



Structure of Government in Yemen

The Republic of Yemen

The Republic of Yemen was established on 22 May 1990 with the merger of the Yemen Arab Republic (North Yemen) and the People's Democratic Republic of Yemen (South Yemen). Following the unification of North and South Yemen in 1990, a five-member Presidential Council was established, which included the Presidents from both sides, who have become the President and the prime minister of the unified Yemen. The Constitution of 1991 provided for a President, who is the head of state, a vice President, a legislature, and a Council of Ministers appointed by the President and headed by a prime minister.

Executive Branch:

The Head of State is the President Ali Abdullah SALEH, since 22 May 1990, upon the merger of North and South Yemen). The Vice President is Major General. Abd al-Rab Mansur al-HADI (since 3 October 1994). The Head of Government is the Prime Minister Ali Muhammad MUJAWWAR (since 31 March 2007).

The President is elected by popular vote for a seven-year term. Elections were last held 20 September 2006. President Saleh won the elections, receiving 4.2 million votes (77.17%) against his main challenger, Mr. Faisal ben Shamlan's 1.2 million votes (21.82%). The total number of registered voters was 9 million, of which 42% of whom were women. The number of those who actually voted was 6 million, putting participation rate at 65.15%. The next Presidential elections will be held in September 2013.

The Vice-President is appointed by the President. The Prime Minister and Deputy Prime Ministers are also appointed by the President. The Cabinet or Council of Ministers is appointed by the President with the advice of the Prime Minister. He also appoints the National Defense Council.

The President has the right to call for parliamentary elections and for a general referendum. The President may dissolve the parliament by decree; however, he must call new elections within sixty days of the date of the decree. The parliament cannot be dissolved twice for the same reason. The President's right to rule by decree during the absence of the parliament was abolished by the 2001 amendments. The President may return a bill to the House of Representatives within thirty days of its submission to him. If he does not return the bill to the House within this



period and the bill is then approved once again by the majority of the House, it is considered a law, and the President issues it within two weeks.

Legislative Branch:

Yemen retains a multi-party system has a bicameral legislature consisting of a Senate or Consultative Council (مجلس الشورى) Council (111 seats) whose members are appointed by the President; and a House of Representatives (مجلس النواب) has 301 seats, whose members are elected by popular vote to serve an eight-year term. Elections were last held on 27 April 2003. Parliamentary elections scheduled for April 2009, but have been postponed for two years. As for the breakdown of the seats by party in Parliament from the election results, it is: the General Peoples' Congress with 228; Islah (Reform Party) with 47; Yemeni Socialist Party (YSP) with 7; Nasserite Unionist Party 3; National Arab Socialist Ba'th Party 2; and Independents with 14.

The House of Representative has legislative authority. It enacts laws, sanctions general state policy and the socioeconomic plan, and approves government budgets and final accounts. It also directs and monitors the activities of the executive branch.

The Consultative Council, though primarily advisory, was given some legislative powers by the 2001 constitutional amendments. In matters that pertain to national defense, both houses meet together to vote on legislation; such bills must receive an absolute majority among all ministers present in order to pass. The President may also call both houses to assemble together in order to discuss a specific topic, in which case the same procedures apply.

Members of the parliament have the right to take a vote of confidence in the government after reviewing its programs. Questioning the prime minister or any other minister and withdrawing confidence are also important parliamentary prerogatives.

The meetings of the legislature require a quorum of at least half the members, excluding those whose seats were declared vacant. Decisions are taken by an absolute majority of the attending members, except in cases where the constitution or House regulations demand a specific majority. In the case of a tie vote, further deliberations must be postponed to a future session.



Meetings of the House of Representatives are open to the public, but the House may hold closed meetings at the request of the President of the parliament, the President of the republic, the government, or at the request of at least twenty members of the House. All laws are published in the Official Gazette within two weeks of issuance. They come into force within thirty days of their publication. This period may be shortened or extended by law.

The constitution gives the President of the republic the right to dissolve parliament, although the parliament cannot be dissolved twice for the same reason. Under the current constitution as amended in 2001 the President may directly call for new legislative elections.

