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REPUBLIC OF YEMEN
HOUSE OF REPRESENTATIVES

THE CONSTITUTION

NOVEMBER 1994

THE CONSTITUTION OF THE REPUBLIC OF YEMEN

PART ONE

THE FOUNDATIONS OF THE STATE

SECTION I

THE POLITICAL FOUNDATIONS

Article (1) : The Republic of Yemen is an independent ,sovereign, Arab Islamic State which is inseparable and no part of it shall be ceded . The Yemeni people is part of the Arab and Islamic nation .

Article (2) : Islam is the religion of the State and Arabic is its official language .

Article (3) : The Islamic Sharia'a (jurisprudence) shall be the source of all legislations .

Article (4) : All powers shall be originated by , vested in and exercised by the people directly through plebiscite and general elections , and indirectly through legislative, executive and judicial institutions and through the elected Provincial Councils .

Article (5) : The political system of the Republic shall be established on political pluralism and multi-party basis so as to ensure peaceable transfer of power.Provisi-

ons and procedures respecting the formation of political parties and organizations and the exercise of political activities shall be regulated by law. No public office or property shall hereby be appropriated for the private interest of a particular political party or organization .

Article (6) : The State shall abide by the United Nations Charter, the Universal Declaration on Human Rights , the Arab League Charter and the universally recognized rules of international law

SECTION II

THE ECONOMIC FOUNDATIONS

Article (7) : The national economy shall be established on the basis of free economic activities so as to ensure the interests of the individual and society and to consolidate national independence relying on the following principles :

- a - Islamic social justice incorporated in the economic relationships intended to develop and improve production, raise the standard of living, achieve equal opportunities and realize social equilibrium and mutual assistance .
- b - legitimate competition among the public , private mixed and co-operative sectors and the equal and indiscriminate treatment of these sectors .
- c - protection of and respect for private ownership

which , except in the public interest or when it shall be deemed necessary provided a fair compensation shall be paid by law ,shall remain inviolable.

Article (8) : All types of natural resources and energy sources existing underground , on the ground , in the territorial waters and the continental shelf and the exclusive economic zone shall remain the property of the State which shall ensure their exploitation for the general welfare .

Article (9) : The economic policy of the State shall rely on scientific, economic planning in such manner that shall ensure optimum utilization of all resources and the development of the potentialities of all economic sectors involved in the various fields of economic and social development and within the framework of the general plan of the State laid to serve public interest and national economy .

Article (10): External trade shall be the responsibility of the State which shall also promote domestic trade and investment so as to serve the national economy . The State shall hereby issue legislations ensuring the protection of producers and consumers alike , providing basic commodities, prohibiting monopoly and encouraging as stipulated by law private capital to invest in the various fields of economic and social development .

Article (11): The official currency of the State , the financial and banking systems , and fixing the standard of

weights and measures shall be regulated by law .

Article (12): Taxes , imposts and duties shall, when laid, provide for social justice and the general welfare .

Article (13): Taxes shall be laid , amended and abolished by law . No individual shall be exempted from full or partial payment of taxes unless as provided for by law . No additional taxes , excises and duties, except by law, shall be laid .

Article (14): The State shall encourage savings and co-operative work and shall ensure , promote and encourage the establishment of co-operative institutions and the various types of related activities .

Article (15): Ways and means of raising and thereof expending public revenues shall be defined by law .

Article (16): Without the consent of the House of Representatives, the executive authority shall have no power to contract and guarantee loans, nor shall it engage in business incurring expenditure from the Treasury for one or more years .

Article (17): Salaries , emoluments , compensations , benefits and remunerations withdrawn from the Treasury shall be defined by law .

Article (18): Concessions respecting the exploitation of natural

resources and public property shall be determined by law . The law may define cases of specific significance whereby concessions shall be given as provided for by law . State - owned property and movable assets shall be disposed of and conceded free of charge only by law . The same law shall provide for the manner in which local units shall be granted the right to dispose of, free of charge, public property .

Article (19): Public moneys and property shall be inviolable , safeguarded and protected by the State and all citizens. Damage to or transgressing against public moneys and property shall be equal to subversion and aggression against society , and violators herein shall be prosecuted in accordance with law .

Article (20): Total confiscation of possessions shall be prohibited. Partial confiscation may take place only as provided for by order from a court of law .

Article (21): The State shall have the power to collect Zakat and expend the revenues accrued through legitimate channels as provided for by law .

Article (22): Awkaf (endowments) shall remain inviolable , and their caretakers shall undertake to improve and develop the income accrued and shall expend it in which manner as to fulfil their legitimate purposes.

Article (23): The right to inherit according to Islamic Sharia'a shall hereby be guaranteed by law .

SECTION III

SOCIAL AND CULTURAL FOUNDATIONS

Article (24): The State shall provide equal political, economic, social and cultural opportunities for all citizens , and shall issue legislations ensuring proper application.

Article (25): The Yemeni society shall hereby be established on social solidarity based on justice , freedom and equality as provided for by law .

Article (26) The family , based on religion , morality and love of the homeland , is the nucleus of society .The family and family ties shall be protected and strengthened by law .

Article (27): The State shall ensure the freedom of scientific research and artistic and cultural achievements provided they shall be in conformity with the letter and spirit of the Constitution. The State shall help, facilitate and promote the progress of science and arts and encourage and secure scientific and artistic innovations .

Article (28): Civil service is an obligation and honour. Civil servants , in the performance of their duties , shall seek to serve the general public and their interests. Terms and conditions of occupying a civil office and the rights and obligations of civil servants shall be defined by law .

Article (29): Work is a right , honour and necessity for the development of society . Each citizen shall have to choose any type of work as stipulated by law .No involuntary work, except by law or as public service performed against just compensation , shall exist . Employer - employee relations and trade unionism shall be defined and regulated by law .

