

TITLE 16/06/2000 - LAW N° 09/2000 OF 16/06/2000 ON THE ESTABLISHMENT, GENERAL ORGANISATION AND JURISDICTION OF THE NATIONAL POLICE

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Title 1. GENERAL PROVISIONS

Article: 1

There is hereby established a National Police Force having jurisdiction over the entire territory of the Republic of Rwanda and composed of ill Force members.

Article: 2

Police services shall be delivered to the people on the basis of the following principles:

1. The importance of safeguarding the fundamental rights guaranteed by the law;
2. The need for cooperation between the police and the community they serve ;
3. The responsibility to account for their activities to the community.

Title 2. GENERAL ORGANISATION

Chapter 1. ADMINISTRATIVE AUTHORITY

Article: 3

The National Police shall be under the direction of the Ministry responsible for internal security in its functions and shall prepare and advise the Government on policy relating to the police service and its implementation

Chapter 2. FORCE STRUCTURE

Article: 4

The National Police comprises the following:

1° The Office of the Commissioner General

2° Directorates and Divisions

3° Services

4° Units The National Police shall be under the command of the Commissioner General assisted by the Deputy Commissioners General.

Article: 5

The Commissioner General, Deputy Commissioners General, are appointed by presidential order.

Directors, Chiefs of services and heads of divisions are appointed by an order of the Prime Minister.

Commanders of units are appointed by an order of the Minister responsible for the police.

Article: 6

The Commissioner General shall plan, organise, coordinate, lead and control all the activities of the National Police, and shall, in particular:

- 1) Have the general control and administration of the force and the employees connected with it ;
- 2) Ensure that the force is run in accordance with the objectives set by the Government ;
- 3) Ensure that members of the force carry out their duties in accordance with this Law and Regulations made under it and ensuring that discipline is maintained ;
- 4) Develop and implement short, medium and long term plans setting out the priorities and objectives of policing ;
- 5) Determine, the deployment of the force ; 6) Promote the general welfare of members of the Force.

Article: 7

There is established a National Police Council which shall consist of the members who are appointed by the Minister responsible for the National Police.

Article: 8

The functions of the Police Council shall be:

- (i) to ensure efficient organization, administration and functioning of the Force ;
- (ii) to formulate and establish standards of recruitment and training within the Force ;
- (iii) to make recommendations on the general policy of promotion ;
- (iv) to exercise general disciplinary control over members of the Force ;
- (v) to find solutions to problems of members of the Force ;
- (vi) to deal with complaints by members of the public against the Force or its members.

The National Police Council shall report to the Minister wasted with the responsibility for the police in his functions.

Title 3. ACCOMPLISHMENT OF FUNCTIONS OF THE NATIONAL POLICE

Article: 9

In the exercise of its judicial functions, the police is governed by laws governing judicial police in matters relating to prosecution of offences. They receive instructions from and are under the authority of the Public Prosecutor's Office having jurisdiction in the area where they carry out their duties, upon the conditions and within the limits established by law.

Article: 10

When a police officer becomes aware that a prescribed offense has been or is about to be committed, he/she shall inform his/her nearest superior thereof as soon as possible

Article: 11

Every police officer shall perform his/her duties in a manner that is reasonable, and when he/she acts unreasonably or with negligence he/she shall be liable to punishment

Article: 12

Every police officer, uniformed or not, shall produce his/her police identities before effecting an assigned mission. The uniform of a police officer shall indicate the officer's names, rank and registration number.

Article: 13

A police officer may, if he/she considers it necessary to do so for the maintenance and preservation of law and order or for apprehension of offenders, arrest or cause to be erected visible barriers in or across any road or in any public place, and inform his/her immediate superior as soon as possible.

