

# Constitution of the Republic of Yemen

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## **Part I: The Foundations of the State**

### **Chapter I: The Political Foundations**

#### **Article 1**

The Yemen Republic is an independent, sovereign, unitary, and indivisible state whose territorial integrity is inviolable. The Yemeni People is a 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 jurisprudence is the main source of legislation.

#### **Article 4**

Power rests with the people who are the source of all powers. The people shall exercise its power directly through referenda and general elections, and indirectly through legislative, executive, and judicial bodies and also through elected local councils.

#### **Article 5**

The state shall abide by the United Nations Charter, the Universal Declaration of Human Rights, the Charter of the League of Arab States and the generally accepted norms of international law.

### **Chapter II: Economic Foundations**

#### **Article 6**

The national economy shall be formed on the following principles:

- 1) Islamic social justice in both production and social relations;
- 2) The establishment of a modern public sector capable of possessing essential means of production;
- 3) Preservation of private property which shall not be touched except in the public interest and in return for a fair compensation in accordance with the law;
- 4) Directing all energies and relationships towards building a strong national economy, free from any dependence, and the achievement of total, comprehensive development capable of creating socialist relations inspired by the Arab Islamic heritage and the conditions and circumstances of the Yemeni society.

#### **Article 7**

Natural resources, with all their derivatives, and sources of energy on the state's territory or the subsoil thereof, in its territorial waters, its continental shelf and exclusive economic zone are owned by the state which shall exploit them in the public interest.

#### **Article 8**

The economic policy of the state shall be based on scientific planning, leading to the establishment of public corporations to exploit and invest in public and natural resources, develop and advance the capacities and opportunities of the public, private, and mixed sectors in all fields of economic and social development, within the framework of the general plan of the state, in the service of the public interest and the national economy.

**Article 9**

The state shall direct, develop, and enhance the effectiveness of foreign trade in the service of the national economy. The state shall also supervise internal trade with a view to protecting consumers and providing the citizens with essential commodities.

**Article 10**

The law shall regulate the state's official currency and its financial and banking systems. It shall also determine weights and measures.

**Article 11**

Taxes and public levies shall be organized in a manner that serves the public interest and guarantees social justice for the citizens.

**Article 12**

Creating, amending, and repealing public taxes shall be done only by law. Nobody shall be partially or totally exempted from the payment of taxes except in cases specified by the law. Nobody shall be ordered to pay any other taxes or public levies except by a law.

**Article 13**

The state shall encourage savings and co-operatives. It shall sponsor, support, and encourage the establishment of all types of co-operative ventures and activities.

**Article 14**

The law shall determine the basic rules for the collection and disbursement of public finances.

**Article 15**

The executive power may not contract or guarantee loans or commit to a project requiring expenditure from the state's treasury in a future year or years except with the approval of the House of Representatives.

**Article 16**

The law shall specify the salaries, pensions, allowances, subsidies, and remunerations paid from the state's treasury.\

**Article 17**

The contracting of concessions related to the exploitation of natural resources or public facilities shall be done through the enactment of a proper law. Such a law shall determine the conditions and modalities of disposing of real estate owned by the state, free of charge, and ceding any of the state's movable possessions. The law shall also regulate the granting of concessions to local units and the free disposal of their possessions.

**Chapter III: Social and Cultural Foundations****Article 18**

The state shall guarantee the freedom of scientific research and literary and cultural achievements that conform with the spirit and purpose of the constitution. It shall provide all means conducive to such achievements and give all the support needed for the advancement of

sciences and arts. It shall also encourage scientific and technical discoveries and creative arts and protect their results.

#### **Article 19**

The state shall guarantee, to all its citizens, equal political, economic, social, and cultural opportunities and, to that effect, shall enact all the required laws.

#### **Article 20**

Public service is a duty and an honor. Public officials, in the performance of their duties, shall aim at serving the public interest and the people. The law shall specify the conditions of public service and the rights and duties of public officials.

#### **Article 21**

Work is a right, an honor, and a necessary tool for the advancement of society. Every citizen has the right to seek and practice the job he chooses within the law. No citizen may be forced to do a job unless it is governed by a law, in the public interest and in return for a fair remuneration.

### **Chapter IV: Foundations of National Defense**

#### **Article 22**

Only the state shall establish Armed Forces and any other forces. The Armed Forces are owned by the people. Their function is to protect the Republic, its territorial integrity and its security. No organization or group may establish any military or para-military formations. The law shall specify conditions of service, promotion, and discipline in the armed forces.

#### **Article 23**

The law shall regulate general mobilization which shall be announced by the chairman of the Presidential Council following the approval of the House of Representatives.

#### **Article 24**

A National Defence Council shall be established. It shall be chaired by the chairman of the Presidential Council. The National Defense Council shall be entrusted with the mandate of looking into ways and means of safeguarding the Republic and its security. Its composition and other functions shall be determined by law.

