

Article (104): Laws shall only apply to cases occurring after they become operative. No laws may be applied in a retroactive manner. However, in manners other than taxes and penal measures, specific stipulations in the law may determine otherwise. In such case, the approval of two thirds majority is needed in the House of Representatives.

Chapter II **The Executive Authority**

Article (105): The Executive authority shall be exercised, on behalf of the people, by the President of the Republic and the Council of Ministers within the limits stated in the Constitution.

The First Branch **The Presidency of the Republic**

Article (106):

- a. The President of the Republic is the President of the state and shall be elected according to the Constitution.
- b. The President shall have a Vice President to be appointed by the President. The rules of Article 107, 117, 118 and 128 shall be applied to the Vice President.

Article (107): Every Yemeni who meets the following specified conditions may become a candidate for the post of the President of the Republic:

- a. To be at least forty years old.
- b. To be a descendant of Yemeni parents.
- c. To be at Liberty to practice his political and civil rights.
- d. To be of good character, practices his Islamic duties and have no dishonorable criminal record and if so, he has been reprieved.
- e. Not to be married to a foreign spouse or to enter into such a marriage during his term of office.

Article (108): Nomination and election of the President shall be as follows:

- a. Applications for candidacy shall be submitted to the Speaker of the Rouse of Representatives.

b. Applications shall be screened jointly by the presidium of the House of Representatives and the Consultative Council (Majlis AL-Shura) to ensure that presidential candidates meet constitutional requirements.

c. Names of candidates who meet constitutional requirements shall be reviewed for approval in a joint session of the House of Representatives and the Consultative Council. Successful candidates must secure the nomination of at least 5% of those attending the joint session cited above. Confirmation of nomination shall be via direct and secret balloting.

d. The joint meeting of the House of Representatives and the Consultative Council shall be required to forward secondment of at least 3 candidates for the post of the President of the Republic before submitting the candidates to the people in preparation for a free and competitive election. The number of candidates for a presidential election shall not be less than two.

e. Election of the President of the Republic shall be by means of direct popular voting in competitive elections.

f. The candidate who secures an absolute majority of the popular votes shall be deemed the President of the Republic. If none of the candidates secures an absolute majority, re-elections shall be called upon in compliance with the above-cited procedures. Only the two candidates who managed to secure the highest number of popular votes shall run for re-election.

Article (109): The President of the Republic must perform the constitutional oath in front of the House of Representatives before assuming his responsibilities.

Article (110): The President of the Republic shall materialize the will of the people, respect the Constitution and law, protect national unity and principles and objective of the revolution. He shall adhere to the principle of a peaceful transition of power, supervise the sovereign tasks concerning the defense of the Republic and foreign policy, and exercise his authority according to the Constitution.

Article (111): The President of the Republic is the Supreme Commander of the Armed Forces.

Article (112): The official term of the President of the Republic shall be seven calendar years effective from the date the President elect swears allegiance to the Constitution. No person may assume the office of the President of the Republic for more than two seven-year terms.

Article (113): If the term of the House of Representatives expires in the same month as the term of the President of the Republic, then the President term is prolonged until parliamentary elections are held. Within sixty days of the first meeting of the new House of Representatives, the new President shall be elected.

Article (114): Within ninety days prior to the expiry of the term of the President, procedures must be initiated to elect the new President. The election thereof must be completed at least one week before the expiry date. If such elections cannot take place

for any reason, the former President continues his functions for a maximum of ninety days based on an authorization from the House of Representatives. The prolongation of the term for more than ninety days can only take place if the country is in a state of war or suffering a natural disaster or another emergency situation, under which electing the President becomes impossible.

Article (115): The President may submit his resignation, stating his reasons, to the House of Representatives which may accept it by an absolute majority vote of all its members. If the resignation is not accepted, the President may submit a further resignation within three months, and this time the House of Representatives is obliged to accept it.

Article (116): If the post of the President of the Republic becomes vacant or should the President become permanently disabled, the Vice President temporarily takes over the presidential functions for a period that does not exceed sixty days, during which new elections for the President of the Republic shall take place. If the posts of the President of the Republic and Vice President become vacant at the same time, the Presiding Board of the House shall temporarily take over the functions of the President. If the House of Representatives is under dissolution, the government shall replace the Presiding Board of the House in carrying out the functions of the Presidency, and in this case election of the President of the Republic shall take place within a period that does not exceed sixty days from the first session of the new House of Representatives.

