

Law L/96/009 of July 22, 1996 on the Management of Natural and Manmade Disasters in the Republic of Guinea.

The National Assembly have deliberated and adopted;

The President of the Republic hereby promulgates the Constitutional Statute worded as follows:

GENERAL PROVISIONS

Article 1: Disasters, whether of geophysical, hydrometeoclimatic or manmade, ecological and technological origin are governed by the provisions of this law throughout the national territory.

TITLE 1

SINGLE CHAPTER

ON DISASTER PLANNING AND MANAGEMENT

Article 2: Disaster management ensures the ongoing protection of people, property and the environment against the risk of serious accidents, disasters and the effects that may result from such disasters.

Disaster management includes prevention measures, mitigation, protection and the planning of relief efforts.

Article 3: The necessary measures to prevent destruction and plan relief efforts by any available means, are taken within the framework of the National Plan for the Prevention and Planning of relief efforts in case of disasters.

Article 4: Under the authority of the Ministry of the Environment, a National Disaster Management Committee is established. The committee is responsible for drawing up and monitoring the National Plan for the Prevention and Planning of relief efforts and its implementation.

The structure and operating procedures of the National Committee are laid down by decree.

TITLE II:

SINGLE CHAPTER ON THE MEANS AND RESOURCES AND THEIR USE

Article 5: The Ministries of the Environment, Interior and Security and the relevant technical departments coordinate the implementation of relief means and resources made available to them in accordance with the National Plan for Disaster Prevention and Planning.

Article 6: In case of a disaster, a decree of the President of the Republic will order the execution of the Disaster Management Plan.

Article 7: The requisition may be collective or individual. When the requisition is collective, it is brought to the awareness of the parties concerned by means of posters and the media. When it is individual, notification to the party concerned is made in writing.

Article 8: When the requisitions concern assets, it is mandatory to indicate their quantity, their state, as well as the place of requisition and to issue a receipt.

The authority concerned must keep an account of the requisitioned goods and services.

Article 9: The requisition ends when the circumstances and the reasons which led to it cease, in accordance with the same procedure followed by the requisition decision provided for in Article 7 hereof.

Article 10: Where the materials supplied by an individual or a community are damaged or destroyed due to the actions deployed by public authorities, the State owes the individual fair compensation to mitigate or repair the damage caused by the disasters.

TITLE III:

CHAPTER I: OFFENSES AND PENALTIES

Article 11: Offenses provided for by this law are recognized by criminal and national police officers and officials of the Ministry of the Environment, as well as representatives of the law recruited for this purpose.

Article 12: Prosecution actions are carried out directly by the Ministries of Environment, Interior and Security, or their duly appointed representatives and brought before the nearest competent courts.

Article 13: The representatives and officials referred to in Article 11 above may, in the event of an obvious offense and under the conditions provided for in the Criminal Code, arrest the perpetrators and bring them before the competent judge of the jurisdiction.

Article 14: The representatives, officials and bailiffs referred to in Article 11 of this law may require the intervention of law enforcement authorities which is mandatory.

CHAPTER II: CRIMINAL LAW PROVISIONS

Article 15: Punishment by imprisonment of 15 days to 3 months and a fine of 25,000 to 250,000 GFr applicable to anyone who refuses or abstains without legitimate reason, to follow up on the regular requisition order of which the latter is the subject in accordance with the provisions of this law.

Article 16: Punishment by imprisonment of one month to one year and a fine of 25,000 to 250,000 GFr applicable to whoever refuses or deliberately avoids to provide assistance, without any imminent or serious risk to him/herself or to third parties, which they could lend either by personal intervention or by requesting emergency services.

Article 17: Any individual or collective looting performed in a single place at the time of, or in the days following the disaster, will be punished by penalty of 1 to 5 years imprisonment and a fine of 1,000,000 to 5,000,000 GFr.

Article 18: Failure to comply with the requirements specified by the decree proclaiming a state of emergency during disasters will be subject to the conditions defined by the state of emergency during disasters and punished by imprisonment from 1 to 5 years. In the case of aggravating circumstances, the maximum sentence will be pronounced.

Article 19: Punishment for the embezzlement of public funds, applicable to whoever holds the goods intended for the victims and who may have spent or withheld these.

Anyone who has withheld, spent or kept the goods intended for the victims will be punished by a penalty of 3 to 6 months and a fine of 500,000 to 5,000,000 GFr.

If the holder of goods is a civil servant or a person appointed for this purpose, the penalty will be doubled.

These penalties are without prejudice to the refunds and damages provided for in Article 6 of the Code of Criminal Procedure.

CHAPTER III: SPECIFIC PROVISIONS

Article 20: A special fund called the Emergency Relief Fund is hereby established, the management of which is defined by joint decision of the Ministers of the Environment and Finance.

Article 21: Extreme assistance will be exempt from taxes and customs duties and will benefit from the following:

- exemption from taxes and customs duties, lifting of restrictions for certain items;
- the right for the takeoff and landing of aircrafts carrying emergency aid;
- the use of communications means, in accordance with the regulations on two-way radio communication equipment;
- the accommodation of foreign aid staff will be the subject of facilities defined by a decree.

CHAPTER V: FINAL PROVISIONS

Article 22: All prior provisions contrary to this Law are repealed.

Article 23: This law will be registered and published in the Official Gazette of the Republic of Guinea and executed as the law of the State.

In Conakry, on July 22, 1996
GENERAL LANSANA CONTE