#### **Article 25**

The police force is a regular civilian establishment whose function is to serve the people and guarantee their safety, security, and peace. The police force shall be entrusted with guaranteeing public order and security and public manners. The law shall regulate the work of the police force under the judicial power, and the manner this force shall implement the orders of the judicial power without prejudice to the proper conduct of justice. It shall also carry out all duties entrusted to it by laws and statutes, in the manner specified by the law.

## **Part II: Basic Rights and Duties of Citizens**

### **Article 26**

All citizens have the right to participate in the political, economic, sacral, and cultural life. To this end, the state shall guarantee the freedom of thought and the freedom to express opinion by word of mouth, in writing, or in picture, within the limits of the law.

### **Article 27**

All citizens are equal before the law. They are equal in public rights and duties. There shall be no discrimination between them based on sex, color, ethnic origin, language, occupation, social status, or religion.

### **Article 28**

The law shall regulate Yemeni nationality. No Yemeni may be deprived of this nationality. Those who acquire Yemeni nationality may not lose it except in accordance with the law.

### **Article 29**

No Yemeni citizen may be extradited to a foreign authority.

### **Article 30**

Political refugees may not be extradited.

### **Article 31**

Criminal liability is personal. Nobody shall be punished except in accordance with a law. No punishment may be imposed for offenses perpetuated prior to the enactment of the law under which these offenses are punishable. Every accused is innocent until proven guilty by a final judicial sentence.

### **Article 32**

#### **Article 32a**

The state shall guarantee, for its citizens, their personal freedom, dignity, and safety. The law shall specify cases of depriving a citizen of his freedom. No one may be deprived of his freedom except under a ruling by a competent court.

#### **Article 32b**

(1) Nobody may be arrested, searched, or detained unless caught in the act; or in implementation of an order necessitated by an investigation or by the maintenance of security; issued by a judge or a prosecutor in accordance with the provisions of the law.

(2) No person may be put under probation or be the subject of an inquiry except in accordance with the law. Any person whose freedom is restricted in any manner shall be treated with dignity. Physical and psychological torture are prohibited. No one may be forced to give a confession during an investigation. Anyone whose freedom is restricted has the right to remain silent and to speak only in the presence of an attorney. No one may be jailed or detained in places other than those governed by the law regulating prisons. Physical punishment and degrading treatment at the time of arrest or during jail or detention are prohibited.

**Article 32c**

Whoever is temporarily arrested for suspicion of committing a crime shall be arraigned within twenty-four hours. The judge shall inform him of the reasons for his arrest, question him, and give him the opportunity to plead his defense. The judge shall immediately issue a reasoned order for his release or continued detention. In all cases, detention should not exceed the period specified in that judicial order.

**Article 32d**

At the time of arrest, the accused may designate a person to be immediately notified of the arrest and of any court order extending his detention. Should the arrested person be unable to designate a specific person, his relatives or whoever it may concern, should be notified.

**Article 32e**

The law shall determine the proper punishment for whoever violates any provision of this article, in addition to the reparations he has to pay for any damage that might befall anyone as a result of this violation.

**Article 33**

No cruel or degrading means may be used in executing penalties and no laws permitting such means may be enacted.

**Article 34**

Every citizen has the right to resort to court to seek the protection of his legal rights and interests. Everyone has the right to submit complaints, criticisms, and proposals, directly or indirectly, to organs and bodies of the state.

**Article 35**

Domiciles, houses of worship, and educational institutions are inviolable and shall not be subjected to any control or search except in cases specified by the law.

**Article 36**

Freedom and confidentiality of mail, telephones, telegrams, and all means of communication shall be guaranteed. They may not be censored, searched, made public, delayed, or confiscated except in cases determined by the law and by a court order.

**Article 37**

All citizens have the right to education. This right shall be guaranteed by the state, through the establishment of different schools and educational and cultural institutions. The state shall particularly emphasize taking care of youth and protecting them from deviation, providing them with religious, mental, and physical education and creating the proper conditions for the development of their abilities in all fields.

**Article 38**

Every citizen may move about in any part of the Yemeni territory. This freedom of movement may not be restricted except in cases determined by the law in light of the requirements for

safety and security of citizens. Freedom to enter and leave the Republic shall be regulated by the law. No Yemeni may be forced to leave Yemeni territory or prevented from returning to it.

### **Article 39**

Citizens all over the Republic may, in a manner that does not contravene the provisions of this constitution, associate politically, professionally, and in trade unions. They have the right to establish scientific, cultural, social, and national organizations and unions in a manner that serves the purposes of this constitution. The state shall guarantee this right and provide all necessary means to enable its citizens to exercise it. It shall also guarantee all freedoms for political, cultural, scientific, social, and trade union organizations.

## **Part III: Organization of the Powers of the State**

### **Chapter I: The House of Representatives**

#### **Article 40**

The House of Representatives is the legislative power of the state. It shall enact the laws and decide the general policy of the state, in addition to adopting the general plan for economic and social development, the public budget, and its final statement. It also shall assume the function of controlling the actions of the executive power in the manner specified in this constitution.

