

**EMERGENCY POWERS (NO. 2) INSTRUMENT 2003**

IN exercise of the powers conferred on the President under section 6 of the Emergency Powers Act, 1994 (Act 472), this Instrument is made this 23rd day of October, 2003.

Paragraph 1—Prohibition of Possession of Arms.

(1) A person shall not manufacture, procure, possess or carry any arms or ammunition within the area under the state of emergency declared under the state of Emergency (Specified Area) Proclamation, 2003.

(2) Sub-paragraph (1) does not apply to:

(a) a member of the Armed Forces;

(b) a member of the Police Force;

(c) a member of the Prisons Service;

(d) a member of the Customs, Excise and Preventive Service; or

(e) any person duly authorized by the Task Force Commander in the state of emergency area.

(3) Notwithstanding the provisions of this paragraph a person shall not be deemed to have contravened subparagraph (1) if he satisfies the Commander or an officer authorized by the Commander that he has lawful authority for the possession or carrying of the arms and it is not intended for use in the conflict area.

Paragraph 2—Deposit of Arms and Ammunition with the Military or Police.

Any person who is in possession of arms or ammunition or has arms or ammunition under his control within the area of the state of emergency shall deposit the arms or ammunition with the officer in charge of the nearest police station or military post.

Paragraph 3—Search without Warrant.

Subject to the Emergency Powers Act, 1994 (Act 472), any military personnel or police officer may in the emergency area, search and arrest without warrant any person whom he suspects on reasonable grounds to be in possession of or carrying arms or ammunition contrary to paragraph 1 (1).

Paragraph 4—Taking Possession of Property.

(1) Any commissioned officer in the emergency area may take possession or control of any vehicle or other property that he considers necessary for the purpose of any exercise directly connected with military operations in the emergency area.

(2) Vehicles or other property taken possession or control of under subparagraph (1) shall be held only for such period as is necessary for the operations concerned.

Paragraph 5—Imposition of Curfew.

(1) The Task Force Commander responsible for operations in the area under the state of emergency may, where he considers it necessary for execution of operations in the emergency area, impose a curfew in such parts of the emergency area as he may direct.

(2) Where a curfew is imposed in any area under subparagraph (1), the Task Force Commander shall by widespread announcement indicate the hours of the curfew and the areas covered by the curfew.

(3) The following persons are exempt from any curfew imposed under this Instrument:

(a) members of the Armed Forces on duty;

(b) members of the Police Force and Fire Service on duty;

(c) doctors and nurses on duty; and

(d) such other persons as the Commander may direct.

(4) A curfew imposed under this Instrument may be suspended or revoked by the Commander.

Paragraph 6—Prohibition of Public Meetings and Procession.

Except with the prior approval of the Commander no person shall hold or participate in a public meeting or procession in the area under the state of emergency.

Paragraph 7—Publication on Area under State of Emergency.

(1) For the purpose of securing accurate, correct and appropriate publication of activities in the area under the state of emergency, there is established by this Instrument News (Area under Emergency) committee.

(2) The Committee shall be composed of five members appointed by the Minister responsible for Information.

(3) The Committee shall have a chairperson who shall be appointed by the Minister responsible for Information.

Paragraph 8—Functions of the Committee.

The Committee may provide, in writing, guidelines for the publication of information and news arising from, connected with or related to the area which is subject to the State of Emergency under the State of Emergency (Specified Area) Proclamation 2003.

Paragraph 9—Compliance and Sanctions.

(1) Any publication in whatever medium on the area under the state of emergency shall conform with the guidelines issued by the Committee.

(2) The Committee shall in the guidelines provide for such pecuniary penalties and disciplinary action as it considers appropriate for breach of any of the guidelines.

Paragraph 10—Specified Obligation in News Publication.

(1) Without limiting the scope of paragraph 8, all publications on the area under the state of emergency shall

(a) be devoid of ethnic references;

(b) not make allusions to stereotypes or slurs or make abusive, insulting and other provocative pronouncements;

(c) not contain reports of speeches of hate against any group or persons;

(d) not contain propaganda;

(e) clearly separate facts from conjecture;

(f) show sensibility to local values and norms;

(g) exhibit tact and diplomacy;

(h) treat with special care coverage of matters that affect directly people by or with vested interest in the conflict; and

(i) avoid publication of material that diminishes human dignity.

(2) Broadcast of all phone-ins through the electronic media on matters connected with or related to the conflict is prohibited.

Paragraph 11—Offences Relating to Publications.

(1) A person who contravenes any of the provisions in paragraph 10 commits an offence and is liable on summary conviction to a term of imprisonment of not less than 14 days.

(2) Where an offence is committed under subparagraph (1) by a media house, the manager or publisher shall also be deemed to have committed the offence and the Committee may appoint an administrator to manage the media house for such period as the Committee shall determine except that the period shall not exceed 21 days and shall be subject to review.

Paragraph 12—Other Offences and Penalties.

Any person who

(a) manufactures, procures, possesses or carries arms or ammunition contrary to paragraph 1 (1);

- (b) fails to deposit arms or ammunition contrary to paragraph 2;
- (c) refuses to hand over any vehicle or property contrary to paragraph 4(1);
- (d) acts contrary to a curfew imposed under paragraph 5(1); or
- (e) holds or participates in any public meeting or procession contrary to paragraph 6,

of this Instrument commits an offence and is liable on summary conviction to imprisonment of not less than three months and any arms, ammunition or material the subject matter of the offence shall be forfeited to the state.

#### Paragraph 13—Interpretation.

In this Instrument unless the context otherwise requires

"ammunition" includes explosives, all munition of war and all materials for loading firearms;

"arms" includes firearms and offensive weapons of all descriptions, artillery, apparatus for the discharge of any kind of projectiles, explosives or bombs, grenades, machine-guns and rifled small-bore breech-loading weapons of any kind, and includes parts of any of the foregoing;

"conflict" means the conflict in the area under the state of emergency;

"Commander" means the Task Force Commander assigned to the area under the state of emergency;

"Committee" means the News (Area under Emergency) Committee established under paragraph 7;

"fire-arms" includes any gun, rifle, machine-gun, cap-gun, flint-lock gun or pistol, revolver, pistol cannon or other firearms and any air gun, air rifle or air pistol whether whole or in detached pieces;

"offensive weapon" means an article made or adapted for causing injury to a person or intended by the person having it with him for such use by him.

**JOHN AGYEKUM KUFUOR**

**President of the Republic of Ghana**

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