

Somaliland's Past Police Laws

1913 to 1990

Introduction and selected texts

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Note: The current Republic of Somaliland police laws are covered in a separate compilation – see www.somalilandlaw.com/police_law.html

EARLY SOMALILAND POLICE LEGAL HISTORY 1887 - 1960

Formation of the Somaliland Protectorate Police Force

On 3 November 2018, the **Republic of Somaliland Police Force** celebrated the 25th Anniversary of its re-establishment which was officially on 3 November 1993, two years after Somaliland's re-assertion of its sovereignty on 18 May 1991. The Somaliland Police has, however, a much longer history and laws stretching back to the late 1880s.

The British Somaliland Protectorate was formally proclaimed in 1887, but from 1884, the British formed a small armed constabulary to police the coastal towns of Zeila, Berbera, Bulhar, Karan and Heis, and by 1906, there was a police complement of 52 mounted and 267 foot police headed by a Superintendent of Police¹. Additionally, In 1912 the Somaliland Camel Constabulary (not to be confused with the military Somali Camel Corps formed in 1914) was established to police the interior not far from Berbera, with expeditions beyond, but was disbanded in 1914. Over the years (and during the long Darawish campaign) the coastal police complement went down, and by March 1917, the coastal towns complement numbered 189, but there was also, by then, police force presence in Hargeisa and Burao totalling 30 and 9 respectively². By 1919/20, however, the Somali police rank and file was increased from 260 to 500³.

As far as early police related laws were concerned, the **1899 Somaliland Order in Council**⁴ which laid down the criminal (such as Indian Penal Code 1860 and the Code of Criminal Procedure 1898) and civil laws applicable in Somaliland also gave power to the Protectorate Consul General⁵ to make regulations for, among other things, *'the establishment of a constabulary or other force to be employed in the maintenance of order or ... in defence⁶ of the Protectorate'* (section 32(ii)). The **Somaliland Civil Police Ordinance No. 3 of 1913** (which was based on the East Africa Police Ordinance No. 4 of 1911) was the earliest law that covered the police force and was amended in 1922 (Ordinance 9 of 1922). This Ordinance was repealed in 1927 by the much more comprehensive **Somaliland Police Ordinance No. 2 of 16 June 1927** (which was

¹ Colonial Reports No. 508, Somaliland Protectorate 1905-6, p. 15.

² Colonial Reports No. 944, Somaliland 1905-6, p. 7. By the following year, the police force complement in Burao was increased to 16 and another were stationed at Sheikh (1917-18 Report, p. 6)

³ Colonial Reports No. 1051, Somaliland 1919-20, p. 7.

⁴ Orders in Council often dealt with the 'constitutional issues' of the Protectorate.

⁵ The title of Consul General was dropped under section 3 of the **1904 Somaliland Order in Council**, and it was stated that His Majesty may appoint a fit person *'to administer the Government of the Somaliland Protectorate under the designation of Commissioner...'*.

⁶ On issues of defence, the Consul General, H E S Cordeaux (who was also Her Majesty's Commissioner and Commander in chief for the Somaliland Protectorate) issued in 1902 the Kings Regulations establishing *'and maintain[ing] in the [Somaliland] Protectorate a battalion of troops to be styled and known as the 6th Battalion of the King's African Rifles'*. The battalion was to form part of the King's African Rifles covering the East and Central African British Protectorates. (Sections 4 and 5 of the King's African Rifles Regulations No. 4 of 28 October 1902). Incidentally, under section 3 of the 1904 Somaliland Order in Council, the title of Consul General was dropped and it was stated that His Majesty may appoint a fit person *'to administer the Government of the Somaliland Protectorate under the designation of Commissioner...'*.

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originally titled also the ***Somaliland Civil Police Ordinance***) and which established a nation-wide police force, as by 1927, there was a District Police Officer in all the (then) 5 principal districts of the Protectorate. Section 3(1) of the 1927 Ordinance stated that

'The police force (to be known as "The Somaliland Police") shall be formally enrolled and shall consist of such number of superior police officers and subordinate police officers and shall, subject to the conditions of this Ordinance or any other law for the time being in force, be constituted in such manner and shall receive such pay as shall from time to time be ordered by the Governor.'