#### **Article 41**

The House of Representatives shall consist of members to be elected by secret ballot and by free general and equal suffrage. The Republic shall be divided into electoral constituencies with equal number of inhabitants within an up or down range of 5%. Each constituency shall elect one member to the House of Representatives.

#### **Article 42**

Every citizen has the right to vote and to submit his candidacy to the House of Representatives:

A) A voter must:

- 1) Be a Yemeni national.
- 2) Be not less than eighteen years of age.

B) A candidate for the House of Representatives shall fulfill the following requirements:

- 1) Be a Yemeni citizen.
- 2) Be not less than twenty-five years of age.
- 3) Be literate.
- 4) Be of good moral character.

#### **Article 43**

The House of Representatives shall be elected for a term of four calendar years beginning from its first session. The Speaker of the House shall convoke voters for the election of a new House at least sixty days before the expiry of the House's term. Should this prove impossible for compelling reasons, the House shall remain in place and shall continue to exercise its constitutional powers until these reasons are over and a new House is elected.

**Article 44**

Sanaa, the capital, shall be the seat of the House of Representatives whose rules of procedure specify the cases and conditions under which the House of Representatives may hold its meetings outside the capital.

**Article 45**

The House of Representatives shall adopt its rules of procedure which should regulate the work of the House and its committees and the manner in which it shall carry out its constitutional powers. These rules of procedure may not contain provisions which run counter to the constitution or imply the amendment thereof. The issuance and amendment of these rules shall be effected by a law.

**Article 46**

The House of Representatives shall have the exclusive competence of deciding on the validity of the membership of its members. The rules of procedure of the House shall regulate the procedures for challenging the validity of membership and the body to be entrusted with investigating such challenges and the manner of conducting such investigations, whose results should be submitted to the representatives sixty days after the day of filing the challenge to the House. Membership of the House shall be invalidated only by a decision adopted by the House with the consent of two thirds of its members.

**Article 47**

The House of Representatives shall have the exclusive right to keep order and security inside its premises. It shall do that through a special police force that is subordinate to the House. No other armed force may enter the House or stay close to its doors except at the request of its speaker.

**Article 48**

The House of Representatives shall approve and ratify all general international political and economic treaties and agreements of all sorts and labels, specially those related to defense, alliances, peace, change of border, or those with financial implications for the state or whose implementation requires the enactment of a law.

**Article 49**

The final statement of the state budget shall be submitted to the House of Representatives within a period of nine months after the end of the fiscal year. This final accounting statement shall be voted on chapter by chapter. Ratification by the House of Representatives of the final statement shall be by a law. The annual report of the Accounting Control Board and its observations shall be submitted to the House of Representatives which may ask for any additional information or reports.

**Article 50**

The budget proposal shall be submitted to the House of Representatives at least two months before the start of the fiscal year. The House shall vote on the budget proposal chapter by chapter and adopt it by a law. The House may not amend the budget proposal except with the consent of the Government. No part of the revenues may be appropriated except by a law. Should the House of Representatives fail to adopt the new budget before the commencement of the fiscal year, the



current budget would continue in effect until the new one is adopted. Budgeting, the fiscal year, and the content of each budget chapter shall be determined by a law.

#### **Article 51**

The House of Representatives shall approve the transfer of any amount of money from one section of the public budget to another and any expenditure not included therein or exceeding its revenues shall be authorized by a law.

#### **Article 52**

The law shall determine the rules governing the budgets of public corporations and institutions, the autonomous and supplementary budgets, and their final statements. These shall also be subject to the rules governing the public budget and its final statement.

#### **Article 53**

The House of Representatives shall hold its first meeting within two weeks at most of announcing the results of the elections, at the convocation of the chairman of the Presidential Council. If the House is not convoked, it shall meet on its own on the morning of the first day after the elapse of the two said weeks.

#### **Article 54**

The House of Representatives shall elect from among its members in its first meeting a speaker and three other officers who together constitute the Bureau of the House. This meeting shall be chaired by the eldest member of the House. The rules of procedure shall include the procedures for the election of members of the Bureau and their other functions.

#### **Article 55**

To be valid, the meetings of the House of Representatives should be attended by more than half its members, not counting those members whose seats have been declared vacant. The House of Representatives shall take its decisions by the absolute majority of members present except in cases where the constitution and the rules of procedure call for a special majority. In case of a tie, the issue under consideration would be considered as rejected for the current legislative period. However, it shall have priority for consideration of the House should it be submitted to another legislative period.

#### **Article 56**

Meetings of the House of Representatives shall be public. However, it may hold private closed meetings at the request of its speaker, bureau, the government, or at least twenty of its members. The House may then decide whether the debate on the issue with which it is seized would take place in public or private meetings.

#### **Article 57**

The House of Representatives shall meet on the day fixed for its meeting in accordance with its rules of procedure. The legislative period of the House may not be adjourned before the approval of the state's public budget.

