

# Constitution of the Republic of Yemen, 1994

(As amended on 29 September 1994 - [see note](#))

## PART ONE: THE FOUNDATIONS OF THE 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 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 dogma 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 exploitation of all resources and the promotion of capabilities for all economic sectors in all socioeconomic 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 foreign trade and promote internal trade and investment in a way that serves the national economy. The state shall issue legislation that guarantees protection

for producers and consumers, availability of basic commodities, restriction of monopoly and shall promote, according to the law, private capital investment in all socio-economic development fields and in accordance with 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)** The imposition, amendment, and cancellation of taxes shall only be authorized by law. No one is to be partially or fully exempted from the payment of taxes except as stipulated in the law and no one shall be subject to taxes, fees or other charges except 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 the 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 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 confiscation of archaeological finds shall be considered sabotage and an assault against society. The law shall punish those who abuse their inviolability or sell them.

#### **Chapter IV: The National Defence Foundations**

**Article (35)** 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 (36)** 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 (37)** 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 (38)** The police is a civilian and formal 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, protect general behavior, implement the orders of the judicial authority and execute duties dictated to it by the Country's laws, and police by-laws.

**Article (39)** 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.

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## PART TWO: THE BASIC RIGHTS AND DUTIES OF CITIZENS

**Article (40)** Citizens are all equal in rights and duties.

**Article (41)** 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 (42)** 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 (43)** 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 (44)** A Yemeni national may not be extradited to a foreign authority.

**Article (45)** Extraditing political refugees is prohibited.

**Article (46)** 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 (47)**

- 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 flagrante 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 pleas or reputals. The court then gives an order justifying the release of the accused or extending his detention. In all cases, the Prosecutor is not entitled to continue detention of the accused individual more than seven days except with a judicial order. The law shall define the maximum period of custody.
- d. Upon arrest, for whatever reasons, 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 closest relative or concerned friend 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 (48)** 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 (49)** Execution of punishments shall not be undertaken by illegal means. The law shall organize such matter.

**Article (50)** 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 offices directly or indirectly.

**Article (51)** 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 (52)** 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 (53)** 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 (54)** 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 (55)** 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 for the families of those killed in war according to the law.

**Article (56)** 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 (57)** 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 organizations 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 (58)** Paying taxes and public dues or charges of public hardships is a duty according to the law.

**Article (59)** Defending religion and the homeland is a sacred duty; military duty is an honour, and national service is to be organized by law.

**Article (60)** Preserving national unity, safeguarding secrets of the state, respecting the laws and following their rules are every citizen's duty.

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## **PART THREE: ORGANISATION OF THE STATE AUTHORITIES**

### **Chapter I: The Legislative Authority**

#### **The House of Representatives**

**Article (61)** The House of Representatives is the legislative authority of the state. It shall enact laws, sanction general state policy and the socio-economic plan, and approve government budgets and final accounts. It shall also direct and monitor the activities of the Executive Authority as stipulated in this constitution.

**Article (62)** 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 (63)**

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 (64)** The term of the House of Representatives is four calendar years starting from the date of its first session. The Speaker shall call the voters to elect a new House at least sixty days before the expiry date of the existing House. If in extraordinary circumstances, elections cannot be held, the existing House continues to function until such circumstances are overcome and elections can be held.

**Article (65)** 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 (66)** The House of Representatives issues its internal regulations, stipulating the procedures of its working committees, its prerogatives and constitutional powers. Such regulations, enacted and amended by law, may not contradict or amend any clause in the Constitution.

**Article (67)** 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 (68)** 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 (69)** 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 (70)** At its first meeting, the House of Representatives shall elect from among its members, a chairman and three Deputies to form 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 (71)** 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 (72)** 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 (73)** The House shall annually hold two ordinary sessions. It may be called to hold extraordinary sessions. 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 (74)** A member of the House of Representatives represents the whole nation, guards the public interest and his representation may not be subjected to any restriction or special condition.

**Article (75)** 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 (76)** 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 of Representatives.

**Article (77)** 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 (78)** A member of the House of Representatives shall not interfere with the work of the Executive or the Judicial authorities. **Article (79)** Membership of the House of Representative 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 (80)** 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 (81)** 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 (82)** Members of the House of Representatives submit their resignations to the House, which has the exclusive right to accept them.

**Article (83)** 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 (84)** 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 (85)** Within a maximum of twenty-five days of the Formation of the new government, the Chairman of the Council of Ministers shall present his governments 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 with-holding of confidence.

**Article (86)** The House of Representatives shall approve comprehensive social and economic development plans. A law shall be enacted to stipulate the process of the preparation of such plans, their submission to the House and the approval thereof.

