

# Constitution of the Republic of Yemen, 1990

## Part One: The Foundations of the State

### SECTION I: THE POLITICAL FOUNDATIONS

**Article 1:** The Republic of Yemen is an independent sovereign state, an inviolable unit, no part of which may be relinquished. The people of Yemen are part of the Arab Nation and the Islamic World.

**Article 2:** Islam is the religion of the state, and Arabic is its official language.

**Article 3:** Islamic Law is the principal source of legislation.

**Article 4:** The people of Yemen are the possessors and source of power, which they exercise directly through referendums and general elections, and indirectly through the legislative, executive and judicial bodies, as well as through elected local councils.

**Article 5:** The Republic of Yemen confirms its adherence to the UN Charter, the International Declaration on Human Rights, the Charter of the Arab League, and tenets of international law as generally recognised.

### SECTION II: THE ECONOMIC FOUNDATIONS

**Article 6:** The national economy is founded on the following principles:

- i. Islamic social justice in production and social relations.
- ii. The establishment of a developed public sector capable of owning the basic means of production.
- iii. The preservation of private ownership which may not be infringed except in the public interest, and on the basis of fair compensation according to the law.
- iv. The direction of all these relationships and capabilities to ensure the establishment of a viable and independent national economy capable of achieving a comprehensive development ensuring the establishment of socialist relations based on the Islamic and Arab heritages and circumstances of the Yemeni people.

**Article 7:** Natural resources with all their derivatives and sources of energy, whether above ground, underground, in the territorial waters, the continental shelf or the exclusive economic zone are owned by the state, which will ensure their exploitation for the common good of the people.

**Article 8:** The state's economic policy shall be based on scientific planning which leads to the establishment of public corporations engaged in exploiting the natural and public resources, developing capabilities of and opportunities for the public, private, and mixed sectors in all socio-economic development fields within the framework of the state's development plan and which will serve the public interest and the national economy.

**Article 9:** The state shall direct foreign trade and endeavour to develop and raise its effectiveness and make it amenable to serve the national economy. The state shall also supervise internal trade with a view to protecting consumers and to providing basic commodities for the citizens.

**Article 10:** The law shall regulate the state's official currency, the financial and banking systems. It shall also define the measurements, standards and weights.

**Article 11:** Taxes and user fees are levied with an eye on the society's public interest and in order to achieve social justice among citizens.

**Article 12:** The imposition, amendment, and cancellation of taxes shall only be done 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 user charges except by law.

**Article 13:** The state shall encourage co-operation and savings. It shall sponsor efforts to establish co-operative entities and activities of all kinds.

**Article 14:** The law shall specify the basic procedures in the collection and disbursement of public funds.

**Article 15:** The executive authority may not enter into loan agreements or guarantees or any projects that entail expenditures from the treasury in this or future years, except with the approval of the House of Representatives.

**Article 16:** The law shall stipulate the scales of salaries, wages, compensations, subsidies and bonuses payable from the government treasury.

**Article 17:** Concession agreements for the exploitation of natural resources and public utilities shall be done through the enactment of a law. Such law will specify the modalities and conditions of the free use of real estate and other (movable) assets relinquished by the state. The law shall also regulate the same privileges to local entities, and the free disposal/use of properties owned by the state.

### **SECTION III: THE SOCIAL AND CULTURAL FOUNDATIONS**

**Article 18:** The state shall guarantee the 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 the means conducive to such achievements and shall provide support and encouragement for progress in the sciences and arts, and shall protect achievements thereof.

**Article 19:** 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 realisation thereof.

**Article 20:** The public post is a duty and an honour. Persons in public office are to serve the public interest and the people. The law shall specify the conditions of public service and the duties and rights of persons in public office.

**Article 21:** Work is a right, an honour, and a necessity for society's progress. Every citizen has the right to choose the appropriate work for him/herself within the law. No citizen may be compelled to do any work except within the law, and in which case it is to serve the common interest and in return for a fair wage.

## SECTION IV: THE NATIONAL DEFENCE FOUNDATIONS

**Article 22:** The state is the authority to establish the armed forces and any other forces. Such forces belong to all the people and their tasks are to protect the Republic and safeguard its territories and security. No group or party may establish military or paramilitary forces. The law stipulates the conditions for military service, promotion and disciplinary procedures.

