

Domestic Law

FIRST PART

LAWS AND DECREES

LAW No. 21 of 26 August 1963.

Public Order Law.

THE PRESIDENT OF THE REPUBLIC

Taking note of the approval of the National Assembly:

HEREBY PROMULGATES

the following law:

PART I

General Provisions

CHAPTER I

Public Order Authorities and Their Functions

Article 1.

(Functions of Public Order Authorities).

1. It shall be the duty of the Public Order Authorities to:
 - a) ensure the maintenance of public order and safety;
 - b) provide in accordance with law for the prevention and suppression

- of crimes;
- c) give assistance in case of accidents affecting individual persons or the public;
- d) cooperate with the other authorities in ensuring that laws and regulations, as well as measures taken by competent authorities of the State, are duly observed.

2. Public Order Authorities may also, at the request of the parties concerned, promote the amicable settlement of private controversies.

Article 2.

(Public Order Authorities).

1. For the purpose of this law, the following shall constitute the Public Order Authorities:
 - a) the Minister of Interior. The Central Command of the Police Force shall be under the authority of the Minister of Interior;
 - b) Regional Governors. The Regional Commands and the respective territorial and mobile units of the Police Force and of the Gato Corps shall, within the limits established by law, be under the authority of Regional Governors;
 - c) District Commissioners and Heads of Sub-Districts. The District Commands and the respective territorial and mobile units of the Police Force and of the Gato Corps shall, within the limits established by law, be under the authority of District Commissioners and Heads of Sub-Districts.
 2. In case of absence or incapacity of the District Commissioner or the Head of Sub-District, the Officer in charge of the Police Station territorially competent may exercise provisionally the functions of Public Order Authority.
 3. The Authorities referred to in letters b) and c) of paragraph 1 may, in the performance of the functions laid down in article 1 and within the limits established by law, request the intervention of the Corps of Finance Guards, the Army and other military or para-military Corps of the State, through the Ministry of Interior. In cases of urgent necessity, said Authorities may, with the prior agreement of the local Commanding Officer of the Police Force, make such requests directly to the local Commanding Officers of the Finance Guards, the Army, and other military or para-military Corps. The Ministry of Interior shall be immediately notified of such requests.

CHAPTER II

Measures of Public Order

Article 3.

(Measures of Public Order).

Public Order Authorities shall, within the limits of the law, take the

necessary and appropriate measures in the performance of the functions laid down in article 1.

Article 4.
(Execution of Public Order Measures).

1. Measures taken by Public Order Authorities shall be immediately enforceable.
2. Where a measure is not complied with, the Authorities may arrange for its execution at the expense of the parties concerned, after duly warning them.

Article 5.
(Authorizations).

1. Authorizations granted by Public Order Authorities shall be personal. Except as otherwise provided by law, such authorizations are not transferable, nor can the acts so authorized be performed by an agent of the holder of the authorization.
2. In cases in which the acts authorized may be performed by an agent, such agent must obtain the approval of the Public Order Authority granting the authorization.

Article 6.
(Restrictions on the Granting of Authorizations).

Save as otherwise provided by law, authorizations referred to in the preceding article may be refused:

- a) where the applicant has been sentenced to imprisonment for a term not less than one year for a crime not committed with *culpa*;
- b) where the applicant is subject to a security measure or has been declared a habitual or professional offender.

Article 7.
(Revocation and Suspension of Authorizations).

1. Authorizations shall be revoked when the authorized person fails wholly or in part, to comply with the conditions subject to which the authorization was granted; they may be revoked where circumstances arise or become known, on the basis of which the authorization could have been refused.
2. Authorizations may also be revoked or suspended at any time, in case of abuse of the authorization by the person concerned or by his agent.

Article 8.
(Duration of Authorizations).

Except as otherwise provided, and unless it appears to be incomm-

patible with the nature of the act authorized, each authorization shall be valid for one year from the date of its issue.

Article 9.
(Appeals).

