The principle of separation of powers, the cornerstone of any democratic system, This principle has helped the emergence of many of the trends and principles Democracy, which aims to ensure the basic human freedoms and resistance Injustice and tyranny, not the principle of separation of powers known in the The old legislation as the power was really the governor personally gather in his hand Fimars all of its terms of reference and accounts for all of the privileges that were not . (There is judicial authority independent of other authorities (1)) In the sixteenth and seventeenth centuries emerged from attempts to reduce Absolute power and the distribution of authorities to operate multiple bodies Jointly, since the concentration of power in the hands of the ruling was a result Serious threats to long-on individual freedoms and paid for the tyranny of the ruling . (and tyranny (2)) The principle of separation of powers principles important concern in the Philosophical thought in terms of humanitarian associated with this principle on behalf of the French philosopher Famous Montescu Although the English philosopher John Locke had Already pointed out in his book (the civilian government), has emerged as a Montescu This principle in his book (the Spirit of the Laws), after that the Department of State functions to Legislative, executive and judicial opinion should be separated and distributed to independent bodies Because the assembled lead to tyranny, and was Montescu believed that each person Has the power to use it offends indulges in so finds it stopped When alone, and reach out to non-abuse of power must be based system That power stop power, principle of separation of powers leave its significance To the real distribution of power between the bodies, including the separation of organic makes it Independent so as to prevent the tyranny of one or the other - Chapter - "Do not stop To just the distribution of power but also to regulate the relationship between (1) Although All the criticisms addressed to this principle, but it spread and prevailed in many countries Became one of the fundamental principles underlying the system of government. We would like in this presentation to review the issue of separation of powers and independence Constitutional courts and similar bodies in several axes are the following: 1. The principle of separation of powers in the constitutional system in the Republic Yemen. 2. The principle of independence of the judiciary in the Yemeni legislation in force. 3. The draft constitutional amendments in 2008. 4. Yemen's judicial system. 5. Constitutional Court of Yemen. First: the principle of separation of powers in the constitutional system in the Republic of Yemen. A. The principle of separation of powers in the Constitution of the transitional phase of the State unit.
On 27 September / 1410, 22 / April / 1990 an agreement was signed
Proclamation of the Republic of Yemen and the organization of the transitional period,
which stated the following:
Yemeni homeland and live stage setting for the full re-building and unity
And the establishment of the State unit, including the Yemeni arena of activities pursued
by the m
All levels of leadership and government and regulatory bodies, popular and
Trade unions and public to implement the historic agreement in Aden thirty
Of November 1989 and continue for the sincere and serious consultations that occur
between
The leaderships of the country in order to enhance one will work in Liqya de-unitary,
And demonstrate responsibility and duty of all leaders at all levels, and
For the safety of the steps and actions of unity in the transitional phase, and the
establishment of State unit, in recognition of the leadership for all the presents at the
national level
Debates and national dialogues aimed at the whole issue of domestic e and unity of the
homeland
In general.
In line with that seen in the process of unity of a democratic atmosphere and in
furtherance of this
Climate, which reflects the most important goals and benefits of national revolutions in
September
And October Alkhald pivot upon the basis of the dialogues citizens
Yemen in order to restore their unity, and in order to T. Fair and full powers
Constitutional Unit of the State upon its establishment and the absence of a constitutional
vacuum in which,
To achieve the full legitimacy of popular participation and democracy in
Governance.
Given the need to be a transitional period after the establishment of the Republic
Yemen are limited enough to understand the process of Aliaada d for the future of the
State
Yemen and the conduct of elections for the House of Representatives, and in order to
prevail on the work
Constitution of the State of unity and constitutional legitimacy and not to resort to
override the Constitution
Or modified by any party is entitled to the right of amendment.
And an emphasis on the purity of unitary construction which is based on a national basis
Based on the objectives of the September and October Revolutions Al.d, and a platform
of allegiance
National, Islamic and humanitarian, has witnessed the first meeting of Sana'a for the
entire leadership of
- 27) Ramadan 1410 AH corresponding to 19 - Yemeni homeland, during the period of
(24
22 / April 1990 where it was agreed on the following:
Article (1) On the twenty-second of May 1990, corresponding to
27 / October / 1410 between the states of the Yemen Arab Republic and the Republic of
Yemen
People's Democratic Republic (the two parts of Yemen) and complete fusion unit where
the melt
International personality of each person in an international one is called (the Republic
Yemen) and the Republic of Yemen authorities of legislative, executive and judicial
One.
Article (2) after the entry into force of this Agreement like □ and N of the Presidency of
the Republic
Yemen for the transitional period is composed of five persons elected from
Them in their first meeting as Chairman of the Council presidency and the vice president
for Council.

The Council's presidential election by members of a joint meeting
Of the Presidium of Supreme People's Assembly and the Advisory Board, The Board of
Presidential oath of office before a joint meeting before his duties
The Presidency Council shall exercise immediately after his election all the powers
vested in the Council
Presidency in the Constitution.
Article (3) The transitional period for two years and six months from the date of
Into force of this Agreement, and consists of the House of Representatives during this
period of full membership
Shura Council and the Supreme People's Assembly in addition to a number (31) Member
of the issue
Their decision of the Presidency Council, the Council of Representatives shall exercise
all the powers
Stipulated in the Constitution except the election of the Presidency Council, amend the
constitution.
In the case of vacant seat of any of the members of the House of Representatives for any
reason it is
Filled by appointment by the Presidency Council.
Article (4) The Council Presidency in the first meeting of his decision to form
Advisory board composed of (45) members, and determine the Council's functions in the
same resolution.
Article (5) The Council Presidency Government of the Republic of Yemen, which
Assume all the powers vested in the Government under the Constitution.
Article (6) assigns the Council Presidency in the first meeting, a technical team to
provide
Perception about the review of the administrative division of the Republic of Yemen in
order to ensure
Promote unity of Yemen, and remove the effects of split into two halves.
Article (7) authorizes the issuance of the Presidential Council resolutions have the force
of law on the theme
Republic, flag and national anthem at the first meeting of the Board,
The Presidency Council shall at its first meeting to take a decision to invite the Board of
House of Representatives to convene in order to determine the following:
A. Ratification of the decisions issued by the laws of the Presidency.
B. The government grants the Council's confidence in light of the statement to be submitted.
C. Mandate of the Presidential Council lowered the constitution to a popular referendum by
Before the 30 of November, 1990.
D. Basic bills to be submitted by the Presidency Council.

Article (8) of this Agreement will be effective once approved and
Draft Constitution of the Republic of Yemen by both the Shura Council and the people.

Article (9) This agreement is structured for the entire transition period is
Provisions of the Constitution of the Republic of Yemen window during the transition phase as soon as
To ratify it, and as referred to in the preceding article, consistent with
Provisions of this Agreement.
Article (10) is the ratification of this Agreement and the Constitution of the Republic Yemen by the Consultative Council and the people of obsolete constitutional two-state
Previous two years.
This has been the signing of this agreement in the city of Sana'a.
The re-unification of Yemen and the proclamation of the Republic of Yemen
The start of a new era of democracy depends on political pluralism and freedom of
Expression that has become one of the most prominent features of the Covenant
Democratic Unionist
New, have begun the practical steps for the exercise of democracy represented by the
Download the Constitution of the Republic of Yemen to the people for a referendum was held on
1991 implementation of the Declaration of the Republic of Yemen has been certified / 5 / 16-15
The constitution and approval by the people in each administrative unit and
constituencies,
Where the Voice of the People (Yes) of the Constitution to become the Constitution so a
social contract
Expressing the will of the Yemeni people and organizations to build a state of law and
order, and considered
Referendum on a real test in the lives of the Yemeni people and exercise for life
. (Democracy, which opens for the first time in modern history (1
Was organized by the Constitution of the Republic of Yemen Ye provisions for the transitional period
For the organization of state power - legislative, executive and judicial -
125 based on the principle of separation of powers between the three - in articles 40
Specific terms of reference of all the power of these authorities to avoid overlap and
duplication
The House of Representatives is the legislative body of the State, who Decides laws
The policy of the state, the general plan of economic and social development
The general budget and final account, and exercises direction and control
. (The work of the executive body in the manner prescribed in the Constitution (Article
40
The Presidency of the Republic of Yemen is exercised by the Presidency of the component of
Five members elected by the House of Representatives, and Article (102) of the
Constitution itself
That the Council of Ministers is the Government of the Republic of Yemen, the body
Executive and senior management of the state, followed - without exception - all
departments
And executive bodies and institutions affiliated to the state constitution provisions and
systems
125) judiciary - and in accordance with - for the judiciary and public prosecution in the
articles (120)
With the provisions of the Constitution, an independent authority in the performance of
his duties, judges are independent and not
Authority over them in their rulings except the law, nor shall any party in any way
Intervene in court cases or in matters of justice, and such interference
A crime punishable by law is not waived the case where the statute of limitations.
B. The principle of separation of powers in the Constitution of the Republic of Yemen in
force:
Requires a linguistic definition of constitutional law refer to the origin of the word
(Constitution) and the first thing to note in this connection that this word is not Arabic
origin
But of Persian origin and means the foundation or the parent may be used in the sense
. (Permission or license (1
Corresponding to the word constitution is intended by the Constitution the word French
. (Base or foundation or organization or the configuration (2
The Constitution contains a set of rules and regulations of the issues
Constitutional nature and that is all the system of governance in the State,
Form of the state, the basic general principles relating to the powers - legislative,
And the executive - in terms of defining their terms of reference and how to exercise their
activities and
. (Connecting the two relations of (3
This is the Constitution of the extensive and Hiroshima Yemeni basic reference in
Determine the state's system of governance and to identify the public authorities and the
rights of
And duties of individuals, and other other aspects of state building
Economically, culturally and socially, came the first chapter of Part I of the Constitution
Organizer of the foundations of the political state of Yemen.