**Article 23:** General mobilisation shall be organised according to the law and shall be proclaimed by the Chairman of the Presidential Council following the approval of the House of Representatives.

**Article 24:** The National Defence Council, to be headed by the Chairman of the Presidential Council, shall be established to attend to matters pertaining to the means of safeguarding the Republic and its security. The law shall determine its membership, composition, duties and other functions.

**Article 25:** The police force is a civilian authority which performs its duties in the service of the people and guarantees peace and security to the citizens. It shall preserve the law, keep public order and protect general morals. The law shall regulate its affiliation to the judicial authorities from which it receives orders and instructions which it executes. The police force shall implement all statutes and regulations as dictated by law.

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## Part Two: The Basic Rights and Duties of Citizens

**Article 26:** 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 by speech, writing or pictures within the law.

**Article 27:** Equal treatment in the eyes of the law is guaranteed for all citizens who are equal in rights and duties, and no discrimination shall be practised due to sex, colour, racial origin, language, occupation, social status, or religious beliefs.

**Article 28:** The law shall regulate Yemeni nationality which may not be denied to any Yemeni. (Yemeni) nationality once acquired may not be withdrawn except in accordance with the law.

**Article 29:** A Yemeni national may not be extradited to a foreign authority.

**Article 30:** It is forbidden to extradite political refugees.

**Article 31:** Criminal liability is personal. Punishment is determined by law, and no crime may be put to trial by a law enacted after the date of the crime. The accused are innocent in the eyes of the law until proven guilty by a court of law.

**Article 32:**

A. The state shall guarantee to its citizens their personal freedom, dignity and safety. The law defines the cases in which a citizen may be deprived of his/her freedom on the decision of a competent court of law.

B. An individual may not be searched, arrested or detained except if caught in the act (in flagrante delicto), or as a necessity for the completion of the investigation process, or for the preservation of security and only on the orders of a judge or a public prosecutor's office according to the provisions of the law.

It is not permissible to place any person under surveillance or investigation except as stipulated by the law. Any person whose freedom is restricted in any way must have his/her dignity protected, and physical and psychological torture is forbidden. Forcing confessions during investigations is illegal. A person whose freedom is restricted has the right not to answer questions except in the presence of his/her 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 inhuman treatment during arrest, detention or imprisonment are prohibited.

C. Any individual suspected of any crime may not be detained for more than twenty-four hours, during which time he/she must be presented in front of a court of law. The judge shall inform such individual of the accusations brought against him/her, shall question him/her and shall give him/her the opportunity to defend him/herself. The court then gives a reasoned order to release the accused person or to extend the detention. In all cases, it is not permissible to continue detaining a person beyond the aforementioned period except by a judicial order .

D. On arresting a person for whatever reasons, a person of his/her choice is to be notified immediately. In case such a person cannot be notified, the arrested person's closest relatives or whoever is concerned shall be notified.

E. The law shall determine the punishment against those (officials) who violate any of the stipulations of this article and it also shall determine the appropriate compensation for the persons whose rights are violated thereof.

**Article 33:** Inhuman and savage methods of execution of punishments are illegal and no laws permitting such methods may be enacted.

**Article 34:** Citizens have the right of recourse to the courts to protect their rights and lawful interests. They may also submit their complaints, criticisms, and suggestions to the various government offices directly or indirectly.

**Article 35:** 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 36:** The state shall guarantee the freedom and confidentiality of mail, telephone, telegram and all other means of communications, all of which may not be censored, searched, exposed or delayed except in the cases specified by law and according to a court order.

**Article 37:** All citizens have a right to education which shall be guaranteed by the state through building various schools and cultural and educational institutes. The state shall take special care of the youth and protect them from perversions and shall provide religious, mental, and physical education and the appropriate environment to develop their aptitude in all fields.

**Article 38:** 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 to and exit from Yemen. No citizen may be deported from or refused entry into Yemen.

**Article 39:** In as much as it is not contrary to the constitution, the citizens may organise themselves along political, professional, or union lines. They have the right to form associations in scientific, cultural, social and national unions

in a way that serves the goals of the constitution. The state shall guarantee these rights, and shall take the necessary measures to enable the citizens to exercise them. The state shall guarantee all freedoms to the political, union, cultural, scientific, and social organisations.