1. Appeals may be filed through the proper channel against any decision of the Public Order Authorities which has not become final, within thirty days from the date of notification of the decision.
2. Appeals shall not operate as stay of execution of the public order measure concerned.
3. Appeals against any final decision of the Public Order Authorities may be filed before the Supreme Court in the manner and within the time-limits prescribed by law.

CHAPTER III

Other Powers of the Public Order Authorities

Article 10.
(Right of Entry).

In cases of urgent necessity, Public Order Authorities, officers and members of the Police Force, the Finance Guards and the *Italo* shall have the right to enter, at any time, premises where activities subject to authorization are carried out, to ensure that the requirements prescribed by law and regulations are complied with.

Article 11.
(Failure to Appear before Public Order Authorities).

1. Whoever, by a notice in writing stating the grounds therefor, has been requested by a Public Order Authority to appear before such Authority in connection with the discharge of the functions referred to in article 1 of this law, and fails to do so within the prescribed time-limit without any valid reason, shall be punished, where the act does not constitute a more serious offence, with imprisonment for a contravention up to fifteen days or fine for a contravention up to Sh. So. 100.
2. The Public Order Authority concerned may order that the person who, having been requested to appear, failed to do so within the prescribed time-limit without any valid reason, be brought before such Authority.

Article 12.
(Measures for Identification).

1. An Officer in charge of a Police station may, also on his own

motion, take finger-prints of any person against whom a criminal proceeding has been instituted, or of any person whose antecedents are to be equred info for any reason whatsoever.

2. He may also by photograph or measurements, record the distinguishing marks of any person who has been sentenced to imprisonment for a crime for a term exceeding three years, or who has been declared to be a habitual offender, or who cannot or refuses to prove his personal identity.

PART II

Provisions Relating to Public Order and Safety

CHAPTER I

Public Meetings, Functions and Processions

Article 13.

(Public Meetings).

1. The promoters of a meeting to be held in a public place or in a place open to the public shall give notice thereof to the District Commissioner at least three days in advance.
2. A meeting shall be deemed public where, even though convened as a private meeting, it assumes the character of a meeting which is not private because of the locality in which it is held, or the number of persons, or its purpose or object.
3. Meetings ordinarily held in their offices by associations, including political associations, shall be deemed private meetings, except where such meetings have the character of regional or national meetings or congresses
4. For reasons of public health, safety, morality, order or security, the District Commissioner may prohibit or suspend a public meeting, or make it subject to special conditions as to the time and place, by a written order stating the grounds therefor, and shall give immediate notice thereof to the Governor.

Article 14.

(Religious Functions and Funerals).

The provisions of the preceding article relating to notice shall not apply to religious functions held in open places, and to funerals.

Article 15.

(Prohibition to Carry Arms at Public Meetings).

1. No person shall be permitted to carry arms at public meetings, even though he is the holder of a licence to carry arms.
2. The District Commissioner may, however, grant special authorizations to carry arms, provided it is in accordance with custom.

Article 16.

(Dissolution of Public Meetings).

- A public meeting may be dissolved:
- where the promoters fail to give prior notice thereof; or
 - where the conditions referred to in paragraph 4 of article 13 are not complied with; or
 - where, at a meeting held in a public place or a place open to the public, seditious manifestations occur or seditious shoutings are uttered which may in any manner disturb public order or safety; or
 - where an offence is committed during such meeting.

Article 17.

(Procedure for Dissolving Public Meetings).

1. Where, in the cases provided for under the preceding article, it is necessary to dissolve a public meeting, any Public Order Authority shall request the persons present at the meeting to disperse.
2. Where such request is not complied with, the above mentioned Authorities shall order the dissolution of the meeting by means of three gishwet-warnings, expressed in the most effective manner.
3. Where such warnings are also not complied with, the meeting shall be dissolved by force and any person who refuses to obey may be arrested.

Article 18.

(Processions).

The provisions governing public meetings shall apply also to processions in public streets.

Article 19.

(Uniforms, Badges and Emblems).