Section 4 of the Ordinance added that police force shall act as a police force 'in and throughout the Somaliland Protectorate for preserving the peace and preventing crime, and apprehending offenders against the peace, and as a military force when called upon by the Governor to discharge military duties' (underling added). When and if required, the police force may also assist in defence of the country, as set out in section 13 -

'13. Command of police in case of active service

When called upon to serve with the regular troops, or when a state of active service has been declared, the police shall be under the command and subject to the orders of the senior military officer present; but the police unit shall for the purposes of interior economy and discipline remain under the Commissioner or such other superior police officer of the police as may be present.'

I shall explore below the corresponding provision to s.13 in the later 1958 Ordinance which repealed this 1927 Ordinance and the significance of this issue of 'civilian' versus 'military' police force to Somaliland after 1960.

The 1927 Police Ordinance marked the establishment of the first Somaliland country-wide civilian police force. The main duties and the (non-military) rank structure of the Police Force was set out in Part I (ss 3 to 25) of the Ordinance titled 'constitution and government' of the Force. The Force was led by British officers with Somali inspectors and other ranks. Section 70 of the Ordinance also empowered the Governor to '*cause such numbers of men and women as he shall think fit to be enrolled as **water police and prison police***' who shall be police officers under the direction of the Chief Customs and the Superintendent of the Prisons respectively. Both of these functions were later carried out by separate customs and prisons services (see, for example the Somaliland Prisons Law⁷). The Somaliland Police Force was headed by a Commissioner who was also responsible for the enforcement of the traffic laws, firearms licensing and Immigration (as the Police Commissioner was appointed to act as the Principal Immigration Officer under s. 3 of the Immigration Ordinance No. 4 of 1924 (as amended)) and '*shall have charge of the administration of this [Immigration] Ordinance and may appoint such Assistant Immigration Officers as he may think fit*'.

Under s. 71 of the 1927 Police Ordinance (as amended), '*[t]he Governor may enrol any number of special police officers in case of any emergency for a stated period*'. Any special police officer so appointed '*shall have the same powers, privileges, and protection, and shall be liable to perform the same duties and shall be amenable to the same penalties, and be subordinate to the same authorities as the ordinary officers of the police force*'. It was not clear in the Ordinance what the requirements were for such emergency posts, but the later 1951 and 1958 police laws dealt with these non-permanent appointments,

⁷ See: http://www.somalilandlaw.com/prison_law.html

The 1927 Police Ordinance was amended over the years – for example 8 times between 1928 to 1949 and was finally overhauled in 1958. A Criminal Record Office and Finger-Print Bureau were started in 1951 (under the **Finger-prints Ordinance** No. 2 of 1 February 1948 (as amended) and the **Finger-prints Rules**, GN 4 of 1948 9as amended).

As stated above, the two main substantive and procedural criminal laws applicable in Somaliland from 1899 were the Indian Penal Code and the Code of Criminal Procedure. The former was retained (with some modifications), but the latter was re-issued in September 1926 as the **(Somaliland) Criminal Procedure Ordinance** No. 4 of 1926 which applied 'to all criminal proceedings' (s. 2(1)) and which also set out that all offences under the Penal Code and under any other law '*shall be investigated, inquired into, tried, and otherwise dealt with according*' to the Criminal Procedure Ordinance and any other enactment in force regulating such procedures (s. 4).

The Illalo force

A separate armed rural constabulary known as the *Illalo* ('look out' or 'guard' in Somali) and numbering over 900 men (by 1959), supported the Police Force by bringing offenders to court, guarding prisoners, patrolling townships, and accompanying nomadic herders in their grazing and watering areas. Section 2 of the **Illalo Ordinance No 11 of 24 July 1936 (as amended)** stated that their purpose is to preserve the peace, prevent crime and apprehend offenders against the peace. They '*patrol the countryside and render assistance to local authorities by enforcing their orders*' and were recruited from the districts in which they serve, and came under the relevant District Commissioner. The Illalo head in each district was a sergeant major. It was reported in the 1949 Protectorate Colonial Report that '*many of the men now serving [in the Illalo] fought gallantly against the Italian invaders in 1940*'. The llalo remained a separate rural force until 1970 when they were merged with the police⁸.