**Article 58**

A member of the House of Representatives shall represent all the people and work for the public interest. His functions as a representative may not be restricted in any way or form.

**Article 59**

Members of the House of Representatives shall, before assuming membership, each take the constitutional oath before the House in a public meeting.

**Article 60**

The law shall fix a fair remuneration for the speaker, members of the Bureau, and all members of the House of Representatives. If the Prime Minister, his deputies, and ministers are members of the House of Representatives, they shall not be entitled to this remuneration.

**Article 61**

Should a seat in the House of Representatives become vacant, at least one year before the end of the House's term, a new member shall be elected to fill it within sixty days of announcing the decision of the House of Representatives on the vacancy. The membership of the new representative shall end with the end of the term of the House of Representatives.

**Article 62**

Members of the House of Representatives may not interfere with the work of the executive and judicial powers.

**Article 63**

Members of the House of Representatives are not liable for issues they raise in the House, or the opinions and judgments they express in the House or in its committees. Also, they shall not be liable for positions they take when voting in public or private meeting. However, this does not apply to any defamation or slander committed by members.

**Article 64**

Members of the House of Representatives may not be investigated, searched, arrested, jailed, or subjected to any other penalty except with the authorization of the House. However, this does not apply if a member of the House is caught in *flagrante delicto*. In this case, the House should be immediately notified and it shall verify the validity of the measures taken. If the House is not in session, an authorization must be sought from the House's Bureau and the House shall be informed of the action taken in its next meeting.

**Article 65**

Members shall address their resignations to the House which has the exclusive competence to accept the resignations of its members.

**Article 66**

No member may be deprived of his membership unless he loses one of the constitutional requirements for membership.

**Article 67**

Members of the House, the Government, trade unions and mass organizations through their representatives in the House, may submit bills and propose amendments thereof. A bill submitted by a member shall be referred to a special committee to consider and submit recommendations on the advisability of considering it by the House. Should the House decide to look into it, it shall refer it to its competent committee. Any bill submitted by anyone other than the Government that is rejected by the House may not be resubmitted at the same legislative period.

**Article 68**

The House of Representatives has the right to issue directives to the Government in relation to public matters. Should the Government find it impossible to implement these directives, it shall explain the situation to the House.

**Article 69**

At least twenty percent of the House's members may propose a general subject for debate in the House and request the Government to explain its policy on it.

**Article 70**

The House of Representatives may, at a request signed by at least ten members, form a special committee, or entrust one of its standing committees with investigating any matter that runs counter to the public interest, examining the activities of one of the ministries, public corporations, or bodies, units of the public sector or the mixed sector or local councils. The committee, in order to do its job, may collect evidence and hear whoever it deems necessary to hear. All executive and private bodies shall respond to all the committee's requests and provide it, for the purpose of its investigation, with all the data and documents in their Possession.

**Article 71**

The House of Representatives shall adopt the general plan for economic and social development by a law. The law shall determine how these plans are prepared and submitted to the House.

**Article 72**

The Prime Minister shall, within at least twenty-five days of the formation of his government, present to the House of Representatives his government's program in order to obtain the confidence of the majority of the House's members. If the House is not in regular session, it shall be convoked for a special session. Members of the House and the House as a whole may comment on the Government's statement. Should the Government fail to obtain the required majority, this would mean that the House had withheld its confidence.

**Article 73**

The Council of Ministers shall be responsible, collectively and individually, before the House of Representatives. Every member of the House has the right to address to the Prime Minister, any of his deputies, any minister, and any of his deputies questions related to their field of competence. Whoever receives any question shall answer it. A question may not be transferred into an interpellation during the same meeting.

**Article 74**

The House of Representatives has the right to withdraw confidence from the Government. Withdrawal of confidence may be requested only after interpellating the Prime Minister or his representative. A request for withdrawing confidence has to be signed by a third of the members of the House and the House may not decide on this request before the elapsing of at least seven days after its submission.

Withdrawal of confidence in the Government has to be decided by the majority of members of the House.

**Article 75**

Every member of the House of Representatives has the right to interpellate the Prime Minister, his deputies, and ministers in relation to their mandates. Discussion of an interpellation shall take place at least seven days after its submission, except in cases which the House deems urgent and with the consent of the Government.

**Article 76**

The Prime Minister, his deputies, and the ministers and their deputies shall be allowed to speak in the House of Representatives whenever they ask. They may be assisted by other high officials. They shall not participate in voting unless they are members of the House of Representatives. The House of Representatives may request the Government or any of its ministers to attend any of its meeting; this request shall be acceded to.

**Article 77**

Sessions of the House of Representatives shall not be valid unless the majority of its members are present. The House shall take its decisions by the absolute majority of members present, except in cases that require special majorities. Voting on bills shall be conducted article by article. In the case of a tie, the matter under discussion shall be considered rejected.