Title 4. FUNCTIONS AND DUTIES OF THE NATIONAL POLICE

Article: 14

The National Police shall perform functions and duties including:

- (i) enforcing the law order ;

- (ii) Maintenance and restoration of public or;
- (iii) prevention, detection and investigation of crime
- (iv) protection of life and property ;
- (v) assisting persons in danger or distress
- (vi) ensuring general surveillance of all places deemed necessary ;
- (vii) implementing administrative instructions relating to the maintenance of law and order ;
- (viii) intervening in disasters and calamities ;
- (ix) ensuring road safety ;
- (x) ensuring security in courts during proceedings ;
- (xi) policing air space and borders and waters ;
- (xii) cooperation with other states in pursuit of criminals ;
- (xiii) combating terrorism ;
- (xiv) provision of guards to dignitaries ;
- (xv) provision of security to Airports ;
- (xvi) provision of fire fighting services ;

Article: 15

The National Police shall:

- (i) ensure control of beggars, prostitutes, vagabonds and disorderly persons and the mentally disturbed and take such security measures as prescribed by Law ;
- (ii) apprehend drunkards who are a public nuisance ;
- (iii) apprehend consumers, dealers and persons in possession of narcotics.

Article: 16

The National Police shall, in conformity with the law, monitor convicted persons released on parole and accused persons released temporarily.

Article: 17

Whenever any person within the Republic of Rwanda is found without proper or any identification, the Police may apprehend and deliver such person's forthwith to relevant authorities.

It may also apprehend any person whose conduct appears suspect for such period as is necessary to verify the persons identity.

Article: 18

The National Police shall prepare reports on persons found dead and submit them to relevant authorities.

The Police shall come to the rescue of abandoned persons found in critical condition and fire reports of such incidents.

Article: 19

The National Police shall maintain a presence at places of authorised assemblies and ensure the observance of law and order. Any illegal assembly shall be immediately reported to the relevant authorities and take necessary measures to stop it taken.

Article: 20

The National Police shall take necessary measures to protect the public against dangerous or abandoned animals as well as against domestic animal found in inappropriate places.

Article: 21

A police officer in uniform may, for the purpose of preserving public order and safety or preventing an obstruction of traffic, stop, direct, divert or regulate the course of traffic.

Article: 22

The National Police may prohibit or restrict the driving or use of any vehicle, motorcycle or other means of transport on specified roads or in any specified area if deemed necessary.

Article: 23

The Police may, in order to ensure that a person is not carrying a weapon or an object dangerous to public security, conduct a search in any of the following cases :

1. where, based on such person's conduct or on material evidence or circumstances, a police officer has reasonable grounds to believe that the person whose identity is being verified is carrying a firearm or object dangerous to public security ;
2. where a person is under administrative or judicial arrest .-
3. where persons are participating in a public assembly that poses a rear threat to public order ;

4. where persons gain access to places in which public order is threatened.

A security search shall be carried out by frisking the body and clothing of the person being searched and inspecting the person's baggage. It shall last no longer than is needed to effect the search, and the person shall not be detained for longer than one hour for this purpose.

The search on the body shall be conducted by a police officer of the same sex as the person being searched.

Article: 24

Whenever a police officer has reasonable grounds to believe that it is necessary to search for anything for the purpose of investigating any offense which he is authorized to investigate, he shall first apply to the Prosecutor of the Republic for a search warrant

Article: 25

A police officer may, where it is reasonably necessary for the purposes of control over the illegal movement of people or goods across the borders of the Republic of Rwanda, search any person, premises, other place, vehicle, vessel, aircraft, or any receptacle of whatever nature, at any place in the Republic of Rwanda, provided that the authority to search conferred by this article shall not extend to persons, premises or things exempted from search by any other law.

Article: 26

Police officers may conduct a search of a vehicle or any other means of conveyance, whether it be in the flow of traffic or parked on a public thoroughfare or any other place, where they have reasonable grounds to believe, on the basis of the conduct of the driver or the passengers or the place where the vehicle is parked, there are indications that the vehicle or means of conveyance has been, is being, or could be used:

1. to commit an offense ;
2. to harbor or transport wanted persons or persons who wish to avoid verification of their identity ;
3. to store or transport objects dangerous to public order, incriminating objects or evidence of an offense.