Article (117): The law determines the salaries and appropriations of the President of the Republic, and he is not entitled to any other emolument or remuneration.

Article (118): The President of the Republic may not during his term, directly or indirectly, engage in any private business of any kind whether commercial, financial, or industrial. He is not allowed to buy or rent government property, not even through an open auction and he is not allowed to lease, sell, or barter any of his property to the State.

Article (119): The responsibilities of the President of the Republic are as follows:

1. To represent the Republic internally and externally.
2. To call the voters, at the specified time, to elect the House of Representatives.
3. To call for national referenda.
4. To name the person who will form the government, and to issue a republican decree with the names of the cabinet members.
5. To lay down, jointly with the government, the general policy of the state and to oversee the implementation of the policy as stipulated in the Constitution.
6. To call the cabinet to a joint meeting with the President, as the need arises.
7. To name the members of the National Defense Council according to the law.

8. To promulgate the laws passed by the House of Representatives and their publication, and to issue the decrees that execute them.
9. To appoint and dismiss senior government officials and military/police officers according to the law.
10. To establish military ranks according to the law.
11. To award badges, medals and decorations stipulated by Law, or to permit the wearing of badges and honours awarded by other States.
12. To issue decrees endorsing Treaties and Conventions approved by the House of Representatives.
13. To ratify agreements that do not require the approval of the House of Representatives if approved by the cabinet.
14. To establish diplomatic delegations abroad and to appoint and recall ambassadors according to the Law.
15. To accredit diplomatic representatives of foreign countries and organizations.
16. To grant political asylum.
17. To proclaim states of emergency and general mobilization according to the Law.
18. Any other functions stipulated in the Constitution and Law.

Article (120): The President of the Republic, following a proposal by the relevant minister and approval from the Council of Ministers, shall issue resolutions and regulations to implement laws and to regulate and organize general administration and government departments. These regulations may not obstruct any Law and may not have the effect of exempting any one from abiding by them. The President may authorize others to issue such regulations. The Law may designate who issues such regulations.

Article (121): The President declares a state of emergency by a republic can decree according to the law. The House of Representatives shall be called to session within one week and be presented with the declaration of emergency. If the House of Representatives is dissolved, then the old House of Representatives is called to session by the Constitution. If the House is not called to session, or the declaration of the state of emergency has not been presented to it, then the state of emergency shall cease to exist according to the Constitution. In all cases, a state of emergency is only declared in circumstances of war, internal discord, or natural disasters. Declaring the state of emergency shall only be for a limited time, and may not be extended, except with the approval of the Rouse of Representatives.

Article (122): The President of the Republic has the right to demand reports from the Prime Minister concerning the implementation of the duties of the Council of

Ministers.

Article (123): A death sentence shall not be executed unless endorsed by the President of the Republic.

Article (124): The Vice President assists the President in his duties. The President may delegate some functions of his to the Vice President

Article (125): A consultative Council shall be formed by power of a Presidential Decree. Council members shall be drawn from a corpus of qualified individuals with professional expertise and from social dignitaries in order to widen the base of political participation and make use of national experts in the decision-making process. The Consultative Council shall have constitutional powers to:

1. Commission studies and forward proposals and recommendations to inform government agencies on issues such as development strategies and to contribute to institutional capacity-building of state agencies. The studies cited above shall aim at addressing social issues and thus consolidating national unity and social cohesion.;
2. Give Opinion and counsel to the President of the Republic at request.
3. Offer counseling and present informed opinion on the State's national strategies particularly in political, economic, social, military and security matters to assist state agencies in realizing these strategies at the local and national levels.
4. Provide counseling and offer informed opinion on the government's administrative reform programs and on modernization and institutional capacity-building issues.
5. Hold joint sessions in conjunction with the House of Representatives to second nominations for the office of the President of the Republic, approve socio-economic development plans and ratify agreements and treaties of defense, alliance, conciliation, peace and border concerns. In addition, members of the Consultative Council shall have the right to offer counseling and present informed opinion on matters forwarded by the President to the joint sessions.
6. Promote freedom of the press, cultivate the development of civil societies and sponsor studies aiming at improving the performance of these institutions.
7. Advance the cause of local authority through assessment studies with an eye on the promotion and cultivation of this democratic experience.
8. Assess the government's economic, financial, fiscal and investment policies and programs on annual basis.
9. Review periodic reports issued by the Audit and Control Bureau and forward a summary report of these to the President of the Republic.