Where Article (1) provides that the Republic of Yemen Arab country
Islamic sovereign and independent, which is an indivisible unit may not waive any
Part thereof, and the people of Yemen are part of the Arab and Islamic nation, as affirmed
Constitution that the people is the owner and source of power exercised by Bach and all
directly
Through a referendum and general elections, as practiced by indirectly
Through the legislative, executive and judicial councils and through
The Constitution also confirmed the approach as a basis for peaceful democratic system Governance, stipulating Article (5) of the following:
The political system of the Republic of Yemen on political pluralism
And party with the aim of peaceful transfer of power and the law shall regulate the provisions
And procedures for the formation of political organizations and parties and the exercise of
Political activity may not be to harness public office or public money for the benefit of
A private party or a particular political organization.
As the State Charter of the United Action The UN and the Universal Declaration
For Human Rights and the Charter of the League of Arab States and the rules of international law
This is regulated by the Constitution of the Republic of Yemen to the rules in force a special
The organization of the state authorities - legislative, executive and judicial - and so on
As follows:

Defined in article (62) of the Constitution in force the House of Representatives as follows:
House of Representatives is the legislative authority of the State to decide which laws
And approve the general policy of the state and the general plan for economic development
And social and public budget and final account, and exercises control over
The work of the executive body in the manner prescribed in the Constitution.
Article (63) of the Constitution itself by stipulating the following:
House of Representatives consists of three hundred members and one member elected by
Secret ballot free direct equal, and the Republic is divided into districts

Election equal in number of population with overtaking on the proportion (5%) increase
Or a decrease, and shall be elected from each constituency of one member.
As for how to conduct the parliamentary elections has taken the principle of Aleghano n Secret ballot, as stated in Article (55) of Law No. (13) for the year 2001
On the general election as follows:
((The election is by secret ballot free direct
And equal)).
And the decision of the election law out public consistent with the view of the
Constitution
Yemeni report began to the right of citizens to contribute to the political life
And economic, social and cultural rights, but what is required in the voter has Specified in Article (64) of the Constitution which states as follows:
1. The voter conditions come:
   A. To be a Yemeni.
   B. Not under the age of eighteen years.
The conditions of the candidate for membership of the House of Representatives has
identified under paragraph (2)
The above-mentioned article of the Constitution, namely:
A. To be a Yemeni.
B. Not under the age of twenty-five years.
C. Be glorious to read and write.
D. Be of good character and Luke Wallis of the leading religious obligations, and not
Have been convicted by a final court.
The law permits each voter to stand in the constituency in which the
Electoral domicile.
It is clear from this that the aim of introducing the principle of secret ballot
Direct is to expand the grassroots when electing members of the House of
Representatives, where
Exercise the right of election the overwhelming majority of citizens, which passage
through the process of
Elections more democratic, because the essence of democracy requires the participation of
Citizens, without restricting this right, because the people is the only sovereign in
Democratic system, and because the direct ballot system, which means that the
. (In which voters elect their deputies in the Parliament directly without intermediary (1
Have been included Article (60) of the Code of the general elections and the referendum requirement
New terms provided for each employee as a candidate for membership of the
Deputies turned the exercise of his general history of the opening of the nomination and return
That it did not win the election and pay him all his dues, the FFA continued g
Dues from his work during his term of office of the Council, and shall have the following
Termination of the right to return to work parallel to his previous work at least.
As a member of the local council candidate for the House of Representatives shall be
deemed to have resigned from
Membership of the local council is not due to only a new election.
It also decided to paragraph (c) of Article (59) of the Act Incompatibility
Between the membership of the House of Representatives and the exercise of public office or membership of the councils
Local, except that paragraph (d) of the same article allowed to combine membership of the Board
House of Representatives and the membership of the Council of Ministers only.
Came the provisions of paragraphs (e, f) of article X-mentioned uncertain affinity
The legislator was keen on the independence of the legislative authority and protection from any influence
The prime minister and his deputies, ministers and their deputies, deputy ministers, heads of departments
And public institutions are not allowed to nominate themselves for membership of the House of Representatives, unless
Went on leave to work for three months at least four of the date of opening the door
Filtration, this statutory provision also applies to conservatives and their agents
Judges and district managers and directors of offices of Ministers and the provinces and
interests
And institutions and security managers and military leaders and executives
Local councils or any public officer in the N strand administrative unit, it is not permissible
For all these people to nominate themselves for membership of the House of Representatives in the constituencies
They work, but if he went on leave Uncle's in the scope of the constituency
Period of at least three months from the date of opening of the nomination.
The terms of reference of the House of Representatives - legislative authority - the Constitution select it
Yemeni force as follows:
1. Legislative competence.
2. Regulatory jurisdiction on the work of the Executive Authority as set out
In the Constitution.
3. Financial competence.
This is the legislative competence of the main terms of reference of the House of Representatives,
As a legislative body, in accordance with the provisions of the Constitution, has identified pain birth (85) of
The Constitution the way the right to propose laws, modify, and those authorized to do so
The Constitution has decided to a member of the House of Representatives and the government the right to propose laws and to propose
Adjusted, that the financial laws that aim to increase or cancel the tax financial
List or reduction or exemption from some or designed to allocate part of the State funds for a project, but may not be proposed by the government or twenty
Per cent (20%) of the House of Representatives at least, all proposals for laws submitted
Of one or more members of the House of Representatives is not referred to a commission
Council, only after the examination before a special committee to make Waller may be considered in any
By the Council, if the Council decided to consider any of them shall be referred to the relevant committee
For examination and report, any bill introduced in non-government
And rejected by the Council may not be presented again in the same session.
This proves - beyond a reasonable doubt - that the constitutional order in Republic of Yemen, a flexible system in line with the developments of modern life, it is Cope with life and provides for appropriate adjustments from time to time, including Lead to advancing the development of the modern state of Yemen.
Those who study the course of constitutional matters P j Yemen finds that the legislature Yemen has made some constitutional amendments to some articles of the Constitution 1994 concerning the organization of public authorities and that the constitutional amendment
For the 2001 Article (61) of Title III of the Constitution of 1994 for the regulation of State authorities - Chapter I - the legislature - the House of Representatives - as the Being read as follows:
House of Representatives is the legislative authority of the State to decide which laws And decides the general policy of the state and the general plan for economic
development
And social and public budget and final account, as practiced guidance
And control the work of the executive body; because guidance mean the dominance of power
Legislative acts of the executive body in the manner prescribed in this Constitution.
(And after the constitutional amendment was in 2001 the text of the article (62
We note that the legislature dropped the constitutional validity of the House of Representatives in the exercise of
Guidance to the executive and only the text of the report of the House of Representatives
Slahi e
In monitoring the work of the executive branch, in this departure from the principle of separation between
Authorities, which took its legislator of the Republic of Yemen.
As a result of this constitutional amendment to Article (62) delete the words
(As practiced House guidance on the work of the executive body) of
The operative part of Article (92) of the Constitution before the amendment replaced the words as you read
As follows:
Of the Council of Representatives has the right to make recommendations to the Government in matters of public or
In anything related to its functions or performance of any of its members and the government
Implementation, if not possible by the implementation showed that of the Council.
This principle is based on the rule of non-disruption of the balance of powers between the Legislative and executive branches.
Article (125) of the Constitution of the Republic of Yemen in 1994 on the following:
Arises from the decision of the President of the Republic of the advisory board with expertise
And specialized skills to expand the base of participation in and benefiting from the National expertise and qualifications are available in different regions of Yemen, and shows
Law provisions relating to the Council.
In 2001 was an amendment to the text of Article (125) of the Constitution
As follows:
Established by the head of the Shura Council of shoes Mhorip with expertise
And competencies and social figures to expand the base of participation in opinion
And utilization of national expertise and qualifications in order to carry out its functions exercised
Constitutional powers of the Shura Council of the following:
A. Make studies and proposals that help the state to draw
Strategy development and contribute to the mobilization of grass-roots efforts to
Mak □ □
Consolidation of the democratic approach, the proposal s that help
Reactivating the institutions of the state and contribute to solving social problems and deepen
National unity.
B. Opinion and advice in core subjects which the President finds
Republic presented to the Council.
C. Providing opinion and advice as to contribute in the formulation of national strategy
National and state in the political, economic and social
And military and security to achieve its objectives at the national
And national security.
D. Opinion and advice in the policy, plans and programs on e
Administrative reform and modernization of the State organs and improve performance.
E. Participate with the Chamber of Deputies recommend candidates for the post of
President of the
Republic and the approval of the plans of economic and social development
. Treaties and conventions relating to the defense and alliance, reconciliation and peace
And borders and to consult with the President finds shoes Mhorip display issues on the
Joint Meeting.
And. The auspices of the press and civil society organizations and study their conditions
and proposing
Develop and improve its performance.
G. Care experience of local authority and the study and evaluation of its proposal and
Develop and strengthen its role.
H. Assess the economic and financial policies, monetary and evaluate the implementation
of programs
Annual investment.
I. Review the reports of device control and accounting and to report thereon to the
President of the Republic.
Article (126) she stated how the Advisory Council by stipulating the following:
Shura Council is composed of one hundred and eleven members appointed by the
President
Republic of the non-members of the House of Representatives or the local councils,
determines
Conditions to be provided by law for a member of the Shura Council must be at least age
For forty years, defines the privileges and rights enjoyed by members of the Board
Shura and perform the constitutional oath before the President of the Republic, and places
the m sat
Shura internal regulations governing its proceedings and the manner of its meetings and
how
Its decisions are issued by law.
And authorized the Article (127) of the Constitution, the Council of Representatives and
the Shura j expired
Joint meetings at the invitation of President of the Republic to discuss the tasks
Their common set forth in the Constitution, to be voted upon
Majority of the members present, the Speaker shall preside at meetings
Common.