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## **Part Three: Organisation of State Authority**

### **SECTION I: THE HOUSE OF REPRESENTATIVES**

**Article 40:** The House of Representatives is the legislative authority of the state. It shall enact laws, outline general state policy, and the socio-economic development plan, and approve the government budgets and final accounts. It shall direct and control the activities of the Executive Authority as stipulated in the constitution.

**Article 41:** The members of the House of Representative are to 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 42:** The right to vote and candidacy is guaranteed to all citizens.

A. The voter must meet the following conditions:

- i. must be a Yemeni citizen,
- ii. must be at least eighteen years of age.

B. The candidate to the House of Representatives must meet the following conditions:

- i. must be a Yemeni citizen,
- ii. must be at least twenty five years of age,
- iii. must be literate,
- iv. must be of good character and conduct.

**Article 43:** 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 for extraordinary circumstances elections cannot be held, the existing House continues to function until such circumstances are overcome and elections can be held.

**Article 44:** The House of Representatives is to be located in Sana'a, the capital. The regulations determine the conditions under which the House may hold meetings outside the capital city.

**Article 45:** The House of Representatives issues its regulations, stipulating the procedures of its working committees, its prerogatives and the constitutional powers. Such regulations, enacted and amended by law, may not contradict or amend any item in the constitution.

**Article 46:** The House of Representatives alone shall be the only competent authority to determine the legitimacy of membership (in case of contested election results) of its members. It shall organise the procedures for submitting, contestations of election results and the investigation procedures. The investigation findings shall be submitted to the members of the House of Representatives within the sixty days following the submission of the contestations to the House. Membership shall not be deemed nullified except by a resolution taken by two thirds of the House of Representatives.

**Article 47:** 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 48:** The House of Representatives shall ratify the international political and economic pacts and agreements which are of a general nature of whatsoever form or level, and in particular those connected with defence, alliances, truces, peace, borders or those that involve financial commitments on the state or whose execution necessitates the enactment of a law.

**Article 49:** The Final Accounts of the Government's Annual Budget shall be submitted to the House of Representatives within a period not exceeding nine months after the close of the fiscal year. Voting thereon shall be on a chapter by chapter basis, and the ratification shall be made by a law. Also the annual report of the organisation concerned with the auditing and control of government accounts together with its comments made thereon shall be submitted to the House. The House of Representatives has the right to ask the Organisation to submit any other documents or reports.

**Article 50:** The General Budget Proposal shall be submitted to the House at least two months prior to the commencement of the financial year. Voting on the Bill shall be made on a chapter by chapter and shall be approved by an enactment of law. The House may not amend the Budget Bill except with the approval of the Government and no revenue shall be earmarked for a particular expenditure except by a law. If the new budget law is not issued before the commencement of the new financial year, the budget of the previous year shall be applied until such time as the new budget has been approved. The law shall specify the budget preparation system, the contents and meanings of headings of chapters as well as fiscal year.

**Article 51:** The transfer of any amount from one chapter 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 be authorised only by law.

**Article 52:** The law shall specify the budgets of public organisations and corporations, their accounts, their autonomous budgets, supplements and final accounts. They shall be subject to the same laws governing the general budget of the state and its final accounts.

**Article 53:** The House of Representatives shall hold its first meeting not later than two weeks after the announcement of the results of the elections, on an invitation from the Chairman of the Presidential Council. If no such invitation is made, the House shall meet on the morning following the date of expiration of the said two weeks.

**Article 54:** In its first meeting, the House shall elect from among its members a chairman and three other members to form the Chairmanship Board of the House. The election meeting itself shall be chaired by the oldest member of the House. The regulations shall specify all the procedures for electing the Chairmanship Board and its functions.

**Article 55:** Half of the number of the House members must be present, excluding those seats which have been declared vacant, for the meeting of the House of Representatives to have a quorum. Decisions shall be taken by an absolute majority. If votes are equally split, the subject matter voted upon shall be deemed to have been rejected in that particular session. It shall have priority of presentation to the House if submitted in a following session.

