

Structure of the Public Prosecution Office in Yemen

* The public prosecution is composed of the attorney general and first Solicitor General and a sufficient number of Solicitor Generals, and chiefs of prosecution, and deputies, assistants and aides of the prosecution. The members of the public prosecution consist of their chiefs, ranked according to their grades, then the attorney general. It is supplemented with a number of administrators, clerks and staff.

* The office of the attorney general consists of:

- First Solicitor General
- Solicitor General of the technical office, assisted by a number of prosecution members.
- Solicitor General of the judicial inspection body, assisted by a number of prosecution members.
- Solicitor General of the attorney general's office
- Solicitor General of the office of public assets prosecution, assisted by a number of prosecution members.
- Solicitor General of the offices of military prosecutions, assisted by a number of prosecution members.

- In addition, it is supplemented with a number of departments and various general administrations.

* The first Solicitor General takes the place of the attorney general in his absence or departure from his post or for any reason that prevents him from performing his function.

* The Cassation Prosecution performs the function of the public prosecution before the Supreme Court. It is composed of a Chief at the level of Solicitor General, and a number of members. It is a prosecution independent of the attorney general in its judicial function, and under its authority financially and administratively.

*The jurisdiction of the public prosecution is restricted to investigating and prosecuting crimes within the jurisdiction (venue or value) of the courts in whose departments they are working, where they have legal authority to investigate.

* Whereas the function of the governorate prosecution at the governorate's appeals courts is performed by a number of members of the public prosecution headed by one of its chiefs.

* The function of criminal prosecution at all criminal courts and district courts is performed by one or more members headed by a district attorney or assistant district attorney.

* The function of public prosecution at Public Assets Courts is carried out by a public assets prosecution composed of a Solicitor General, assisted by a number of chiefs, deputies and assistants from the office of public prosecution. It is under the authority of the attorney general judicially, financially and administratively.

* The function of public prosecution at military courts is performed by a public military prosecution headed by a Solicitor General, assisted by a number of chiefs, deputies and assistants from the office of public prosecution. It is under the authority of the attorney general technically and judicially, and the minister of defense financially and administratively.

* The function of specialized appellate criminal prosecution at the specialized appellate criminal division is performed by a number of prosecution members headed by one of its chiefs.

In addition, the function of specialized first instance criminal prosecution at the specialized first instance criminal court is performed by one or more members headed by a district attorney or assistant district attorney.

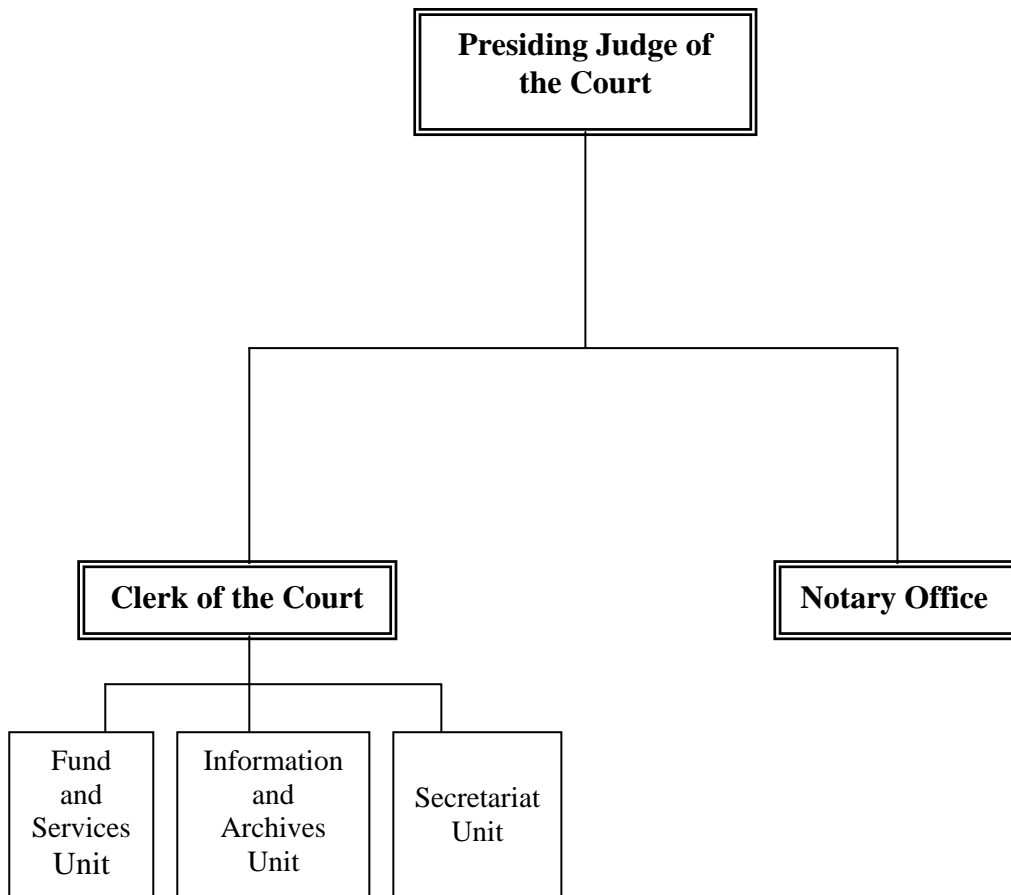
-- It starts initially with a complaint or report presented to the public prosecution or an officer of the judicial police.