1. Persons other than military or para-military personnel shall be forbidden to wear uniforms unless such uniforms are clearly distinguishable from those used by the above mentioned military or para-military personnel.
2. The District Commissioner may, by an order stating the grounds.

therefor, prohibit the wearing of clothes or badges, or the exhibition of flags or emblems in a public place, where in his opinion such clothes, badges, flags or emblems may disturb public order.

Article 20.

(Violations of the Provisions Governing Public

Meetings and Processions).

1. Whoever contravenes the provisions of this Chapter shall be punished, where the act does not constitute a more serious offence, with imprisonment for a contravention up to three months or with fine for a contravention up to St. So. 750.
2. Any arms carried at meetings or processions without the prescribed authorization shall be forfeited.

CHAPTER II

Arms

Article 21.

(Definition of Arms).

For the purposes of this law, arms mean:

- a) any type of firearm and ammunition;
- b) pointed and edged weapons, which are normally used for offensive purposes;
- c) bombs and any device or container containing explosive substances, poisonous gas, or any other gas harmful in any manner.

Article 22.

(Manufacturing, Collecting and Trading in Arms).

1. No person shall manufacture, collect or trade in arms of the types referred to in letters a) and c) of the preceding article, without authorization from the Ministry of Interior.
2. No person shall manufacture, collect, trade in, or repair arms referred to in letter b), or repair arms referred to in letters a) and c) of the preceding article, without authorization from the District Commissioner.
3. The authorizations referred to in the preceding paragraphs shall be granted provided the competent authorities are satisfied that the premises are reasonably safe for the purpose.

Article 23.

(Importation and Exportation of Arms).

Save as otherwise provided for in respect of the Armed Forces and without prejudice to the provisions governing foreign trade and currency, importation and exportation of arms shall be authorized in each instance by the Minister of Interior.

Article 24.

(Register Relating to Arms).

1. Manufacturers of and traders in arms, persons collecting arms for any purpose, and persons carrying out repairs of arms as a profession, shall maintain a register to record daily transactions, including the names and addresses of persons connected therewith.
2. Said register shall be produced at the request of Police Authorities, Police officers and non-commissioned officers.
3. Sale and transfer in any manner whatsoever of arms to a private person, shall be forbidden unless such person is the holder of an authorization granted by the competent authority.

Article 25.

(Transporting of Arms).

Whenever a person referred to in the first paragraph of the preceding article has to transport arms or samples of arms, he shall give prior notice thereof to the District Police Headquarters, stating the place to which such arms are to be sent. For reasons of public security, the Police Headquarters may prescribe the particular manner in which the arms shall be transported.

Article 26.

(Sale of Arms by Pedlars).

The sale of arms referred to in letters a) and c) of article 21 by pedlars shall be forbidden.

Article 27.

(Prohibition to Keep and Carry Arms).

1. Save as otherwise provided for in respect of manufacturers of, traders in and persons carrying out repairs of arms as a profession, no person shall keep or carry arms unless he is the holder of an authorization granted by the Authorities in accordance with the provisions of the following articles.
2. The prohibition referred to in the preceding paragraph shall not apply to:

- a) members of the Armed Forces;
 - b) collectors of artistic arms;
 - c) Public Order Authorities;
 - d) the Attorney General of the Republic and his Deputies.
3. Arms referred to in letter b) above shall in all cases be reported to the District Headquarters territorially competent.

Article 28.

(Licences for Keeping and Carrying Firearms).

Regional Governors shall have the power to issue licences for keeping and carrying the following types of arms to persons residing in their respective areas on applications submitted through the District Commissioner territorially competent:

- a) non-automatic war rifles;
- b) rifles and guns for hunting purposes;
- c) pistols.

Article 29.

(Licences to Carry Pointed and Edged Weapons in Towns or Villages).

1. District Commissioners shall have the power to issue licences for carrying pointed and edged weapons referred to in letter b) of article 21 in towns or villages to persons residing in their respective Districts.
2. No licence shall be required to keep such weapons in one's own house.
3. No licence shall be required to carry such weapons outside towns or villages.