**Article 56:** Meetings of the House of Representatives shall be open to the public but the House may hold closed meetings at the request of the House Speaker, the Presidential Council, the Government, or at a request made by 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 57:** The House of Representatives shall hold its meetings on the day specified thereof in accordance with its regulations. The session shall not be adjourned before the approval of the General Annual Budget.

**Article 58:** The member of the House of Representatives represents the whole nation, guards the public interest and does not limit his/her representation by any restriction or condition.

**Article 59:** The member of the House of Representatives shall, prior to his/her assumption of membership duties, swear the Constitutional oath in front of the House in an open session.

**Article 60:** The Speaker and members of the House of Representatives, the Chairmanship Board and other members of the Council shall receive a fair remuneration specified by law. The Prime Minister, his Deputies and Ministers shall not be entitled to such remuneration if they happen to be members of the House of Representatives.

**Article 61:** If the seat of a member of the House of Representatives becomes vacant before the expiry of the House's tenure by a period of not less than one year, a successor shall be elected within sixty days from the date of the House's resolution announcing the vacancy. The membership term of the successor shall be coterminous with the House's term.

**Article 62:** The member of the House of Representatives shall not interfere with the work of the Executive or the Judiciary authorities.

**Article 63:** The member of the House of Representatives shall not be held responsible for facts he/she comes across or about matters he/she raises in the House or any of its committees, or because of his/her voting pattern in open or closed meetings. This shall not apply to cases of slander or defamation by members.

**Article 64:** Members of the House of Representatives may not be subjected to procedures of investigations, inspections, arrests, imprisonment, or punishment except with the permission of the House of Representatives save in the case of his/her 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 Chairmanship Board of the House, and the House of Representatives shall be notified at the first meeting following the procedures taken.

**Article 65:** Members of the House of Representatives submit their resignations to the House, which has the exclusive competence to accept them.

**Article 66:** The membership of a member of the House of Representatives cannot be nullified unless any of the membership conditions stipulated in this constitution becomes inapplicable.



**Article 67:** Members of the House of Representatives, the government, trade unions and any other public associations have the right to propose bills of laws and amendments to existing laws through their representatives in the House. Any such proposal shall first be filed with a special committee to study it and determine whether the proposal meets the requirements for action. If it is deemed suitable the House of Representatives has the right to direct government on matters of general concern. If the government is unable to comply with such directives, it has to justify thereof to the House.

**Article 68:** The House of Representatives has the right to direct government on matters of general concern. If the government is unable to comply with such directives, it has to justify them to the House.

**Article 69:** At the request of at least 20% of its members, the House of Representatives may move a motion to discuss, and request explanations for government policies and exchange views on them.

**Article 70:** At a request signed by at least ten members, the House of Representatives may create a special committee or detail one of its committees to investigate any issue which is contrary to the general interest or to investigate the actions of any ministry, government agency, board, public/mixed corporation, or local council. To carry out such investigations, the committee may gather any proofs and hold hearings by seeking testimony from any party/person it deems necessary. All executive and special authorities shall comply by providing all information or documents they possess at the disposal of the committee for this purpose.

**Article 71:** The House of Representatives shall approve the comprehensive social and economic development plans. A law shall be enacted to stipulate the process of preparation of such plans, their submission to the House and the approval thereof.

**Article 72:** Within a maximum of 25 days of the formation of the new government, the prime minister must present to the House of Representatives his government's program in order to obtain a vote of confidence. The House or any of its members may comment on the program. The inability of the government to win a majority vote means the withholding of confidence. If the House of Representatives is in recess, it is called for an extraordinary meeting to vote on the government programme.

**Article 73:** 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 vice. ministers on any matters falling within their responsibilities and they are under obligation to provide answers accordingly. The questioning may not be converted into an interpellation during the same sitting.

**Article 74:** The House of Representatives has the right to withdraw its vote of confidence from the government. Such a step should come only after an interpellation directed to the prime minister, or whoever is acting in his place. The request for interpellation shall be signed by at least one third of the House members. The no confidence vote which requires a majority of votes of the House members may be carried out only after the lapse of one week from the date of interpellation.