Article (30): The State shall protect the mother and safeguard the juvenile, the child and the youth .

Article (31): Women are akin to men having rights and obligations as demanded by the Sharia'a and stipulated by law .

Article (32): The State and society shall together contribute to providing education, health care and social services which are fundamental elements for the progress of society.

Article (33): The State, in association with society, shall defray the expenses incurred by natural disasters and tragedies .

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Article (34): The protection and preservation of archaeological sites and antiquities shall be undertaken by the State and society. The sale of, damage to or transgression against these sites and antiquities shall be tantamount to subversion and aggression against society . Violators shall hereby be prosecuted as stipulated by law .

SECTION IV

THE FOUNDATIONS OF NATIONAL DEFENCE

Article (35): Army , police and security forces as well as any other force shall be formed by the State. These forces, herein , shall belong to the entire nation and shall be assigned to protect the Republic, its security and territory . No individual , group of individuals or political party and organization shall be permitted to raise military or quasi-military formations for whatever reason and under whatever title . Promotion and disciplinary conditions in the army, police and security forces shall be defined by law .

Article (36): General mobilization shall be declared , with the consent of the House of Representatives , by the President of the Republic and shall be regulated by law.

Article (37): A " National Council " shall be established and presided over by the President of the Republic . The aforementioned Council shall be commissioned to look into ways and means of ensuring the safety of the Republic. The composition and jurisdictions of the same Council shall be defined by law .

Article (38): The police is hereby an organized civil establishment functioning to serve the people , ensure domestic tranquility and security , maintain law and order and morality , execute the orders of the legislature and exercise the duties entrusted to it by law and regulations .

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Article (39): The exploitation of the army , police and security forces , for the advantage of an individual or party shall be prohibited . The aforementioned force shall remain distant from parochial , racial , sectarian, provincial and tribal prejudices so as to secure neutrality of these forces and the optimum discharge of their national duties . No political affiliation and activities shall be permitted in these forces as provided for by law .

PART TWO

BASIC RIGHTS AND OBLIGATIONS OF CITIZENS

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Article (40): All citizens shall have equal rights and obligations

Article (41): Each citizen shall have the right to participate in the political , economic , social and cultural activities . The State shall by law secure freedom of thought and expression whether orally , in writing or in pictures and as provided for by law .

Article (42): Citizens shall have the right to vote , be elected and participate in referendums as defined by law .

Article (43): The granting of the Yemeni nationality shall be regulated by law . No Yemeni citizen , except by law , shall be denied nationality .

Article (44): No Yemeni citizen shall be delivered up to a foreign authority .

Article (45): No political refugee shall be extradited .

Article (46): Crime shall be the sole responsibility of the culprit. Crime and punishment shall be determined by the provisions of Sharia'a and law . The accused shall remain innocent until proven guilty by a final decision of a court of law . No retroactive laws shall be promulgated.

Article (47): (a) The State shall secure the personal freedom , dignity and safety of all citizens . Cases where the aforementioned freedom is restricted shall be defined by law . No citizen shall be denied this freedom unless against a ruling by a court of law.

(b) No person , except when caught flagrante delicto shall be arrested, searched or detained in custody unless, in pursuance of an order issued by a court of law or the prosecution , it shall be deemed necessary for future investigation or the maintenance of security as provided for by law. No person shall be put under surveillance or cross - examined except by law. No person , whose freedom is restricted, shall be subject to physical, psychological or mental torture. Forced confession during interrogation shall be forbidden. A person whose freedom is restricted shall have the right to remain silent except at the presence of a lawyer of his choice . No person shall be detained in custody or imprisoned in places other than those governed by the provisions of the Prison Law. Torture and inhumane treatment during arrest , detention and imprisonment shall be prohibited .

(c) Any person suspected of committing a crime and detained in custody shall be produced before a Magistrate within a period of twenty-four hours of his arrest and be informed of the grounds for such arrest , given the opportunity to make representation against the detention order , and immediately an order shall be issued to determine whether or not the said person shall be remanded in custody or released . Under no circumstances shall the prosecution order the detention beyond the said period without the authority of a Magistrate . The total period of preventive detention shall be defined by law .

(d) A person detained for any reason in custody or remanded in custody in pursuance of an order from a court of law shall have the right to inform any other person of this choice, and , if fails to choose , his kin or those concerned shall be notified.

(e) A person violating any of the paragraphs mentioned hereinbefore shall be punished as provided for by law. A just compensation for injuries sustained as a result of this act of violation shall be paid to the said person . Physical and psychological torture exercised during arrest , detention or imprisonment is hereby a crime punishable by law and shall not be dropped with the passage of time. Whoever may exercise, order or take part in the said crime shall be punished.

Article (48): The right to have counsel for the defence , in person or by proxy, shall be guaranteed during all stages of investigation and trial according to law . The right of counsel, as provided for by law , shall be provided by the State for whoever shall fail to afford it .

Article (49): Punishment shall not be executed by illegitimate means .The execution of punishment shall be defined by law .

Article (50): Citizens shall seek the assistance of law to protect their rights and interests , and shall submit directly and indirectly complaints, criticisms and suggestions to State organs and institutions .

Article (51): Private houses and worship and education centres shall not be violated , put under surveillance or searched unless otherwise provided for by law .

Article (52): Post, telephone , telegraph and other means of tele communications shall run freely and confidentially and shall not be searched , disclosed , delayed or confiscated unless otherwise provided for by law or legal warrant .

Article (53): The right to education shall be guaranteed to all citizens by the State which shall build various types of schools and educational institutions . Primary education shall be compulsory . The State shall seek to eradicate illiteracy and expand technical and vocational education. The State shall give special attention to the welfare of the juvenile population protecting them against delinquency, providing religious, mental and physical education and adequate conditions for the development of their potentialities at all fields .

