

The effect of emergency status on human rights protection (Sudan – 2019): As a case study

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Abstract---Most formations around the world unanimously accept the concept of emergency situation within its legal framework, mainly its importance and immediate need to maintain public order in nations that can withstand extraordinary situations or extraordinary events that can endanger their existence, existence, or unity. This belief is despite both international and domestic criticisms that governments can withstand when announced such a state, as the announcement and extraordinary measures as well as international human rights commitments can affect human rights and safety of public freedom according to human rights commitments. In this context, the study highlights the impacts of the emergency announcement in Sudan on February 22, 2019, which is about the protection of human rights and fundamental freedom for individuals and groups. In addition, its illegality stems from failure to fulfil the formal and objective conditions required for its announcement, resulting in many violations.

Keywords---State of emergency, declaration of a state of emergency in Sudan.

Introduction

States Parties are fulfilling their duties under mandatory international conventions on human rights protection by adopting essential measures to safeguard fundamental human rights and ensuring they are not compromised under any circumstances. These rights hold significant importance and have received both international and national safeguards. The issues they address have emerged as one of the most significant concerns within the international community and in international law. States can no longer

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exempt themselves from their international responsibilities arising from the international treaties that oversee the safeguarding of fundamental human rights for any reason. Countries have accepted the main duties of security and the rights of their citizens have not been violated.

Nevertheless, the existence of states, like individuals, is not only a characteristic of progress and wealth; They can experience challenging periods and emergency situations that suffer from dangers and crises that endanger their existence. This situation is necessary that these states face rapidly dangerous conditions by eliminating general legal standards for collective benefits of individuals through the enactment of extraordinary laws. This approach often leads to the suspension of their international commitments arising from ratified human rights treaties, involving the imposition of specific measures and restrictions on these rights that often extend beyond the typically acknowledged, permissible, and internationally accepted boundaries.

The people of Sudan have endured significant violations of their basic rights due to the enforcement of a state of emergency, alongside the absence of effective international human rights protection during the implementation of emergency laws, which raises doubts about the legitimacy of the emergency.

The importance of this issue lies in how emergency measures affect the safety of human rights, emphasizing an important topic: the situation of human rights safety during emergency. It underlines the conditions and restrictions established by international laws, charters, and agreements to ensure that these landscapes do not function as the provisions and regulations of these extraordinary circumstances and do not serve as the justification for misuse of human rights.

The problem of studies is that the restrictions from the emergency declaration status and how extraordinary measures are affected by considering the obligations of international human rights and the safety of human rights and public freedom. What negative impact on human rights and public freedom did the declaration of emergency situation in Sudan in February 2019 arise?

This primary issue belongs to a category of inquiries, with the most significant being:

- 1-What is the legal structure regulating the state of emergency?
- 2-What are the significant and procedural limitations placed on states before announcing a state of emergency?
- 3- To what extent is the state of emergency declared in Sudan on 22 February 2019 considered legitimate
- 4- In what ways did the February 2019 declaration of a state of emergency in Sudan impact the state of human rights protection?

To address these issues and their sub-questions, and to provide this research paper with an academic scientific dimension, various scientific methods were implemented, beginning with the descriptive method to illustrate some of the circumstances in the country under scrutiny. Given that the study necessitates a practical case analysis, the case study method has been utilized, focusing on the examination of the state of emergency declaration in Sudan on February 22, 2019.

Based on these methods, and to address the issues raised, the study plan was split into two researchers. The initial topic discussed the legal structure of the state of emergency, focusing on its characteristics and the circumstances surrounding its declaration, along with its foundation and legal characteristics. The following topic examined the execution of the state of emergency and its influence on human rights by exploring the context and validity of its declaration, in addition to its consequences for the state of human rights and public liberties in Sudan.

THE FIRST TOPIC; LEGAL STRUCTURE FOR EMERGENCY

To assess how the implementation of emergency situation affects the preservation of human rights, it is necessary to explore the theoretical dimension of the emergency situation in both international law and

domestic law. This involves define what is the state of emergency and underlines its inherent basic principles, including its declaration, its fundamental basis and conditions for its legal characteristics. First requirement: what constitutes an emergency.