- The judicial police officer gathers evidence and sends it to the prosecution.
- It is recorded in the incoming registry at the public prosecution.
- It is presented to the district attorney (the director).
- The district attorney (director) orders that it be referred to one of the members as part of the distribution plan.
- The member reviews it, and opens a review report:
 - He may see fit not to move the criminal case, and orders the suspension thereof, in that it does not involve a crime or that the incident is not punishable by law.
 - Or he may see fit to move the criminal case and to proceed ahead with the investigation based on an initial characterization of the incident.
- The investigation is started by following all the procedures involved therewith. Based on the results of the investigation, he does the following:
 - Either issues a decision that there is no solid foundation to bring criminal action, provided that there are legal or substantive grounds, whatever they may be, for issuing such decisions (taking into consideration that if the incident constitutes a serious crime, then any action in regard thereof would be the right of the governorate's chief prosecutor, and the investigating member must send it to him accompanied by his opinion).
 - Or refer it to the relevant court upon confirmation of the charge. This shall be done by way of an indictment (if the incident constitutes a serious crime, then the signature on the indictment is the right of the governorate's chief prosecutor, and the investigating member must send it to him along with a draft indictment and an evidence list).
- Set a date for an preliminary hearing in coordination with the presiding judge of the court.
- Order the defendant to appear at the court hearing after the date has been set.
- With that, the case is handed over to the court.
- Trial procedures begin and the prosecution becomes a party to the case, whereas:
 - The court itself shall assume the responsibility of managing all the open court hearings.
 - The court shall hear whatever claims, evidence, arguments and pleas that are presented by all adversaries.
 - The court shall hear the closing arguments from the adversaries.
 - The case is reserved for review, and a date for a hearing in open court is set for the sentencing in the presence of all the parties.
- Thereafter the sentence is sent back along with the case file to the relevant office of prosecution for execution, unless either party of the litigation decides to appeal the sentence at the appeals court within the legally prescribed time period. At such time, the file is sent to the appeals court for review of the appeal. If either of the adversaries challenges the decision of the Appeals Court, it is sent to the Supreme Court. Then the case file is returned along with all judgments to the prosecution for execution.
- The office of the prosecution shall record the judgments in a registry of its own, and thereupon the case file is saved and archived in the prosecution's archives after notating thereon that the judgment has been executed in the case. This is considered the final step.