Article 30.

(Prohibition to Carry Arms and Order to Surrender Arms in Case of Emergency).

For serious reasons of public order and security, Public Order Authorities may order that arms be temporarily surrendered and prohibit the carrying of arms, and such order or prohibition may apply also to holders of regular licences.

Article 31.

(Licences to Carry Arms Issued by Foreign Authorities).

1. A licence to carry arms, issued by a foreign authority to a person in transit through the territory of the State, may be validated, during the transit and for a period not exceeding three months, by the Governor in case of firearms, and by the District Commissioner in case of pointed and edged weapons.

2. The above mentioned validations, so far as firearms are concerned, shall be granted only in respect of rifles and guns for hunting purposes and pistols.

Article 32.

(Licence and Registration Fees).

Licences for keeping and carrying arms shall be granted subject to the payment of the prescribed fees.

Article 33.

(Arms Awarded by the State as Honours).

Arms awarded to a person by the State as an honour shall not be transferred to another person.

Article 34.

(Penal Provisions).

1. Whoever contravenes the provisions of this Chapter shall be punished, where the act does not constitute a more serious offence, with imprisonment for a contravention up to three months and fine for a contravention up to Sh. So. 750.
2. Any arms referred to in letters a) and c) of article 21 of this law in respect of which the prescribed authorization has not been granted shall be forfeited.

CHAPTER III

Prevention of Accidents and Disasters

Article 35.

(Manufacture of Explosive, Poisonous, or Dangerous Substances).

1. Save as provided in Chapter II of this Part, the manufacture, deposit, trade in, and transport of any explosive, poisonous, or dangerous substances shall be prohibited unless authorized by the Minister of Interior.
2. The granting of the authorization may be made subject to the advice of a technical committee appointed by the Ministry of Interior periodically or in each instance. Such committee shall also determine the safety requirements for the premises used for the manufacture or deposit of explosive, poisonous, or dangerous substances.

Article 36.
(Importation and Exportation of Explosive, Poisonous, or Dangerous Substances).

Save as otherwise provided for in respect of the Armed Forces and without prejudice to the provisions governing foreign trade and currency, any transaction of importation and exportation of explosive, poisonous, or dangerous substances shall be authorized by the Minister of Interior in each instance.

Article 37.
(Penal Provisions).

Whoever contravenes the provisions of the two preceding articles shall be punished with imprisonment for a contravention up to six months or with fine for a contravention up to Sh. So. 2,000.

Article 38.
(Destruction or Removal of Explosive, Poisonous or Dangerous Substances).

The Minister of Interior may order the destruction or removal of any explosive, poisonous, or dangerous substance kept without the prescribed authorization in factories, warehouses, or stores.

Article 39.
(Fireworks and Dangerous Fires).

1. No person shall, without authorization of the District Commissioner, be permitted to use firearms, to fire rockets or fireworks, or to cause explosions or fires which are dangerous or a public nuisance, within towns or villages or in the vicinity thereof, or on public roads or in the vicinity thereof.
2. During State or religious holidays such prohibition shall not apply; however, such prohibition may be imposed by the District Commissioner, having regard to special circumstances.

Article 40.
(Fires).

1. No person shall cause fires in any place which is less than 100 metres from where straw, hay, fodder, or any other combustible, or inflammable material is stored.
2. In cases where fires are caused, all necessary precautions shall be

taken to safeguard the property of other persons; and the person who caused the fire shall, together with an adequate number of persons, be present until the fire is extinguished.

Article 41.
(Penal Provisions).

Whoever contravenes the provisions of the two preceding articles shall be punished with imprisonment for a contravention up to one month or with fine for a contravention up to Sh. So. 1,000.

CHAPTER IV
Industries and Trades Causing Public Nuisance

Article 42.
(Noisy Industries).

Save as provided in Chapters II and III of this Part, factories and plants which, during the process of production, cause public nuisance by noises or fumes, may be established only in places, and subject to the conditions prescribed by law or regulations.