Article (54): Health care shall be provided for all citizens by the State which shall build and expand hospitals and health institutions . Medicine as a profession shall be governed by law . Free health services and health education shall be provided for all citizens.

Article (55): The State shall provide social security for all citizens in such cases as sickness, disability , unemployment, old age and loss of financial supporter and especially to martyrs' families in accordance with law .

Article (56): Every citizen shall have the right to move freely from one place to another inside Yemeni territories except subject to restrictions imposed by law in the public interest , safety and security. Entry to and departure from the Republic of Yemen shall be regulated by law . No citizen shall be expelled from or forbidden to return to the Yemeni territories.

Article (57): Every citizen of the Republic , without prejudice to the Constitution, shall have the right, and the State shall guarantee this right , to form or be a member of political , professional , scientific, social and cultural associations and unions so as to serve the objectives of the Constitution, and the State shall take necessary measures to help the citizens exercise this right and secure freedom to political, scientific, cultural and social organizations and unions.

Article (58): The payment of taxes and duties is by law a duty .

Article (59): The defence of religion and the country is a sacred duty and military service is an honour . National defence service shall be defined by law .

Article (60): It shall be an obligation to preserve national integrity , secure State secrets, respect and observe laws and regulations .

PART THREE

DISTRIBUTION OF THE STATE POWERS

THE LEGISLATIVE POWER (THE HOUSE OF REPRESENTATIVES)

Article (61): All legislative powers herein granted shall be vested in the House of Representatives which shall promulgate legislations , ratify the general policy of the State , the general economic and social development plan , the Budget and the Final Accounts statement and direct and supervise the Executive Authority as stipulated by the Constitution .

Article (62): The House of Representatives shall consist of three hundred and one members to be elected by direct , secret and free ballot . The Republic shall be divided into constituencies of equal number of population and a 5% over or less shall be permitted. For each constituency one member shall be elected hereof .

Article (63): 1- A person shall be entitled to vote if :
(a) he is a citizen of Yemen ;

- (b) he is not less than eighteen years of age .
- 2- No person shall be qualified to be elected to the House of Representatives unless :
- (a) he is a citizen of Yemen ;
 - (b) he is not less than twenty-five years of age;
 - (c) he is able to read and right ;
 - (d) he is of sound reputation, practising religious obligatory duties and has not been convicted for a crime involving moral turpitude unless he shall be reinstated .

Article (64): The House of Representatives shall continue for a term of four years from the day of its first meeting. The President of the Republic , at least sixty days prior to the expiration of the term of the House of Representatives, shall call, unless under force majeure , the electorate to elect new representatives for the House ; otherwise the House of Representatives shall remain standing exercising its constitutional powers until these circumstances shall no longer be present and, then, a new House shall be elected .

Article (65): The seat of the House of Representatives shall be in the capital city of Sana'a , and a statute shall determine the conditions as may be the case for the House of Representatives to convene outside the capital city .

Article (66): The House of Representatives shall make , without prejudice and without amendment to the Constitution , a statute defining the rules of procedure and the conduct of business . The aforesaid Statute and its amendments shall be made by law .

Article (67): The House of Representatives shall have the sole power to try all impeachments which , within fifteen days of their being lodged with the House , shall be referred to the Supreme Court. The Court's ruling shall be presented to the House within sixty days of its issuance . A disqualification decision by the House shall be made only with the concurrence of two - thirds of the members . The investigation shall thereof be completed within ninety days from the date of the referral to the Court .

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Article (68): Only the House of Representatives shall have the right to maintain order and security inside the House premises and this shall be undertaken by the Speaker of the House who shall assign special guards who shall take orders only from him . No other armed force unless requested by the Speaker shall enter the premises or be stationed near the gates.

Article (69): The House of the Representatives shall have its first meeting within the two weeks following the declaration of the election results and upon a call by the President of the Republic .If that call shall not be made , the House shall meet in the first morning after the lapse of the aforesaid two weeks.

Article (70): The House of Representatives , in its first meeting, shall elect a Speaker and three deputies to the Speaker. Together, they shall form a Chairmanship Commission . During the election of a Speaker ,the House shall be presided over by the eldest member . The Statute shall define the rules of procedure for the election of the Chairmanship Commission , its term of office and jurisdictions . The House shall

have a Secretariat headed by a Secretary General whose functions and duties shall be defined by the before mentioned Statute.

Article (71): A sitting of the House of Representatives shall be valid when more than half of the members shall be present excluding those whose seats are declared vacant . Rulings shall be effective only with the concurrence of the absolute majority of the members present unless specific majority is provided for by the Constitution and the Statute of the House . In case of equality of votes , the matter under deliberation shall be rejected in the same session and ,if to be represented in the next session ,it shall be the first subject to be presented before the House .

Article (72): The sittings of the House of Representatives shall be public and , upon a request from the Speaker, the President of the Republic , the Government or at least twenty members , the sitting shall be closed . The House thereafter shall decide , relying on the nature of the matter under discussion ,to have a public or closed meeting .

Article (73): The House of Representatives shall sit two regular session every year and the dates and duration of the said sessions shall be appointed by the Statute. An extraordinary session may be held as the President of the Republic , in his discretion, may so order or as may be decided by the Chairmanship Commission of the House or on a requisition, provided in writing . signed by one -third of the total membership of the House . A session shall not be prorogued during the

last quarter of the year unless the State Budget is endorsed .

Article (74): Any member of the House of Representatives shall hereby represent the entire nation and shall seek to serve the general welfare of the people. His representation shall not be restricted by any terms or conditions .