The state of emergency is an exceptional circumstance that has become a significant aspect within the articles and provisions of various international treaties and charters, In its fourth article, the 1966 citizens and political rights were included in the International Covenant. (Articl 04 the International Covenant on civil and Political Rights).

And the general third article of the Geneva Conferences and his additional protocols listed the reasons for resorting to it (Article 3, 1949) , Article 4 of Arab Charter on Human Rights 2004 , while the Universal Declaration of human rights (Articl 04 of Arab Charter on human rights, 2004), the International Covenant on economic, social and cultural rights (Pacte international relatif aux droits économiques, 1966) , international covenant on economic, social and cultural rights, international covenant, human rights on human rights, and human rights in Islam (CDHRI, 1990)

Despite lacking any text that specifies the state of emergency or the reasons for its imposition, the key characteristic of a state of emergency is that it restricts the exercise of human rights and essential freedoms.

First section: definition of a state of emergency

So far, a formal legal definition for the state of emergency has not been established, allowing for a broad understanding of its concept. this occurs despite global initiatives, primarily from the International Committee of the Red Cross and the endeavors of international law in this field. it is a unique scenario where a nation facing exceptional situations may threaten its very existence or survival, or jeopardize its territorial integrity and unity. it puts security and public order-at least in part or completely-at risk, necessitating the need for the state to implement extraordinary actions to tackle it. This can only be achieved by declaring a state of emergency.

In this context, it has been embraced by the majority of constitutions and laws globally, where it is referenced when security and public order within a state's territory or part of it face imminent or potential threats, necessitating exceptional measures to respond.

First: the concept of a state of emergency

The idea of public emergency has historical origins that can be linked to Roman times, when nations appointed a “dictator” in extraordinary situations of external invasion or internal revolt. Constitutional provisions for emergency powers are established in many states, though not in every state. The underlying justification for states of emergency is based

in the context of the extraordinary circumstance where the government must protect the nation's existence. The International Commission of Jurists has characterized it as "the equivalent in international law to self-defense in criminal law." (Scott P, 2013)

In the realm of a state of emergency, various jurists have approached its definition from differing perspectives. Some emphasize a realistic viewpoint, highlighting the conditions and scenarios that necessitate the executive branch to declare a state of emergency and implement extraordinary measures, particularly during exceptional circumstances that jeopardize the state's security and integrity, whether due to internal strife, external threats, or natural disasters that cannot be managed under ordinary laws (Temsah, 2019), and some of them know it from a legal perspective by considering it a legal system determined by urgent constitutional laws to protect national interests (Azin , 2009), and resort to it only exceptionally and temporarily to meet the emergency circumstances that are limited to the legitimate governmental instrument, and ends" Mr. Abdelhamid shawarbi, who gave it a realistic concept by considering it as an accident or incidents that disturb the country or are staring at it, stressed that this situation or incidents cannot be confronted by the legal rules by which it operates to deal with ordinary

disasters .the legal concept consists of the existence of a legal system, which includes a set of legal rules established by the legislative authority of the country, which may arise from incidents that cannot be encountered in accordance with the rules of law established to deal with ordinary incidents (Abdelhamid & Sherif , 2000) .

As for Algeria, the Algerian draft did not define the state of emergency, but merely referred to the measures and restrictions imposed on freedoms in the event that they were declared.

the purpose of imposing them was stated in Article II of Presidential Decree No. 92-44 of 09 February 1992. in terms of the justification for imposing them, they are not specified and are not mentioned exclusively, but are reserved to the discretion of the president of the Republic after consulting the bodies. Authorized, as approved by Article 97 of the constitutional amendment of 2020 (Presidential Decree N° 20-442 of Jumada El Ouwla15, 1442 corresponding December 30, 2020, concerning the issuance of the constitutional amendment, ratified by referendum of the first November 2020 in the Official Journal of the People's Democratic Republi, 2020), which left its organization until the issuance of an organic law specifying this.

From the foregoing, we can reach a definition of a state of emergency : an exceptional legal regime defined in time and space to meet extraordinary emergency circumstances, in which the Competent Authority is empowered by law to take extraordinary measures in case of urgent necessity, imminent or imminent danger, which threatens the constitutional institutions of the state, its independence or its territorial integrity, until the threat is eliminated.