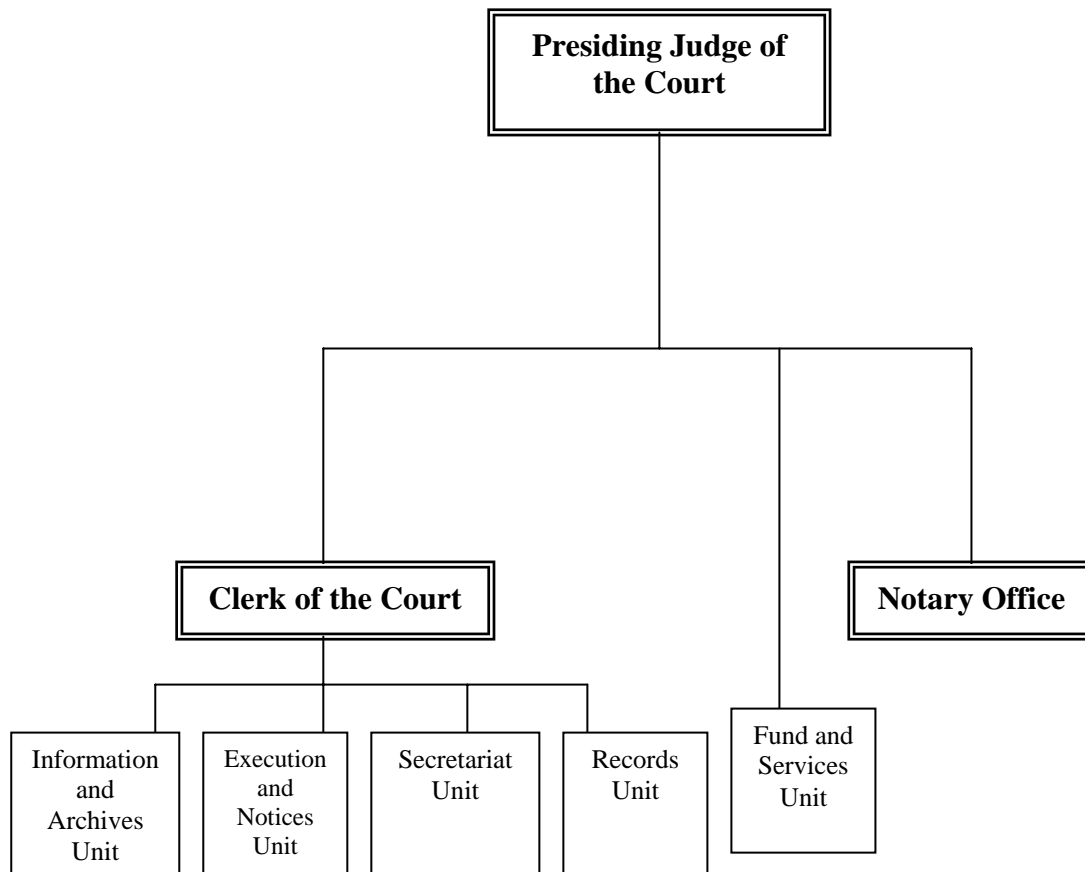
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Organizational Structure of the Court of First Instance, Level C



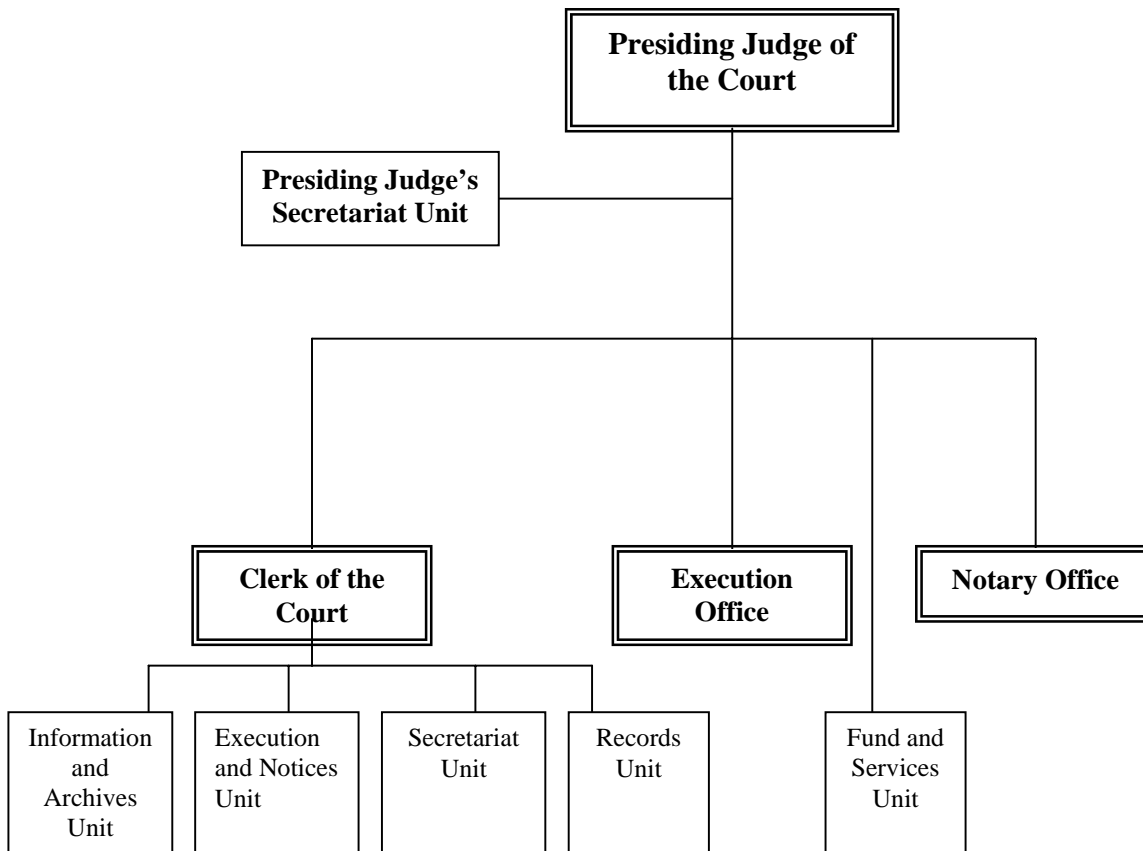
Organizational Structure of the Court of First Instance, Level B



