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Law on Gatherings, Strikes, and Demonstrations - Official Gazette No. 805, published 2003/03/13 (1381/12/22 A.P.)

Decree of the President of the Transitional Islamic State of Afghanistan on the Adoption of the Law on Assemblies, Strikes, and Demonstrations

Number 188

Date 09 January 2003

Article 1

The law on Gatherings, Strikes, and Demonstration adopted by the Council of Ministers' Decision Number 54ع/24خ on 09 January 2003 within 3 Chapters and 29 Articles is hereby signed.

Article 2

This Decree comes into force after it is signed and shall be published along with the above law in the Official Gazette.

Hamid Karzai,
President of the Transitional Islamic State of Afghanistan

Official Gazette (14)

In the Name of Allah, Most Merciful, Most Compassionate

The Law on Gatherings, Strikes, and Demonstrations

Chapter 1: General Provisions

Article 1

This law is established on the basis of Article 32 of the 1964 Constitution for the purpose of regulating issues related to gatherings, strikes, and demonstrations.

Article 2

Citizens of Afghanistan have the right to hold gatherings, strikes, and demonstrations without the bearings of weapons for the realization of their peaceful and lawful goals that are not contrary to national unity and the provisions of the Constitution.

Article 3

Unless otherwise stated, the terms below have the following definition:

“Gathering”: an assembly of more than 30 people where other people can freely participate and is in a stationary state in a public place and an organised and obvious fashion and is being for or against some specific purposes for which it tries to attract public opinion;

“Strike”: refers to abstaining from work or not performing one’s duty, something which people exercise in order to further specific goals;

“Demonstration”: refers to an organized and obvious gathering where people express specific goals while marching through already specified routes;

“Peaceful and Lawful Purpose”: refers to that purpose whose attainment is permitted by law;

“Organisers”: that person or persons who direct, manage, and lead gatherings, strikes, and demonstrations;

“Public Place”: refers to those streets, fields, parks and other spaces where people can move freely;

“Private Place”: refers to an area where movement is subject to the permission of the owner or overseer;

Article 4

Participation in gatherings, strikes, and demonstrations shall be voluntary. No one can compel people to take part in gatherings, strikes, and demonstrations for personal or group benefit.

Article 5

Gatherings, strikes, and demonstrations are permitted in those public places where such activities are not prohibited by this law, and in private places they are permitted only with the written permission of the owner or overseer.

Chapter Two: Obligations

Article 6

The state has an obligation to ensure the security and safety of organisers and participants of gatherings, strikes, and demonstrations.

Article 7

Whether gatherings, strikes, and demonstrations are held by organizations or individuals, organisers and participants are obligated to:

- a. Inform the local police authorities by written notice 24 hours prior to the event;
- b. The written notice must include the purpose, time, place, and routes;
- c. Adhere to the provisions of the Constitutions and other laws of the country, and to the principles and values enshrined in the Universal Declaration of Human Rights;
- d. Respect the holy religion of Islam as well as the religious, national, historical, and cultural customs and traditions of the country;
- e. Refrain from the use of invectives and threat against, and harassment of, other people, and from any action that is contrary to social propriety, order, and safety;
- f. Refrain from violence, destruction, and armed confrontation.

Article 8

Gatherings, strikes, and demonstration cannot be held in the vicinity of these places and in these times:

- a. military establishments;
- b. depots of explosive and inflammable materials;
- c. hospitals, nurseries, and the like;
- d. from sunset to dawn; strike is exempted from this rule;
- e. 48 hours before the holding of presidential, parliamentary, Loya Jirga elections and Referendum.

Article 9

For the purpose of dispersing gatherings, strikes, and demonstrations because of the presence of one of the states mentioned in Articles 7 and 8, the police will resort to the following tactics or measures:

- a. issue warnings through available means for the purpose of dispersal;
- b. besiege the participants of gatherings and demonstrations and propel them to a safe place;
- c. disperse [participants] through water spray;
- d. stop and disperse demonstration through technical obstacles.

Article 10

If the use of technical obstacles and other means of support in police disposal do not prove effective in stopping and dispersing demonstrations, police can apply Article 22 of the Police Law.

Article 11

Security organizations shall in accordance with Article 22 of the Police Law try as much as possible to avoid confrontation with the participants of gatherings, strikes, and demonstrations and their representatives.

Article 12

The use of placards, slogans and pictures is permitted in demonstration and gatherings provided that they are not contrary to social propriety, order, and public safety.

Article 13

Participants in gatherings, demonstrations, and strikes cannot publish rumours and baseless propaganda that would create shock and horror in society.

Article 14

- (1) If it is found that the place where gatherers, strikers, and demonstrators gather is not safe for security reasons and it has to be evacuated, demonstrators and their leaders shall comply with police's instruction and leave the place.
- (2) People mentioned above (1) shall be prosecuted if in spite of earlier and succeeding warnings they refused to evacuate the place, or prevented others from leaving the place.
- (3) The evacuation of the place shall not be an obstacle to the resumption of demonstration in a safe place.

Article 15

The holding of gatherings and demonstration is not permitted if they are carried out in order to further the economic, political, and social objectives of other countries or their citizens, or when they are against the national interest and national unity.

Article 16

Citizens of other countries cannot participate in demonstrations.

Article 17

Security organisations shall not force their way into gatherings, strikes, and demonstration and undermine the latter organisation [order] or cause confrontation.

Article 18

The use of means available to security organisations cannot be deliberately hostile and vengeful and cause the deterioration of affairs and create political and social disquiet.

Article 19

Police can end demonstrations, strikes, and gatherings under the following circumstances:

1. when it turns violent
2. when it tries to commit destruction and terrorism
3. when weapon is found
4. when people are threatened to participate in gatherings, strikes, and demonstrations

Article 20

Any action during gatherings, demonstrations, and strikes that causes harm to public or private property is a crime, and the perpetrator shall, in addition to paying compensation, be prosecuted.

Article 21

No person is permitted to hold gatherings, strikes , and demonstration during the state of emergency.

Article 22

The bearing of any kind of weapon during gatherings, demonstrations, and strikes is prohibited and the bearer shall be arrested and prosecuted.

Article 23

If gatherings, demonstrations, and strikes led to widespread rebellion, security organisations, upon obtaining the permission of proper authorities, can take urgent legal measures to stop the rebellion.

Article 24

If persons who lead gatherings, strikes, and demonstrations issue orders for violent actions and if the participants commit such actions then the former shall be prosecuted according to the laws of the country.

Article 25

- (1) Participants of gatherings, strikes and demonstrations can issue resolutions of their collective legal demands and address them to relevant authorities;
- (2) Ministries, administrations, and other relevant institutions study the resolutions referred to in clause one (1) and take actions to meet demands that are legal.

Part Three: Final Provision

Article 26

Military staff of the armed forces (Ministries of Defence, Interior, and Directorate-General of National Security) is not permitted to participate in gatherings, strikes, and demonstrations.

Article 27

The continuation of demonstrations is not permitted if associational and group demands, which formed the basis of gatherings, strikes, and demonstrations, are met through negotiations and understanding with relevant authorities.

Article 28

If the relevant authorities consider it necessary to reach an understanding with the representatives of gatherers, strikers, and demonstrators, then these representatives shall have complete safety in accordance with Article 6 of this law.

Article 29

This law comes into force from the date of its signing and shall be published in the Official Gazette.

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