Article (126): The Consultative Council shall consist of (111) members to be directly appointed by the President of the Republic. Members of the Council shall not be drawn from the House of Representatives or from local councils. The Law shall

stipulate membership conditions as well as the duties, rights and responsibilities of Council members. Council members shall have to attain the age of forty and shall be required to take the oath of office in the presence of the President of the Republic. The Consultative Council shall draft internal regulations to govern its functions and duties. These by-Laws shall be enacted by power of the Law.

Article (127): The Consultative Council shall hold joint sessions in conjunction with the House of Representatives upon a call from the President of the Republic to discuss issues of mutual concern as detailed in the Constitution. Issues shall be resolved via voting by the absolute majority of members who are present in a joint ballot. The Speaker of the House of Representatives shall preside over such joint sessions.

Article (128): The President of the Republic may be charged with grand treason, violation of the Constitution, or any other action that prejudices the independence and sovereignty of the country. Such a charge requires the petitioning of half of the House of Representatives. The indictment decision on this matter requires the support of two thirds of the House of Representatives and the Law stipulates the procedures of the trial. If the charge is directed at the President and his deputy, then the Presidency Board of the House of Representatives temporarily assumes the duties of the President and until the giving of the court's verdict on the charge brought against the President. The House of Representatives shall pass the above mentioned law in the first regular round of its sessions once this Constitution takes effect. If the court's verdict finds either of the two guilty, then he is relieved of his post by the Constitution, and is then subject to the normal penalties of the law. In all cases, prescription shall not be applied to crimes stipulated in this article.

The Second Branch **The Council of Ministers:**

Article (129): The Council of Ministers is the government of the Republic of Yemen, and it is the highest executive and administrative authority of the State. All State administrative organizations, bodies and executive organs, without exception, are under the directives of the Council of Ministers.

Article (130): The government is composed of the Prime Minister and his deputies and Ministers who together shall form the Council of Ministers. The law defines the general basis for organizing ministries and the various bodies of the State.

Article (131): The Prime Minister, his deputies and the Ministers shall meet the same conditions as must be met by a member of the House of Representatives, in addition, his age must not be less than thirty years, excepting the Prime Minister who must not be less than forty years old.

Article (132): In consultation with the President of the Republic, the Prime Minister chooses the members of his cabinet, and seeks the confidence of the House of Representative on the basis of a program he submits to the House.

Article (133): The Prime Minister and ministers are collectively responsible for the actions of the government before the President of the Republic and the House of Representatives.

Article (134): Before the Prime Minister and the ministers can assume their responsibilities, they shall perform the constitutional oath before the President of the Republic.

Article (135): The Law stipulates the salaries of the Prime Minister, his deputies, the ministers and vice-ministers.

Article (136): During their term of office, the Prime Minister and Ministers may not engage in any other public office, or in any private, commercial, financial or industrial activities, even if indirectly. They may not participate in any undertakings the government (or any of its Public corporations) contracts, and they may not combine the posts of minister with membership of the board of directors of any company. During their term, they may not purchase, refit or barter government property, even through an open bid. They may not lease, sell, or barter any of their property to the government.

Article (137): The Council of Ministers is responsible for the execution of overall state policies in the political, economic, social, cultural, and defense fields, according to the Laws and cabinet's resolutions. In particular, it shall exercise the following:

a. To participate, in conjugation with the President of the Republic, in preparing broad outlines of internal and external policies.

b. To prepare drafts of the national economic plan, and the annual budget, to organize and execute them, and to prepare the government's final annual account.

c. To prepare drafts of Laws and resolutions and present them to the House of Representatives or the President of the Republic according to the jurisdiction of each.

d. To approve treaties and conventions before presenting them to the House of Representatives or the President of the Republic according to the responsibilities of each.

e. To take the necessary measures to guard the internal and external security of the State, and to protect the rights of citizens.

f. To guide, coordinate and review the activities of the ministers, the administrative apparatus corporations and boards and the public and mixed sectors according to the Law.

g. To appoint and dismiss senior government officials according to the Law, and to set and execute the policies that technically intend to develop manpower in government organizations, and to train/qualify personnel according to the needs of the country within the framework of the economic plan.

h. To follow up the execution of the Laws, and to protect state funds.

i. To supervise the organization and administration of the monetary, credit and insurance systems.

j. To contract and award loans within the overall policies of the state, and within the limits of the provisions of the Constitution.