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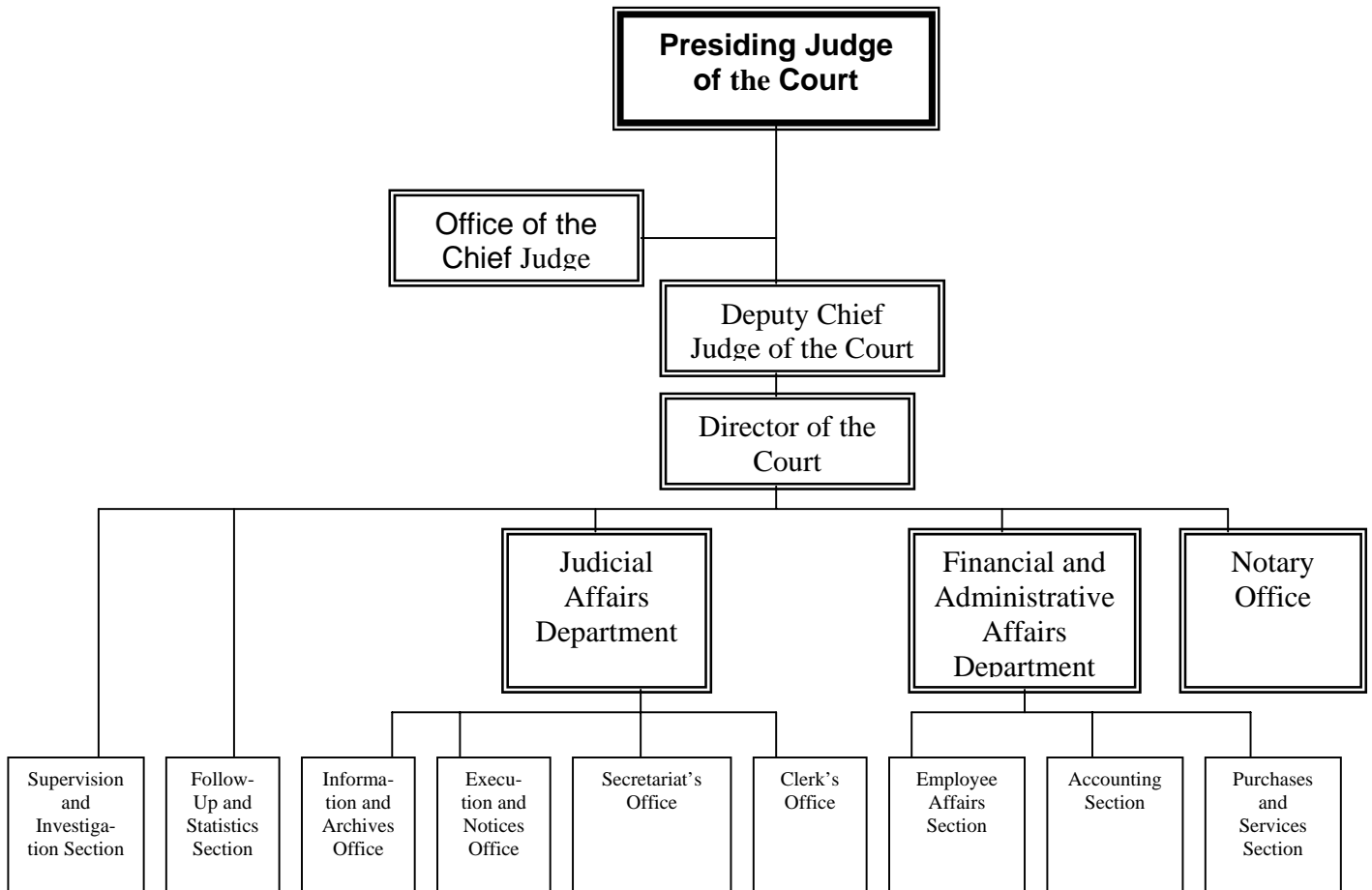
Organizational Structure of the Court of First Instance, Level A