Although a state of emergency is one of the exceptions to the principle of legality, extraordinary measures and actions taken in a state of emergency must be constitutionally prescribed and in accordance with the provisions of the law governing it and defining its conditions, otherwise they are unlawful and unlawful.

From the foregoing, the general properties of the emergency can be deduced and summarized below:

- The state of emergency is a legal system, which, like other ordinary laws in terms of its features and rules, is permanent and governed by the principle of the rule of law.
- The declaration of a state of emergency is an exceptional measure that calls for its declaration for objective reasons, which are numerous in addressing emergency and unusual circumstances and pushing the real danger to the country (Temsah, 2019, p. 485).
- Measures and actions taken to address the exceptional case must be in accordance with the provisions of the Constitution and governing law.
- The entry into force of the extraordinary measures and procedures starts from the day of the declaration of a state of emergency, which is fixed by a time limit, with the possibility of extending it by law until the threat is eliminated.

Second: conditions for declaring a state of emergency

The terms and justifications of a state of emergency are very similar, although the legal framework governing it varies from state to state, and we can distinguish between two types of conditions- procedural and substantive. We separate them below.

1- procedure requirements: The international human rights conventions binding on states provide for a set of procedural controls and requirements, which must be strictly observed before declaring a state of emergency and derogating from international obligations, and relate mainly to two basic conditions, namely, declaring a state of emergency at the domestic level, which is a very important procedural requirement (Said , 1988) , since a state of emergency must be formally declared in order to prevent the States parties should be informed of the existence of a state of emergency

2- Thematic conditions: In addition to the procedural requirements, the international project imposed a set of objective controls, which were limited to four principles:

a-The principle of the inviolability of rights and freedoms with immunity : The declaration of a state of emergency should in no case be an excuse to deprive individuals of their fundamental rights, such as the right to life... Etc

B:principle of non-derogability of international obligations :

The measures taken must not be in conflict with the obligations of the state concerned under international law, as they must not be a pretext for authorizing inhuman or degrading practices, torture, slavery or persecution (Belay, 2005).

C: principle of non-discrimination: Exceptional measures taken in the event of an emergency should not take a discriminatory approach based on race, color, sex, language or religion.

D: principle of necessity and proportionality: The situation must be emergency and exceptional, concerning the existence of a serious state threat, which cannot be met by the usual means and methods, and must be declared in the light of an accurate and objective assessment of the events so that the measures taken are appropriate to the existing situation without exaggeration. the emergency situation that called for its application must also be brought to an end (the siracusa principals on the limitation and derogation provisions in the international covenant on civil and political right).

First Requirement: TYPES OF EMERGENCY

International jurisprudence divides the state of emergency into two parts, according to the reason for its declaration and according to the scope of its spatiality.

First: the real state of emergency and the political emergency

A real state of emergency is also called a state of military emergency or martial law.it is defined as a situation that is declared because of the invasion of the territory of a state by a foreign enemy or part of its territory (Hassan al-Badrawi, 2000), that is, it is declared only as a result of a war between two or more states. this situation has the effect of disrupting the functioning of ordinary laws, disrupting the work of ordinary courts and wasting the guarantees of military Rights. the state of emergency derives its provisions from international law. The emergency access you need emergency display or martial law political, in which case the lighter the weight of a real emergency, and is resorted to by the authority of the executive when danger threatens the security and safety of the state, domestic disturbance or natural disasters such as floods or the spread of an epidemic... Etc., where it is licensed. With the executive branch adhering to the provisions of the Constitution and the law (Jamil, 2006) , certain rights shall be suspended to the extent necessary to meet the exceptional emergency situation (Azin , 2009, p. 39).

Second: total emergency and partial emergency

A state of emergency is announced by decree from the Council of Ministers when there is "imminent danger due to significant disruptions of public order" or "situations that inherently and gravely constitute a public disaster". It cannot last more than a few days, extendable by statute, and is applicable to all or part of the area (Dupic, 2015) .

Restriction of public freedoms resulting from the state of emergency The state of emergency allows, in a specific geographical area, the application of exceptional measures aimed at restricting the freedoms of individuals to guarantee security and public order.

Second requirement: the basis and legal nature of the emergency

Making something possible.”As said before, the word “emergency” has a similar positive connotation of “coming into being” or “starting something anew.”Therefore, like security, emergency has no inherent normative value: whether a particular emergency construct is a negative and positive development can only be decided by situating it in context (Bohdana Kurylo, 2022) .