**Article (87)**

- 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 (88)** 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 (89)** 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.

**Article (90)** 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 (91)** The House of Representatives shall ratify international political and economic treaties and conventions of a general nature, of whatsoever form or level, and in particular those connected to defense, alliance, truce, peace or border alterations, and those, which involve financial commitments on the slate or for which their execution needs the enactment of a law.

**Article (92)** The House of Representatives has the right to present instructions and recommendations to the government regarding general issues. If the government failed to execute these instructions and recommendations it has to justify such action to the House.

**Article (93)** At least twenty per cent of the members of the House may move a motion to discuss a public issue, request explanation of government policies and exchange views concerning that issue.

**Article (94)** 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 by laying all information or documentation they possess at the disposal of the relevant committee.

**Article (95)** 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 interpolation during the same sitting.

**Article (96)** 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 interpolations shall take place after at least one week, except in cases which the House deems urgent, and to which the government agrees.

**Article (97)** The House of Representatives may withdraw confidence from the government. The House may not withdraw confidence from the government before an interpolation 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 days' notification of such a vote. A majority is necessary to pass a vote of no-confidence.

**Article (98)** 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 (99)** 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 (100)** The President of the Republic may not dissolve the House of Representatives

except in urgent circumstances and only after a nation-wide referendum on the reasons for the dissolution. The President of the Republic shall issue a decree that suspends the sessions of the House and calls for the referendum within thirty days. If an absolute majority of the voters are in favour of the dissolution, the President shall issue a decree of dissolution. The decree shall simultaneously call voters to elect a new House of Representatives within a date that does not exceed sixty days from the date of the announcement of the results of the referendum. If the dissolution decree does not include the above-mentioned call, or elections did not take place, the dissolution is considered void and null and the House shall meet by under the power of the Constitution. The House shall also meet under the power of the Constitution if a referendum does not take place within thirty days or does not gain the required majority. If elections are held, the new House must hold its first session within ten days following the completion of elections. If the House is not called to meet, it must hold its first session by the end of the said ten days in accordance with the rules of the Constitution. Once the House of Representatives is dissolved, the new House of Representatives may not be dissolved again for the same reason. In all cases, the House of Representatives may not be dissolved in its first session.

**Article (101)** 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 (102)** 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 (103)** Laws shall only apply to cases occurring after they become operative. No laws may be applied in a retroactive manner. However, in matters 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 (104)** 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 (105)**

- 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 Articles 106, 116, 117 and 126 shall be applied to the Vice President.

**Article (106)** 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 practise his political and civil rights.
- d. To be of good character, practise 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 (107)** Nomination and election of the President shall be as follows:

- a. Election of the President of the Republic shall be by the people and in a competitive elections.
- b. Proposals must be submitted to the Speaker of the House of Representatives.
- c. Candidatures must be studied by the Presiding Board of the House of Representatives to ensure that the candidates meet the constitutional conditions.
- d. Names of candidates who meet the conditions shall be presented to the House for approval.
- e. A candidate who wins the recommendation of 10% of the members is considered a candidate for the post of the President of the Republic.
- f. The House of Representatives is bound to recommend at least two persons for the post of the President of the Republic before submitting the candidates to the people in competitive elections.
- g. The person who wins an absolute majority of those who participated in the elections is considered the President of the Republic. If none of the candidates win this majority, elections shall be repeated according to the above procedures for the two candidates who got the highest number of votes.

**Article (108)** The President of the Republic must perform. the constitutional oath in front of the House of Representatives before assuming his responsibilities.

**Article (109)** The President of the Republic shall materialize the will of the people, respect the Constitution and Law, protect national unity and the principles and objectives of the revolution. He shall adhere to the principle of a peaceful transition of power, supervise the sovereign tasks concerning the defence of the Republic and foreign policy, and exercise his authority according to the Constitution.

**Article (110)** The President of the Republic is the Supreme Commander of the Armed Forces.

**Article (111)** The term of the President of the Republic is five calendar years from the date of performing the constitutional oath. No person may assume the post of President of the Republic for more than two five-year terms, in accordance with the previous rules of the Articles of this section.

**Article (112)** If the term of the House of Representatives expires in the same month as the term of the President of the Republic, then the Presidential 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 (113)** 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 old 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 (114)** 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 his 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 (115)** 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 (116)** 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 (117)** 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 (118)** 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 the general policy of the state jointly implementation 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 in Yemen.
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 (119)** If, while the House of Representatives is in recess or under dissolution, urgent decisions are required, then the President of the Republic can issue decrees which have the power of law, provided such decrees do not contradict the Constitution or the budgetary estimates. Such decrees have to be presented to the first meeting of the House of Representatives. If they are not presented, the House may discuss them and take appropriate decisions thereon. If the House of Representatives rejects those decrees, they become null and void from the date the House decides and the House of Representatives determines how the consequences are to be settled.