Article (75): A member of the House of Representatives, before he enter on the execution of his office , shall take the Constitutional oath .

Article (76): The Speaker ,members of the Chairmanship Commission and members of the House of Representatives ,for their services shall receive just compensation as defined by law. The Prime Minister, his deputies and ministers shall not receive the aforementioned compensation if they are members of the House of Representatives .

Article (77): In case a vacancy shall occur not less than one year before the expiration date of the House of Representatives, a new member shall be elected within sixty days from the day the vacancy announcement shall be made and his membership shall expire thereof on the same day of expiration of the House of Representatives .

Article (78): No member of the House of Representatives shall intervene in matters that fall within the jurisdiction of the executive and judicial authorities .

Article (79): No member of the House of Representatives shall hold, in addition to his membership, a public office or become a member of a provincial council, nor shall he hold a ministerial office .

Article (80): No member of the House of Representatives, unless words of scurrility and slander shall be uttered, shall be held liable in respect of anything he said, any vote given by him in public and closed sittings or anything brought up by him to the attention of the House or its committees thereof .

Article (81): No member of the House of Representatives shall be questioned without the prior permission of the House of Representatives expecting cases of flagrante delicto in which case the House of Representatives shall be immediately notified and the House shall ascertain the conformity of the procedures, and in such case as when the House of Representatives shall be in recess, a permission shall be obtained from the Chairmanship Commission of the House of Representatives and, in the next session, the House of Representatives shall be informed in detail of the aforesaid procedures .

Article (82): Members of the House of Representatives shall tender their resignations to and the same shall be accepted by the House of Representatives .

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Article (83): No member of the House of Representatives shall be disqualified unless the provisions for membership set forth in the Constitution shall no longer be applicable to him or in cases of gross violation of the membership obligations as provided for by the Statute of the House of Representatives .

Article (84): Members of the House of Representatives and the Government shall have the right to introduce ,or as the case may be,propose the amendment of Bills excepting money Bills intended to raise , reduce , exempt or abolish a tax. Bills intended to allocate money from the State Budget for any project shall not be introduced to the House except by the Government or at least 20% of the members . No Bill introduced by one or more members of the House of Representatives shall be referred to any of the House committes unless a special committee shall first examine and give opinion as to its validity to be debated in the House of Representatives.Bills decided thereof by the House of Representatives to be debated shall be reffered to the same special committee for examination and a report on the matter shall be submitted . A Bill not introduced by the Government and thereafter rejected by the House of Representatives shall not be re-introduced during the same session.

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Article (85): The Prime Minister,at least twenty five days from the date of the formation of the Government , shall present his Government policies to the House of Representatives for the purpose of obtaining a vote of confidence from the majority members of the House of Representatives which,if in recess,shall be summoned to an extraordinary sitting for this purpose . The House of Representatives and the members shall have the right to comment on the Government policies and the failure of the Government to obtain the afforesaid majority vote shall be construed as a vote of no- confidence .

Article (86): The House of Representatives , as provided for by law shall ratify the general plans for economic

and social development and lay down guidelines for preparation and presentation of the aforementioned plans.

- Article (87): (a) The State Budget Bill , at least two months before the commencement of the fiscal year , shall be introduced to the House of Representatives and the Budget provided chapter by chapter, shall be put to the vote thereof and then passed in pursuance of law . The House of Representatives, without the Government assent , shall not amend the aforesaid Bill and no appropriation of any revenue shall be made for any expenditure unless by law . Provided that a new State Budget Bill is not passed before the commencement of the fiscal year , the previous State Budget shall remain valid until the new Budget Bill is passed .
- (b) Guidelines for the preparation of the Budget, its classification and the commencement of the fiscal year shall be defined by law .

Article (88): The transfer of money from one heading in the State Budget to another , expenditures not included in it or any excess income shall all be defined by law .

Article (89): Budgets , Balance Sheets, independent and annexed Statements and Final Accounts of public corporations , institutions and agencies shall be defined by law , and with the exclusion of the mentioned before , the provisions respecting the State Budget and the Final Account, including those relating to the introduction to the House of Representatives, shall be applicable .

Article (90): The Final Account of the State Budget shall be introduced to the House of Representatives with a period not exceeding nine months from the termination of the fiscal year. The State Budget shall be put to the vote, chapter by chapter, and the House of Representatives shall pass it by law. The annual report and comments of the Auditing Agency shall be presented to the House of Representatives which may request the presentation of additional data or reports.

Article (91): Any international political and economic treaty or agreement of general nature, irrespective of its shape and pattern, particularly those pertaining to defence, alliance, peace and conciliation, demarcation of borders or those conducive to financial obligations on the part of the State or which shall require a law to carry out.

Article (92): The House of Representatives shall have the right to furnish the Government with directives and recommendations respecting public matters, and the Government thereof, if fail to carry the aforesaid directives and recommendations, shall have to explain the reason for that failure to the House of Representatives.

Article (93): Not less than 20% of the members of the House of Representatives may present a public matter to be discussed and debated and seek the opinion of the Government of the same matter.

Article (94): The House of Representatives, provided that at least ten of its members so may request, shall form an ad hoc committee or, when a subject matter may be ⁴prejudice to public interest, shall assign a fact-

finding committee to scrutinize the conduct of business of a ministry , public commission or institution , public or mixed sector unit or provincial council, and , for the same purpose , shall collect evidence and listen to testimonies thereof and the executive and other authorities shall respond and put at the disposal of the before mentioned committee all relevant documents.

Article (95): The Cabinet shall be held responsible collectively and individually, and any member of the House of Representatives may pose questions to the Prime Minister , one of his deputies , ministers or their deputies on subject matters relevant to their jurisdictions . All questions shall hereby be answered and no question shall be put for the purpose of interrogation .