If the state of emergency is based on two foundations, namely the philosophical basis and the constitutional basis , (Sorour, 1995) the jurisprudence and judicial rulings differed about its legal nature, some of them considered it an act of sovereignty, because its declaration requires the urgent need to maintain the security and stability of the country, and some of them considered it an administrative decision because it is subject to you can't (02, 2005).

The French Council of state considered the decision to declare a state of emergency to be an ordinary administrative decision subject to judicial control, as in Algeria, there was no judicial ruling referring to a specific opinion (Subsequently, the legislative framework governing the use of this exceptional regime was amended several times. Between 1955 and 2015, it was the ordinance of 15 April 1960 that brought the most significant changes. It transferred the power to declare a state of emergency from Parliament Collegiate body exercising legislative power (adoption of laws and control of the executive power) composed of two chambers: the National Assembly and the Senate to the President of the Republic, while providing that beyond twelve days its extension can only be authorised by law, which must then set its definitive duration.) (ben Tifour, 2000).

Second Requirement: The basis and legal nature of a state of emergency

The philosophical basis of the state of emergency is based on the idea of necessity, and this is to justify the extraordinary powers granted to the executive branch to ensure the functioning of public facilities in the extraordinary circumstances that states can go through (Jaghlul , 2005/2004).

The situation of necessity means that urgent situation in which the legal rules in force are unable to find a solution to the crisis in question, whether it concerns problems of a social, political or epidemiological nature of health, depending on the position of the political authority on events that pose a threat to public security and which threaten society in the territory of the state During the first World War, the French argued that the necessity derived from the state of war allowed decisions contrary to the law in ordinary circumstances, and formulated an integral theory of the theory of exceptional circumstances in the Second World War based mainly on the right of the executive branch to make certain extraordinary decisions that are illegal in the standard of general rules governing ordinary The state of necessity is the philosophical basis on which states adhere as a payment for the dissolution of their international contractual obligations, such as treaties, on the grounds that the state of necessity is not governed by the law, but rather by its power if a state finds itself between two obligations, one derived from necessity and the other from law, there is no doubt that necessity prevails (Naeem , 2015).

First: The philosophical basis of the state of emergency

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Second: the constitutional basis for state emergency

The state of emergency alone cannot serve as the philosophical justification for increasing the executive branch's authority while carrying out the state of emergency, however, is also supported by constitutional legality, which means that it must be included in the constitution.

The majority of jurists advise that constitutions expressly define the circumstances in which a state of emergency can be declared in order to know what those conditions are. the scope of a state's emergency powers beforehand.

An examination of the constitutional provisions of the African nations reveals that, with the exception of Benin and the Democratic Republic of the Congo, the majority of the constitutions include an emergency clause. The majority of African constitutions adhere to the Paris Minimum Standards, which expressly specify that only the legislative branch may use emergency powers. However, only some of the constitutions include two or more of the non-derogable rights covered in the last section. Additionally, that legislature shouldn't be disbanded in an emergency (Keith & Poe, 2004).

THIRD; The legal nature of the emergency

Setting up and putting crisis standards of care into practice may present considerable legal difficulties. Issues relating to the legal empowerment of different measures to safeguard individual and community rights may arise. are widespread and made more complex by disparities between jurisdictions. The law must guide current standards of care and encourage players to maximize individual and community, while also giving due consideration to both individual and communal rights

01 - The state of emergency is an act of sovereignty

A strong defense of individual rights during a crisis is necessary to lessen the dangers associated with emergency powers. These protections can take many forms, such as constitutional clauses that expressly protect basic rights during emergencies, the participation of an independent court to assess the legality of emergency legislation, and more. as well as the proportionality of emergency measures, legislative oversight of government actions, transparency in decision-making processes, and the availability of effective remedies for individuals whose rights may have been violated. These protections guarantee that emergency responses are legal, essential, and consistent with human rights.

As stated, the Legislative Authority in favor of an emergency executive completes the total or partial suspension of the judicial proceedings. There are two primary methods about this suspension.