**Article 78**

The Presidential Council may not dissolve the House of Representatives unless it becomes necessary and after holding a popular referendum on the reasons for dissolution. The decision dissolving the House of Representatives shall include the convocation of voters and the holding of new elections for the House of Representatives within a period of time that does not exceed sixty days after the announcement of the results of the referendum. If the dissolution decree did not include the above mentioned convocation or if the elections were not held, the dissolution decision would be null and void and the House, in this case, shall continue to hold its sessions by the force of the constitution. If elections were held, the new House shall meet within ten days after completion of the elections. If the house was not convoked, it shall meet, in accordance with the constitution, at the end of the above-mentioned ten days. Before holding the elections, the Government shall resign and be replaced by a provisional government until the House meets. If the House was dissolved, the newly elected House may not be dissolved for the same reason. In all cases, the House may not be dissolved during its first legislative period.

**Article 79**

The Presidential Council has the right to request a review of any bill approved by the House of Representatives. In such a case, the Council shall return the bill to the House within thirty days

after the date it was referred to. The Presidential Council shall do that through a resolution explaining the reasons for the request. If the Presidential Council did not return the bill to the House or returned it and it was approved again by a majority of its member, the bill shall become a law and be issued as such.

#### **Article 80**

Laws shall be published in the official journal and announced within two weeks of their issuance and shall enter into force thirty days after their publication. However, this time limit may be extended through a specific provision in the law itself.

#### **Article 81**

Laws shall apply only to what takes place after their entry into force. Laws shall not be retroactive. However, in matters other than taxes and penal questions, laws may provide otherwise, with the consent of two thirds of the members of the House.

### **Chapter II: The Presidential Council**

#### **Article 82**

The presidency of the Yemeni Republic shall be exercised by a Presidential Council consisting of five members to be elected by the House of Representatives.

#### **Article 83**

Candidates for the Presidential Council shall be nominated by a quarter of the members of the House of Representatives. A candidate shall be elected to the membership of the Presidential Council upon receipt of the votes of two thirds of the members of the House in the first ballot. Should a candidate fail to receive the two thirds majority in the first ballot, he shall subsequently be elected if he receives the absolute majority of the votes of the members of the House. The election shall be by secret ballot. Other aspects of nomination and election shall be specified in the rules of procedure of the House of Representatives.

#### **Article 84**

The Presidential Council shall, following its election, elect its chairman from among its members for a term of office corresponding to the constitutional term of office of the Council.

#### **Article 85**

A member of the Presidential Council must fulfill the following requirements:

- A) He must have attained at least thirty-five years of age.
- B) He must have been born to two Yemeni parents.
- C) He must be enjoying his full political and civil rights.
- D) He should not be married to a foreigner.

#### **Article 86**

The chairman and members of the Presidential Council shall take the constitutional oath of office before the House of Representatives before taking over their duties.

**Article 87**

The term of office of the Presidential Council shall be five calendar years starting at the time they take the oath of office.

**Article 88**

Should the tenure of the House of Representatives end in the same month as that of the Presidential Council, the Presidential Council shall continue to exercise its powers until elections are held and a new House of Representatives begins its tenure. The new Presidential Council shall be elected within sixty days after the first session of the new House of Representatives.

**Article 89**

Procedures for the election of a new Presidential Council shall begin ninety days before the end of the term of the incumbent council. The election of a new Presidential Council shall take place at least one week before the end of its term of office. Should the term of office of the Presidential Council end before the election of the new Council, for whatever reason, the incumbent council shall continue its functions at the request of the House of Representatives for a period not exceeding ninety days. This period may not be extended except in cases of war or natural disasters or if holding the elections for the council prove impossible for any other reason.

**Article 90**

The chairman and members of the Presidential Council may submit their justified resignations to the House of Representatives. Acceptance of these resignations shall be by the absolute majority of the members of the House of Representatives. Should the resignation be rejected, the chairman and any member of the Presidential Council may re-submit his resignation within three months and the House of Representatives shall accept it.

**Article 91**

(1) If the seats of the chairman and the members of the Presidential Council become vacant, the Bureau of the House of Representatives shall temporarily perform the functions of the Presidential Council. If the House of Representatives were dissolved, the Government shall replace the Bureau of the House in provisionally performing the functions of the Presidential Council.

(2) The new Presidential Council shall be elected within a period that does not exceed sixty days after the first session of the new House of Representatives.

**Article 92**

The law shall fix the salaries and remuneration of the chairman and members of the Presidential Council. No one of them may receive any other salaries or remuneration.

**Article 93**

The chairman and members of the Presidential Council may not, during their term of office, practice, even indirectly, any independent profession or any commercial, financial, or industrial occupation. No one of them may buy or rent any of the state's possessions even in a public auction. Also, no one of them may rent, barter, or sell any of his possessions to the state.