Article 43.
(Professions and Trades Causing Public Nuisance).

Professions or trades causing public nuisance shall be suspended during the hours prescribed by local regulations or, in default of such regulations, by orders issued by the District Commissioner.

PART III

Public Entertainments, Licensed Premises, Professions and Trades

Subject to Control

CHAPTER I

Public Entertainments

Article 44.
(Theatrical Performances and Cinema Shows).

No public theatrical performance or cinema show shall be held without the prior authorization referred to in the following article.

Article 45.

*(Commission for Theatrical Performances and
Cinema Shows).*

1. The Minister of Information shall, in agreement with the Minister of Interior, appoint a Commission having its seat in Mogadiscio and consisting of an officer of the Ministry of Information who shall be the Chairman, an officer of the Ministry of Interior, an officer of the Ministry of Education, and two citizens nominated by the Minister of Information.
2. The Commission may prohibit theatrical performances or cinema shows for reasons of morality or public order or where they are contrary to the national interest. Decisions of the Commission prohibiting such performances or shows shall state the reasons therefor and shall be duly communicated to the parties concerned, with copies to Regional Governments. The Commission may also prescribe that persons under 15 years of age shall not be permitted to attend certain theatrical performances or cinema shows. In such cases the manager of the theatre or of the cinema, or the promoter of the public performance, shall publish such prohibitions in the posters and shall see to it that such prohibitions are strictly observed.
3. The powers mentioned in the above paragraph may be delegated by the Minister of Information to the Regional Governor or District Commissioner territorially competent.
4. Petitions against the decisions of the Commission or the Regional Governor or the District Commissioner may be filed before the Minister of Information.

Article 46.

(Penal Provisions).

Whoever contravenes the provisions of the two preceding articles shall be punished with imprisonment for a contravention up to six months or with fine for a contravention up to Sh. So. 3,000.

Article 47.

(Sports Competitions).

Sports competitions in a public place or places open to the public shall be subject to the prior authorization of the District Commissioner territorially competent.

Article 48.

*(Supervision of Public Entertainments and
Sports Competitions).*

1. Public Order Authorities shall exercise supervision over the public

entertainments and sports competitions referred to in the preceding articles, in order to ensure that the provisions governing the matter are complied with.

2. Where there is a disturbance of public order or danger to public safety, the Public Order Authorities shall have the right to order that a public entertainment or competition be suspended or stopped.

Article 49.

(Premises for Public Entertainments).

1. No premises for public entertainment shall be opened without authorization of the District Commissioner. Such authorization shall not be granted without the favourable recommendation of a technical authority or commission, appointed by the Governor, which shall ascertain whether the premises fulfil the conditions necessary for the safety of the audience and for hygiene. Such authority or commission may, before making a recommendation, suggest that any suitable modification or adaptation be effected in the premises.
2. Any expense incurred for the inspection referred to in the preceding paragraph shall be borne by the applicant.
3. The District Commissioner may at any time order an inspection for the purpose of ascertaining whether the premises are still in proper condition.
4. Whoever contravenes the provisions of this article shall be punished with imprisonment for a contravention up to six months or with fine for a contravention up to Sh. So. 1,000.

Article 50.

(Shooting Cinema Pictures in Public Places).

1. Whoever wishes to shoot a scene in a public place for the purpose of producing a cinema film, shall give prior notice thereof to the District Commissioner territorially competent.
2. Whoever contravenes the provisions of this article shall be punished, where the act does not constitute a more serious offence, with fine for a contravention of Sh. So. 1,000 to 5,000.

Article 51.

(Employment of Minors under Fifteen Years of Age).

1. Where persons under fifteen years of age are employed in theatrical performances, in other public shows, or in shooting cinema pictures, their names shall be communicated in advance to the District Commissioner, who shall inform the Commission referred to in article 45.

2. The Commission may prohibit the employment of minors under fifteen years of age where, owing to the parts assigned to them, such employment may undermine their moral integrity.