**Article 75:** Every member of the House of Representatives has the right to direct an interpellation to the prime minister, his deputies, and the ministers to hold them accountable for matters under their charge. Responses to, and discussions of such interpellations shall take place after at least one, week, except in cases which the House deems as urgent, and to which the government agrees.



**Article 76:** The prime minister, his deputies, the ministers, and their deputies are given the floor whenever they ask to clarify any points in the discussions of the House of Representatives. They may also bring along any senior officials to assist in the discussions. However, such officials 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 77:** The meetings of the House of Representatives have a quorum only if attended by a majority of its members. Its decisions are adopted by an absolute majority basis, unless the issue being discussed requires a specific majority. Voting on bills is done on an item by item basis. Any bill on which the votes are equally split is considered defeated.

**Article 78:** The Presidential Council may not dissolve the House of Representatives except under dire circumstances and only after holding a national referendum on the reasons for the dissolution. The decision to dissolve the House of Representatives must simultaneously call voters to elect a new House of Representatives within sixty days of the referendum date. If the Presidential Council's decision to dissolve the House of Representatives does not call for elections, or if such elections are not carried out within sixty days, the Presidential Council's decision is considered null and void, and the dissolved House of Representatives shall resume its responsibilities by the force of the constitution. If elections are held, the new House of Representatives must hold its first session within ten days of the declaration of the election results. The government must resign, before such elections are held, and a provisional government will take its place until the first meeting of the new House of Representatives. Once the House of Representatives is dissolved, the new House of Representatives may not be dissolved for the same reason. In all cases, the House of Representatives may not be dissolved in its first legislative period.

**Article 79:** The Presidential Council has the right to request a review of any laws approved by the House of Representatives. In such a case, the Presidential Council shall return the laws referred to it within thirty days to the House of Representatives by a resolution giving justifications for the required reviewing. If the law is not returned to the House within thirty days or if it is once again approved by a majority vote in the House of Representatives, it becomes a law and shall be issued as such.

**Article 80:** All laws are published in the official gazette, and are announced within two weeks of issuance, and shall come into force within 30 days of their publication. These periods may be shortened or extended by specific provision in the law.

**Article 81:** Laws shall apply only to cases occurring after their enactment. No laws may be applied in retroactive, manner. However in matters other than taxes and penal measures, specific stipulations in the law may determine otherwise, in which case a two thirds majority is needed in the Council of Deputies.

## **SECTION II: THE PRESIDENTIAL COUNCIL**

**Article 82:** The Republic's Presidency shall be exercised by a Presidential Council composed of five members elected by the House of Representatives.

**Article 83:** Twenty five percent of the members of the House of Representatives is required to nominate a member to the Presidential Council, and a nominee becomes Presidential Council member if voted for by two-thirds of the House in the first ballot. If unsuccessful in the first round, the nominee becomes member if voted for by an absolute majority of the House of Representatives, in subsequent rounds. The votes are by secret ballot, and the House of Representatives determines the procedures and other details for nominations and elections by issuing regulations for this purpose.

**Article 84:** The newly elected Presidential Council, elects its chairman from among its members for the full constitutional tenure.

**Article 85:** To qualify for membership in the Presidential Council, the following conditions are required of the member

- A. To be at least 35 years old.
- B. To be born of Yemeni parents.
- C. To enjoy full political and civil rights.
- D. Not to be married to a foreign spouse.

**Article 86:** The chairman and members of the Presidential Council must take the constitutional oath in front of the House of Representatives before they can assume their duties.

**Article 87:** The term of the Presidential Council is five years from the date of the constitutional oath.

**Article 88:** If the term of the House of Representatives expires in the same month as the expiry date of the Presidential Council, then the Presidential Council's term is prolonged until parliamentary elections are held. Within 60 days of the first meeting of the new House of Representatives, the new Presidential Council shall be elected.

**Article 89:** Within 90 days prior to the expiry of the term of the Presidential Council, procedures must be initiated to elect the new council. 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 Council continues its functions for a maximum of ninety days based on a will of authorisation from the House of Representatives. This period cannot be exceeded except in the event of war or a natural disaster, or any other situation under which holding the elections becomes impossible

**Article 90:** The chairman and members of the Presidential Council submit their resignation (with the justifications) to the House of Representatives which accepts it by an absolute majority vote. If the resignation is not accepted, the Presidential Council may re-submit another resignation within three months, and this time the House of Representatives has to accept it.

