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**Resolution the President of the United Arab Republic on Law No. (162) of the Year 1958
Concerning the State of Emergency**

In the name of the Nation,

The President of the Republic,

After review of the Interim Constitution, the Legislative Decree No. (150) issued in the Syrian territory on 22/06/1949 on the system of the martial law, Law No. (533) of the year 1954 on the system of martial law issued in the Egyptian territory, and their amendments,

Resolves as follows:

ARTICLE (1):

The attached law is applicable in relation to the state of emergency.

ARTICLE (2):

The legislative decree no. (150) issued on 22/06/1949 and law no. (533) of the year 1954 are cancelled as well as any other law contradicting the provisions of this law.

ARTICLE (3):

This law is published in the Official Gazette and shall be applicable in both territories of the Republic as of the date of promulgation.

Issued at the Presidency of the Republic on 13 Rabea Awal 1378 (27 September 1958).

LAW CONCERNING THE STATE OF EMERGENCY

ARTICLE (1):

The state of emergency may be declared whenever security or public order in the territories of the Republic or in any area are exposed to risk whether due to a state of war or a state that threatens by the breakout of war or internal disturbances or overwhelming disasters or the spread of epidemics.

ARTICLE (2):

The declaration and termination of the state of emergency shall be enacted by a resolution of the President of the Republic and the declaration resolution shall include the following:

One: Explanation of the condition forming the cause of the state of emergency.

Two: Definition of the area covered by the state of emergency.

Three: The date of effectiveness.

ARTICLE (3):

Whenever the state of emergency is declared the President of the Republic may take by a written or verbal order the following measures:

- 1- Set restrictions on the freedom of persons to meet, move, reside or pass in certain places or times, arrest the suspected persons or those representing danger to the security and the public order, detain them, permit the inspection of persons and places without abidance by the provisions of the procedural law as well as assigning any person to perform any task.
- 2- Order monitoring letters whatever their type may be, monitoring newspapers, publications, editions, drawings and all means of expression, advertisement and announcement before dissemination and to control, expropriate them and close the places of printing them.
- 3- Schedule opening and closure of the public shops as well as ordering the closure of all or some of these places.

- 4- Seize any movable property, real estate, order imposing receivership on companies and corporations as well as postponement of payment of debts and due liabilities payable on the seized properties or those on which receivership is imposed.
- 5- Withdraw permits of arms, ammunitions, explosives or fireworks of different types and order delivery and control of the same and closure of the arms stores.
- 6- Evacuate or isolate certain areas, organize transport means, restrict and limit transport between different areas. By a resolution of the President of the Republic it is also permissible to expand the scope of rights stated by the precedent article provided that this resolution is presented to the national assembly at its first meeting.

ARTICLE (3) BIS 1

In accordance with the previous article the detained person has the right to complain against the order of arrest if six months elapsed from the date of issue without being released. The complaint shall be through a request submitted without payment of duties to a Supreme State Security Court formed pursuant to the provisions of this law and the Court decides on the complaint immediately. The release decision of the Court shall not be effective except after ratification by the President of the Republic.

ARTICLE (3) BIS (A) 2

Whoever having receivership imposed on his properties pursuant to the above article and whoever concerned shall have the right to complain against the order of receivership imposition or complain against the procedures of enforcement. The complaint shall be through a request filed without payment of duties to a supreme state security court formed in accordance with the provisions of this law in which litigation shall be between the administrative agency assuming the enforcement of the issued order imposing receivership and the person to whose properties receivership was imposed if the request was filed from another person other than him. The court decides on the complaint by confirming the order or amending it. The decision of the court cancelling the order imposing receivership may not be effective except after ratification by the President of the Republic. Whoever whose complaint was refused may file a new complaint whenever six months elapse from the date of refusal.

ARTICLE (4):

The security forces or armed forces shall assume enforcement of the orders issued by the President of the Republic or whoever may represent him. If the armed forces assume such enforcement its officers and adjutants starting by the rank appointed by the Minister of War shall have the authority to initiate minutes of violations committed against those orders. Each employee or a public agent should assist them within his capacity or competence to undertake such tasks and the minutes evidencing those violations of this law are applicable until the contrary is established.

ARTICLE (5):

Without prejudice to any severer penalty provided by the applicable laws the President of the Republic or his representative may punish whoever may violate the issued orders by the punishments provided by those orders provided that such punishment may not exceed the temporary hard labor or a fine of four thousand Egyptian Pound or forty thousand Lira and if those orders did not mention any penalties for the violation which provisions were violated the violator shall be punished by imprisonment of no more than six months and a fine not to exceed fifty Egyptian Pounds or five hundred Lira or one of these two penalties.