3. Whoever contravenes the provisions of this article shall be punished with imprisonment for a contravention up to six months or with fine for a contravention up to Sh. So. 1,000.

4. The provisions of this article do not apply to shows, performances and shooting of cinema pictures which have educational or charitable purposes.

CHAPTER II

Licensed Premises

Article 52.

(Supervision of Licensed Premises).

It shall be the duty of the Public Order Authority to ensure that provisions of laws and regulations governing premises, for which an authorization or a licence is required, are complied with. The Public Order Authority shall also ensure that the provisions concerning opening and closing hours of such licensed premises, and any other measure relating thereto issued by competent administrative authorities are observed.

Article 53.

(Games).

A list of prohibited games, authenticated by the District Police Headquarters, shall be exhibited in licensed premises, such as, hotels, boarding houses, restaurants, bars, tea and coffee shops.

Article 54.

(Register of Inns and Hotels).

1. Whoever runs a hotel, inn or boarding house, or regularly provides lodging for payment, shall keep a register in which the names and relevant particulars of persons lodged are entered, together with the names of the places from which such persons have come.

2. The Public Order Authorities shall have access to the register referred to in the preceding paragraph.

3. Whoever contravenes the provisions of this article shall be punished with imprisonment for a contravention up to three months or with fine for a contravention up to Sh. So. 3,000.

PART IV
Provisions Regarding Minors

Article 55.

(Minors Addicted to Begging or Vagrancy).

A minor who is habitually addicted to begging or vagrancy shall be entrusted to the care of his father or guardian or, in their absence, to a near relative by Public Order Authorities in order that he may supervise the education and conduct of the minor.

Article 56.

(Welfare and Rehabilitation Institutions).

Where the measures referred to in the preceding article are ineffective a person who is legally bound to provide for the maintenance, for an order that the minor be admitted to a welfare or rehabilitation institution.

Article 57.

(Criminal Proceedings).

Without prejudice to the provisions of the preceding articles, whenever a person who is legally bound to provide for the maintenance, education and care of a minor fails to do so, Public Order Authorities shall report the matter to the Judicial Authorities so that criminal proceedings may be instituted against such person.

PART V

Associations of Every Kind, Nature, and Aim

Article 58.

(Information to be Furnished by Associations of Every Kind, Nature and Aim).

1. Associations of every kind, nature, and aim shall submit in writing to the Regional Governor territorially competent:

- the deed establishing the association;
- the constitution;
- a list of office-bearers of the association;
- the names of promoters;
- the location of the headquarters and local branches.

2. The aforementioned information shall be communicated within a month from the date of the *de facto* formation of the associations.
3. It shall be the duty of the promoters, directors or representatives of the associations concerned to submit such information.
4. Whenever the constitution is amended or the office-bearers are changed or the office of the headquarters or local branches are transferred from one place to another, notification thereof shall be given within the same time-limit.
5. The provisions of the preceding paragraphs do not apply to associations which are recognized as legal persons under law.

Article 59.

(Suspension of the Activities of Associations of Every Kind, Nature and Aim).

1. Associations of every kind, nature, and aim, whose activities cause serious disturbance to public order or constitute a serious offence to morals may be suspended for a period not exceeding three months, by a written order, stating the reasons therefor, of the Governor territorially competent.
2. Except in cases of urgent necessity, the Governor, before issuing the order, shall notify the association concerned of the charges and hear its explanations, if any.

Article 60.

(Dissolution of Associations which Violate Article 12 of the Constitution).

Associations of every kind, nature, and aim established or functioning contrary to the provisions of article 12 of the Constitution shall be dissolved by decree of the Supreme Court in a proceeding initiated by the Public Order Authority for the purpose.

Article 61.

(Dissolution of other Associations).

Associations other than those referred to in article 12 of the Constitution, established or functioning contrary to law, or carrying on activities contrary to public order or morals, shall be dissolved by decree of the Minister of Interior, having heard the Council of Ministers.

Article 62.