**Article 91:** If the posts of chairman and members of the Presidential Council become vacant, the Chairmanship Board of the House of Representatives takes over their duties. In case the House of Representatives is dissolved, then the government temporarily takes over. A new Presidential Council shall be elected within 60 days of the first meeting of the new House of Representatives.

**Article 92:** The law determines the salaries of the chairman and members of the Presidential Council, and they are not entitled to any other emolument or remuneration.

**Article 93:** The chairman and members of the Presidential Council may not, directly or indirectly, engage in any private business of any kind whether commercial, financial, or industrial. They are not allowed to buy or rent government property, not even through an open auction and they are not allowed to lease, sell, or barter any of their property to the state.

**Article 94:** The functions of the Presidential Council include:

1. To represent the Republic internally and externally.
2. To call the voters at the specified to elect the House of Representatives.
3. To call for national referendums.
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 with the government, and to oversee its implementation as stipulated in the constitution.
6. To call the cabinet to a joint meeting with the Presidential Council, as the need arises.
7. To name the members of the National Defence Council according to the law.
8. To promulgate the laws passed by the House of Representatives and the Presidential Council, and to issue the regulations for their implementations.
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, decorations stipulated by law, or to permit wearing badges, honours awarded by other states.
12. To issue decrees endorsing agreements and pacts approved by the House of Representatives.
13. To ratify agreements that don't require the approval of the House of Representatives if approved by the Cabinet.
14. To establish diplomatic delegations abroad and to appoint/recall ambassadors according to the law.
15. To accredit diplomatic representatives of foreign countries and organisations in Yemen.
16. To grant political asylum.
17. To proclaim the state of emergency and general mobilisation according to the law.
18. Any other functions stipulated in the constitution.

**Article 95:** If while the House of Representatives is in recess or it were dissolved, urgent decisions are required, then the Presidential Council can issue decrees which have the force of law, provided such decrees do not contradict the constitution or the budgetary estimates, Such decisions 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 the appropriate decisions thereof. If the House of Representatives rejects the decisions, they become null and void henceforth and the House of Representatives determines how the consequences are to be cleared.

**Article 96:** The Presidential Council at the proposal by the relevant minister and after the approval of the Council of Ministers, shall issue resolutions and regulations to implement laws and to regulate, and organise the general administration and departments. These regulations may not obstruct any laws and may not have the effect of exempting any one from abiding by them. The Presidential Council may authorise others to issue such regulations. The law may designate who issues such regulations.

**Article 97:** The Presidential Council declares the 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. If the House is not called to session, or the declaration 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 declared only in circumstances of war, internal sedition, or natural disasters. Its duration must be specified, and may not be extended, except with the approval of the House of Representatives.

**Article 98:** The Chairman of the Presidential Council shall manage the affairs of the Council, and sign its decisions.

**Article 99:** The Chairman of the Presidential Council shall represent the Republic in its foreign relations.

**Article 100:** The Chairman of the Presidential Council has the right to demand reports from the Prime Minister concerning the implementation of the duties of the House of Representatives.

**Article 101:** The Chairman and members of the Presidential Council 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 members of the House of Representatives. The indictment decision on this matter requires a two thirds vote of the House of Representatives and the law stipulates the procedures of the trial. If the charge covers all members of the Presidential Council, then the Chairmanship Board of the House of Representatives assumes the duties of the Presidential Council temporarily and until the passing of the court's verdict on the charges brought against the Presidential Council. 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 convicts any member of the Presidential Council guilty, then he is relieved of his post, and is subject to all other penalties. In all cases, there shall be no statute of limitation for the crimes stipulated in this article.

### **SECTION III: THE CABINET**

**Article 102:** 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 organisations, agencies, corporations, without exception, are under the directives of the Council of Ministers.

**Article 103:** The Government is composed of the Prime Minister, his deputies, and the ministers, who together form the Council of Ministers. The law defines the duties and organisation of the Council of Ministers, the responsibilities of the Prime Minister, his deputies, and those of the ministers, and their ministries.

**Article 104:** In consultation with the Presidential Council, 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 for this purpose.