Governed by Chapter II of Part III of the Constitution of the Republic of Yemen
For 1994 the special provisions stipulating the executive power of Article (104) of the
This Constitution provides as follows:
Weimar o TB Taha executive - on behalf of the people - the President of the Republic And the Council of Ministers within the limits set forth in the Constitution. Article (105) of the Constitution currently in force - the Constitution of 2001 - stipulates What is to come:
Executive power is exercised, on behalf of the President of the People's Republic And the Council of Ministers within the limits stipulated in this Constitution. It is the context j referred to the Constitution is clear that the constitutional legislator Yemen takes it as settled constitutional jurisprudence of the existence of essential elements
The parliamentary system is flexible in the configuration of the dual authority of the Executive So that there is the Head of State is responsible, the Ministry is responsible, and the separation of powers Legislative and executive branches. The presidential system is characterized by the presence of the President elected by the people accounted for Executive authority and the rigid separation of powers between the legislative. (And executive (1 As settled constitutional jurisprudence that the Arab system is intended Parliamentary democracy that is based on the separation of a floppy or a relative between the two
Legislative, executive, and not the full chapter or two, so never be achieved in . (Shade and control of mutual cooperation between the authorities (1 The study of constitutional norms in the Yemeni political system, we find that All the constitutions of Yemen, the various stages, it introduced dual power Executive, executive authority, in accordance with the constitutional system of Yemen consists of:
1. President of the Republic.
2. Council of Ministers to exercise their respective executive power, Niab e Of the people within the limits stipulated in the Constitution.
According to the provisions of the Yemeni Constitution, the Council of Ministers is the Government Republic of Yemen is the executive and senior management of the state, followed by - Without exception - all departments, agencies and institutions of the Executive Of the state.
The Prime Minister and Ministers are accountable to the President of the Republic and the Council of House of Representatives is a collective responsibility for government business. As the constitutional order in the Republic of Yemen has taken the principle of Bipolarity of executive authority came the provisions of Chapter II of Part III of the Constitution of the executive power distributed over two branches, namely: - Section I - The Presidency of the Republic.
- Section II - Council of Ministers.
Governed by Article (106) of the Constitution, the provisions on the head of state,
The president is the head of state and is elected in accordance with the Constitution of, and be
Vice President of the Republic is appointed by the President and apply the provisions on MP 128) of the Constitution. , 118, 117, the material (107
The Constitution defines the conditions to be provided by the candidate for prime Republic, namely:
A. Not under the age of forty years.
B. Be a Yemeni and religion.
C. Be in possession of political rights and civil rights.
D. To be a straight conservative morality and behavior on the rites Islamic, and it has not been sentenced to spend it is in the case j involving moral turpitude or dishonesty unless he has been rehabilitated.
E. Not be married to a foreigner, and not to marry during his term of office Foreign.
The Constitution defines the President of the Republic for seven calendar years starting from
History of swearing, and no person may take over as President More than twice the duration of each session only seven years, and the President is elected
Republic of the people in competitive elections with free and direct, and the process begins
For election to the new President of the Republic of ninety days before the end of the term of the President
Republic.
The Law on General Elections and Referendum (13) for the year 2001 selected And orderly procedures for the election of the President of the Republic and in articles (63 84), according to the provisions of the law declares the Presidency of the Council of Representatives to open the door - Nomination for president before ninety days from the end of the period
The president's constitutional, and has the right to receive requests for a nomination for the office of the President
Republic, the nominations are screened to make sure of the applicability of the constitutional conditions
Candidates in a joint meeting of the presidency of the House of Representatives bodies and the Shura Council.
Bodies that are supplemented by the Council of Representatives and the Shura j examination of applications - Applications - and decide within three days following the end of the period Receiving the nomination, and you announce the names of candidates who accepted the requests
Nominated on the day following the expiration of the period of examination requests, has passed a law
Each voter has the right to object to the bodies of the presidency of the House of Representatives and the Shura
Any person who has nominated himself in violation of the Cro i contained in the Article (107) of the Constitution, the law also gave each person to apply 
Nominate himself did not accept the demand of the right to appeal before the bodies of the presidency of the j 
House of Representatives and the Shura Council, and brought about during the triangular days following the announcement of the names 
Candidates, and the law requires bodies j Presidency of the Council of Representatives 
and the Shura Council to take action on 
Mak □ □
Grievance resolutions and the Declaration on the objections or complaints submitted to it in 
The day following the expiration of the offer. 
The Act called for each nomination right of appeal to the Constitutional Chamber e 
Supreme Court decisions in the bodies of the presidency of the House of Representatives 
and the Shura Council on 
Objections and appeals referred to in the preceding paragraph and chapter during the 
Five days following the announcement of the decisions of bodies of the presidency. 

The constitution of the Council of Ministers, in his capacity as executive and 
administrative body 
Top of the state, many of the tasks it is responsible for implementation of public policy 
for the State of 
In the political, economic, social, cultural and defense 
Accordance with the laws and resolutions, as practiced in particular the following functions: 
A. Participate with the President in the preparation of the outline of the policy 
External and internal. 
B. Preparation of a draft economic plan for the state and the annual budget and planning 
Implementation and prepare the final account of the state. 
C. Preparation of draft laws, resolutions and submitted to the Council of Representatives 
or the President 
Republic according to the jurisdiction of each. 
D. Take the necessary measures to maintain the internal state security 
And external protection of the rights of citizens. 
E. Guide and coordinate and review the work of ministries and administrative bodies 
And institutions, public bodies and public and mixed in accordance with the law. 
And. Appointment and dismissal of staff leaders according to the law and the formulation 
and implementation of the policy 
Aimed at developing the technical cadres in the organs of the State and the rehabilitation 
of power 
Human, according to the needs of the country under the economic plan. 
G. Follow up the implementation of laws and the preservation of state funds. 
H. Oversee the organization and management of the monetary, credit and insurance. 
I. Contracting and granting loans within the general policy of the state and within 
Provisions of the Constitution. 
The relationship between the legislative and executive
The system of government in the Republic of Yemen on the principle of separation of the powers between the authorities and the cooperation and mutual oversight between the two branches - the legislative and the executive - and is reflected in the constitutional rules the following:


2. Aspects of cooperation between the two branches - the legislative and executive - Their participation in the legislative function the Yemeni Constitution gives Government the right to propose laws and propose amendments, and financial lawsWhich aims to increase or cancel the tax list or exemption or reduction of Some of them, or that aim to allocate a portion of state funds for a project It is not permissible to suggest, but by the government.

3. The Constitution prohibits a member of the House of Representatives to intervene in the work Be the prerogative powers - executive and judicial -.


Article (96) of the Constitution the right of every member of the House of Representatives to bring the question or questions to any minister or to the Prime Minister With a view to clarifying the position of the ministry in any subject within the jurisdiction of the His ministry, and committed the Constitution directs him to answer the question. Of the most important means of control that helps to balance: Between the legislative and the executive the right of every member of the House of Representatives may direct an interpellation to the Prime Minister or his deputies or Ministers to be held accountable for the affairs under their specialty, to be Debate is taking place in the interrogation after seven days at least Submission, except in urgent cases, which sees the Council and the consent of Government, may end up questioning to a vote of confidence - confidence - From the government. Parliament passed the Constitution of the right to form special committees or to designate a committee of … Of its fact-finding in the theme of the topics that are inconsistent with

The public interest or activity check one of the ministries and bodies and institutions Public or public sector units or mixed or local councils. Of the most important characteristics of the system of constitutional responsibility of the Yemeni Council of Ministers to the House of Representatives, and this responsibility may take two forms:

- Collective responsibility, the responsibility of individual ministers because of a fatal error Committed during his leadership of the ministry, which lies within the competence or
Collective responsibility or solidarity when the ministry - the Council of Ministers - As a whole has committed a mistake or failed in the Open Qiq its program, which Which won the confidence of the House of Representatives. 
The right of the President of the Republic to dissolve the House of Representatives, where necessary, and after a referendum

People, provided that the resolution includes the solution on the grounds that it is based □ And to invite the voters to elect a new Council of Representatives within sixty days from the Date of its dissolution.
The president's right to call for early parliamentary elections without the need for a referendum.
According to the cases provided for in terms of paragraph (b) of Article (101) of the Constitution.
President's right to request reconsideration of a bill passed by the House of Representatives,
He must then return it to the House of Representatives during the thirtieth day of Date of its submission to a reasoned decision, if not return it to the Council during this Duration, or response to, and approved by the Council again considered by a majority of its members
Law and the President of the Republic issued within two weeks, if not issued by He issued a strong constitution without the need to issue and publish in the Gazette work immediately after its two weeks from the date of publication.
The judiciary is the body that specializes in conflict resolution under the provisions of Law, whether such disputes and reality between individuals or between them and Government and give the rights to their owners, and the judiciary in the language means governance And the separation and cutting, and in the conventional definition is the separation of discounts . (And disputes (1))
And go to law scholars that the judiciary is an act issued by the judge is . (Solving disputes, and parts of disputes, in particular (2)
According to Ibn Khaldun: The judiciary is the separation between people in discounts Decisive for the collapse and to prevent the conflict of law provisions received from the book . (And the year (3))
Has focused on the four schools of Islamic law the definition of justice, Frvath Tap That (separate pieces of disputes and rivalries), while the Maalikis They knew the judiciary That (the news about the ruling as a matter of legal obligation). Who compiled the definitions and to eliminate them: (that show the ruling on the incident . (From Obeyed), a (rule among the people) (4
This was organized by the Constitution of the Republic of Yemen provisions of the Authority 154) stipulating Article (149) of the following: - the judiciary and in articles (149 The judiciary is independent legally, financially and administratively, the Public
Prosecution Authority of Bodies, and by the courts to adjudicate in all disputes and crimes, and judges Independent, with no authority over them except that of the law, is not permissible for any party And in any way interfere in matters or in matters of justice, and is such This intervention is a crime punishable by law is not waived the case where the statute of limitations. It is the context of this constitutional provision is clear that the Yemeni legislator has Select the concept of independence of the judiciary in the two main pillars: 1. Independence of the judiciary and as a power. 2. Independence of judges. The legislature on the constitutional text on this principle at the heart of The Constitution gives him prestige and esteem, as well as the theory of separation of Authorities if it is not aimed at establishing a definitive breaks between the three functions Of the state, but the establishment of cooperation and participation in the different jurisdiction of the Constitution to Another, but it is recognized in all democratic constitutions give independence For the full authority of the judiciary and ensure the maintenance of this independence to the Executive and legislative branches (1), The Constitution in the Yemeni Article (149) that the judiciary is independent of other authorities in the State A mandate and not just a job not a judge to extend the mandate of the mandate-holder General - Caliph or the President - because the nature of judicial work at Separated in Disputes between individuals to apply the law requires not only practiced Independent authority for all authorities in the country, characterized by the formation of a special And the application of certain procedures is not shared in any authority or on the other hand, To ensure the establishment of the rule of law in society and give them a positive role in maintaining . (The society's values and ideals High Commissioner (2) This reflection is the text of Article (149) of the Yemeni Constitution, we find that the Constitution Has given the concept of the principles of independence of the judiciary were not known in the constitutions Some Arab countries have provided some Arab constitutions that judges Independent, with no authority over them except that of the law or the judiciary Independent, judges are independent and not subject to any authority except that of the law which Means that Arab constitutions do not know, only one type of the independence of the Authority Judiciary, judicial independence is, where it was decided not these constitutions Sultan Judges in their rulings except the law, the Constitution of the Republic of Yemen has taken The broad sense of the independence of the judiciary, this is the Authority in accordance
with the provisions of
Constitution financially and administratively independent, and that is our judicial
independence of the judiciary is grate
Three:
1. Financial independence.
2. Administrative independence.
Came the rest of the articles of the Constitution of Yemen confirmed and strengthened
the principle of independence
Financial and administrative management, according to Article (152) of the Constitution
by the Council of the Yemeni
The Supreme Judicial considered and approved the draft budget of the judiciary as a
prelude to inclusion number
And one in the general budget of the state, and this reflects in a clear and obvious
The concept of financial independence of the judiciary in Yemen.
The administrative autonomy is the reserve the other for financial independence, the text
Yemen's constitution provides that the Council spend a higher regulated by law and
shows
Terms of reference and method of nomination and appointment of its members and works
on the application of safeguards
Granted to judges in terms of recruitment, promotion, dismissal and removal in
accordance with the law,
The material was identified (106) of the Judicial Authority Law No. (1) 1991
The powers of the Supreme Judicial Council as follows:
A. Policy development for the development of the judiciary.
B. Consideration of all the topics to be presented to the Council regarding the
The appointment of judges and the promotion and dismissal of charges, discipline and
retirement and transfer
And resignations in the light of the provisions set forth in this law.
C. Discipline of judges.
D. Study draft laws on the judiciary.
E. Consider the results of the inspection role j to the work of the heads of courts and
judges
Appeal and courts of first instance to assess the degree of efficiency and achieve
Complaints made against them and to consider the requests made of them
And dispose of in accordance with the provisions of the Judicial Inspection Regulations.
And. To express opinion on the draft budget of the judiciary.
Paragraph (b) of Article (3) of Law No. (19) for the year 1991 on
Civil Service came Nasp the following:
Do not apply the provisions of this law:
1. Military personnel in the armed forces and internal security personnel, except
The terms of the civil service.
2. Holders and holders of judicial functions and functions of the diplomatic corps
And consular officers.
As provided for in Article (7) paragraph (2) of Law No. (43) for the year 2005
concerning the
System jobs and wages and salaries as follows:

For purposes of this law established and functional units operate in accordance with the frameworks and models
And instructions issued by the Ministry as follows:
2. Functional unit independent of the judiciary following the Supreme Judicial Council
To exercise the functions of law enforcement personnel on the devices of the judiciary,
The decision of the Supreme Judicial Council.
The legislation came the civil service - public law - in force in
Yemen, Republic of identical provisions of Article (149) of the Constitution on
Independence of the judiciary financially and administratively.
He took the constitutional order Yemeni principle of separation of powers, including
Confirmed the independence of the judicial branches - the legislative
And the executive - so committed to each authority to carry out the tasks entrusted to it constitutionally,
And not interfere with any authority in the affairs of the judiciary, because that m offense in accordance with the provisions of
Constitution and the law, that principle is not permissible for anyone to interfere in any way in
Issues or matters of justice and such interference is a crime punishable
The law suit is not waived by the statute of limitations.
One of the most important elements of impartiality and independence of the judiciary
law-abiding Vhyad
Elimination of the most important elements of independence, neutrality and distance away from the elimination of bias in favor of team
Discount or without the other and away from the affiliations and political leanings,
Vanhyaz Elimination
Lose its independence (1), and the most important foundations of the non-neutrality air g Affiliation judges to political parties.
The prohibition of the law of political parties and organizations and its executive
Some of the groups belong to any political party or organization or activity Partisan, and among these groups members of the judiciary, and this confirms the neutrality of
Yemen's judiciary, because pushing the judiciary in political activity incompatible with what should
Be the elimination of this single.
The second part of the principle of independence of the judiciary is the special judges themselves, and
The most important guarantees of judicial independence as stipulated in Article (151) of
the Constitution which Being read as follows:
Judges and prosecutors can not be dismissed, except in cases
And under the conditions specified by law, may not be transferred from the judiciary to any
And non-judicial functions, only with their consent and the consent of the appropriate Board for their affairs,
Unless as a matter of discipline and law shall regulate the disciplinary trial. The Constitution Yemeni fundamentalist rules and provisions for the amendment Constitution and general terms and in Article (158) of the Yemeni Constitution did not Deprived or amend any provision of the principles contained therein, but allowed amendment of all Texts at any time, but the constitutional amendment is subject to a number of conditions And special procedures are more complicated than the Process used to modify the Ordinary laws, has passed the Constitution to the President of the Republic and the Council Deputies request the amendment of one or more articles of the Constitution, must be j stated in the request Amendment articles to be amended and the reasons and justification for this amendment, If the request was issued by the Council of Representatives shall be signed by a third Its members, but if it is required to modify any of the articles in parts I and II of , 116, 112,111,110, 108,105,101, 98, 92.83, 81, 63, Constitution and articles (62 159) of the Constitution that is displayed on, 158,146,129, 128,121,119 People to a referendum, if approved by an absolute majority on the amendment of a number of Voted in the referendum was considered the amendment shall take effect from the date of declaration As a result of the referendum and otherwise modify the rest of the articles of the Constitution with the consent of three Quarters of the House of Representatives and the amendment shall be deemed effective from the date of approval. This is based on the constitutional powers provided by the operative Article (158) of the Constitution, the face of His Excellency / Ali Abdullah Saleh, President of Republic - may God protect him - Note to the brother / Chairman and members of the Shura Council came The following: Brothers / chairman and members of the Shura Council Distinguished Based on the provisions of the Constitution and because of its constitutional amendments To be made of great importance in the development of the institutional structure and constitutional To the legislative authority in our country through the conversion of the Shura Council to become a room Again in the legislature and the transition to a bicameral system in force in the Democratic countries, the adoption of a system of local governance and broad powers and This requires of some constitutional amendments, Ltd., which serve In its entirety in the box the necessary constitutional reforms aimed at strengthening the And enrich the democratic experience. And ensure that we widen the circle of consultation and participation in opinion about this Important and vital issue to take advantage of the views and observations of experienced
And specialized competencies in this regard and are available in your esteemed Council, Transmit the preliminary draft of the constitutional amendments required for And study and opinion. The Foundation has the revolution of the press, printing and publishing print project Amendments in the book include a His Excellency President / Ali Abdullah Saleh With a statement of the reasons and goals of these adjustments - the reasons for this Amendments - in which he said the following: That the principle the amendments contained in this project and the objectives sought by To achieve them are the reasons and justifications the following: 1. Make an important development for the institutional building of the constitutional legislative authority By going to the application of the legislative branch, consisting of Two houses - the House of Representatives and the Shura Council - through The development of the Shura Council to be a second chamber of Parliament. 2. Expand the circle of participation in decision-making process and the development of legislation And achieve greater stability of legislation and make it more realistic through the Make room for more to take advantage of experienced and qualified National as well as the experiences and competencies members of Parliament and is a m Proved its validity in many countries and became a dominant feature of The majority of democratic countries. 3. If the transition to the application of the bicameral Parliament would Development of legislation, this move does not detract from the status and functions of the And the powers of the House of Representatives, which remains alone shall exercise control p Li Government performance and accountability in accordance with the Constitution and the indictment and referral The trial of officials from the executive branch. 4. That this amendment includes a new political reform reinforces the process of building Modern state and provides a mechanism contributing to the new democratic horizon New to the popular participation in the making of the decision, through The election of the majority of the members of the Shura Council, an equal number in each province. The objectives of the constitutional amendments are the following: 1. Expansion of democracy as an actor in the life of the community. 2. Empowerment of local government councils of the administration and management of local affairs Itself. 3. Accelerate the pace of local development in urban and rural areas in order to achieve justice Comprehensive development. 4. Recruitment and resource development at the local level in various fields Development. 5. Raise the efficiency of the operation and maintenance of the facilities concerned with serving the citizen and the implementation of the
Local government policy.
6. Find foundations and effective mechanisms for poverty alleviation and reduction of bureaucracy
Imbalances and the administrative and public funds to maintain and develop in . (The national interest (1
The study of these constitutional amendments show that the constitutional legislator
(Yemeni decided the introduction of bilateral legislative power, according to the article
(62
Of the draft amendments to the National Assembly is the legislative authority of the State of
It consists of two chambers:
1. House of Representatives.
2. The Shura Council.
So by the Council of Nation as well as any other duties prescribed by
Adoption of the Constitution, the laws of the state and the state budget and final account
It shall exercise all of the House of Representatives and the Shura Council with its
mandate and in accordance with
To the Constitution, as approved Article (85) of the same modifications to a member of the
House of Representatives,
And a member of the Shura Council and the government the right to propose laws and
propose amendments,
That the financial laws that aim to increase or cancel the tax list or
Reduction or exemption from some or purported to belong Is part of the funds
State of the project shall not be proposed, but by the government or twenty
Percent (20%) of the members of the House of Representatives at least, and all proposed
laws
Provided by one or more of the members of either House is not referred to a
Committees of either House, but after examination before a special committee of the
Council on
To express an opinion on this may be considered by the Council, if the Council decided
to consider any of them
Referred to the relevant committee for examination and report, and any bill
Previously rejected for any of the chambers may not be presented again in the same
session
Any of the chambers.
The draft amendments also introduced a new rule governing the approval process
Law is finalized by the Council of Nation stipulating this article
Follows:
Shall be the adoption of law in the finalization of the National Assembly in accordance
with what is to come
A. Undertake a study of all honorable p or a bill in both chambers alternately
View to agreeing on a consolidated text.
B. The bills being discussed in the Council, which provides the first
On the basis of the text submitted to it starting, and then on the amendments
Proposed it.
If approved by one chamber in a bill sent to the other
Topics of discussion in this Council on the text of the other one who was approved by the Council first.
C. If there is a difference in the findings of each of the Council House of Representatives and the Shura Council held a joint committee of members of both Houses
Equally to propose a text for provisions which had been disputed.

May be that the text is displayed, which ended with the Joint Commission on Houses, if the Joint Committee did not reach agreement on a unified text
Submit the matter to the Council of the Nation (Joint Meeting of the Boards)
To resolve this difference.
D. In any case, do not submit to the President of the Republic of any bill Version, but the note signed by the Presidents of the Houses together.
126) of these, the method of stipulating the formation of chambers in articles (63 Amendments, in accordance with Article (63) proposed House of Representatives consists of
Three hundred member and member, elected by secret ballot free direct
Equal, and the Republic is divided into electoral constituencies equal in number Population with the waiver percentage established by law to increase or decrease, Shall be elected from each constituency of one member.
The Consultative Council consists of a number of members elected and appointed Representing the provinces equally so is the election of five members from each Province by an electoral college consisting of the President and Council Membe
list E
The governorate's local presidents and members of local councils in the districts of Maintain, the law establishes procedures for the nomination and election.
The President of the Republic set percentage (25%) twenty five percent
The number of elected Council members.
And select the section III of the draft constitutional amendments, the general provisions The Joint Boards are as follows:
1. The headquarters of each of the House of Representatives and the Shura Council of the capital Sanaa, and determine
Council Rules of Procedure for each situations and conditions that may be of any of the Councils hold meetings outside the capital.
2. Puts all of the House of Representatives and the Shura Council of the Internal Rules Including the functioning of each Board, its committees and the assets of the exercise of all
His constitutional powers to not include any of the lists texts
Contrary to the provisions of the Constitution or modified them, and should be issued for each list
And modify the law.
3. Respect to each of the House of Representatives and the Shura Council decide on the validity Office of its members, and must refer the appeal to the Supreme Court during the Fifteen days from the date of delivery of any of the House and as a result of exposure Investigation of the opinion reached by the Court to the Council on To determine the validity of the appeal within sixty days from the date of receipt of the
Investigation of the court, are not considered organic b Atalp, but a decision Of the Council for two-thirds majority of its members and must complete the investigation Within ninety days from the date of transfer to the Tribunal.