(Penal Reasons and Judicial Guarantees).

1. Whoever, contravenes the provisions of this Part, shall be punished, where the act does not constitute...

- imprisonment for a contravention up to six months or with fine for a contravention up to Sh. So. 1,000.
2. Appeals against measures taken under articles 59 and 61 of this law may be filed before the Supreme Court in the manner prescribed by law.

PART VI

Private Guards

Article 63.

(Authorization).

Companies, public bodies, institutions, and private individuals may, for sufficient reasons, engage private guards for the protection of their moveable and immovable properties.

Article 64.

(Requirements).

The companies, public bodies, institutions, and private individuals referred to in the preceding article may furnish arms to their private guards during their service, provided that such guards possess the requirements prescribed for obtaining a licence to carry arms.

Article 65.

(Uniforms and Badges).

Private guards shall wear a uniform or a special badge approved by the Public Order Authority; they shall also be in possession of an identification card issued by said Authority after verifying whether they fulfil the requirements referred to in the preceding article.

PART VII

Security for Keeping the Peace and for Good Behaviour

Article 66.

(Security for Good Behaviour and Police Surveillance).

1. Whenever a Public Order Authority is informed that any person...

sons therefor, that the person should execute a bond for good conduct or be subjected to police surveillance in accordance with article 67. A copy of the communication, together with a detailed report, shall be forwarded without delay to the Regional Court in whose territorial jurisdiction the person concerned resides.

2. The Court, after hearing the Attorney General and the person concerned and, if necessary, after taking relevant evidence under the Code of Criminal Procedure, may pass an order in chambers directing that the party concerned execute a bond and fixing the nature, amount and duration of the bond, or that he be subjected to police surveillance and fixing the duration thereof, or that the proceedings be dismissed.

3. An appeal shall lie against such an order.

Article 67.

(Execution of Bonds and Police Surveillance).

1. The bond for good behaviour shall be executed by depositing in a Tax Office or Treasury of the State a sum which shall be fixed taking into account the financial position of the person concerned, and which in no case shall be less than Sh. So. 1,000 or more than Sh. So. 50,000. In lieu of money, mortgages on property or the security of solvent sureties may be accepted.

2. In the event the person concerned is destitute and is not in a position to offer solvent sureties, he shall be subjected to police surveillance.

3. The duration of the security measures shall not exceed one year and shall commence from the date the bond is executed or the person concerned is subjected to police surveillance.

4. Where, during the said period, the person who has executed a bond or has been placed under police surveillance does not commit any offence punishable with imprisonment, the Court shall either order the release of the deposit, or the cancellation of the mortgages, or the release of the sureties, or vacate the measure of police surveillance. Where the person commits such an offence, the amount deposited shall be forfeited or the amount secured shall be recovered by the State; in the case of a person placed under police surveillance, he shall be arrested and criminal proceedings shall be instituted against him.

Article 68.

(Penal Provisions).

Whoever, having been ordered by a Court to execute a bond under article 66, paragraph 2, refuses or fails to do so, shall be punished with imprisonment for a contravention up to three months or fine for a contravention equal to the amount of the bond; in addition, he may be

Article 69.

(Preventive Sequestration of Property and Animals).

1. Apart from the cases provided in the preceding articles, where, following the commission of or the attempt to commit a crime against the life or safety of a person, there is sufficient reason to believe that acts of retaliation or vengeance will be committed by a person or group of persons, or that a serious breach of the peace or disturbance of public tranquillity will occur, the Public Order Authority may order, stating the reasons therefor, the sequestration of animals or other property belonging to the persons who are presumably liable to pay compensation.

2. Where the reasons referred to in the preceding paragraph have ceased to exist, the Public Order Authority may order, stating the reasons therefor, the restitution of the animals or other property to the owners.

3. In either case, the Public Order Authority shall, without delay, notify the competent Court of the measures taken.

4. Where the Public Order Authorities have not already taken the measures referred to in paragraphs 1 and 2, such measures may also be taken by a Court during criminal proceedings, at the request of the Attorney General, or of the parties, or of any person having an interest therein.