ARTICLE (6):

Violators of orders issued in accordance with this law and the crimes defined by these orders may be detained immediately. The detained in crimes other than those prejudicing the internal and external State security crimes and other crimes for which definition shall be issued by an order of the President of the Republic or whoever may represent him may complain against his imprisonment to the competent court. When considering the case the court may issue a decision of temporary release of the accused whatever the crime he is sentenced in may be and the decision of the court in the crimes of internal and external security of the State or the crimes definition of which is issued by an order of the President of the Republic is subject to ratification of the President of the Republic or his representative.

ARTICLE (7):

The State penal courts (primary courts) and the Supreme Courts decide on crimes committed in violation of the provisions of the orders issued by the President of the Republic or his representative. Each department in the State Security Penal court in the

Primary Court is formed of one of the magistrates of the court and is actually competent in crimes punished by imprisonment or fine or by one of these two penalties. The higher department of the State security in the appeal court composed of three counsels is competent in considering the crimes punished by the penal punishment and the crimes defined by the President of the Republic or his representative whatever the type of the punishment may be. The action is initiated before the State security courts by a member of the public prosecution staff. The President of the Republic may exceptionally order the formation of the penal department of the State security by one or two magistrates of the armed forces officers in a captain rank or at least the equivalent and the formation of the Supreme State security court of three counsels and two officers of the command officers. The President of the Republic appoints members of the State security courts after having the opinion of the Minister of Justice for magistrates and counsels and the opinion of the Minister of War in relation to officers.

ARTICLE (8):

In areas subject to a special judicial system or in relation to certain cases the President of the Republic may order the formation of the State security departments provided by the precedent article from officers and the court in this instance applies the procedures provided by the President of the Republic in its order of formation. The Supreme State security department is formed in this instance of three officers from among the commanders and one of the officers or a member of the public prosecution shall assume the function of the public prosecution.

ARTICLE (9):

The President of the Republic or his representative may refer cases punished by the common law to the State security courts.

ARTICLE (10):

Save for the procedures and rules provided in the following articles or the orders issued by the President of the Republic the provisions of the applicable laws in investigation of cases in which the State security courts are competent as well as provisions, procedures of consideration, ruling thereupon and execution of the decided penalties are applied. In the investigation the public prosecution shall have all authorities vested thereupon and the

investigation magistrate and the accusation room (referral magistrate) shall have all powers pursuant to these laws.

ARTICLE (11):

The civil cases are inadmissible before the State security courts.

ARTICLE (12):

In no way it is impermissible to contest the verdicts issued by the State security courts and these verdicts are not final except after being ratified by the President of the Republic.

ARTICLE (13):

The President of the Republic may keep the case before being submitted to the court and he may also temporarily release the detained accused before the referral of the case to the State security court.

ARTICLE (14):

The President of the Republic may, upon presentation of the verdict to him, alleviate the decided penalty, replace it by a lesser penalty, cancel the penalties in whole or partially of whatever type they may be whether, original, supplementary or consequential or he may order suspension of the whole or part of the penalty and he may cancel the verdict together with keeping the case or ordering resentencing before another department and in this latter case the decision must be caused. If the issued verdict after resentencing decides innocence it must be ratified in all cases and if the verdict is conviction the President of the Republic may alleviate the penalty, stop implementation or cancel it pursuant to the stipulation of paragraph one or he may cancel the verdict together with keeping the case.

ARTICLE (15):

After ratification of the conviction verdict the President of the Republic may cancel the verdict together with keeping the case, alleviate the penalty or stop execution pursuant to the stipulations of the precedent article and all this unless the crime on which a verdict is issued is a premeditated or complicity one.

ARTICLE (16):

By a decision of the President of the Republic he may delegate one of the counsels of the appeal court or an attorney general provided that he is assisted by a sufficient number of magistrates and employees. His job shall be to ascertain the authenticity of the procedures and examine the grievances of the concerned and give opinion. For each crime the counsel or the attorney general deposits a caused memo of his opinion which shall be submitted to the President of the Republic before ratification of the verdict. In the summary cases the counsel or the attorney general may confine to registration of his opinion on the margin of the verdict.

ARTICLE (17):

The President may delegate someone to represent him in all or part of his competencies and in all the territories of the Republic or in a specific area or areas thereof.

ARTICLE (18):

This law does not entail any prejudice of the rights of the commander of the military forces in a state of war in the military action scene.

ARTICLE (19):

Upon the conclusion of the state of emergency the State security courts remain competent in considering the cases already referred to and pursue consideration of such cases in accordance with its procedures. However, for crimes in which the accused were submitted to courts they shall be referred to the normal courts and the procedures followed therein shall be followed.

ARTICLE (20):

The provision of paragraph one of the precedent article is applied to the cases which the President of the Republic decides resentencing in accordance with the provisions of this law. The President of the Republic shall maintain all powers decided by virtue of the previous law in relation to the verdicts issued by the State security courts before abrogation of the state of emergency but not yet ratified and the verdicts issued by these courts in accordance with the provisions of the previous article.