**Article 105:** The Prime Minister and the ministers are collectively responsible for the actions of the government in front of the Presidential Council and the House of Representatives.

**Article 106:** Before the Prime Minister and the ministers can assume their responsibilities, they shall take the constitutional oath in front of the Chairman of the Presidential Council.

**Article 107:** The law stipulates the salaries of the Prime Minister, his deputies, the ministers and their deputies.

**Article 108:** During, their term in office, the Prime Minister and the 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 between the posts of minister and the membership in 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 109:** The Council of Ministers is responsible for the execution of the overall state policies in the political, economic, social, cultural and defence fields, according to the laws and regulations. In particular, it shall exercise the following:

- a) In conjunction with the Presidential Council,, to participate in preparing the broad outlines of internal and external policies.
- b) To prepare drafts of the national economic plan, and the annual budget, and to organise and execute them, and to prepare the government's final statement of accounts.
- c) To prepare the drafts of the laws and regulations for presentation to the House of Representatives or the Presidential Council according to the responsibilities of each.
- d) To approve agreements and pacts before presenting them to the House of Representatives or the Presidential Council 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, co-ordinate and review the activities of the ministries, the administrative apparatus, the corporations and boards, and the public and mixed sectors according to the law.
- g) To appoint/dismiss senior government officials according to the law, and to define and execute the policies that aim to develop the technical manpower in the government organisations, and to train/qualify personnel according to the need of the country within the framework of the economic plan.
- h) To follow up the execution of laws, and to guard the state funds.
- i) To supervise, organise, and administer the monetary, credit and insurance systems.
- j) To contract in/out loans within the overall policies of the state, and within the limits of the constitution.

**Article 110:** 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 the cabinet's decisions and the overall state policies in a unified and co-ordinated 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 to such demands.

**Article 111:** The Presidential Council may suspend the Prime Minister, any of his deputies, or the ministers and place them under investigation because of the crimes/offences committed by them in discharging their duties or as a consequence thereof. The House of Representatives, based on a two thirds vote, may recommend to the Presidential Council to take such measures against the Council of Ministers. Any official under investigation or whose term of office is terminated may also be taken to court for the crime and offences committed while in office. The law stipulates the trial procedures, guarantees, and punishments in such cases. These measures also apply to the deputy ministers.

**Article 112:** If the Council of Ministers resigns, or is dismissed, or the confidence is withdrawn from it, it remains as a caretaker government responsible for day to day ordinary administration until a new government is formed. A caretaker government may not appoint or dismiss officials.

**Article 113:** If the Prime Minister finds that it has become impossible for him to co-operate with a member of the Council of Ministers, he may present the matter to the Presidential Council to decide the appropriate action.

**Article 114:** If the Prime Minister becomes unable to perform his duties, or if the House of Representatives withdraws confidence from the government, then the Prime Minister has to tender his cabinet's resignation to the Chairman of the Presidential Council.

**Article 115:** If the majority of the members of the Council of Ministers submit their resignations, then the Prime Minister has to tender the resignation of the whole government.

**Article 116:** 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.

#### **SECTION IV: APPARATUS OF LOCAL AUTHORITY**

**Article 117:** The territory of the Republic of Yemen is divided into administrative units, each of which is a legal entity. The law determines the number of such units, their divisions and borders, and determines the responsibilities and duties of the heads of the administrative units and the heads of the departments therein. Such units and local councils are part and parcel of the state authority. The governors are responsible and accountable towards the Council of Ministers whose decisions are binding to them in all cases.

**Article 118:** Administrative units shall have elected local councils. The law stipulates the duties, authorities, power and rights of the local councils. The law further stipulates the procedures for electing local councils, their functional systems and financial resources, and their roles in preparing and executing the development plans.

**Article 119:** The law defines the methods of control over the actions of the local councils.

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## **Part Four: The Judiciary and Public Prosecution**

**Article 120:** The Judiciary is an autonomous authority performing its duties, and the judges are independent and not subject to any authority, except the law. No party may interfere in law suits or processes of justice in any way, and such interference is a crime punishable by law and is not subject to statute of limitations.