4. Hold a House of Representatives and the Shura Council's first meeting of each during the
Two weeks at most of the election results were announced at the invitation President of the Republic, did not let the Council met on his own morning The next day these two weeks.
5. Each elected from the House of Representatives and the Shura Council at the first meeting of any
Them from among the members of each council president and three vice-presidents, Are all of the Presidency of the Council on, each headed by Council During the election of the president and the oldest member assisted by the youngest member
We are not, and regulations shall determine the procedures for the election of each Council body
The presidency and the duration and other jurisdictions, and each m sat Secretariat Generally headed by the Secretary-General, and determine the rules of procedure for each Council
Provisions relating to its formation and other provisions relating thereto.
6. For the validity of the meetings of the House of Representatives and the Shura Council Attended by more than half of the members, excluding members who have announced Vacant seats, and make decisions by an absolute majority of the members of the Present, except in cases that require a special majority, and when Equality of votes is the subject of the debate have been rejected in the same session, Be a priority offer to the Council on the situation presented in Session of the other.
7. Meetings of both Houses of Parliament and Shura Council of the public may be either
In private meetings at the request of the President or the President or Government or twenty of its members at least.
8. Both the House of Representatives and the Shura Council holds two regular sessions in Year, may also be invited to the sessions of the extraordinary.
9. If the seat of a member of the House of Representatives and the Shura Council before the end of the Council, including at least a year are filled his seat within sixty days from
Date of announcement of the decision of the Council was free place, and ending with the end of the period of membership Council.
10. Is not permissible to combine membership of the House of Representatives and the Shura Council or membership of any
Them and the membership of the local council or any public office, and may combine Member of Parliament and the Council of Ministers ... etc..
It is the context of the rules and provisions of the above it is clear that the draft
Constitutional amendments require the transition to bilateral legislative authority. Known in some contemporary constitutional regimes, note that the forms of bilateral Legislatures vary based methods for the selection of its members. The method of selecting members of legislative assemblies there is no problem. For the choice of the House of Representatives because its members are elected by universal suffrage, Direct, but for the second Council Ther It's OK because the complex composition achieved in several ways, the Council may be the second genetically such as the House of Lords. In Britain, or its members shall be selected by the governing authority or elected by the citizens, or by a representative of the economic forces. And social, who are in turn elected by these forces or were recruited from. (By the government (1 Has been the subject of bilateral legislative power is still controversial and even today between supporters of the Council or one double, and is considered Supporters Council that it is not a single point in a second chamber if elected. Its members are the same conditions and procedures which shall be elected by members of the Council. House of Representatives, so it becomes a copy of it, and this Panel finds that bilateral dangerous because the second will be a factor that would paralyze the legislative work to delay the issuance of laws or even canceled, so Vighi government action. If we consider - as supporters say the first opinion - that the election of the Council The second being the methods and procedures differ from those of the first Council His election Would be democratic and for reasons of contrast made in the Representation for each of the chambers. Supporters of the bilateral parliamentary referring to those that the presence of different Council From the first installed on the one hand and methods of election to the questions posed by the lack of democracy And ineffective, its presence does not lead to paralysis in the legislative system, because the second chamber increases the durability of democracy and contribute to the achievement of separation. Authorities to be better, as it reduces the severity of the confrontation between the government And House of Representatives, and the second chamber provides the continuity of the legislative authority. (And protects democracy, because it allows the establishment of balance and cooperation between the authorities (1 Having taken the constitutional amendments to the principle of bilateral legislative authority, Hamid, a trend that reflects the essence of a conciliator and the democratic process of the system. Existing political order in the Republic of Yemen.
A. The ordinary courts.
B. Constitutional Court.

Article (7) of the Judicial Authority Law No. (1) 1991
Yemeni courts that consist of:
1. The Supreme Court.
2. Courts of Appeal.
3. Courts of First Instance.

In accordance with the provisions of Articles (e 153) of the Constitution of the Republic
of Yemen is considered
Supreme Court the highest judicial authority is exercised in particular in the field of
Elimination of the following:
A. Chapter in the prosecution and defenses relating to the constitutionality of laws
And regulations and decisions.
B. Chapter in the conflict of jurisdiction between the judicial authorities.
C. Investigation and express an opinion on the health of the appeals referred to it by the
Board of
MPs on the health of the membership of any of its members.
D. The disposition of appeals of final judgments in civil cases
And commercial, criminal and personal status and administrative disputes
And disciplinary actions in accordance with the law.
E. E trial Republican President and Vice-President and Prime Minister and his deputies
Ministers and their deputies in accordance with the law.

Article (12) of the Judicial Authority Law himself has been reported competence
Supreme Court as follows: The Supreme Court exercises the following tasks:
1. Oversight of the constitutionality of laws and regulations and decisions.
2. Chapter in the conflict of jurisdiction between the judicial authorities.
3. Chapter electoral appeals.
4. The disposition of appeals and the final provisions of the acquired degree
Deterministic, in civil, commercial and criminal cases
Personal and administrative disputes and disciplinary actions.
5. Judicial control over all courts in the Republic.
6. Any other duties under the law.
7. Chapter path of the cassation appeal of final judgments in the crimes
Military.
8. Trial of the occupants of the functions of the higher authorities.

It consists of the Supreme Court in accordance with the provisions of the law of the
following services:
1. Constitutional Chamber.
2. Civil Division.
3. Chamber of Commerce.
4. Department of Personal Status.
5. Administrative Service.
7. Department of examination appeals.
The circuit is formed in the Supreme Court decision issued by the Council
The Supreme Judicial after consultation with the Minister of Justice and the President of
the Supreme Court, consisting
Governing body in each Chamber of the Supreme Court of the five BC Dhap Vtwlv except the Constitutional Chamber of seven judges, judgments and decisions
An absolute majority as stipulated in Articles (10) and (11) of the same power law
Judiciary to be the headquarters of the Supreme Court of the capital Sanaa, and make up
Supreme Court of the Chairman and Vice or more and a sufficient number of judges
issued
When you select the number and configuration, if necessary by the Minister of Justice in consultation
With the President after the approval of the Supreme Judicial Council.
The law of each jurisdiction qualitatively Chamber of the Supreme Court
And as indicated below:
A. Oversight of the constitutionality of laws and regulations and decisions, and that
The path of the disposition of appeals filed to the unconstitutionality of laws
Mak
And regulations and decisions, whether by suit or Alambt dop
Payment.
B. Chapter electoral appeals.
C. Trial of the occupants of the functions of the higher authorities.

A. Cassation appeal provisions in the final and gained the degree
Deterministic and decisions issued in civil cases and other issues
Criminal and non-commercial, personal status and management.
B. Conflict of jurisdiction between the judicial authorities was positively or negatively.
C. Transfer of proceedings in civil cases, according to the law of the proceedings.
D. Other applications within their competence and in accordance with the law.

A. Cassation appeal against judgments and decisions issued in cases
Criminal.
B. Transfer of proceedings in criminal cases.
C. Other applications within their competence and in accordance with the law.
4. Chamber of Commerce, financial and decide on:
A. Cassation appeal against judgments and decisions issued in cases
Business and Finance.
B. Transfer of proceedings in the trade and financial issues.
C. Other applications within their competence and in accordance with the law.

A. Cassation appeal against judgments and decisions issued in cases of
Personal status.
B. Transfer of proceedings in matters of personal status.
C. Other applications within their competence and in accordance with the law.

A. Cassation appeal against judgments and decisions issued in a Alqzai
Management.
B. Transfer of proceedings in administrative cases.
C. Other applications within their competence and in accordance with the law.

A. Cassation appeal provisions in the final and gained the degree Deterministic and decisions issued in military issues.
B. Transfer of proceedings in the military crimes.
C. Other applications within their competence and in accordance with the law.
Appeals in terms of shape and meet the conditions required by law.
The Supreme Court expanded judicial body called the Assembly General and consists of the President and the Vice-e and superior court judges, O Workers.

And specializes in the General Assembly of the Supreme Court as follows:
A. Consideration of the cases forwarded by a Chamber of the Court if it considers this Circle reverse jurisprudence of the Supreme Court.
B. Consideration of the cases forwarded by a Chamber of the Supreme Court if it considers
This department had already issued various provisions thereon.
This formation of the Supreme Court and its departments and bodies, what are the Conditions under which the appeal in cassation before?

Cassation appeal is the way of an extraordinary appeal in the provisions may not be Resorted to, but to challenge the judgments of the courts of appeals and The lower courts that are not subject to appeal and appeal in the case
The following:
1. If the contested provision was based on a violation of Sharia law or Error in the application or interpretation of any of them or did not indicate the basis on which □ was built.
2. If a nullification of the sentence or invalidity in the proceedings or the impact of governance
The verdict was contrary to each other.
3. If the rule did not ask, liabilities or more than they had asked.
Mak □

4. If the conflict in judgments Nhaiian Daoyen united the two adversaries Subject, and the reason (Article [292] of the Code of Civil Procedures No. [40] for the year 2002) has identified h provisions of this article may be Appeal the revocation, and from here may not be invoked any reason to challenge Is indicated by this article on the limited, but if the appeal
Relates to public order, according to the defenses set forth in terms of Article (186) of the Code itself, it may stick to the appellant In any stage of the stages of the litigation, even before the The Supreme Court and the Court that required by even its own
And by virtue of a separate chapter on the subject.
The most important reasons for the appeal in cassation error in the application of Sharia law or Or nullity or invalidity in the boldest Ouat impact on governance, and the error in the Law that is wrong with governance and lead to a veto.

