

Emergency and Protection of Public Safety Act of 1997
(Act Number (1) 1998)

In Accordance with section 5(g) of the constitutional order number 13, the national council has accredited, upon the approval of the president of the republic, the following act:

Chapter (1)
Preliminary provisions
Title and commencement

1. This Act may be cited as the, “Emergency and Protection of Public Safety Act, 1997”, and shall come into force after signing with immediate effect when an emergency is declared and within the area specified in the declaration.

Repeal

2. Sudan Defence Act, 1939 shall be repealed. However, all bylaws, orders and procedures issued in accordance with its provisions shall be correct and valid until repealed or amended.

Interpretation

3. In this Act, unless the context otherwise requires:

Declaration: means the declaration of state of emergency in accordance with section 5(g) of the constitutional order number 13, and section (4) of this act

Competent Authority means the President of the republic, the Governor or any delegated official

The council means the national council

Chapter (2)
State of Emergency
The Declaration

4. (1) The President of the Republic shall issue a declaration of a state of emergency all over Sudan or in any part of it, that faces the following risks:
5. (a) Foreign invasion or blockade
(b) Immediate or gross danger that threatens national unity, safety of the country or any part of it;
(c) Crisis which threatens the country's economy;
(d) War, rebellious or illegal fighting;
(e) Prevailing crime, insurgence or riot;
(f) Epidemics or collapse of public work or public facilities
(g) Any other situation which the president view as a direct threat to Sudan, any part of it, public safety, or community life.
- (2) The declaration of emergency shall be presented to the council, in accordance with provisions of the constitution, to decide whatever deems fit.
- (3) The declaration will remain valid until it expires or if the president issues a declaration to annul it.

Emergency Powers

5- Subsequent to the declaration, the competent authority will exercise any of the following powers within the scope of security measures:

- (a) entering, or searching any building or searching persons;
- (b) imposing surveillance over any buildings or institutions;
- (c) seizure, according to the requirements of emergency, of land, businesses, commodities, or other assets against prompt and just compensation;
- (d) confiscation of assets, businesses, commodities and objects suspected of being the subject of any illegal activity until investigation or trial is carried out;
- (e) banning or restricting the movements of persons or their activities or the movements of means of transport and communication
- (f) organising the transfer, production or storing of commodities or services as well as price fixing and setting up transactions' systems;

- (g) commissioning persons to perform any service required for the emergency purposes preserving their right to wages;**
- (h) arresting persons suspected of participating in crimes related to the declaration;**
- (i) any other powers the president deemed to be necessary.**

Chapter (3)
General Provisions
Procedures and trial

6 (1) The provisions of 1991 criminal act shall apply on acts contrary to the provisions of this law, the bylaws or the orders issued according to it;

(2) The president of the republic, or any person he delegates, may set, in consultation with the chief justice, special courts (trial and appellate) to try any accused under this act and he may specify the procedures of these courts;

(3) The competent authorities may establish, after consultation with ministry of justice and the minister for interior affairs, special prosecution offices to investigate and inquire in accordance with the provisions of this act.

Penalties

7- (1) Any person commit an offence under this act, the bylaws or the orders issued according to it, or according the bylaws or orders issued by the competent authority shall be punished by imprisonment or fine or both.

(2) The special court may issue, in offences other than those punishable with execution or life imprisonment, additional penalties of imprisonment, fine or confiscation. This apply also on offences under 1991 criminal act related to the situations of the emergency declaration.

Powers of Issuing Bylaws

8- (1) The President my issue bylaws and orders he deems necessary for the implementation of the provisions of this act.

(2) The competent authority may issue orders necessary to fulfil its duties under this act.

Certification

I do hereby testify that the national council has accredited the “Emergency and Public Safety Act of 1997” in its meeting number (41) of its fourth session on 24 December 1997.

**Dr. Hassan Abdallah Elturabi
Chair of the National Council**

**I Agree:
General: Omar Hassan Ahmed Elbashir
President of the Republic**