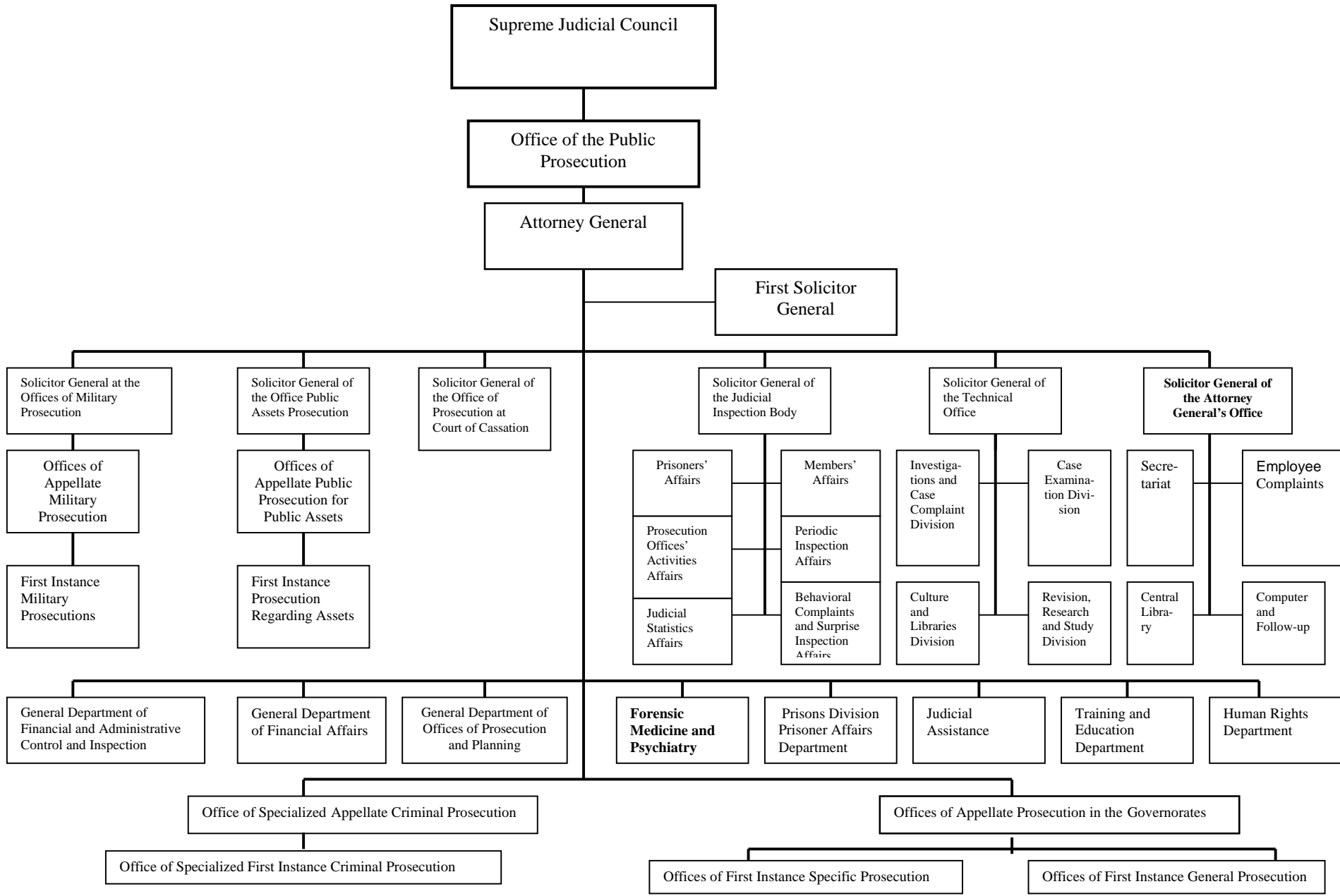
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Organizational Structure of the Court of Appeals