Article (138): The Prime Minister shall manage the affairs of the Council of Ministers and shall head its meetings. He shall represent the Council in the implementation of the state's general policies and shall supervise the execution of Council decisions and overall state policies in a unified and coordinated manner. He may demand from any member of the cabinet, reports on any matter pertaining to their ministries and the duties assigned to them, and they must comply with such demands.

Article (139):

1. The President of the Republic and the House of Representatives has the right to place the Prime Minister, or his deputies or ministers under investigation and trial for any crimes committed by them in discharging their duties or as a consequence thereof. A decision of the House of Representatives to take such a measure shall be based on a proposal presented by at least one fifth of its members. The accusation may not be issued without the support of two thirds of the House.

2. Those accused according to paragraph 1 mentioned above shall be suspended from work until judgment is passed. Their dismissal may not stop the charge against them or the course of the charge.

3. The investigation and trial of the Chairman of the Council of Ministers, his deputies and ministers and the trial procedures and guarantee (of fairness) shall be as stipulated by Law.

4. The roles of the previous items are applicable to vice ministers.

Article (140): If the Council of Ministers resigns, or is dismissed, or confidence is withdrawn, it remains as a caretaker government responsible for day to day administration until a new government is formed. A caretaker government may not appoint or dismiss officials.

Article (141): The Prime Minister, if it becomes clear that his cooperation with one of the members of the cabinet has become impossible, may request from the President the dismissal of the said member.

Article (142): If the Prime Minister becomes unable to carry out his responsibilities, or if the House of Representatives bars or withdraws confidence from the Council of Ministers, or a general election for the House of Representatives is undertaken, the Prime Minister is obliged to tender the resignation of his government to the President of the Republic.

Article (143): If the majority of the members of the Council of Ministers submit their resignations, the Prime Minister has to tender the resignation of the whole government.

Article (144): Each minister is in charge of the supervision and direction of his ministry and its branches throughout the Republic. He is responsible for the execution of the government's overall policies in his ministry. The law specifies the resolutions and regulations that the Minister may issue to implement the law.

The Third Branch **Bodies of Local Authority**

Article (145): The territory of the Republic of Yemen shall be divided into administrative units. The Law shall specify their number, demarcation lines and divisions and shall explain the objective criteria underpinning such an administrative division. The Law shall also detail procedural matters in connection with the nomination, election and/or selection and appointment of heads of these administrative units. Duties and functions of these administrative units and their heads shall also be specified by Law.

Article (146): The administrative units enjoy a nominal personality and shall have council which must be freely and fairly elected, both at the local and governorate level, which shall exercise their functions within the borders of the administrative area. They shall propose programmes, plans and investment budgets for the administrative unit as well as supervise, monitor and audit the agencies of the local authority according to law. The Law shall specify the means for nomination and election of the local authority, its administration and financial resources, the rights and duties of its members, its role in the execution of development plans and programmes and all other Provisions, through considering the adoption of the principle of administrative and financial decentralization as the foundation of a local administration system.

Article (147): All the administrative units and the local council are an inseparable part of the power of the state. The governors shall be responsible before the President of the Republic and the Council of Ministers, whose decisions are obligatory to the districts and councils which must execute them in all cases. The law defines the methods of control over the actions of the local councils.

Article (148): The state shall encourage and sponsor the local development cooperatives as they are one of the most important means of local development.

Chapter III **The Judicial Authority**

Article (149): The Judiciary authority is an autonomous authority in its judicial, financial and administrative aspects and the General Prosecution is one of its sub-bodies. The courts shall judge all disputes and crimes. The judges are independent and not subject to any authority, except the law. No other body may interfere in any way in the affairs and procedures of justice. Such interference shall be considered a crime that must be punished by law. A charge regarding such interference cannot be nullified with the passing of time.

Article (150): The judiciary is an integrated system. The law organizes this system in terms of ranks, responsibilities, the terms and procedures of appointment, transfer and

promotion of judges, and their other privileges and guarantees. Exceptional courts may not be established under any conditions.