A search carried out in a vehicle shall last no longer than the circumstances giving rise to such a search warrant.

Article: 27

Police may in case of necessity and without a warrant, carry out an administrative arrest of:

1. a person obstructing the circulation of traffic or interfering with road safety ;
2. a person disturbing the public peace ;
3. a person whom they have reasonable grounds to believe, based on the person's conduct or on material evidence or circumstances, is preparing to commit an offense that seriously endangers public peace or safety, in order to prevent the person from committing the offense ;
4. a person committing an offense which endangers public peace or safety, in order to stop the commission of the offense.

The deprivation of freedom shall last no longer than the time required by the circumstances giving rise thereto, and such deprivation shall not in any event exceed 24 hours.

Any person subject to administrative arrest may request that a person in whom he or she has confidence be notified.

Article: 28

A police officer shall, upon effecting an administrative arrest, record in the Station Diary Book, indicating the time of the arrest and forthwith inform his immediate superior of the occurrence. A suspect so arrested shall counter sign in the Detention Book verifying the time of his detention. Upon the release of a suspect, a record of his release shall be made in the relevant register and the suspect shall countersign such record or imprint a thumbprint.

Where a suspect does not know how to write the fact is recorded, read for him/her and a record of this thumbprint taken into the book.

Where a suspect refuses to countersign or imprint a thumbprint the fact shall also be recorded.

Article: 29

Any police officer duly authorised by a competent superior may, without a warrant enter any premises:

- a) if he has reasons to suspect that an offense is being or about to be committed in that place ;
- b) if he has reasons to believe that an object used in the commission of an offense or necessary for the investigation of an offense which he has authority to investigate, can be found therein ;
- c) to apprehend a person against whom there is serious indication of having committed an offense who is upon the premises.

Article: 30

A police officer may, without unnecessary damage or destruction to property, use force to gain entry into premises where entry is denied or resisted.

Article: 31

The Police may, in the course of ensuring public safety in a particular area or for the purpose of investigating an offense, cordon off a particular area.

Article: 32

The Police may, if necessary, publish or cause to be published, or in any other manner display or cause to be displayed any information, photograph or sketch of any crime suspect.

Article: 33

The Prefecture Police Commander shall authorize and regulate the use, in all communes comprising the Prefectures, of any megaphone, loudspeaker, loud hailer, public address apparatus or any other means of amplifying, broadcasting or reproducing any speech, sound or music in a public place.

Article: 34

It shall be the duty of the police to take care of abandoned movable property. Abandoned property shall be disposed of in the manner provided by law.

If the property is a firearm or ammunition, the Prosecutor of the Republic shall order it to be disposed of in a manner determined by the Commissioner General of Police without contravening the law governing the use of the fire arms and ammunitions.

Article: 35

The police may search any parson if they have reasonable grounds to believe that the search is necessary for investigating offences which have been or are about to be committed. Such a search may not exceed 6 hours.

Article: 36

A police officer may, for purposes of record and identification, take measurements, photographs, footprints and casts thereof, palm - prints and finger prints of any parson in lawful custody.

Provided that such a parson is not charged with an offense punishable by imprisonment or is discharged or acquitted by a court, and has not been previously convicted of an offense so punishable, all records of such measurements, photographs, footprints and casts thereof shall be returned to him.

Article: 37

The National Police shall, in addition to the duties, powers and functions conferred upon it by this law, also have the duties, powers and functions provided for in the Coda of Criminal Procedure.

Article: 38

The National Police shall supervise the activities of private security organisations dully licensed by the Minister vested with responsibility for the police in his functions.

Article: 39

The National Police shall issue a permit for the legal possession and use of fire arms and their ammunition to individuals or private security organisations and there after over see the use of such fire arms and ammunition.