Judicial orders can still be incorporated by both the regulatory structure and perspective of sovereignty. The rule-law method, whether constitutional or legislative, belongs to the state of exception. Advocates of sovereignty approaches "condemn the facade of law regulation" (Mark, 2020). "which" cannot be reduced in legal norms in similar veins ", Alexander Hamilton argued that "any constitutional hut can be wisely put on the power that has been proclaimed ". This is based on a set of arguments that have been looked after".

1-Decision to declare the status of Patikal is basically an act of the Legislative Branch, as the Executive Branch only practices with the authority of Parliament on an extraordinary temporary basis and with the authority of the Legislative Branch "

2-Falk-term announcement is one of the actions between the legislative branch "Parliament" and the Executive Branch "Sarkar", it is a function of sovereignty.

3- The decision to declare emergency conditions is a task of sovereignty, on one hand, for practical views set by the ideas that issued its release and the need to maintain the security of the state and its unit (Xavier Magnon, 2022).

Among the states that proclaim a state of emergency as a matter of sovereignty, we find the Egyptian judiciary, which has determined that the declaration of a state of emergency is a sovereign act, and thus there is no oversight to revoke it. The Supreme Administrative Court stated, "the decision to declare a state of emergency is a sovereign act carried out by the government as a ruling authority rather than an administrative one, as it is a supreme measure taken to protect the state's integrity and ensure security or public order."

The identical court also ruled that "the proclamation of a state of emergency is included in the acts of sovereignty." Consequently, it is not open to censorship, and claims regarding its invalidity are not recognized in various courts. Furthermore, the regulations of the Egyptian Council of State law have consistently asserted that "the courts of the Council of State lack the authority to address requests concerning acts of sovereignty" (Jamil, 2006, pp. 231-232).

02 - The State of emergency is an administrative decision

Supporters of this trend believe that the decision to declare a state of emergency even if it was originally the work of the parliament, but that its practice by the executive branch is not derived from the parliament but from the text of the law (chawabkka, 2019), and they are based on a set of arguments, namely:

1- origin all actions of the authority shall be subject to law, based on the principle of legality, which is the true guarantee of the rights and freedoms of individuals (Gad, 1995).

2- Is all the work that go into the relationship between parliament and government are such as acts of sovereignty, especially since the declaration of a state of emergency issued by the executive authority of Parliament, because in this case you must observe this thinking to consider how to match it to the limits of authority granted.

3-The declaration of a state of emergency issued by the president of the Legislature is issued by him in his capacity and not in his capacity as a member of the Legislature (Xavier Magnon, 2022, p. 22) and must therefore be subject to judicial control.

Among the states that have taken the view that declaring a state of emergency is an administrative decision subject to judicial control, we find the position of the French judiciary, which at first was not clear, as it considered it an act of sovereignty, which was brought about by the decision of the Council of state in the Boule case on 5 January 1855, but which was later settled clearly and clearly by the decision to declare a state of emergency in relation to the acts of sovereignty, and takes into account other administrative decisions and judgments that are subject to judicial control.

THE SECOND TOPIC; implementation of the state of emergency in the SUDAN and its impact on human rights.

The constitution or legislation of a country often describes the circumstances that may lead to a state of emergency, specifies the procedures to be followed, and sets out the limits of emergency powers that may be invoked or rights that may be suspended.

In this context, we address the chapter fourteen of Sudan's 2005 Interim Constitution, as related to the declaration of emergency and war, as stated in Article 1/210: "With the approval of the Republic, the President of the Republic, the first vice -president, the first vice -president, any emergency, war, invasion, migration, migration, scene, scene, scene, a scene, can declare a situation in the entire nation or distinguished region. Following the law, the epidemic which endangers its safety or law. "

First Requirement: The background of the declaration of the state of emergency in Sudan and its legitimacy.

These protests began in December 2018 following the announcement by the government of Sudanese President Omar al-Bashir of a series of austerity measures at the end of 2018 amid a suffocating economic crisis in Sudan, the effects of which began to accumulate during 2017 and 2018.

Despite the Sudanese constitution, the president's powers to declare a state of emergency are limited by strict conditions and specific cases, so that these exceptional and emergency circumstances must be normal, provided that they are carried out in accordance with constitutionally prescribed procedures, which were not provided for in the declaration of a state of emergency in Sudan in February 2019 (Munzoul, 2019).

