

Country File

YEMEN



Last updated: **July 2009**

Region	Middle East and Northern Africa
Legal system	Islamic law / common law
UNCAT Ratification/ Accession (a)/ succession (d)	5 November 1991 (a)
Relevant Laws	<ul style="list-style-type: none">• Constitution of 1994
Relevant Articles	<ul style="list-style-type: none">• Prohibition of torture: Article 47 of the Constitution• Definition of torture:• Penalties: Article 47 of the Constitution• Others:<ol style="list-style-type: none">1. Prohibition of coerced confession: Article 47 of the Constitution2. Participation in torture: Article 47 of the Constitution3. Compensation and reparation: Article 47 of the Constitution
Languages Available	<ul style="list-style-type: none">• English
Other Relevant Information	

Relevant Articles – YEMEN

ENGLISH (Translation)

Constitution of 1994

Article 47

- a. The state shall guarantee to its citizens their personal freedom, preserve their dignity and their security. The law shall define the cases in which citizens freedom may be restricted. Personal freedom cannot be restricted without the decision of a competent court of law.
- b. No individual can be arrested, searched or detained unless caught in the act (*in flagrante delicto*) or served with a summons from a judge or the Public Prosecutor, which is necessary for the progress of an investigation or the maintenance of security. No person can be put under surveillance unless in accordance with the law. Any person whose freedom is restricted in any way must have his dignity protected. Physical and psychological torture is prohibited. Forcing confessions during investigations is forbidden. The person whose freedom is restricted has the right not to answer any questions in the absence of his lawyer. No person may be imprisoned or detained in places other than those designated as such and governed by the law of prisons. Physical punishment and inhumane treatment during arrest, detention or imprisonment are prohibited.
- c. Any person temporarily apprehended on suspicion of committing a crime shall be presented in front of a court within a maximum of 24 hours from the time of his detention. The judge or Public Prosecutor shall inform the detained individual of the reason for his detention and questioning and shall enable the accused to state his defense and pleas or rebuttals. The court then gives an order justifying the release of the accused or extending his detention. In all cases, the Prosecutor is not entitled to continue detention of the accused individual more than seven days except with a judicial order. The law shall define the maximum period of custody.
- d. Upon arrest, for whatever reasons, a person may immediately contact someone of his choice. The same notification shall be repeated whenever a court orders the continuation of the detention. If the nominated person can not be notified, the detainee's closest relative or concerned friend shall be notified.
- e. The law shall determine the punishment for whosoever violates any of the stipulations of this Article and it shall also determine the appropriate compensation for any harm the person suffers as a result of such a violation. Physical or psychological torture at the time of arrest, detention or jail is a crime that cannot be prescribable. All those who practice, order, or participate in executing, physical or psychological torture shall be punished.