New police laws in the 1950s

In the last decade of the Somaliland Protectorate, many of the earlier laws (and constitutional provisions) were updated⁹. Both the customs (from 1937¹⁰) and prisons (from 1949/50¹¹) functions were no longer under the Police Commissioner. Other than a new law establishing a police force reserve in 1951, the 1927 Police was replaced in 1958 by a new Ordinance and allied regulations.

The Police Reserve

⁸ Law No. 5 of 17 January 1970 – *Integrazione del Corpo Ilalo nelle Forze di Politizia*

⁹ For the military, new laws covering the Somaliland Scouts were introduced. These were, for example, the Somaliland Scouts Ordinance 1954 (No. 9 of 1 April 1954) which, under s. 3(ii) were 'charged with the defence of the Protectorate, the maintenance of order and with such other duties as may from time be detetrmined ...', the Somaliland Scouts Regulations 1955, thee Somaliland Scouts Reserve Ordinance 1955(No. 7 of 6 May 1955) etc.

¹⁰ The Customs Ordinance No. 15 of 1937 (as amended). Under s. 59 of the Ordinance, however, '*[a] police officer may arrest without a warrant any person whom he reasonably suspects has smuggled or is attempting to smuggle goods or livestock in contravention of this Ordinance*'. This Ordinance was repealed in 1952 by the much more detailed [Customs Ordinance No. 5 of 28 March 1952](#).

¹¹ A '[Somaliland Prison Service](#)' was established under *the 1952 Prisons Ordinance No 11 of 18 July 1952*.

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The ***Somaliland Police Force Reserve Ordinance***, No. 14 of 28 July 1951 established the Police Reserve force which '*shall consist of such persons, resident in the Protectorate who having attained the age of eighteen years volunteer for service in the Reserve and are considered by the Commissioner to be suitable for enrolment as Reserve Police Officers*' (section 4). The Reserve may be employed '*for assisting the Somaliland Police Force in the maintenance of law and order, the prevention and detection of crime and the apprehension of offenders*' (section 5). Every police officer shall serve in the Reserve '*for a minimum period of two years Reserve and thereafter may re-engage, for a further service , for periods of two years*' (s. 8).

The Reservists (who shall be trained and issued, as appropriate, with uniform, arms and equipment), may be called out '*during an emergency*' by the Commissioner and shall remain on duty until released from duty by the Commissioner (s. 9(1)). Furthermore, where any senior police officer who –

'considers that an imminent danger has arisen with which he cannot efficiently deal by use of the police officers under his control, ... may call out all or any of the Reserve police officers resident in the area under his jurisdiction and in such case ... shall, as soon as practicable, report to the Commissioner the action he has taken and his reasons for such action.' (s, 9(2)).

Sections 11 and 12 of the Ordinance confirmed the Reservists shall be subject to the Police Ordinance and '*have all the powers, privileges and immunities*' conferred therein, and may receive compensation, gratuity etc. as may be just if they incur permanent or temporary disablement (or are killed) on account of injury or sickness contracted in the performance of their duties. Appointment, promotions and reductions in ranks and grades of the Reservists shall be made by the Commissioner (s. 13(2)).

By 1955, for example, there was a Police Reserve of 200 retired members of the Force who received two months training a year and were liable to be called upon in an emergency¹². The full complement of the Force by 31 December 1955 was '*20 officers, 5 inspectors, 6 sub-inspectors and 763 rank and file*'¹³ and so the Police Reserve served as an additional resource of 200 or so reservists.

The 1958 Police Ordinance (see below) does not mention police reserve, but it does deal with '*special officers*' much more extensively than was covered in the 1927 Police Ordinance which it replaced (see below).

The 1958 Police Laws

The police laws were updated comprehensively in 1958 with the following new laws that replaced the 1927 Ordinances and its amendments. The new main ordinance was the **1958 Somaliland Police Ordinance, No. 2 of 20 February 1958**, consisting of 73 sections grouped into 11 Parts. The long title of the Ordinance stated that it was '*to Provide for the Organisation, Discipline, Powers and duties of the Protectorate Police Force and for Matters Incidental Thereto*' which indicated the breadth of its provisions. Section 4 stated that the Force '*shall be employed in and throughout the Protectorate for the prevention and detection of crime, the apprehension of offenders, the preservation of law*

¹² Colonial Reports, Somaliland Protectorate 1954-55, p. 25

¹³ Ibid.