**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 republican 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 House 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 decree by the President of the Republic shall form a Consultative Council from experienced and qualified specialists in order to expand the base of participation through consultation and to make use of national expertise and qualifications available in different areas of Yemen. The law shall clarify the special rules that concern the Council.

**Article (126)** 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 charges 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 (127)** 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, agencies, corporations, without exception, are under the directives of the Council of Ministers.

**Article (128)** 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 authorities/agencies of the state.

**Article (129)** 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 (130)** 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 Representatives on the basis of a program he submits to the House.

**Article (131)** The Prime Minister and the ministers are collectively responsible for the actions of the government before the President of the Republic and the House of Representatives.

**Article (132)** Before the Prime Minister and the ministers can assume their responsibilities, they shall perform the constitutional oath before the President of the Republic.

**Article (133)** The law stipulates the salaries of the Prime Minister, his deputies, the ministers and vice-ministers.

**Article (134)** 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 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, rent or barter government property, even through an open bid. They may not lease, sell, or barter any of their property to the government.

**Article (135)** 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 regulations. 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 statement of accounts.
- 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 ministries, 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 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 (136)** 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 members 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 (137)**

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 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 him 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 guarantees [of fairness] shall be as stipulated by law.
4. The rules of the previous items are applicable to Vice ministers.

**Article (138)** 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 (139)** 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 (140)** If the Prime Minister becomes unable to carry out his responsibilities, or if the House of Representatives bars! withholds! 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 (141)** 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 (142)** 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 laws.

**The Third Branch: Bodies of Local Authority**

**Article (143)** The territory of the Republic of Yemen is divided into administrative Units. The law shall identify their number, borders, divisions and the objective criteria for the administrative divisions. Also the law shall show the way for nominating, electing and selecting their chairpersons, and shall specify their functions and duties within their areas.

**Article (144)** The administrative districts enjoy a nominal personality and shall have councils

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 district 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 rules, through considering the adoption of the principle of administrative and financial decentralization as the foundation of local administration system.

**Article (145)** All the administrative units and the local councils 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 (146)** The state shall encourage and sponsor the local cooperative administrations as they are one of the most important means of local development.

### **Chapter III: The Judicial Authority**

**Article (147)** 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 (148)** 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 (149)** 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 legal profession/practice.

**Article (150)** The judiciary shall set up the Supreme Judicial Council. The law shall organize it, clarify its functions 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 (151)** 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 cases and pleas that laws, regulations, bylaws 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 (152)** 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.

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

**Article (153)** The law stipulates the Republic's insignia, emblems, badges, and national anthem.

**Article (154)** The national flag is composed of three colors. These are, starting from the top: Red, white, black.

**Article (155)** The city of Sana'a is the capital of the Republic of Yemen.

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## **PART FIVE: BASIS FOR AMENDING THE CONSTITUTION AND GENERAL PROVISIONS**

**Article (156)** The President of the Republic and the House of Representatives have the right to request an amend one or more articles of the Constitution. The request must mention the articles that require amendment, the reasons and justification for this amendment. If the request was issued by the House of Representatives it must be signed by a third of its members, and in all cases, the House shall discuss the principle of amendment and take a decision only with a majority of its members. If the request is rejected, another request for the amendment of the same articles may not be submitted until the lapse of one year. If the House of Representatives agrees to the principle of the amendment, the House shall discuss the articles which require amendment after a break of two months. If three quarters of the House agree on the amendment, it shall be presented to the people in a general referendum. If the absolute majority of those who vote are in favour of the amendment, the amendment is considered valid as of the date of announcing the results of the referendum.

**Article (157)** 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 (158)** The President of the Republic shall be elected for the first time following the approval of constitutional amendment by the House of Representatives. Nomination for the post of the President of the Republic must be by a quarter of the members of the House of Representatives. The one who wins the majority of the members of the House of Representatives is considered the President of the Republic.

**Article (159)** The text of the constitutional oath to be sworn by the President of the Republic, his deputy, members of the House of Representatives, Chairman and members of the government, shall be as follows:

I swear by Allah Almighty the Great to adhere to Qur'an (the Book of God) and his Prophet's Sunnah (Traditions) to faithfully safeguard the Republican system, to respect the Constitution and law, to fully take care of the interests and freedoms of the people, to preserve the unity of the homeland, its independence and the integrity of its territories