Article (96): Any member of the House of Representatives shall have the right to cross-examine the Prime Minister , his deputies and the ministers respecting the discharge of their duties , and , provided that it shall be deemed by the House of Representatives, and with the assent of the Government , necessary to expedite it , the hearing shall commence at least seven days before a request for the cross-examination is lodged .

Article (97): The House of Representatives shall have the right to move a vote of no-confidence against the Government and , provided that the Prime Minister or whoever sit in his capacity shall be cross-examined and a request to this effect shall hereby be signed by two-thirds of the members of the House of Representatives, such a vote may not be moved . The House of

Representatives may ,at least seven days in advance, decide upon the said requisition and a no-confidence vote against the Government shall be moved by the majority of the members of the House of Representatives .

Article (98): The Prime Minister , his deputies and the Ministers , whenever they may so request , shall be heard in the House of Representatives and its committees ,and they may seek assistance from senior civil servants provided that , unless they are members of the House of Representatives , the said civil servants shall have no valid vote when votes on the subject matter are counted. The Government or any of the ministers, if so may be requested by the House of Representatives, shall attend any of the sittings of the House of Representatives .

Article (99): Each single article included in a Bill shall be voted separately ,and final voting shall be cast on the Bill in its entirety as provided for by the Statute and rules of procedure of the House of Representatives .

Article (100):The President of the Republic may dissolve the House of Representatives in his discretion only when necessity may so arise and after the grounds for the dissolution are put to a referendum . The President of the Republic shall , in his discretion , decide the suspension of the sittings of the House of Representatives and,within thirty days , a referendum shall be held . The President of the Republic , relying on the yeas votes for the dissolution of the House of Representatives in the referendum , shall issue a decision to dissolve the House of Representatives

and the same decision shall include an appeal to the electorate for new election to the House provided that the appeal shall be made not more than sixty days from the date of the announcement of the referendum results , and if the resolution shall not include the aforesaid appeal or no election shall take place ,the dissolution decision shall be void and the said House using the power of the Constitution shall, therefore , sit in session .The House of Representatives shall use the power of the Constitution to sit in session if no referendum is held within thirty days or if the majority is not in favour of the dissolution decision . If elections are held,the new House of Representatives shall meet within the few days following the completion of the election , and if the House of Representatives is not summoned to sit in session , it shall do so at the end of the aforesaid period in pursuance of the provisions of the Constitution . The new House of Representatives may not be dissolved on the previous grounds nor may it be dissolved within the first session .

Article (101): The President of the Republic , in his discretion provided good reason is hereby attached , shall have the right to return for reconsideration within thirty days of receiving it , a Bill passed by the House of Representatives . If after the said period,the President of the Republic shall fail to return the Bill to the House of Representatives or ,the said House with the majority of its members passed the Bill again , the same shall be law and the President of the Republic thereafter shall promulgate it within two weeks , otherwise , the same shall become a law with the power of the

Constitution with no need for a decision and the law shall be immediately entered on the official journal and be effective two weeks after the law shall be published .

Article (102): Laws shall be entered on the official journal and the same shall be made public within two weeks after they are promulgated , and be effective thirty days after they enter on the official journal , and the aforesaid period may by provision of law be extended or reduced .

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Article (103): No law shall have retrospective power except as may be in non-taxation and non-criminal provisions of law provided with the consent of two-thirds of the members of the House of Representatives .

SECTION II

THE EXECUTIVE POWER

Article (104): The executive power shall be vested , on behalf of the people , in the President of the Republic and the Cabinet of ministers as so provided for hereinafter by the Constitution .

CHAPTER ONE

THE PRESIDENT

Article (105): (a) The President of the Republic shall be the Head of the State and shall be elected in pursuance of the Constitution .

(b) The President of the Republic shall appoint a Vice-president who shall be qualified as prescribed by Articles (106) (116) (117) and (126) of the Constitution .

Article (106): Any Yemeni citizen shall be qualified for election as President provided that :

(A) he shall not be less than forty years of age ;

(b) he shall be born to Yemeni parents ;

(c) he shall enjoy all his civil and political rights;

(d) he shall be of good reputation , observant of Islamic injunctions and shall not be convicted for a crime involving immorality or dishonesty unless , otherwise , reinstated ;and

(e) he shall not be married , or thereafter be married during his term of office ,to an alien.

Article (107): Candidature and election to the office of President shall be as follows:

(a) The President of the Republic shall be elected by the people in free elections .

(b) Candidatures shall be forwarded to the Speaker of the House of Representatives .

(c) The Chairmanship Commission of the House of Representatives shall determine the eligibility of candidates as prescribed by the Constitution .

- (d) Names of eligible candidates shall be introduced to the members of the House of Representatives for nomination .
- (e) A candidate shall be considered as nominated for the office of President who shall receive 10% of the votes of the members of the House of Representatives .
- (f) The House of Representatives shall thereby name at least two candidates for the office of President to be elected by the people in free elections.
- (g) The candidate who shall have the absolute majority of the electorate shall be President, and if no such majority shall be attained ,the two candidates having the greatest number of votes shall stand another election to be held in the same aforementioned manner.

Article (108): The President of the Republic , before he enter on the execution of his office , shall take before the House of Representatives the constitutional oath .

Article (109): The President of the Republic, in the execution of his office as provided for by the Constitution , shall reflect the will of the people , respect the Constitution and law , protect national unity and the principles and objectives of the Yemeni Rrevolution , abide by the peaceable transfer of power and to supervise matters of sovereignty respecting the defence of the Republic and foreign policy .

Article (110): The President of the Republic shall be the Commander-in-chief of the armed forces .

Article (111): The President of the Republic shall serve a term of five years commencing from the date of his taking the constitutional oath . No person shall enter to the office of President for more than two five-year terms as provided for hereinbefore in this
§Section .