#### **Article 94**

The Presidential Council shall exercise the following powers:

- 1) It shall represent the Republic inside and outside the state.
- 2) It shall convoke voters, at the fixed time, to participate in electing the House of Representative.
- 3) It shall call for general referenda.
- 4) It shall designate someone to form the Government and issue the presidential decree nominating its members.
- 5) It shall, together with the Government, form the general policy of the state and shall oversee its implementation in the manner determined by the constitution.
- 6) It shall convene a joint meeting of the Council of Ministers and the Presidential Council whenever necessary.
- 7) It shall nominate members of the National Defense Council, in accordance with the law.
- 8) It shall issue the laws approved by the House of Representatives and the Presidential Council and take the decisions necessary for executing them.
- 9) It shall appoint and remove the state's high civilian and military officials in accordance with the law.
- 10) It shall create military ranks in accordance with the law.
- 11) It shall grant the medals and decorations provided for in the law and shall grant permission to hold those medals and decorations granted by other states.
- 12) It shall adopt decisions of ratification of treaties and agreements approved by the House of Representatives.
- 13) It shall ratify, after the approval of the Council of Ministers, those agreements that require no approval by the House of Representatives.
- 14) It shall establish diplomatic missions and appoint and recall ambassadors in accordance with the law.
- 15) It shall accredit representatives of foreign states and foreign organizations.
- 16) It shall grant the right of political asylum.
- 17) It shall declare states of emergency and general mobilization in accordance with the law.
- 18) It shall exercise any other powers conferred by laws and the Constitution.

#### **Article 95**

Should anything happen during the recess of the House of Representatives, or at a time when the House is dissolved, that requires urgent action that cannot be delayed, the Presidential Council may take decisions that shall have the force of law so long as they are not inconsistent with the constitution or the estimates contained in the budget law. Such decisions shall be submitted to the next session of the House of Representative. If these decisions were not submitted to the House of Representatives, the House may debate the issue and take the appropriate action.

However, if they were presented to the House and rejected, their lawful force shall be nullified as of the date of their rejection by the House. Their consequences shall be handled by the House in the manner it approves.

#### **Article 96**

The Presidential Council shall, at the request of the competent minister and after the approval of the Council of Ministers, take decisions and adopt regulations necessary for the execution of laws and the organization of public services and organs. These decisions and regulations may not

have the influence of obstructing the provisions of the law or exempting anyone from abiding by them. The Presidential Council may authorize others to issue such decisions and regulations. The law may designate those who may issue decisions and regulations required for its implementation.

#### **Article 97**

The Presidential Council shall declare a state of emergency by a presidential decree in the manner stipulated by the law. The House of Representatives shall be convoked to consider such a declaration of a state of emergency within seven days after its declaration. If the House of Representatives had been dissolved, the old House shall convene by the force of the Constitution. If the House of Representatives was not convoked and did not consider the declaration of the state of emergency as specified above, the state of emergency shall cease to exist. In all cases, a state of emergency may not be declared except in case of war, internal sedition, or natural disaster. A state of emergency shall be declared only for a limited period and may not be extended except with the approval of the House of Representative.

#### **Article 98**

The chairman of the Presidential Council shall conduct the affair of the Council and sign its decisions.

#### **Article 99**

The chairman of the Presidential Council shall represent the Republic in its external relations.

#### **Article 100**

The chairman of the Presidential Council has the right to request reports from the Prime Minister on the implementation of the functions of the Council of Ministers.

#### **Article 101**

(1) The chairman of the Presidential Council and members of the Council may be charged with treason or violation of the Constitution or any act on that prejudice to the state's independence and sovereignty only at the request of half the members of the House of Representatives. The decision indicting them shall be adopted with the approval of two thirds of the members of the House of Representatives. The law shall regulate the manner in which they are tried.

(2) If all members of the Presidential Council were indicted, the Bureau of the House of Representatives shall temporarily assume the powers of the Presidential Council, until the passing of the court's verdict. The above-mentioned law shall be enacted during the first regular legislative period of the first House of Representatives to be elected following the entry into force of this Constitution. Should any member of the Presidential Council be convicted, he shall be relieved of his post by the force of the Constitution without prejudice to any other any other penalties. In all cases there shall be no statute of limitations for the crimes mentioned in this article.

### **Chapter III: The Council of Ministers**

#### **Article 102**

The Council of Ministers is the Government of the Yemeni Republic. It is the supreme executive and administrative authority of the state. All executive organs and services without exception shall be subordinate to the Council of Ministers.



**Article 103**

The Government shall consist of the Prime Minister and his deputies and the Ministers, all of whom shall constitute the Council of Ministers. The law shall determine the organization and powers of the Council of Ministers, the powers of the Prime Minister, his deputies, and the ministers, and the functions and organization of various ministries.

**Article 104**

The Prime Minister shall select the members of his government in consultation with the Presidential Council and shall request to receive confidence in his government based on a program he shall submit to the House of Representatives.

**Article 105**

The Prime Minister and ministers are collectively responsible before the Presidential Council and the House of Representatives for the work of the Government.

**Article 106**

Before assuming their powers, the Prime Minister and the members of the Council of Ministers shall take the Constitutional Oath before the chairman of the Presidential Council.