Article (151): Members of the judiciary and public prosecution office shall Not be dismissed except under the conditions stipulated by the law. They may not be transferred to non-judicial posts except with their own consent, the approval of the relevant judicial council, unless that was taken as a disciplinary measure. The law shall regulate the disciplinary trial of the judiciary and it organizes the legal profession.

Article (152): The judiciary shall set up the supreme judicial council. The law shall organize it, stipulate its jurisdiction and system of nominating and appointing its members. The supreme judiciary council shall execute these guarantees for the judiciary in the fields of appointment, promotion, discharge and dismissal according to the law. The council shall study and approve the judicial budget in preparation for inserting it as one item within the overall budget of the State.

Article (153): The Supreme Court of the Republic is the highest judicial authority. The law shall specify how it can be formed, clarify its functions and the procedures to be followed before it. It shall undertake to do the following:

- a. Judge on cases and pleas that laws, regulations, by-laws and decisions are not constitutional.
- b. Judge disputes over conflict of jurisdiction.
- c. Investigate and give opinions regarding appeals referred by the House of Representatives which relate to its membership.
- d. Rule on appeals of final judgments in civilian, commercial, criminal, personal and administrative disputes and disciplinary cases according to the law.
- e. To try the President of the Republic, the Vice President, the Prime Minister, his deputies, the ministers and their deputies according to the law.

Article (154): Court sittings are open to the public unless a court determines, for reasons of security or general morals, to hold sessions behind closed doors. In all cases, verdicts are announced in an open session.

PART FOUR **THE EMBLEM, FLAG AND NATIONAL** **ANTHEM OF THE REPUBLIC**

Article (155): The law stipulates the Republic's insignia, emblems, badges, and national anthem.

Article (156): The national flag is composed of three colors. These are, starting from the top:

Red
White
Black

Article (157): The city of Sana'a is the capital of the Republic of Yemen.

PART FIVE
BASIS FOR AMENDING THE CONSTITUTION
AND GENERAL PROVISIONS

Article (158): The President of Republic and the House of Representatives shall have the right to request amendment of one or more than one article of the Constitution. The request must identify the article(s) that require amendment as well as the reasons and justification for such amendment. If the request is issued by the House of Representatives, it must be signed by one-third of its members. In all cases, the House shall discuss whether the motion for constitutional amendment is justifiable in principle or not. The motion shall be sustained if supported by the House absolute majority. If the motion is defeated, another request for constitutional amendments of the same article(s) may not be submitted until one year lapses following that motion defeat. If the motion for constitutional amendment(s) is sustained in principle, the House shall deliberate on the article(s) to be amended after a two-month period from the date of approval. If three quarters of the House support the motion for amendment of any article(s) stipulated in Chapter One and Two (i.e. Articles: 62, 63, 81, 82, 92, 93, 98, 101, 105, 108, 110, 111, 112, 116, 119, 121, 128, 139, 146, 158, 159), that motion shall be presented to the people in a general referendum. If the absolute majority of popular votes is in favour of the motion, the amendments shall be up -held as of the date the referendum results are announced. Constitutional articles other than the ones cited above may be amended if the call for an amendment is supported by at least three quarters of the House of Representatives. Such amendments shall be deemed valid as of the date of approval by House of Representatives.

Article (159): A supreme, independent and neutral committee shall administer, supervise and monitor the general elections and general referenda. The law shall specify the number of the members of the committee, the conditions they should meet under and the method for nominating and appointing them. The law also shall specify the jurisdictions and the functions of the committee in a manner that secures the best fulfillment of its functions.

Article (160): The text of the constitutional oath to be sworn by the President of the Republic, his deputy, members of the Rouse of Representatives, the Prime Ministers and Cabinet members and by the speaker and members of the Consultative Council, shall be as follows:

I swear by Almighty Allah:

- To adhere to the Quran (the Book of God) and the traditions established by Prophet Mohammed,
- To faithfully safeguard the Republican system;
- To respect the country 's Constitution and Laws;
- To fully protect people's freedom and safeguard their interests and;

- To safeguard the country's unity, independence and territorial integrity.

Article (161): The seven-year term referred to in Article (112) shall take effect from the beginning of the current term of the President of the Republic.

Article (162): The term of office the current Rouse of Representatives shall be extended by 2 years effective from the date the new constitutional amendments were endorsed in accordance with the provisions of Article 65 of this Constitution.

* * *