Cassation appeal in criminal matters: is governed by Chapter III of the Act
No. (13) of 1994 on Criminal Procedure Yemeni special provisions
Cases of cassation appeal and causes of legal rule and procedures that may
Cassation appeal provisions in the trend of hostility and issued by the courts
The resumption of the provinces, and the provisions of the chapter before the topic is not
May be challenged, but with appeal the ruling of the dispute is forbidden unless the
consequent
Prevent the course of the case, and have the cassation appeal of the prosecutor
And the accused, the Prosecutor of personal and civil rights attorney and responsible.
But if the government issued the death penalty or punishment or up to a consequent
Go self or a member of the body must be to the Public Prosecution - if it does not appeal
against any
Of liabilities - that was the case to the Supreme Court accompanied by a note e
Opinion, the court may in this case exposure to the merits of the case
(Article [434] criminal proceedings) may not appeal from the pain \ invited Rights
Civil and responsible for them not only with regard to E. their rights only to civil, have
been identified
Article (435) criminal proceedings for judicial review following reasons:
Not subject to appeal for judicial review except for the following reasons:

1. If the contested provision was based on a violation of law or error in the
Application.
2. If there is contraindicated in the impact of actions in office.
3. If there is contraindicated in governance.
The basic principle is that actions have been taken into account during consideration of
the case and if the person concerned
Did not mention the actions in the minutes of the meeting and in the government to prove
all
Methods of proof that they have been neglected.
If one is not mentioned in the proof may not followed, but the path
Appeal fraud.
Notably, from the context of the text of Article (435) criminal proceedings that the
legislature may
Development of a presumption in criminal matters to the effect that the procedures in
these matters may
Taken into account, and decided to respect his right to prove the contrary, if the reported
Actions in the minutes of the meeting or in the government may not prove that followed,
However, the path of the appeal of fraud.
The bill authorizes the Attorney General to ask the Supreme Court in any
Time, it was too timely to challenge the repeal or amendment of any rule, order or
Judicial decision in the interest of law if it involves ruling or the decision to violate the
Of law or error in its application.
Article (457) of the Code of Criminal Procedure provisions organized a
Special to seek reconsideration and stated the following:
May request reconsideration of final judgments of conviction in
The following circumstances:
1. If one person was sentenced in the murder and later evidence
Sufficient evidence that pain called killing is still alive.
2. If a person sentenced for a crime and then sentenced to another person for the same crime and was two provisions can not be reconciled between them, so a patent row finds them.
3. If the person was sentenced to and after sentencing on the perjury spent one position at Wad or experts who had Chdo of it, or if the rule Mak
Forging a paper presented during the proceedings and had a certificate or report of the expert paper or influence in government.
4. If the verdict was based on the rule issued in another proceeding and lifted the governance.
5. If signed or emerged after the verdict and the facts or evidence were not unknown at the time trial, and that would prove the innocence of the convict.
6. The request for the petition for review of the Attorney General on its own, or at the request of the following officers:
   A. The convicted person or his legal representative.
   B. Husband sentenced him and his relatives and his successors and recommended if dead.
The impact of the Act in respect of the principle of independence of the judiciary are not subject grievances.
For his men to eliminate the normal and assigned to the Supreme Court of the Republic Yemen stipulating Article (101) of the Code Authority Alqdha daughter to force that Competent administrative department of the Supreme Court without the determination of other applications
Like any of their affairs, when transport and scars when demand was focused on defect in form or violation of the laws and regulations or an error in the application or misuse.
The use of power, as those concerned with other department without the determination of claims.
Compensation for those decisions and the adjudication of disputes over salaries, pensions and bonuses owed to the judiciary or to their heirs, may not be.
Sitting in the determination of these issues was a member of the Supreme Judicial Council.
If he has participated in the decision because of higher demand.
If the wisdom of the text and attached to a clear guarantee from the guarantees.
The independence of the judiciary and the distance from the problems of his men to be, however, is by their court top, the view that the Court of Cassation has become in its consideration of this.
(Things the subject of a court rule on these requests to spend an objective (1) Article (37) of the Judicial Authority Law as follows:
(Established in each province of the Court of Appeal) The Court is composed of President and Vice or more, and heads of the people and appellate judges, determines the resolution.
The Minister of Justice in consultation with the President of the Supreme Court, and the approval of the Judicial Council

Top number of appellate courts and the people, the governing body in each Division of the Court of Appeal consists of three judges, and select the law

The jurisdiction of the Court of Appeal jurisdiction to decide the following:

1. Issues that appeal permitted by law for appeal.
2. Other issues that are under the jurisdiction of any other law.

(Under article (284) of the Code of Civil Procedures (40

For the year 2002 to the litigants to appeal against the provisions of the Courts of First Instance

Courts of Appeal, except what is exempted by law or other legal text, However, the sentences may be appealed in any urgent materials were

The court that issued it.

The rule is that the Court of Appeal is the court where the subject poses

Appeals ruled in the case before the Court of Appeals for the adjudication of

New on the facts and the law, taking into account the following provisions:

A. Court of Appeal did not consider only what will be relieved of appeal only.
B. Court of Appeal should not be considered only in cases in which the faces and

Raised by the appeal only to the extent the Court dismissed the class

The first of those faces and situations.
C. Should the Court of Appeal to consider the case resumed on the basis of

What offers her defenses and new evidence and had been submitted before a Court of First Instance.
D. May not apply to the litigants to appeal and the new control

Court on its own non-acceptance.
E. Control of the Court of Appeal with respect to the request the inclusion of governance

Accelerated implementation or rejection urgently without waiting for the chapter in

Subject.

And. Wallace, the court upheld a ruling Tinavip either the appellant or

Repeal or modify it, or the case remanded to the Court of First Instance of the season

The chapter is not in it.

Jurisdiction of the courts of appeal in criminal matters: the rule that all

Rule or decision that would be subject to appeal unless the law provides for the

inadmissibility of the

The fact that the Wii appeal to challenge the judgments and decisions issued in the

materials

Through the Criminal Appeals and by the veto and the petition for review

And approved the Code of Criminal Procedure of the Attorney General to challenge the

sentence or

Resolution in favor of or against the accused when found positive, in accordance with the

law (Article 413 proceedings

Penalty) if the appeal ruling in favor of the convicted person may not be considered when

Appeal tightening measure of criminal accountability, which was decided in the contested

provision

When, as the civil plaintiff is entitled to appeal the ruling or resolution on the right

Civil, and on behalf of the public that if the lawsuit was filed on behalf of the Civil
Injured, and in all cases determined by law the right of each of the public prosecutor and the accused, the Prosecutor of personal and civil rights attorney and responsible for them is that
Resume sentences for crimes from the courts of first instance.
The resumption of pain invited civil rights and responsible for them not be put on the Court of Alasti Nave, but a civil action (section 417 of the Code of Criminal Procedure), and the resumption of the Public Prosecutor presents a criminal case.
The entire appeals court to maintain and it supports the provision, cancel or modify either against the defendant or for the benefit may not be severe punishment. Adjudged not to cancel the verdict of acquittal, but the unanimous opinion of the judges unless
Was no difference of opinion about the legal question. If the appeal is brought by non-public prosecution, the court upheld or modified for the benefit of Uploader appeal.
Article (44) of the Judicial Authority Law to force (consisting of a Governing body in the Court of First Instance of a single judge, and may in the case of provide a sufficient number of judges that composed of three judges), while the number of courts
Primary and centers, and the scope of its competence shall be determined from the Judicial Council
Top on the proposal of the Minister of Justice and the President of the Supreme Court. Headed by the lower court judge is facilitated and management And supervision of the regularity of the work, if the President of the Court is unable to practice
His duties for any reason, Knapp practiced with him in another judge be assigned President of the Court (Appeal, have been identified Article (27) of the decision of the Minister of Justice No. (195)
For the year 2009 on the Regulation for the appellate courts and the courts Primary Functions of the President Court of First Instance the following:
The President of the Court of tasks and the following functions:
Overseeing the management of the Court and the functioning of work and carry out its functions
According to the law of the judiciary and civil service law and its executive And the laws, regulations and other decisions, the window, and in particular shall
President of the Court of administrative tasks and functions the following:
1. Supervision of the judges of the Court - in the case of multiple judges - in order to achieve Discipline and commitment to career official hours, the judges were Ken
Carry out their judicial duties entrusted to them and within the limits of laws And regulations and orders in force.
2. Direct supervision of the pens and the units that make up the Court and to all staff to ensure discipline career And a commitment to the official attendance and organization of work within the Court has the right to
Issuing guidance for the rationalization and organization of work and improve performance
And increase its level, in accordance with law, regulations and decisions of the window.
3. Submission of proposals that aim to develop and improve work performance
Judicial Court as well as with regard to the basic requirements
Of the Court, as well as the proposals relating to the affairs of their workers, and raise
Those proposals to the President of the Court of Appeal to take what he sees them
To notify the ministry in them.
4. Raise the periodic reports and statistics to the Court of Appeal on the functions
And the activity of the Court and the obstacles or difficulties encountered and proposals Related.
5. Perform any functions or other tasks to support under these rules,
And the Judicial Authority Law and the laws, regulations and decisions of the window.
6. The provisions of law and judicial power window specific to the jurisdiction of
Court of First Instance, according to the law, have a general mandate
To consider all issues, and Article (89) of the Code
And implementation of Civil Code No. (40) for the year 2002 to the jurisdiction of the courts
Primary Governing appealable in all cases brought before it any
The value or type and its provisions are subject to appeal, unless
The text of the law to the contrary have been identified Article (86) of the Act
And implementation of civil proceedings the same provisions of the Court of First Instance is
Subject to appeal, are as follows:
1. If a convicted person which does not exceed one hundred thousand riyals in the issues
Civil.
2. If a convicted person which does not exceed three hundred thousand riyals in the issues
Business.
3. If convicted the expense of the wife not to exceed five thousand riyals.
4. If convicted the expense of small does not exceed three thousand riyals
Unless the dispute over alimony because of maturity may relate to
Appeal of it.
This has allowed the Supreme Judicial Council on the proposal from the Minister
Of Justice to establish courts specialized judicial primary in the provinces when called
Required in accordance with applicable laws.
Based on this text and the exercise of his lawful authority has issued
Supreme Judicial Council a number of resolutions on the establishment of courts of first instance
The quality of specialized public funds, the commercial justice, criminal courts
Specialized courts for taxes, juvenile courts and the courts to the press, and this
Specialized courts operate in accordance with the laws in force in the Republic
And is working to apply an essential part of Yemen's judicial system configurations
Common.
One of the most important characteristics of the Yemeni judicial organization that does
not permit the establishment of
(Exceptional courts and that the text of the Constitution and the law, the Constitution in
Article (150) provides that the judiciary and the integrated unit and arranges law judicial authorities and degrees, and the law defines the terms of reference, as determined by the conditions to be provided. Who shall Alqdha They construct and the conditions and procedures for the appointment of judges and transfer and promotion. And other guarantees of their own courts may not be exceptional in any way. It also banned paragraph (b) of Article (8) of the Judicial Authority Law. The establishment of exceptional courts. It is the context of the text of Article (150) of the Constitution and paragraph (b) of Article (8) Judicial Authority Law is clear that the judicial system places a number of Yemeni Constitutional guarantees of fair trial, it is most important of these safeguards that The person on trial before his natural judge, the judge is a natural judge. Competent in this time of the criminal trial for his crime or the time of lifting. (The case against him or any other judge belongs to the same judicial system (1) This review of the laws of some Arab countries to notice the existence of courts Permanent state security have always been a recipe and continue in this state are two types of State Security Courts.