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and order, the protection of property and the due enforcement of all laws and regulations with which they are directly charged, and, as a military Force when called upon...'. It was only in war or other emergency situations (described in s. 10) that the police may serve as a 'military force' and 'were made subject to military law and may be placed under the command of and be subject to the orders of a military authority'. Otherwise, as a civilian force, the Police Force was subject only to the police laws and regulations and the other laws of the land.

The ranks of the police force as set out in s. 5(1) were Commissioner, Deputy Commissioner, Senior superintendents, Superintendents, Assistant Superintendents, Chief Inspectors, Inspectors, Sub Inspectors, Sergeants major, Sergeants, Corporals and Constables (Askaris). Part IV of the Ordinance covered the main powers, duties and privileges of Police Officers in more detail (albeit not exhaustive) than subsequent post 1971 police legislation. The Ordinance also introduced the power of the appointment of 'special constables' when required for preserving the peace (sections 56 to 61), but I could trace no record of the appointment of any such special constables. Some of the provisions of this detailed 1958 Ordinance can still be seen in the (still current) 1995 Somaliland Police Regulations, and also in the pre-1991 Somali Republic police laws/regulations.

The Regulations issued also in 1958 were as follows:

- The **Police (Retiring Benefits and Compensation) Regulations**, Gov. Notice No. 84 of 20 December 1958 dealing with gratuities for non-pensionable officers and compensation in case of death or injury on duty.
- The **Police Association Regulations**, GN No. 44 of 1958. *'There is hereby established a body, to be known as the Somaliland Police Force Association, the object of which shall be to enable all Police Officers of the Somaliland Police Force to bring to the notice of the Commissioner and the Governor matters affecting the welfare and efficiency of the members of the force, other than questions of promotion affecting individuals and questions of discipline'* (s. 3(1)). The Association *'shall be entirely independent and unassociated with anybody outside the Force'* (s. 3(2)) which meant that it could not join an outside professional or 'trade' association/union. As the Force was not seen as part of the Military, they were entitled to have a professional police association (which was not a trade union).
- **The Police (Leave) Regulations**, GN No. 47 of 7 July 1958.

By the end of 1959, 10 out of the 24 senior officers (Superintendents and above) of the Police Force were Somalis, and the establishment of the Force was nearly 1,000 in six police district commands (of which 5 were commanded by Somali Superintendents), grouped into 2 (administrative) regions (east and west), each headed by a Senior Superintendent (equivalent to the military rank of Colonel). The Police Field Force based in Burao was also commanded by a Somali Officer. The Police Training School at Mandera dealt with not only training recruits, but also with Non-Commissioned Officers' promotion courses and in studies for the 'Protectorate law examination'.

Birth of the State of Somaliland

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On the independence of the **State of Somaliland** on 26 June, the most senior Somaliland Police Officer (and citizen under the new Somaliland [State Citizenship and Nationality Law](#)) became the Commissioner of Police. Section 54(1) of the [1960 Somaliland Constitution](#)¹⁴ made it clear that, subject to any changes made after independence, *'the existing laws shall continue to be the law of Somaliland as from the commencement of this Constitution except in so far as it is thereafter amended, modified, repealed or revoked by competent authority ...'*. The union of Somalia and Somalia Law and Act also confirmed that the respective laws of the two countries shall continue to apply in each area until they are repealed or replaced by new laws¹⁵. Indeed the 1958 Police Ordinance (and it allied regulations) were only repealed comprehensively in 1972/3 by the military dictatorship.

These early Somaliland Police laws are included in this compilation not just for historical curiosity, but, however dated they are, they serve examples of the legislation of a civilian or non-militaristic police laws in sharp contrast to the 1970s dictatorship police laws which still form the basis of present Somaliland police laws. This is not a call for going back to 1950s Somaliland laws, but to catch up with modern versions of these laws which are applied in many of the current African and Asian police laws that were similar (or almost identical) to these 1950s Somaliland police laws - hence my reference to not going back to the past, ***but going back to the future.***

¹⁴ Available at this link: http://www.somalilandlaw.com/somaliland_constitution_1960.HTM

¹⁵ See, for example, Article 3 of the belated Act of union, Law No. 5 of 31 January 1961: http://www.somalilandlaw.com/Act_of_Union_Law_No._5_of_31_January_1961.pdf. These issues are also covered in Chapter 2 of this compilation.