First: background to the declaration of a state of emergency in Sudan

On 22 February 2019, under Republican Decree No. 6 of 2019 (Official Gazette of the Republic of Sudan, 2019) , the president of the Sudanese Republic issued an order to declare a state of emergency for a year in the country according to his authorities pursuant to the provisions of articles (G/1/58) and (210) of the transitional Sudanese constitution of 2005.

The declaration of a state of emergency dates back to peaceful demonstrations and the protest movement against the government demanding the overthrow of the regime, which began on December 19, 2018, and which was called the bread demonstration tripled, but quickly turned into bloody clashes between protesters and security forces that lasted nearly two months (Joan , 2019).

Although former Sudanese President Omar al-Bashir attached the declaration of a state of emergency to five emergency orders , which in total represented a waste of normal life and declared customary laws

and popularized Sudanese human rights and citizen safety without a constitutional or legal basis, the peaceful popular revolution escalated against the regime and continued to demand the removal of the regime .

second: legality of the emergency declaration.

The future and position of the 2019 Constitutional Declaration and its respective documents, which are still officially active as constitutional framework for the transitional period, are uncertain. However, many initial concerns raised during interaction and support of the 2019 constitutional announcement about its structural implications have been validated.

Check the constitutional structure to assess your role in the current crisis, indicate structural flaws within the contributing structure, and provide an initial discussion on future drafts learning lessons. This will especially argue that in the constitutional declaration of 2019, various structural flaws played a direct role in political deadlock and economic decline, which weakened the transitional government, while indirectly paved the route by providing the route for justification, validity, and institutional status for 25 October 2021 coup. These flaws include:

- 1-The specific extraordinary circumstances or endangering the nation, motivating the declaration of emergency situation, in the President's address or in the Republican decree number 2019/6 was not indicated, Sudani declares peaceful demonstrations as a primary justification to declare an emergency in Sudan, representing an important procedural error according to the constitution, representing an important procedural error according to the constitution (Brooke Davies, 2022).
2. The approval of the first vice president of the Republic was not taken. The announcement was made by his first vice -president of the Republic of the Republic with dismissal. To declare emergency status, the first deputy approval was an important measure according to the constitution, without which the announcement would not produce its legal effect .
3. The order provided for in article 211 of the Constitution has not been followed, as a number of orders have been issued prohibiting the exercise of various rights of varying nature, without prior identification of the rights to which the commentary is concerned.

Furthermore, the constitutional provision authorizing the suspension itself contradicts Article 3/27 of the Sudanese constitution, which considers the rights and freedoms contained in the international conventions and treaties ratified by the government of the Sudan as part of the bill of rights. As a result, Sudan is a state party for human and people and African charters on the appos; rights. Provision of suspension opposed Sudan and Appos; Along with the Charter, the International Covenant of the Sudani Constitution and the obligation under Article 3/27.

Second requirement: Effect of declaration of emergency situation on human rights and public freedom in Sudan

Announcement of emergency situation in Sudan on 22 February 2019, affected a range of individual and collective rights and freedoms clearly, and this was manifested in exceeding most of the provisions of the emergency orders-from 1 to 5-the legal limit authorized by the international conventions ratified by Sudan, as well as infringing the provisions and principles of the Sudanese constitution. (Davies, 2022,)

Second Requirement: impact of the declaration of a state of emergency on individual and collective freedoms significantly restricts individual freedoms such as movement, assembly, and association, and collective freedoms like the right to petition or protest, to address immediate threats to public safety.

First: impact of the declaration of a state of emergency on individual freedoms:

However, when the emergency laws began to be implemented in February 2019 in Sudan, individual rights were particularly affected, as most civil and political rights were violated and wasted by the Sudanese regular forces, including the right to life, the right to personal freedom, freedom of opinion and expression, and the right to a fair trial.