**Article 107**

The law shall fix the salaries of the Prime Minister and his deputies as well as the ministers and their deputies.

**Article 108**

The Prime Minister and the ministers may not, while in office, assume any other public post or practice, even indirectly, any independent profession, or any commercial, financial or industrial job. They may not contribute to any commitments contracted by the Government or public corporations. They also may not, at one and the same time, hold their jobs as ministers and be members of the boards of any company. While in office, they may not buy or rent or barter any of the state's possessions even at public auctions. They may not rent or barter or sell any of their possessions to the state.

**Article 109**

The Council of Ministers shall execute the general policy of the state in the political, economic, social, cultural, and defense fields in accordance with laws and decrees. In particular, it shall exercise the following powers:

- A) It shall participate with the Presidential Council in preparing the guidelines for internal and external policy.
- B) It shall prepare the state's proposed economic plan and its annual budget and supervise their implementation and prepare the state's final statement.
- C) It shall prepare bills and draft decisions and submit them to the House of Representative or the Presidential Council, each according to its competence.
- D) It shall approve treaties and agreements before submitting them either to the House of Representatives or the Presidential Council according to the competence of each.

- E) It shall take the necessary measures to maintain the state's internal and external security and to protect the rights of citizens.
- F) It shall direct, coordinate, and review the work of ministries, administrative organs, and public institutions, the public and mixed sectors according to the law.
- G) It shall appoint and remove leading officials in accordance with the law, in addition to formulating and executing a policy aimed at the development of technical cadres in the state's organs and develop human resources in the light of the needs of the country, within the framework of the economic plan.
- H) It shall follow up the implementation of laws and the protection of the state's possessions.
- I) It shall supervise the regulation and administration of money, credit, and insurance.
- J) It shall contract loans from and to other parties, within the limit of the state's provisions of the Constitution.

### **Article 110**

The Prime Minister shall conduct the work of the Council of Ministers, chair its meetings, and represent it in all matters related to the execution of the state's general policy. He shall supervise the implementation of the decisions of the Council of Ministers and the general policy of the state in a unified and coordinated manner. He may request members of the Council to provide him with reports on any question related to the work of their ministries and the powers and functions they are entrusted with, and they shall submit their response to him.

### **Article 111**

The Presidential Council has the right to suspend the Prime Minister, his deputies, and the ministers and investigate their actions in relation to any crimes they may commit during their fulfillment of their official functions or due to it. The House of Representatives may submit to the Presidential Council recommendations calling for the suspension of the Prime Minister, his deputies, and ministers, and referring them to interrogation because of crimes committed during, or because of, their fulfillment of their functions. The House of Representatives shall adopt such a recommendation by the votes of two thirds of its members. Those investigated may not get their services terminated without starting legal proceedings against them or continuing in these proceedings. The trial and its procedures and guarantees shall be conducted in accordance with the provisions of the law which shall also determine the penalty. These rules shall also apply to deputy ministers.

### **Article 112**

If the Government resigns, loses the confidence of the House of Representatives or is dissolved, it shall be entrusted with running the day-to-day affairs of the country except for appointments and dismissals, until a new government is formed.

### **Article 113**

Should the Prime Minister decide that it has become impossible for him to cooperate with one of his cabinet ministers, he shall report the matter to the Presidential Council for action.

**Article 114**

If the Prime Minister becomes unable to shoulder his responsibilities or if the House of Representatives withdrew its confidence in the Government, the Prime Minister shall submit the resignation of his government to the chairman of the Presidential Council.

**Article 115**

Should the majority of ministers submit their resignations, the Prime Minister shall submit the resignation of the Government.

**Article 116**

Each minister shall supervise the affairs of his ministry and direct its organs and branches throughout the Republic. He shall execute the general policy of the Government within his ministry. The law shall specify the cases in which the minister may adopt decisions to implement the laws.

**Chapter IV: Municipal Governments****Article 117**

The territory of the Yemenite Republic shall be divided into administrative units which shall have their own local identity. The law shall determine the number, division, and borderline of these units. The law shall also regulate the allocation of competencies to chiefs of these administrative units and then of the organs and agencies in these units. The administrative units and municipal councils shall be an integral part of the state. The governors shall be liable and responsible to the Council of Ministers whose decisions shall be mandatory for them. They shall implement these decisions in all cases.

**Article 118**

The administrative units shall have elected local councils. The law shall determine the functions, powers, rights, and duties of these councils. The law shall also regulate the election of the councils, organize their functioning, and determine their financial resources and their role in preparing and implementing the development plan.

**Article 119**

The law shall specify ways and means of controlling the work of local councils.

**Part IV: The Judiciary and Public Prosecution****Article 120**

The Judiciary is a power, independent in the performance of its functions. Judges shall be independent. In performing their duties, they shall be subject only to the law. Nobody may interfere in any manner in lawsuits or in any part of the administration of justice. Such interference shall be considered a crime punishable under the law and subject to no statute of limitation.