**Article 121:** The judiciary is an integrated whole system. The law organises this system in terms of ranks, responsibilities, the conditions and procedures for appointing, transferring, and promoting judges, and their other privileges, and guarantees. Exceptional courts may not be established under any conditions.

**Article 122:** Members of the judiciary and public prosecution office may 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, and as a disciplinary measure. The law defines the disciplinary trial of the judiciary, and it organises the lawyers' profession.



**Article 123:** The law shall set up the Supreme Judicial Council which shall implement the guarantees accorded to the judges in their promotion and dismissal according to the law.. The law shall specify the jurisdiction of the Supreme Judicial Council.

**Article 124:** A Supreme Court shall be established. The law defines its formation, procedures, jurisdiction, and duties which include the following:

- a) The control over the constitutionality of the laws, ordinances, regulations and decrees.
- b) To decide on cases of conflict over jurisdiction between judicial bodies.
- c) To decide on cases of contested election results.
- d) To decide on appeals and contestations made against final and definitive judgement or ruling dealing with civilian, criminal, and
- e) To decide on the appeals/contestations on the final statutes of final disputes and disciplinary suits.

**Article 125:** Court sessions 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 Five: The Republican Emblem, Flag and National Anthem**

**Article 126:** The law stipulates the republic's insignia, emblems, badges, and national anthem.

**Article 127:** The national flag is composed of three colours. These are, starting from the top: red white black

**Article 128:** The city of Sana'a is the capital of the Republic of Yemen.

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## **Part Six: Basis for Amending the Constitution and General Provisions**

**Article 129:** The Presidential Council and the House of Representatives have the right to request amendments to an article or more in the constitution. The request should specify the articles which are to be amend, and the reasons for such an amendment. If the request is from the House of Representatives, it shall be signed at least by one third of the members. In all cases, the House of Representatives discusses and decides, by a simple majority, the principle of amending the constitution. If the House decides against the principle of the amendment, another request for the same amendment may not be submitted except after the lapse of one year thereof. If the House decides in favour of the principle of the amendment, it shall discuss articles to be amended, after two months. If three quarters of the House of Representatives' members approve the amended version, it takes effect thereof.



**Article 130:** All decisions and laws in either of the two parts of Yemen that were in effect (before the unification) will continue to enjoy the power of law until they are amended according to the procedures and conditions stipulated in this constitution.

**Article 131:** The text of the constitutional oath to be sworn by the Chairman and members of the Presidential Council, members of the House of Representatives, the Prime Minister and the Cabinet members is as follows: "I swear by the Almighty God to faithfully protect the republican system, to respect the constitution and the law, to safeguard the interests and freedom of the people fully, and to preserve the unity and independence of the nation, and the safety of its lands."

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### **Annexe One: Presidential Council Communiqué**

On 22 April, 1991, the Presidential Council met to discuss the on-going debates on the constitution. At the end of the meeting, it issued the following statement in the hope of clarifying any points that have been the source of confusion.

The Presidential Council has been closely following the controversy over the constitution. In this regard, the Council re-affirms its commitment to the basic tenets of the revolution and the democratic values. The following points are to clarify any misunderstanding:

1. The Constitution of the Republic of Yemen is in full force period based on the ratification of the People's Council (former South Yemen) and the Consultative Council (former North Yemen), and based on the Unity Declaration and as necessitated by the supreme interests of Yemen.
2. The Islamic Sharia (legislature) is the base and source of all legislation in the Republic of Yemen. Therefore:
  - a) No legislation may be enacted that contradicts the Qur'an and the Sunna (Prophet's Teachings).
  - b) Any legislation that is in contradiction with the Sharia is rendered null and void.
  - c) The approval of the constitution (by the people in a referendum) means that any laws that had been enacted in the formerly North and South Yemen may not be enforced if they contradict the constitution and its spirit, or if they constrain the freedom and rights of the people as stipulated in the constitution.
3. The Republican system is the base of our (political) life and operates through a pluralist/multi-party system of government.
4. Citizens shall have the right to express their feelings about any item/article in the constitution. To do so, while voting on the constitution, the voters will be handed a form in which they can put down their comments. The comments shall be presented to the elected Parliament for studying and making amendments thereof.

*[Yemen Times translation with amendments by al-bab]*