

## FACTS AND MYTHS ABOUT STATE OF EMERGENCY

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1. The President has the **LEGAL AUTHORITY AND POWER** under our nation's Constitution to declare a State of Emergency for the sake of Public health and safety among others. imminent threat to national health. The global Corona Virus pandemic does pose a serious threat to our nation despite the fact that no case is yet to be recorded. The fact is that the president has right to declare a state of emergency for this reason.
2. It is not true that such declaration is an entirely executive act and parliament is not involved at all. The Constitution gives the President the power to declare a state of emergency but such proclamation must be submitted to parliament for ratification. Any proclamation of a State of Emergency by the president would lapse after seven days (when Parliament is in session) or 21 (when parliament is not in session) unless ratified by two-thirds of the membership of Parliament.
3. It is true that during a state of Emergency the President may make rules and regulations or adopt measures which would interfere the human rights of the people. But it is true that those rules, however draconian they may seem, are generally speaking perfectly lawful and legal.
4. It is not true that the President can exercise any power in a State of Emergency. The Constitution provides that all rules made or measures taken by the President must be **NECESSARY AND EXPEDIENT** for the purposes of the emergency. For instance, the President cannot just order that citizens are prohibited from consuming any food in order to combat the spread of the Coronavirus, unless there is medical expert rationale that starvation can help stave off transmission.
5. It is true that during a State of Emergency the President through rules taken or measures adopted can get citizens detained (like compulsory lock down), their movements curtailed (like isolation or quarantine measures) or their properties seized (separation and deprivation orders) or their homes searched (forceful entry measures).
6. It is not true that the President can make those rules or regulations for a State of Emergency without Parliament. All rules and regulations to apply in a State of Public Emergency must be tabled before and adopted by parliament before they would have the binding force of law.

7. It is true that the President can make rules and adopt measures which may be inconsistent with any law and such conflicting provisions in those laws will cease to be in effect until the lapse of the emergency rules or measures.
8. It is not true that the president can declare a state of emergency for an indefinite period of time. The Constitution empowers the President to make the proclamation but only Parliament can determine the length of the emergency period which should not be more than 12 months, though extendible.
9. It is true that the executive (the President and members of Cabinet) and its institution of executive power (the Police and Army) wield enormous powers during a state of Emergency.
10. It is not true that a State of Emergency creates a conducive environment for dictatorship and tyranny. The Constitution does provide for checks and balances amongst the three handles of government and circumscribes executive powers during a State of Public Emergency in order to obviate any temptation for manipulation of such powers for political gains.