Judicial Branch:

Yemen's constitution, as amended, stipulates that Islamic law (sharia) is the source of all legislation. The legal system and all laws are based on a combination of Islamic law (sharia), Turkish law, English common law, and local tribal customary law. Defendants are presumed innocent until proven guilty; indigent defendants in felony cases are by law entitled to counsel. Trials, which are generally public, are conducted without juries; judges adjudicate criminal cases. All defendants have the right of appeal. The new Constitution that was enacted on 16 May 1991 has been amended in September 1994 and February 2001.

Citizens are equal in rights and duties. Every citizen has the right to participate in the political, economic, social and cultural life of the country. The state is to guarantee freedom of thought and expression of opinion within the limits of the law. No individual can be arrested, searched or detained unless caught in the act or served with a summons from a judge or the public prosecutor. Physical and psychological torture and forced confessions are prohibited. The rights to defense and to council are constitutionally guaranteed. Yemen is a signatory to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

Yemen's constitution provides for an autonomous judiciary and independent judges. However, the judiciary is managed by an executive-branch council, the Supreme Judicial Council (SJC), and judges are appointed and can be dismissed by the executive branch. There have been several restructurings of the judiciary since the government initiated a judicial reform program in 1997.

1. Constitutional Provisions for the Judiciary

Yemen's constitution dates back to 1991, with significant amendments introduced in 1994. The constitution includes some general rule of law guarantees as well as some specific provisions for the judiciary:

Article 147 The judicial authority is autonomous in its judicial, financial and administrative aspects and the Public Prosecution is one of its sub-bodies. The courts shall judge all disputes and crimes. Judges are independent and not subject to any authority, except the law. No other body may interfere in any way in the affairs and procedures of justice. Such interference shall be considered a crime that must be punished by law. A charge regarding such interference cannot be nullified with the passing of time.

Article 148 The judiciary is an integrated system. The law organizes this system in terms of ranks, responsibilities, the terms and procedures of appointment, transfer and promotion of judges, and their other privileges and guarantees. Exceptional courts may not be established under any conditions.

Article 149 Members of the judiciary and Public Prosecution office shall not be dismissed except under the conditions stipulated by the law. They may not be transferred to non-judicial posts except with their own consent, the approval of the relevant judicial council, unless that was taken as a disciplinary measure. The law shall regulate the disciplinary trial of the judiciary and it shall organize the legal profession.

Article 150 The judiciary shall set up the Supreme Judicial Council. The law shall organize it, clarify its functions and system of nominating and appointing its members. The Supreme Judicial Council shall execute these guarantees for the judiciary in the fields of appointment, promotion, discharge and dismissal according to the law. The Council shall study and approve the judicial budget in preparation for inserting it as one item within the overall budget of the state.

Article 151 The Supreme Court of the Republic is the highest judicial authority. The law shall specify how it can be formed, clarify its functions and the procedures to be followed before it. It shall undertake the following:

- a. Judge cases and pleas that laws, regulations, bylaws and decisions are not constitutional;
- b. Judge disputes over conflict of jurisdiction;
- c. Investigate and give opinions regarding appeals referred by the House of Representatives which relate to its membership;

- d. Rule on appeals of final judgments in civil, commercial, criminal, personal and administrative disputes and disciplinary cases according to the law;
- e. Try the President of the Republic, the Vice-President, the Prime Minister, his deputies, the ministers and their deputies in accordance with law.

Article 152 Court sessions are open to the public unless a court determines, for reasons of security or public morals, to hold sessions behind closed doors. In all cases, verdicts shall be announced in an open session.

2. Structure of Court System

Yemen's courts of general jurisdiction have three levels: first instance (*ibtida'iyya*), appeals, and the Supreme Court, which is the highest judicial authority in the Republic. The Higher level courts are divided into specialized sections (civil, criminal, commercial, and personal status). The Supreme Court is given a number of duties: it serves as a court of appeals (on points of law, as a court of cassation), an administrative court, a constitutional court, a court for trying high officials, and a court adjudicating election disputes and conflicts of jurisdiction among other courts. It does so generally by forming specialized chambers for these areas. It also has a military division.

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