Article (112): Whenever the expiration of the House of Representatives concur with the expiration of the term of the President of the Republic , the President of the Republic shall continue to hold office until after the election to the House of Representatives and its first meeting when , within sixty days from the first sitting , a new President shall be elected .

Article (113): Procedures for the election of a new President shall start ninety days before the expiration of the term of office of the President of the Republic , and a President shall be elected at least one week before the end of the said ninety days, and , notwithstanding the expiration of his term , the President of the Republic , until a successor shall be elected , shall continue to hold office for a period not exceeding ninety days except in cases of war , natural disasters or the like during which election shall be impossible .

Article (114): The President of the Republic may tender his justified resignation to the House of Representatives . The resignation shall be accepted only by absolute majority, and in case the resignation shall not be accepted , the President of the Republic shall within three months tender his resignation and the House of Representatives shall accept it .

Article (115): Whenever the office of President shall be vacant or in case of the disability of the President of the Republic to discharge the powers and duties of the said office , the same shall devolve on the Vic-president who shall act as President for a period not exceeding sixty days until a new President shall be elected , and

whenever the office of the President and of the Vice - president shall be vacant , the Speaker of the House of Representatives shall act as President and , in case the House of Representatives is dissolved , the Government shall act instead of the House of Representatives as President pro tempore . A new President shall be elected within a period not exceeding sixty days from the day of the first meeting of the new House of Representatives .

Article (116): The President of the Republic , as provided for by law, shall receive for his services a compensation , and he shall not receive any other emolument .

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Article (117): The President , during his term of office , shall not hold , though indirectly , any profitable job nor shall he purchase or rent , notwithstanding by public auction , any public property , nor shall he barter , lease or sell any of his property to the State .

Article (118): It shall be the duty of the President of the Republic to :

- (1) represent the Republic internally and externally ;
- (2) summon the electorate , at the required time , to elect a House of Representatives ;
- (3) call for a referendum ;
- (4) appoint officers to form the Government and issue a decree naming its members ;
- (5) lay down with the Government the State general policies and supervise the same as provided for by the Constitution ;
- (6) summon the Cabinet to a joint meeting with him whenever it shall be deemed necessary ;
- (7) select members of the National Defence Council in

- pursuance of law ;
- (8) issue and thereafter make public , laws already passed by the House of Representatives and make decisions for the execution of the aforesaid laws ;
 - (9) appoint and remove senior civil and military officers in pursuance of law ;
 - (10) establish , in pursuance of law , military ranks;
 - (11) confer medals and decorations as provided for by law and give permission to others to be decorated by foreign states ;
 - (12) issue decisions ratifying treaties and agreements provided that the same shall be passed by the House of Representatives ;
 - (13) ratify , after the consent of the Cabinet, agreements which shall require no endorsement by the House of Representatives ;
 - (14) establish diplomatic missions and appoint and call back ambassadors as provided for by law ;
 - (15) accept the credentials of representatives of foreign states and organizations ;
 - (16) grant political asylum ;
 - (17) declare a state of emergency and general mobilization in pursuance of law ; and
 - (18) undertake any other duties provided for by the Constitution and law .

Article (119): Provided that within the period of recess or dissolution of the House of Representatives , whenever it shall be deemed necessary to make speedy decisions , the President of the Republic may make such decisions and the said decisions, provided that the same shall not be in violation of the Constitution and the estimates included in the Budget Law , shall have the power of law. These decisions shall be sent to , debated and properly passed by the House of Representatives in its first meeting, and if the House of Representatives shall reject

the aforesaid decision , the same shall cease to have the power of law from the date they shall be rejected or any date prescribed by the House of Representatives , and a settlement shall be reached respecting the resultant effect as shall be prescribed by the House of Representatives .

Article (120): The President of the Republic , on the advice of the Minister concerned and after the consent of the Cabinet, shall , without prejudice to or waiving of the provision of law , shall issue , or authorize another person to do the like, resolutions and legislations needed to enforce laws and to regulate the functioning of public management and services . The law itself may provide for the appointment of the person who shall issue decisions and legislations needed for its enforcement .

Article (121): The President of the Republic , in a presidential decree as provided for by law , shall declare a state of emergency , and the House of Representatives shall be informed of the same within seven days , in case the House of Representatives shall be dissolved , it , by the power of the Constitution , shall remain as sitting , and if the House of Representatives shall not be summoned to meet or the decision to declare a state of emergency shall not be referred to the said House , the state of emergency shall be lifted as provided for by the Constitution . In all cases , no state of emergency shall be declared notwithstanding cases of war , internal disturbances and natural disasters. A state of emergency shall remain for only a limited period and shall not be extended without the prior consent of the House of Representatives .

Article (122): The President of the Republic shall have the right to demand reports from the Prime Minister respecting the discharge of the Cabinet duties .

Article (123): No death penalty shall be carried out without the signature of the President of the Republic .

Article (124): The President of the Republic shall be assisted by a Vice-president and the President of the Republic , in his discretion , may confer some of his duties on the Vice-president .

Article (125): A Council of Advisors consisting of experts of various qualifications shall be established as to expand the ground for opinion-sharing and to benefit from national expertise and qualifications available all over the Yemeni territory as provided for by law .

Article (126): The President of the Republic , whenever half of the members of the House of Representatives shall deem it necessary , shall be impeached on charges of high treason, violation of the Constitution or, as the case may be , committing any gross misconduct affecting the independence and sovereignty of the country. The impeachment resolution shall not be passed unless otherwise with the concurrence of two thirds of the members of the House of Representatives .