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This 1958 Ordinance replaced the 1927 Somaliland Police Ordinance , (No. 2 of 16 June 1927), as amended

SOMALILAND POLICE ORDINANCE

NO. 2 OF 1958

(Dated 20th February 1958)

(Published in Supplement No. 2 to the Somaliland Protectorate Gazette, Vol. XVIII, No. 8, dated 22nd February 1958)

ARRANGEMENT OF SECTIONS *(Added by Editor)*

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SCHEDULE

**SOMALILAND POLICE ORDINANCE
NO. 2 OF 1958**

ENACTED by the Governor of the Somaliland Protectorate

HARGEISA
20th February, 1958

T. O. PIKE
Governor

**An Ordinance to Provide for the Organisation, Discipline, Powers and duties
of the Protectorate Police Force and for Matters Incidental Thereto.**

It is hereby enacted as follows:

PART I – PRELIMINARY

1. Short title and commencement

This Ordinance may be cited as the Police Ordinance 1958, and shall be deemed to have come into operation on the 1st day of February 1958.

2. Interpretation

In this Ordinance, unless the context otherwise requires –

“Commissioner” means the Commissioner of the Police;

“Constable” means any police officer of or below the rank of sergeant major;

“Deputy Commissioner” means the Deputy Commissioner of the Police;

“district” means any area in the Protectorate which the Commissioner shall decide shall constitute a district for the purposes of this Ordinance;

“division” means any area of the Protectorate which the Commissioner shall decide shall constitute a division for the purposes of this Ordinance;

“inspector” includes chief inspector and sub-inspector;

“officer in charge of police” means a police officer not being below the rank of inspector appointed by the Commissioner to be in charge of the police stationed in any area, or where no such officer has been appointed, an administrative officer in charge of such area;

“officer in charge of a police station” means the senior police officer on duty in the police station;

“police”, “the police”, or “the Force” means the Somaliland Police Force;

“police officer” means any member of the Force;

“police station” means any place appointed by the Commissioner to be a police station;

“subordinate police officer” means any police officer below the rank of inspector;

“superintendent” includes senior superintendent and assistant superintendent;

“superior police officer” means any police officer of or above the rank of assistant superintendent.

PART II – CONSTITUTION AND ADMINISTRATION

3. Police Force to continue

There shall continue to be established in the Protectorate a police Force to be known as the “Somaliland Police Force”.

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4. General duties of the police

The Force shall be employed in and throughout the Protectorate for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of property and the due enforcement of all laws and regulations with which they are directly charged, and, as a military Force one called upon, in pursuance of section 10 of this Ordinance, to discharge their military duties within the Protectorate as may be required of them by or under the authority of the Governor, and for the performance of all such duties shall be entitled to carry arms.

5. Constitution of the Force

(1) The Force shall consist of the following:

- Commissioner
- Deputy Commissioner
- Senior superintendents
- Superintendents
- Assistant Superintendents
- Chief Inspectors
- Inspectors
- Sub Inspectors
- Sergeants major
- Sergeants
- Corporals
- Constables,

who, subject to the provisions of this Ordinance, shall be appointed or enlisted in such manner and receive such pay as may from time to time he directed by the Governor.

(2) The ranks of the Force shall have precedence and command, in the order set out in subsection (1) of this section.

(3) Police officers holding the same rank shall, unless the Governor otherwise directs, stand in order of precedence and command according to the seniority reckoned by the date of their appointment to the rank.

(4) It shall be lawful for the Governor by notice in the Gazette to add any additional ranks to the Force, to fix the precedence of such ranks and to declare that any such an additional rank shall be deemed to be included in any existing rank or ranks for the purposes of the interpretation of this Ordinance.

6. Application of Ordinance to persons already serving

All persons who, at the date of the commencement of this Ordinance, shall be serving in the Force shall be deemed to be appointed or enlisted under this Ordinance with such new designations of rank as the Commissioner may decide and service under the Ordinance repealed¹⁶ by this Ordinance shall, for the purpose of the pensions and gratuities, be deemed to be service under this Ordinance.

Provided that no person who was enrolled under the Police Ordinance repealed by this Ordinance shall, subject to the provisions of section 20 of this Ordinance, be required to serve for a longer period than the period for which he was so enrolled.