PART VIII

State of Emergency and State of War

Article 70.

(State of Emergency).

1. A state of emergency may be proclaimed in case of serious disturbance of public order, or serious public calamity, or danger of war or disorders.

2. The state of emergency shall be proclaimed by decree of the President of the Republic on the proposal of the Minister of Interior, having heard the Council of Ministers. The decree shall be forwarded to the National Assembly on the same date.

3. The National Assembly, if in session, shall decide whether or not it approves the proclamation of the state of emergency within thirty days from the date of such proclamation; if not in session, it shall decide within thirty days from the date of its first meeting after the proclamation.

Article 71.

(Powers to Issue Ordinances).

1. During the state of emergency, the Minister of Interior, or the Governor territorially competent, with the authorization of the Minister of Interior, may, by ordinance, provisionally provide for:
 - a) such restrictions on the freedom of movement, association, propaganda, strike, as may be necessary to prevent disturbance of public order, public calamity, or danger of disorders;
 - b) the arrest, the search of person or premises, of persons suspected of a crime or activities contrary to public order and security;
 - c) the requisition of property or services, against equitable and timely compensation, where such requisition is necessary to prevent public calamity or succour a population in distress, or ensure the essential public services;
 - d) the suspension or revocation of authorizations or licences to keep or carry arms, or weapons normally used for offensive purposes;
 - e) conferring upon civil or military authorities powers which are different from those ordinarily vested in them.
2. The Police Authorities or, in cases of more serious emergency, the Military Authorities, may be empowered to enforce the measures referred to in the preceding paragraph.

Article 72.

(Confirmation of Restrictive Measures).

1. All measures concerning arrest or search of persons or premises taken during a state of emergency under an ordinance referred to in article 71, paragraph 1 (b), shall be promptly notified to the competent Court for confirmation within thirty days from such notification.
2. Except in cases of criminal proceedings, the arrest of persons suspected of activities contrary to public order and security may be confirmed for such period as is necessary to prevent the danger of disorders; provided that such period shall not exceed ninety days. The Regional Court within whose territorial jurisdiction the arrest was made shall have exclusive jurisdiction in the matter.
3. An appeal against the confirmation referred to in the preceding paragraph shall lie to the Supreme Court and shall be filed in the manner prescribed by law.

Article 73.

(Penal Provisions).

Whoever contravenes the provisions of an ordinance issued under

article 71 shall be punished, where the act does not constitute a more serious offence, with arrest for a contravention up to one year or with fine for a contravention up to Sh. So. 16,000.

Article 74.

(State of War).

1. The state of war shall be declared by the President of the Republic, subject to the prior authorization of the National Assembly, in accordance with the provisions of articles 68 and 75 (g) of the Constitution.
2. The declaration of the state of war shall confer upon the Public Authorities the powers vested in them during a state of emergency, and any other power provided for in the authorization by the National Assembly, or by law.

PART IX

Final Provisions

Article 75.

(Contraventions of the Provisions of This Law).

Whoever contravenes the provisions of this law shall, where no punishment is provided for either in this or any other law, be punished with imprisonment for a contravention up to six months or with fine for a contravention up to Sh. So. 1,000.

Article 76.

(Abrogation).

Any provision contrary to or inconsistent with this law is hereby abrogated.

Article 77.

(Regulations).

The Government may issue regulations for the proper implementation of this law.

Article 78.

(Entry into Force).

This law shall come into force on the day of its promulgation.

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PUBLIC ORDER LAW

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GENERAL PROVISIONS

date of its publication in the Official Bulletin.

This law shall be included in the Official Compilation of Laws and Decrees of the Somali Republic.

All persons shall be required to observe it and cause others to observe it as a law of the Republic.

Mogadiscio, 26 August 1963.

The Prime Minister «ad interim»

MOHAMUD ABDI NUR

The Minister of Interior

MOHAMUD ABDI NUR

ADEN ABDULLA OSMAN

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