In the same vein, the deliberate use of deadly force and the use of brutal methods have led to the suppression of protesters. Arbitrary detention, ill-treatment sexual violence against women, censorship of correspondence newspapers. According to Amnesty International, at least 100 people have been killed and hundreds injured, hundreds have been arrested, some released and others are still missing, and Sudanese security forces have also committed brutal sexual violence against men and women (Amnesty International S. a., June 28, 2019). You can summarize the most important restrictions imposed by the decree declaring a state of emergency, which affected individual freedoms in:

- 1-Emergency Order No. 1 of 2019 granted the Sudanese regular forces a large number of extraordinary powers and powers, which contributed to the restriction of individual freedoms, including the right to enter and search any building, or search persons, and to impose control over any property or facilities.
2. Seizure of funds, shops and goods suspected of being in violation of the law, until investigation or trial is carried out.
3. To grant the regular forces the right to prohibit the movement, activity or organization of persons or the movement of means of transport in any area or at any time.
4. Granting the right to arrest persons suspected of involvement in an emergency-related crime.
5. To give the attorney-general the authority to decide on the lifting of immunity of any person accused of a punishable offence under the emergency and protection of Public Safety Act of 1997, or the orders issued there under, providing for the establishment of emergency prosecutors and courts.
6. Ban the order for 3 emergencies for the year 2019, dealing with cash and gold exit controls through ports and crossings, if dealing with foreign exchange sell or buy outside the official channels, and specify 3 thousand dollars can be carried by any person traveling through an air, sea or land port.

Second: impact of the state of emergency on collective freedoms:

The declaration of a state of emergency in Sudan had an impact on collective freedoms "social, economic and cultural rights", as the latter require states to intervene positively to realize these rights, including the right to work, the right to trade and industry, the right to own, the right to social security and health care..Etc. In the face of the Sudanese government's inability to meet the demands of those in need, amid an ongoing economic crisis that caused a significant rise in inflation and a shortage of foreign currency, which led the government to impose further restrictions and restrictions on collective rights and freedoms.

The most important restrictions imposed by the decree declaring a state of emergency, which had an impact on collective freedoms, can be summarized in:

- 1-Prohibition of the emergency order of 2019, the right of assembly, demonstration, assembly and organization of unauthorized processions, as well as the Prohibition of blocking public roads and obstructing the traffic of citizens and means of transport.
- 2- Prohibition of diminishing the prestige of the state, any symbol of its sovereignty, or any of its organs or employees by any means or act.
- 3- Prohibition of strikes, suspension of service or disruption of public facilities, encroachment on public and private property, vandalism and intimidation of citizens and breach of security and public safety (Report, 2023).

Conclusion

The declaration of a state of emergency in Sudan on 22 February 2019, by highlighting how human rights and public freedoms are affected by emergency laws and making some suggestions that would provide the necessary international and regional protection of fundamental human rights during the implementation of emergency laws.

Results:

- 1- A state of emergency is an exceptional legal system defined in time and place to face extraordinary emergency circumstances, in which the Competent Authority is empowered by law to take

extraordinary measures in case of urgent necessity, or imminent danger, which threatens the constitutional institutions of the state or its independence or territorial integrity until the threat is eliminated

2 -The illegality of the state of emergency declared by the Sudanese president on February 22 , 2019, for having met the full constitutional requirements

3 -The declaration of a state of emergency on February 22, 2019, by the former Sudanese president was disastrous for the field of human rights in Sudan, where many individual and collective rights were infringed and violated, under the cover of the legality of restricting certain aspects of human rights in the state of emergency.

4- The fundamental and necessary human rights and freedoms provided for by international legislation shall be protected and safeguarded from various grave violations. can't be compromised even under the declaration of a state of emergency.

Recommendations:

To protect human rights and prevent serious violations that could impact fundamental human rights during the state of emergency, and to align the execution of emergency procedures with international law principles and relevant conventions, we suggest:

1-Oblige the state to strictly regulate domestic emergency laws so that they are in line with the provisions of international human rights instruments and conventions in order to ensure the protection of human rights during a state of emergency

2- To activate the role of the regulatory bodies established under international conventions on the protection of human rights, especially in extraordinary circumstances, States of emergency and exceptional circumstances requiring more effective international protection by imposing more censorship in the context of the state of emergency.

3.Oblige states to apply the law properly during the operation of a state of emergency, in strict compliance with the provisions of international legality, after the measures and actions taken have exceeded internationally authorized limits and restrictions.

4-The necessity to enhance and reinforce the function of internal control systems of different kinds "judicial, legislative. To safeguard essential human rights and public freedoms and to guarantee the constitutionality and legitimacy of declaring a state of emergency, it is crucial to prevent the administration from using its authority arbitrarily in such declarations without reinforcing it with the principle of acts of sovereignty.

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