Title 5. USE OF FORCE AND FIRE ARMS

Article: 40

In carrying out police duties, any police officer may use force in pursuance of a lawful objective that cannot otherwise be achieved. The use of force must be reasonable and not excessive relative to the objective being

sought.

The use of force shall be preceded by warning unless the warning defeats the objectives of the police.

Article: 41

1 ° A Police officer may in case necessity use a firearm in the course of his duties: (i) in self-defence or defence of other persons being subjected to violence or assault ;

(ii) in case of failure to defend by all other possible means of property under their protection or their position of deployment. (iii) In apprehending clearly dangerous or mad persons.

2° Where police officers must disperse assemblies or suppress riots, firearms shall not be employed before other methods of persuasion have been tried, and wherever possible, before they are employed, appropriate administrative authority shall issue a warning in a language understood by the assembled persons. The warning shall call upon the assembled persons to disperse and clearly warn them that firearms will be used. If civil authorities cannot issue the warning, the most senior police officer shall do so. Under no circumstances shall the police employ use of fire arms without prior authorization by authorities vested with the powers.

3° However, officers of the National Police may use firearms without a requisition of the aforesaid authorities, where the persons forming the assembly or rioting commit acts of violence the purpose of which is murder, devastation or pillaging, or engage in destroying public buildings.

Article: 42

In all cases the Police shall do its utmost to perform its duties and functions without recourse to use of firearms. Before using firearms, Police shall wherever possible use the following equipment:

(i) water spray ;

(ii) batons ;

(iii) tear gas canisters ;

(iv) rubber bullets or any other relevant devices used in controlling riots.

Title 6. GENERAL PROVISIONS

Article: 43

There is established a Police Tender Council.

Article: 44

The functioning of the Police Tender Council shall be prescribed by an order of the Minister responsible for the Police.

Article: 45

The National Police shall closely collaborate with the military organs and provide them with information regarding public order and security.

It shall also work in close collaboration with other civilian organs providing information in respect of matters which may adversely affect their functioning.

Article: 46

The National Police shall apprehend military personnel involved in crime and inform the relevant military authorities as soon as possible.

Article: 47

The National Police shall be funded from the National budget.

Article: 48

The terms and conditions of service of the members of National Police shall be determined by a Presidential order.

Article: 49

The organisation and structure of the National Police is provided by an order of the Prime Minister.

Article: 50

Requisition for intervention from other security organs and the judiciary shall be established by an order of the Prime Minister

Article: 51

The collaboration between National Police with administrative, military and judicial authorities shall be governed by an order of the Prime Minister.

Article: 52

The dress, badges of rank and other badges of the National Police shall be effected by an order of the Minister responsible for the National Police.

Article: 53

Every police officer of the rank of sergeant and above is a judicial police officer.

Title 7. TRANSITIONAL AND FINAL PROVISIONS

Article: 54

The Minister responsible for Defence shall determine the members of the armed forces fulfilling the requirements to be turned into members of National Police. Members of the armed forces transferred to the National Police shall receive police ranks depending on appointment.

Article: 55

The Minister responsible for Defence shall determine the property of the Ministry of Defence to be turned over to the National Police.

Article: 56

Members of the Communal Police fulfilling the requirements to join the National Police are transferred to the National Police shall receive police ranks depending on appointment

Article: 57

Members of the Judicial Police formerly in the Ministry of Justice fulfilling the requirements are transferred to the National Police and, after a police training program, shall receive police ranks depending on appointment.

Article: 58

Property belonging to the Communal Police and of the Judicial Police shall be turned over to the National Police.

Article: 59

The Law-Decree of January 23, 1974 establishing the National Gendarmerie is abrogated.

Article: 60

All legal provisions contrary to this law are hereby repealed.

Article: 61

This law shall come into force on the day of its publication in the Official Gazette of the Republic of Rwanda.