The procedures for the trial of the President of the Republic shall be provided for by law . in case the President of the Republic and the Vice-president shall be impeached , the Chairmanship Commission of the House of Representatives shall act as President pro tempore

until the court ruling shall be heard . The
aforementioned law shall be enacted before
the expiration of the first session of the House
of Representatives following the enforcement of the
Constitution . If convicted , the President of the
Republic or , as the case may be , the Vice -president
shall be relieved of office as provided for by the
Constitution without prejudice to other crimes
mentioned hereinbefore which shall not be dropped with
the passage of time

CHAPTER TWO

THE CABINET

Article (127): The Cabinet is hereby the Government of the Republic of Yemen and the highest executive and administrative authority of the State, and all the like subordinate authorities with no exception shall be related to it .

Article (128): The Cabinet shall consist of a Prime Minister , his deputies and the ministers who , together , shall form the Government . The guidelines for the organization of ministries and other State organs shall be defined by law .

Article (129): The terms hereinafter prescribed for the qualification of members of the House of Representatives shall apply to the Prime Minister , his deputies and Ministers , only in the case of age where none of them shall be less than thirty years of age save the Prime Minister who shall not be less than forty years of age .

Article (130): The Prime Minister , in consultation with the President of the Republic shall select members of his Cabinet and , upon the presentation to the House of Representatives of his programme of action, shall seek to obtain a vote of confidence .

Article (131): The Prime Minister and the Ministers shall be collectively responsible to the President of the Republic and the House of Representatives respecting the discharge of their duties .

Article (132): The Prime Minister and the Ministers , before they shall enter to the office , shall make , before the President of the Republic , the Constitutional oath .

Article (133): The salaries of the Prime Minister , his deputies and the Ministers and their deputies shall be defined by law

Article (134): The Prime Minister and the Ministers , during their terms of office , shall not hold any other public office , directly or indirectly enter profitable private business of whatever type , or , as the case may be , be party to any commitment contracted by the Government or any public institution nor shall they , in addition to their office , sit on the board of directors of any corporation , or during the same period , barter , purchase or rent any public property notwithstanding by means of public auction and shall not barter , lease or sell to the State any of their own property .

Article (135): The Cabinet , in pursuance of laws and resolutions,

shall undertake the execution of the general policies of the State in the political , economic , social , cultural and defence fields , and it shall particularly exercise the following functions :

- (a) taking part with the President of the Republic in the drawing of guidelines for the internal and external policies ;
- (b) drawing the State economic plan and the Annual Budget and regulate its execution , and prepare the State Final Account;
- (c) drafting laws and resolutions and referring them to the House of Representatives or , as the case may be , to the President of the Republic in accordance with the jurisdiction of either of them ;
- (d) approval of treaties and agreements prior to their referral to the House of Representatives or , as the case may be , to the President of the Republic in accordance with the jurisdiction of either of them;
- (e) taking appropriate measures to protect the State Security , internally and externally and the rights of the citizens .

- (f) co-ordinating with , and directing and revising of the functions of ministries , the subordinate administrative agencies and public and mixed sector institutions as provided for by law .
- (g) appointment and removal of key officers in accordance with law and drawing and executing of policies intended to upgrade standard of the technical staff employed by the State and to meet the country's need for qualified human resources within the framework of the economic plan ;
- (h) following-up the enforcement of laws and the protection of the State money and property ;
- (i) supervising the organization and administration of the monetary , credit and insurance systems ; and
- (j) contracting and granting loans as defined by the

State general policies and as provided for by the Constitution .

Article (136): The Prime Minister shall preside over the Cabinet in its meetings and shall represent the Cabinet respecting the execution of the State general policies . He shall undertake to execute the Cabinet resolutions and , in a unified coordinated manner, the State general policies . He shall ask the ministers , and they shall hereby do the like , to furnish him with reports as to matters relating to the administration of affairs , functions and duties of their ministries.

Article (137): 1- The President of the Republic and , hereby , the House of Representatives shall have the right to impeach and refer to investigation or , as the case may be , to trial , the Prime Minister , his deputies or the ministers for crimes pertaining to the discharge of their duties . The impeachment decision , provided that it shall be moved by one-fifth of the total membership of the House of Representatives , shall not be passed unless otherwise with the concurrence of the two-thirds of the members of the House of Representatives .

2- Any of the persons referred to in clause (1) of this Article, provided the same shall be impeached , shall be suspended until a final decision shall be made , and notwithstanding the expiration of his office , the case against him shall not cease or be dropped .

3- The interrogation, trial and its procedures and guarantees, of the Prime Minister , his deputies and ministers , shall be in accordance with law .

4- The aforementioned provisions of this Article shall apply to the deputies of ministers.

Article (138): Whenever the Cabinet resign , relieved or lose a vote of confidence , it shall continue to discharge its normal functions save appointment and removal of officers until a new Cabinet shall be formed .

Article (139): The Prime Minister , in which case collaboration with any of the ministers may be rendered impossible , may request the President of the Republic to relieve the minister concerned .

Article (140): The Prime Minister in which case he shall be unable to discharge his responsibilities or a vote of no-confidence shall be moved , or a no-confidence resolution passed , against him by the House of Representatives or new election to the House of Representatives shall be orderd ,shall,by writing under his hand,addressed to the President of the Republic , resign his office .

Article (141): Whenever the majority of the ministers shall resign their office , the Prime Minister , as representing the Government , shall resign his post .

Article (142): Each Minister shall supervise the conduct of business of his ministry , communicate to its provincial offices and subordinate organs in all parts of the Republic decisions relating to the administration of affairs and the execution of the general policies of the Government. Cases when a Minister shall have the authority to make decisions for the execution of laws shall be defined by law .