**Article 121**

The Judiciary is an indivisible whole. The law shall determine the judicial units, their ranks, and competencies. It shall specify the conditions that should be met by those who seek judgeships. It

shall also specify the conditions and procedures for the appointment, transfer and promotion of judges and other guarantees related to them. No special courts may be established under any circumstance.

#### **Article 122**

Judges and public prosecutors may not be dismissed except in the cases and under the conditions specified by the law. They may not be transferred to non-judicial posts except with their consent and the consent of the competent council, unless this is done as a disciplinary action. The law shall regulate how disciplinary action may be taken against them. The law shall also regulate the bar.

#### **Article 123**

The judiciary shall have a Higher Council. This Council shall be organized by the law which shall specify its powers. This Higher Council shall apply the guarantees granted to judges in matters of appointments, promotions, and removals in accordance with the law.

#### **Article 124**

A Supreme Court shall be established for the Republic. The law shall specify its composition, competencies, and the procedures to be followed before it. In particular, the supreme court shall exercise the following powers:

- 1) It shall control and verify the constitutionality of laws, statutes, regulations, and decrees.
- 2) It shall decide cases of conflict of competencies of judicial entities.
- 3) It shall decide electoral challenges.
- 4) It shall decide appeals against final sentences in civilian and criminal cases and cases of personal statutes.
- 5) It shall decide on appeals against final sentences in administrative disputes and disciplinary actions.

#### **Article 125**

Sessions of courts shall be public unless the court decides to make them private in the interest of public order and ethics. In all cases, sentences shall be delivered in public sessions.

### **Part V: The Republic's Seal, Flag, and National Anthem**

#### **Article 126**

The law shall determine the Republic's Seal, Emblems, Medals, and National Anthem.

#### **Article 127**

The National Flag shall have the following colors, beginning with its upper part: Red, White, Black, in that order.

#### **Article 128**

Sanaa is the capital of the Yemeni Republic.

## **Part VI: Coming Into Force of the Constitution and Its Amendment General and Transitional Provisions**

### **Article 129**

This Constitution shall come into force on the date of its approval, in a general referendum, by the people in both parts of Yemen.

### **Article 130**

The Presidential Council and the House of Representatives may ask for the amendment of one or more of the constitution's articles. A request for amendment shall specify the articles to be amended and the reasons for the amendment requested. Should the request emanate from the House of Representatives, it should be signed by a third of its members. In all cases the House of Representatives shall debate the request for amendment and decide on it with the majority of its members. Should the request be rejected, no request for amending the same articles may be submitted before the elapse of one year after the rejection of the original request. If the House of Representatives approves the request for amendment, it shall begin, two months later, a debate on the article whose amendment is requested. If the amendments are approved by three quarters of the members of the House of Representatives, they shall take effect once they are published.

### **Article 131**

On coming into force of this Constitution, a provisional Presidential Council shall be established. It shall consist of the chairman and members of the Consultative Council and the chairman and members of the Presidium of the Supreme People's Council, existing in the two parts of Yemen. This Council shall exercise, once it is established, all the powers entrusted to the Presidential Council under this Constitution, until the election, by the House of Representatives of a Presidential Council, in accordance with the provisions of this Constitution.

### **Article 132**

The two governments, new in office in the two parts of Yemen, shall be considered as having resigned as of the date of the coming into force of this Constitution. The two legislative councils in both parts shall be considered dissolved as of that date. The provisional Presidential Council shall form a provisional government that shall exercise the power entrusted to the Government under this Constitution until the election of a Presidential Council in accordance with this Constitution.

### **Article 133**

The Provisional Presidential Council shall entrust the Provisional Government with preparing the election of the House of Representatives within a period that does not exceed six months after the coming into force of the present Constitution.

### **Article 134**

All laws and decrees in force in the two parts of Yemen shall remain in force in the part in which they were enacted till they are amended in accordance with the rules and procedures provided for in this Constitution except for those that are inconsistent with the rights and freedoms granted by the present Constitution. The laws and decrees that are inconsistent with the rights and freedoms specified in this Constitution should be abrogated by a decision by the Presidential Council during the transitional period.

**Article 135**

The constitutional oath to be taken by the chairman and members of the Presidential Council and the members of the House of Representatives and the Prime Minister and the ministers shall be as follows:

*"I swear by God almighty to faithfully maintain the Republican system, observe the Constitution and laws, and fully serve the interest and freedoms of the People and maintain and defend the unity, independence, and territorial integrity of the Homeland."*

**Article 136**

The Provisional Presidential Council shall issue the electoral law under which the first House of Representatives shall be elected. This law shall specify the number of electoral constituencies and the number of inhabitants of each constituency, and it shall delineate the borders of each constituency and the procedures to be followed by the Supreme Electoral Committee and its subsidiary committees. The House of Representatives shall review that law during its first legislative period to be held after the elections in order to approve the electoral law, in accordance with the Constitution.