A. Emergency State Security Courts, according to the Emergency Law.
B. Permanent state security courts.

And state security courts, known in some Arab countries, two types of Exceptional courts and not spend a natural with the existence of differences between these two Types of state security courts, both in terms of competence or in terms of Portability provisions issued to the challenge, it can not be challenged in any way. Faces in the provisions of the Emergency State Security Courts, while may be Application for judicial review and reconsideration and appeal in the provisions of the State Security Courts. (Standing (2

Despite the existence of these differences between the two types of courts State security and they are all variants are not eliminate a natural, no courts Normal but special courts, and involves an inherent prejudice to the right of decision Particularly the natural rights of man, a right to resort to the courts. (And not to be tried only in front of him (1

Have turned some Arab countries to the abolition of special courts Kingdom of Bahrain, where the abolition of the State Security Court, which established the conditions Homeland Security, under Decree No. (4) for the year 2001 issued on 18 / February 2001 where it was under this decree to return the jurisdiction. (The regular criminal courts to judge any natural (2

(As of 26 September / 1416, 15 / February 1996 Law No. (7
(Of 1996 on Criminal Procedure, which included the military (9

Doors, door came the second systematic review of the concept of military justice,
judiciary
Military, according to this law consists of:
A. Military courts.
B. Military Public Prosecutor.
The degrees of both hinted at how the military and how to create and composition of the
Stipulated in Article (44) of the same law as follows:
A. The Military Supreme Court.
B. Military Court of Appeal.
C. Military Court of First Instance.
According to article (45) of the same law that a circuit
Military Supreme Court in accordance with the Judicial Authority Law, which is derived
Court of Appeal, the military and will be based in the capital, Sana'a
Composed of a Chairman and membership of the military judges, the courts
Primary military arise in military areas or anywhere else
Necessary establishment and form of each court of a single judge of the judges
Military, and may in the case of a sufficient number of military judges that
Composed of three judges.
The law defines the jurisdiction of military courts, the Court
Military appellate jurisdiction to adjudicate in all the sentences in
Crimes of the military courts of first instance except those which may not be
Appeal for appeal in accordance with the Code of Criminal Procedure-General, and
specialized
Military courts of first instance to adjudicate in all the crimes set
By the law of crimes and military sanctions, which lies in a circle
The local jurisdiction.
96) provisions for the appeal - have been identified in the articles of the law (76
In provisions, the provisions of the Courts of First Instance to challenge the military
Military Court of Appeal, if the Court of First Instance ruled
Military in the subject and the Court of Appeal that there is a void in
Proceedings or in the government corrects the null and control in the case or
Return the case to the Court of First Instance ruling on the merits again
And subject to the provisions of military courts to military control circuit
The Supreme Court in the application of the laws of these courts does not extend to the
control
The fact that the facts satisfied Bthbutea court ruling or exporter to
The value of the evidence relied upon in evidence, except in cases provided for by
Law (Article 84 military criminal proceedings), the law establishes the right to
Cassation appeal for each of the military prosecution and the accused and the Attorney
Profile
Civil rights and responsible.
If the award is rendered or the execution of punishment or up to a consequent
Go self or a member of the body must be on the prosecution of the military public, even
if not
Appeal against any of the litigants to present the case to the Military
Supreme Court opinion with a note to notify the Attorney General with a copy of
This note may be of military service in this case exposure to the subject of
The case, as may the litigants to challenge in front of the Military Supreme Court judgments and decisions issued by the Court of Appeal. The military courts of first instance which is not subject to appeal, appeal and be challenged for the following reasons:

A. If the contested provision was based on a violation of law or error in its application or interpretation, or did not indicate the legal basis was built.
B. If there is contraindicated in the impact of actions in office.
C. Lack of jurisdiction of the military court in the conduct of the trial.
D. The participation of one of the court to rule with the occurrence of a callback request.

The fact that a legally acceptable request, the law requires that the appellant filed Court of Military Appeals, or in the Military Supreme Court note the reasons it is built to challenge the Governance during the forty days from the date of sentencing, and provided Article (6) of the Code of Criminal Procedure of military force that The Director of the Department of Military Justice to exercise the functions and duties of the prosecution Military and judicial follow the Attorney General of the Republic, followed by military The Minister.

And select the terms of reference for the prosecution of military law in the following cases:

Proceed with the military prosecutor to investigate the following crimes reported immediately to:

A. Military offenses set forth in the Penal Code Military.
B. Common law crimes within the jurisdiction of military courts.
C. Military crimes related to crimes of common law.
D. Military crimes referred to it by the competent authorities according to law, And the prosecution of the military public notice of the military and security And the Attorney General of the Republic's decision to act in the investigation.

The military prosecutor and the trigger for military crimes Regardless of the existence of a complaint or allegation by the victim or his The investigative procedures and the results of secrets and must Members of the military prosecutor and members of the military and judicial assistants Experts and others who call or attending the investigation because of their job or Non-disclosure of their mission, and only signed under penalty of sanctions prescribed by law.

Was mandated by law on behalf of the military task of overseeing the prisons Military and military places of detention to take the competent authorities What seemed to her remarks in this regard. Prosecutors in Yemeni legislation is part of the judicial authority in accordance with With the provisions of the Constitution and the law, a body of judicial bodies of the Authority (Article [150] of the Constitution) and defined by Article (1) of the Law on the Establishment and organization of the prosecution No. (39) of 1977, including the following: Established a judicial body called the Public Prosecutor to direct the terms of reference
Conferred upon it by law and follow the Attorney-General (Higher Judicial Council) Ketbaip Justice, and follow the Attorney General, financially and administratively under the supervision of the Minister of Justice as Defined in Article (50) of the Judicial Authority Law in force as a judicial body Exercise the powers vested in it by law, which is conducting the investigation and referral Crimes in accordance with the procedures specified in the Code of Criminal Procedure, prosecutors Assembly is the mandate-holder to move the criminal case and lifting and functioning Before the courts do not raise the other, except in the circumstances set forth in the law, As they may not stop the criminal case or leave it or disable the functioning or Waived or the sentence or a moratorium, except in cases Set forth in the law. Has identified the Judiciary Law in force terms of reference of the Public Prosecution Stipulating Article (53) of the following:
The public prosecutor brought in when the functions of the powers assigned to them According to the law, and in particular:
A. Taking into account the application of the law.
B. File a criminal lawsuit and practice procedures.
C. Follow up the implementation of judgments and decisions in criminal matters.
D. The investigation of crimes and collect evidence.
E. Express an opinion on the appeals of criminal judgments and decisions, and others.
And. Jawazi mandatory intervention and in the cases provided for in s Law Criminal Procedure or in any other law.
G. Supervision and inspection of detention centers, prisons and institutions Reform of the events, to make sure of the legality of detention and arrest. And the Attorney General is responsible for the case in public - public - in his capacity as Vice From the community will do it himself or by assistants shared by members of the n Prosecution, unless explicitly stipulated, is considered the members of the public prosecutor Agents of the Attorney General, and follow the order of their superiors, their jobs, then the Attorney General, Then Minister of Justice. According to the law that prosecutors perform their function in the courts By the Attorney General or the Attorney General or the first public defense attorneys or heads of Prosecutors or agents, except to the Supreme Court, as mandated by law, this Task Procuratorate shall carry out an independent public function the prosecutor's office Supreme Court called (on behalf of the veto) According to the provisions of Procedure Code Criminal must book department of the Supreme Court of Criminal Appeals is Submitted to the Supreme Court and appeals that are sent after the completion of chargeable to On behalf of Cassation of the Supreme Court together with all the case papers to the extent that
Records of the prosecution and appeals must be written memorandum of opinion in each appeal
In terms of the form, subject, and deposited the case file before consideration by
Supreme Court - Criminal Division competent - and re-prosecution after appeal
The filing of its circle of writers to the President of the Supreme Court, which indicates
So in the log file is then lifted to the President of the Court who shall transmit
Appeal to the competent department for consideration, and Article (1) of the Ministerial Decree
(1) for the year 1979 on the Rules of Procedure of the Office of the Attorney General and Prosecutions
Committee to the following:
Consists of the Office of the Attorney General as follows:
2. Technical Office.
4. Judicial Inspection Department.
5. Prosecutions departments.
This has been settled jurisprudence that the Arab public prosecutor characterized the properties are:
1. Gradual subordination.
2. Non-retail.
3. Public prosecutor's independence.
4. Inadmissibility of the response of prosecutors (1)
Yemen was one of the first Arab countries which adopted the principle of control
Constitutionality of laws, it ensures the permanent War of the cupola in the city of Sana'a
(1970 on the provisions on the establishment of a Constitutional Court stipulating Article
(155
From the following:
Established a High Constitutional Court shall consist of a number of scientists Acharaite
And highly qualified elected by the Shura Council, and nominated by the President of the Council
Republican, will be final in the following matters:
A. Constitutionality of any constitutional amendment.
B. Constitutionality of laws and decrees having the force of law.
C. Trial of the President and members of the Republican Council and the Prime Minister
and ministers.
D. The investigation of appeals election of members of the Shura Council.
And Article (158) of the Constitution itself that the law defines a recipe
Constitutional procedures for the formation of the Supreme Constitutional Court rules
Organization and procedures to be followed before.
This was the first attempt because the Constitution contains a provision decide the principle of
Judicial control over the constitutionality of laws and decisions.
After the unity of the blessed and the adoption of the Constitution of the Republic of Yemen to the stage
Decides to establish the transitional Supreme Court of the Republic of Yemen, where
identified Article (124) than on the terms of reference of this court by stipulating the following: Established Supreme Court of the Republic and how the law defines the composition Shows the terms of reference and procedures to be followed before it is exercised in particular As follows:
1. Oversight of the constitutionality of laws and regulations and decisions.
2. Chapter in the conflict of jurisdiction between the judicial authorities.
3. Chapter electoral appeals.
4. The disposition of appeals of final judgments gained class Cogens in civil, criminal and personal status.
5. The disposition of appeals of final judgments gained class Deterministic in administrative disputes and disciplinary actions.
All constitutions have included provisions on the control of Yemen on Constitutionality of laws stipulating Article (151) of the Constitution of 1994 provides as follows:
Supreme Court of the Republic is the highest judicial body and determines the law Shows how the composition and terms of reference and procedures to be followed before, and exercise Particularly in the elimination of the following:
A. Chapter in the prosecution and defenses relating to the constitutionality of laws And regulations and decisions.
B. Chapter in the conflict of jurisdiction between the judicial authorities.
C. Investigation and express an opinion on the health of the appeals referred to it by the Board of MPs on the health of the membership of any of its members.
D. The disposition of appeals of final judgments in civil cases And commercial, criminal and personal status disputes and administrative, And disciplinary actions in accordance with the law.
E. Trial of the President and Vice-President and Prime Minister and his deputies Ministers and their deputies in accordance with the law.
Also included the Constitution of the Republic of Yemen in 2001 the same provision On the control of the constitutionality of laws through the chapter in the proceedings And arguments concerning the unconstitutionality of laws and regulations and decisions (Paragraph [a] of Article (153) of the Constitution in force for the year [2001 AD]).
According to the provisions of the Yemeni Constitution in force which states that the elimination of Integrated unit and arranges the judicial authorities and law degrees and sets Terms of reference (Article [150] of the Constitution) has entrusted the task of control law (Constitutional law constitutional department of the Supreme Court stipulating Article (19 Of the Judicial Authority Law No. (1) for 1991 as follows:
Separated by the Constitutional Chamber are as follows:
A. Oversight of the constitutionality of laws and regulations and cinnamon Arat and that The path of the disposition of appeals filed to the unconstitutionality of laws
And regulations, regulations and decisions, whether by suit or Alambtdop Payment.