CHAPTER THREE

PROVINCIAL AUTHORITIES

Article (143): The territory of the Republic of Yemen shall hereby be divided into administrative units whose number, borders, sub-divisions and criteria upon which such division shall be made, shall be determined by law. The rules and procedures for the nomination, election and selection of Heads of the aforesaid units shall be defined by law and the same shall define their jurisdictions and those of other subordinate officers.

Article (144): Each administrative unit shall be autonomous and run by a provincial Council elected by direct free voting that shall take place in all parts of the Province. A provincial Council shall practise its jurisdictions within provincial borders and it shall supervise, inspect and, as the case may be, question the subordinate authorities in the Province as provided for by law. Nomination for, and election to a Provincial Council shall be defined by law, and the same shall regulate its conduct of business, sources of income, rights and obligation of its members, its role in executing or development plans and projects and other related matters and provisions with the adoption of a system of administrative and financial decentralization.

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Article (145): All administrative units and Provincial Councils shall be considered as an inseparable part of the State.

authorit . All Provincial Governors shall be responsible before the President of the Republic and the Cabinet whose decisions shall be binding and shall be executed under all circumstances. Supervision of the conduct of business of the Provincial Councils shall be defined by law .

Article (146): The State shall encourage and promote Cooperative Development Commissions , being instrumental in bringing about development in all administrative units .

SECTION THREE

THE JUDICIAL AUTHORITY

Article (147): The judicial Authority shall be independent respecting administration and finance - The Prosecution shall belong to the Judiciary . Courts of law shall undertake the settlement of controversies and the trial of crimes . Judges shall be independent and subject only to the power of law . Interference , by whoever and in any form , in justice matters and affairs shall be a punishable crime which shall not be dropped with the passage of time .

Article (148) The judiciary system shall consist of integral bodies whose ranks and jurisdictions shall be defined by law . Eligibility for the office of judge shall be decided by law . The appointment , promotion , transfer and other related matters shall be regulated by law . Under no

circumstances shall an extraordinary court be ordained and established .

Article (149): No judge or member of the Prosecution office shall be removed except in cases or conditions specified by law. Judges or members of the Prosecution , except for disciplinary reason , shall not be transferred to a non-legal office with out their consent and the approval of the council in charge of their affairs . Their trial on charges of indiscipline shall be governed by law. The profession of law practising shall be regulated by law .

Article (150): A Supreme Council , its jurisdictions and the rules and procedures for the nomination and appointment of its members shall be defined by law . The said Council shall see to it that the provisions of appointment , promotion, removal and dismissal of judges shall be adequately pursued as stipulated by law . The said Council shall undertake to review and endorse the Judiciary Budget before including it in definite figures to the State Budget .

Article (151): The Supreme Court of the Republic shall be the highest body , and its constitution , and in which manner its proceedings shall be instituted, shall be defined by law. The authority of the Supreme Court shall extend particularly to cases of :

- (a) charges and counter-charges respecting the unconstitutionality of laws , statutes , regulations and resolutions ;
- (b) controversies over jurisdiction among the judicial authorities ;
- (c) impeachment of any of the members of the House of

- Representatives as may so be decided or referred to the Supreme Court by the House of Representatives ;
- (d) civil, commercial and criminal controversies , staff-management disputes and disciplinary litigations as provided by law ;
 - (e) trial of the President of the Republic , Vice-president , Prime Minister , his deputies , ministers and their deputies in pursuance of law .

Article (152): Courts shall sit in public sessions unless it shall be decided otherwise for the purpose of preserving public order and morality . Verdicts shall be pronounced in public sessions .

PART FOUR

THE EMBLEM , FLAG AND NATIONAL ANTHEM

OF THE REPUBLIC

Article (153): The emblem , medals and decorations and national anthem of the Republic shall be defined by law .

Article (154): The colours of the national flag shall be , in downward order , red , white and black .

Article (155): The city of Sanna'a shall be the capital of the Republic of Yemen .

§

PART FIVE

AMENDMENT TO THE CONSTITUTION AND GENERAL PROVISIONS

Article (156): The President of the Republic , and the same shall apply to the House of Representatives , with writing under his hand , may propose amendment to one or more articles of the Constitution provided that the said article or articles shall be clearly underlined and the reasons and justification for the amendment shall be included . An amendment proposal by the House of Representatives, provided with the concurrence of one-third of its members and previously debated and ratified by the majority of the members shall be made , and as the case may be , the said proposal shall be repealed , the same shall return to the House of Representatives for debate one year after it shall be repealed . Whenever a proposal for amendment shall be ratified by the House of Representatives, it shall be debated two months after its ratification. With the concurrence of three-fourths of the members of the House of Representatives , the amendment proposal shall be put to a referendum. The referendum shall become effective from the date of the announcement of the referendum results provided that the absolute majority shall vote in the referendum in favour of the aforesaid proposal .

Article (157): The management , supervision and monitoring of the general election and the referendum shall be undertaken by an independent , neutral Supreme Commission . The number , eligibility , nomination and appointment of the members of the before mentioned Commission shall be defined by law . The jurisdiction and authority needed to guarantee the optimum execution of duties and

functions of the same Commission shall be defined by law.

Article (158): The President of the Republic , after the amendment to the Constitution shall be ratified by the House of Representatives, shall be elected for the first time. One-fourth of the members of the House of Representatives shall nominate a person for the office of President. A person shall be President of the Republic who shall receive the majority votes of the House of Representatives .

Article (159): The President of the Republic , Vice-president , members of the House of Representatives , Prime Minister and Ministers shall take the following Constitutional oath:

" I solemnly swear to God the Almighty that I shall abide by the Holy Koran and the Sunnah of Prophet Muhammed , sincerely protect the republican system , respect the Constitution and law , safeguard fully the people's interests and freedoms and protect the unity , independence and territorial integrity of the country."