Appendix 3
Organizational Structure
A. Office of the Attorney General



Appendix 3 (cont'd)

C. Offices of Specialized First Instances Prosecution

Numerical Table Listing Names of Offices of Prosecution Throughout The Republic

Endowments															
Office of First Instance Prosecution Regarding Assets	Office of First Instance Prosecution Regarding Assets	Office of First Instance Prosecution Regarding Assets	Office of First Instance Prosecution Regarding Assets	Office of First Instance Prosecution Regarding Assets	Office of First Instance Prosecution Regarding Assets		Office of First Instance Prosecution	Office of First Instance Prosecution	Office of First Instance Prosecution	Office of First Instance Prosecution	Office of First Instance Prosecution		Office of First Instance Prosecution		
Office of Appellate Prosecution Regarding Assets at Secretariat	Office of Appellate Prosecution Regarding Assets in Aden	Office of Appellate Prosecution Regarding Assets in Ta'iz	Office of Appellate Prosecution Regarding Assets in El-Hudaiyeda	Office of Appellate Prosecution Regarding Assets in Hadremot	Office of Appellate Prosecution Regarding Assets in Ib		Office of Appellate Prosecution for the Central Military Region	Office of Appellate Prosecution for the Southern Military Region	Office of Appellate Prosecution for the Northwestern Military Region	Office of Appellate Prosecution for the Eastern Military Region	Office of Appellate Prosecution for the Middle Military Region		Office of Specialized Criminal Appellate Prosecution		

COURSE OF CRIMINAL CASE

Complaint or report submitted to the office of public prosecution or any officer of the judicial police.

If submitted to an officer of the judicial police, he will collect evidence and send it to the prosecutor's office.

It is then recorded in the public prosecution's registry.

It is shown to the district attorney (the director).

The district attorney (director) refers it to one of the members as part of the distribution plan.

The member reviews it and opens a review report.

-- After review thereof, he (the member) may see fit not to move the criminal case in that it does not involve a crime or that the incident is not punishable by law. So he orders the suspension thereof.

-- Or he may see fit to move the criminal case and pursue the investigation thereof based on an initial characterization of the incident.

Thereafter he begins the investigation by following all the necessary procedures.

He takes action on the results of the investigation.

[He takes action] either by referring it to the relevant court when the charge has been proven, through an indictment; or by issuing a decision that there is no basis in fact to bring criminal action, provided that there exists legal or substantive grounds, whatever they may be, for issuing such decisions.

A date is set for the preliminary hearing in coordination with the presiding judge of the court.

The defendant is ordered to appear at the trial hearing after the date has been set.

With that, the case is handed over to the court.

- Trial proceedings begin, and the prosecution becomes an honorable adversary in the case and a part of the court's composition (Art. 316/1 Criminal Procedure).
- The court itself handles the management of all open trial hearings.
- It hears whatever claims, evidence, arguments and pleas are presented by the adversaries.
- It hears closing arguments from the parties to the litigation.
- It reserves the case for review and sets a date for an open hearing for the pronouncement of the sentence in the presence of all parties.

The sentence, along with the case file, is returned to the relevant office of prosecution for execution, unless either party decides to appeal the sentence. At such time, the file is sent to the Appeals Court for review. If the Appellate Court's judgment is appealed by the adversaries, it is sent to the Supreme Court. Thereafter, the case file, along with all judgments, is sent to the office of prosecution for execution.

The office of public prosecution records the judgments in its own registry, and thereafter the case file is filed and maintained, and archived in the prosecution's archives after notating thereon that the judgment was executed in the case. This is considered the final step.

COURSE OF CRIMINAL CASE