B. Chapter electoral appeals.

C. Trial of the occupants of the functions of the higher authorities.

The Constitutional Chamber of the Supreme Court in El Jem Hurreh Yemen is the only legal entity entrusted with the oversight of the constitutionality of laws and regulations.

We have many forms of control over the constitutionality of laws in some countries. Arab established a Constitutional Court responsible for constitutional control, such as Arab Republic of Egypt and the State of Kuwait and other Arab countries have this. Important constitutional councils such as the Constitutional Council of Algeria, Tunisia, And Morocco, and in some countries the task of overseeing the constitutionality of laws Third party legal under the Supreme Court - the Court of Cassation and the recognition - such as What is the case in the Republic of Yemen.

The basis for the emergence of thinking to find a constitutional means in any country Issues of judicial control over the constitutionality of laws but rather serve as a basis to address Three things, first is the fear of conflict in the courts concerning the constitutionality of a law. So that it is likely that the constitutional court and unconstitutional to Another court, and is a constitutional claim and unconstitutional in another lawsuit. Before the same court, the second failure control of the ordinary courts as they do not do More than rejected the application of the law is constitutional but it remains the law effects And effectiveness is in the scope of the lawsuit, said the elimination of his speech, and the third The need to resort to a constitutional court as to say a critical word in . (Abolition of specific legislation or to leave it (1 The principle of judicial control over the constitutionality of laws and regulations Means that in case of conflict between an ordinary law or statute with the Constitution, due to Court to rule on this conflict to appropriate the assets of this function Judiciary and in its borders have drawn no doubt that it must at this Conflict that poses the ordinary law and neglects the Constitution and beat him because The supreme law better be followed, in which it does not infringe on the power Legislative, as long as the Court does not place the T itself legally, in order to stop the Implementation, and so is that it differentiates between the two laws may conflict in this Vtvsal. (And difficult to decide which is the first application (1 If the common law has neglected the fact that this is due to rule Constitution supreme over other laws that sovereignty that should be all Itzmha The judge and the street on both the judiciary and thus laid the principle of control Jurisdiction over the constitutionality of laws on the basis of consideration to the Constitution as Occupies the top hierarchy of legal norms in the statement of law, Valmushara
When enacted legislation should be legislation that is contrary to the Constitution. And judicial control over the constitutionality of laws is a guarantee of guarantees. The principle of the rule of law and the need to take place all the guarantees of the rule of law.

So issued in accordance with the Law. The method of moving control of the constitutionality of laws and decisions before the Supreme Court of the Republic - the Constitutional Chamber - are two ways: A. Alambtdop constitutional motion. B. Payment of unconstitutionality. Case is the constitutional nature of contingent claims in kind. Interview contested legislative texts by the provisions of the Constitution there can and match them to uphold the law constitutional, and then these texts are the same Constitutional issue in the proceeding or, rather, place, and waste as much as Thtterha with the provisions of the Constitution which is the end Tptgheha this rivalry, and spend Constitutional Court - Constitutional Chamber - would in possession of those authentic Launched its impact in the face of the state over the regulations and the multiplicity of aspects Activity, and then not only the impact of its provisions who is party to the litigation Constitutional, both as a genuine opponent Mnd or what, but the effect on the Yemeni constitutional legislation does not regulate the merits Constitutional and method of lifting and the dates and conditions and the core data that must be Be included and procedures for its consideration, the law applicable On the constitutional motion, in all these cases, is the law of pleadings And implementation of Civil Code No. (40), 2002 - Public Law - According to the provisions of Part One of the first book of the Code for the same spillover Before the courts - proceedings and conditions of acceptance - we find that Article (70) of this Law defined the case as a legitimate means and each of a legal claim or Defending bump up to the judge for decision in accordance with the rules and legal legitimacy, as One of the most important conditions for the case in Yemeni law interest, in accordance text Article (75) does not accept pleadings to take any action or claim or defense is not the owner In the interest of the list established by law, shall be sufficient potential interest, If the purpose of the reserve demand to pay or imminent damage to document a right Might disappear when the evidence for the conflict. That the most important conditions are necessary to contact the court proceedings, In general and the constitutional case in particular, the availability of interest-based Established by law a direct personal interest is not enough To achieve the legislative text to be challenged as unconstitutional, but Requires that the text has been attached to direct damage to the plaintiff shall be
sufficient
Potential interest if the purpose of the reserve demand to pay the damage or
Ascertain the right might disappear when the evidence for the conflict.
This ends the mandate of the Court Bisd R. governance and delivered, Vbesdor
Ruling, the court exhausted its original mandate, which related to requests
Original raised by the case, as well as requests made by the crossbar
. (Bmnasphtha (2
If it is agreed that the verdict of the court out of conflict
From its original mandate and subordination, it remains for the trial court
The mandate of the complementary and verify whether this state has an interest in the
interpretation of
Sentence or corrected, or omitted if the trial court Chapter
. (In the request before it was the objective (1
And provisions for the interpretation of the sentence or corrected, or omission in the
chapter
Substantive applications had been received in the Code of Civil Procedures in force
As a general law, Article (253) to take proceedings provides that: (The
Court is correct in its ruling from the mistakes of purely material written or
Calculation made by a decision of its own motion or at the request of a litigant is not
Case, being clerk of the court for this correction to the image of governance
The original sign is the Chair).
This text is governed by deterministic interpretation of the provisions that afflict the
operative part
Vagueness or ambiguity or doubt in the interpretation, in this case can a discount
To request the trial court an explanation for this ambiguity or thumb
Request made to it in accordance with the usual procedures for filing the lawsuit.
May not take this request to modify the way jurisdiction of the Court, and only
It is not acceptable, and is considered an integral interpretation of the provision of all the
faces
. (To judge which is explained by (2
That, although it was appropriate that the foregoing is subject to government
interpretation of the challenge
Immediately after its release A. No, that can not be realized before the Constitutional
Court in connection with
Determining applications for the interpretation of its provisions, because of court rulings
and decisions of the Constitutional
Final and not subject to appeal to any party, and winning the provisions of this
authoritative
Absolutely should not be limited impact on the litigants in unconstitutional Da' Ui
They were made, but leave this to the impact omnes, and abide by all the authorities
State whether those provisions had ended the unconstitutionality of the text
Legislative contested, or unconstitutional and to dismiss the case on this
. (Base (1
Article (186), paragraph (7) of the Code of Civil Procedures on
Follows:
The defenses of the General Regulations the following:
7) Challenges to the constitutionality of the law in this case, if the court
That the payment is based on the suspended consideration of the litigation and filed papers relating to the
Payment to the Constitutional Chamber of the Supreme Court within thirty days from the date of
Its decision to suspend consideration of the dispute, and the Constitutional Chamber of the chapter during the period of
Maximum seventieth days starting from the date of arrival of the papers to the Supreme Court.
It is the context of the text of paragraph (7) of Article (186) it is clear that non-payment Constitutionality of a law or regulation is the way the second method of judicial control over Constitutionality of laws and regulations and decisions.
We had previously dealt with the way I to the judicial control
In the case of direct Alambdop provided by the applicant before the Supreme Court - Constitutional Chamber - and here we take the second route - Payment Unconstitutionality.
The Challenges to the constitutionality of laws and regulations is the most religiously methods
In the Arab countries to move the case to the constitutional methods
Other Valvgah Egyptian-Arab view that expansion of the scope of judicial control
The constitutionality of laws and regulations, the text of the law on three ways to achieve this
First Goal: Elimination of a recourse on their own to the Constitutional Court
High season in the constitutional text of the chapter is required in a case pending before this
The confirmation of the commitment of judicial rules of constitutional right,
And the second payment from a litigant before a judicial bodies not to constitutional text
In law or regulation and then the court defer consideration of the case and determine those who aroused
Payment term to suit this, the third way: to authorize the Court
Supreme Constitutional to spend on its own unconstitutional provision in the law or . (The list displays them on the occasion of the exercise of all its terms of reference (1
In the Yemeni legislation Valdf unconstitutional law or the text of the statute do not Only be a litigant before a judicial bodies, and here is not to be answered
The principle of payment to pay automatically, but law requires the court to look first in the
Seriousness of payment, and if they see that the payment is based on the consideration of litigation suspended
And raised the papers relating to the payment to the Constitutional Chamber of the Supreme Court.
And the meaning of the seriousness of payment to be impugned law or regulation in Dsturithma Post subject of the dispute that can be applied to any one of them
The case in any of the faces, and that they doubt the constitutionality of the AK Law or regulation challenged in Dsturithma is no doubt in part . (Constitutional (2
The law put a limit to the lifting of securities to pay non-attachment to pain
Constitutional law or the text of the statute and considered the submissions on the public order
Which may be formulated in any stage of the litigation, even before the court
High, and then it may be seemed that payment for the first time before the Court of Veto - Supreme Court of the Republic of Yemen - and in accordance with the provisions of the 186) of the Code of Civil Procedures in force. , Articles (185)