7. General powers of Commissioner

¹⁶ The previous ordinance repealed by this 1958 Ordinance was the 1927 Police Ordinance, No. 2 of 16 June 1927 which amended over the years, for example 7 times between 1928 to 1949. It consisted of 2 sections grouped into 6 Parts.

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(1) The Commissioner shall, subject to the general directions of the Governor, have the command, superintendence and direction of the Force, and, subject to the provisions of this Ordinance and to any regulations made thereunder, may make such appointments, promotions and reductions in ranks and grades, other than those of superior police officers, as he may see fit.

(2) The Commissioner may, subject to the general directions the Governor and to the provisions of this Ordinance and any regulations made thereunder, from time to time make it standing orders for the general government of police officers in relation to their enlistment, leave, conditions of service, posting (including expenses in connection therewith), discharge, training, arms and accoutrements, clothing and equipment, places of residence, classification and duties, as well as to their distribution and inspection, and such other orders as he may deem expedient for preventing neglect and for promoting efficiency and discipline on the part of police officers in the discharge of their duties.

8. Powers of Deputy Commissioner

Any act or thing which may be done, ordered or performed by the Commissioner may, subject to the orders and directions of the Commissioner, be done, ordered or performed by the Deputy Commissioner.

9. Administration of the Forces

(1) The command of the police in any district or division shall be vested in such police officer as may be appointed by the Commissioner to be in charge thereof. Such officer shall carry out the orders of the Commissioner in all matters connected with the duties, discipline, interior economy and training of the members of the Force under him.

(2) The control of the police in any area or place within a district or division shall be vested in such a police officer as may be appointed by the Commissioner to be in charge thereof. Such officer shall, subject to the orders and directions of the Commissioner, carry out the orders of the officer in charge of the district or division in all matters connected with the duties, discipline, interior economy and training of the members the Force under him.

(3) In any area of place where there is no police officer appointed to be in charge of the police stationed therein, the administrative officer in charge of such area or place shall, subject to the orders and directions of the Commissioner, exercise local control over such police in respect of their duties, discipline and interior economy. Such administrative officer may nevertheless, in his discretion, depute any part of his duties under this subsection in regard to the Force to any other administrative officer or officers subject to his directions in such area or place.

Provided that nothing in this Ordinance shall be deemed to make any such administrative officers police officers, but nevertheless any such administrative officers shall, subject to any express limitations which may be imposed on them by the Commissioner in writing, have all the powers conferred by law upon police officers.

10. Calling out and employment of police in war or other emergency

Upon the occurrence or the apprehended occurrence of hostilities, internal disorder or other grave emergency of any kind, the Governor may, by proclamation, declare that the Force or any part thereof shall serve and be employed as a military Force, and at any time after the coming into operation of such proclamation, the Force, or such part thereof, may by direction of the Governor be made subject to military law and may be placed under the command of and be subject to the orders of a military authority:

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Provided that, for the purposes of interior economy, the Force or such part thereof may remain under the control of the Commissioner.

11. Officers in charge of police to keep prescribed books to render returns and to be responsible to the Commissioner for stores and moneys

(1) Every officer in charge of the police station shall keep an occurrence book, in such form as the Commissioner may from time to time direct, and shall record therein all complaints and charge preferred and the names and addresses of the complainants, and shall also keep such further books and records, and shall render such returns to the Commissioner as the Commissioner may from time to time direct.

(2) Every officer in charge of police shall be responsible for all public stores and public moneys issued and delivered with the use of the detachment under his command and shall account for the same to the Commissioner.

PART III – APPOINTMENT, ENLISTMENT, SERVICE AND DISCHARGE

12. Appointments by the Governor

Superior¹⁷ police officers shall be appointed by the Governor with the approval of the Secretary of State and in such manner and subject to such conditions as the Secretary of State may direct.

13. Appointments by the Commissioner

Police officers of or below the rank of inspector shall be appointed by the Commissioner in such manner as the Governor may direct and subject to such conditions as may be prescribed by this Ordinance or by any regulations or standing orders made thereunder.

14. Re-engagement

Every constable shall, on appointment, be enlisted to serve in the Force was six years or for such less period as may be fixed by the Governor, to be reckoned in all cases on the day on which he has been approved for the service and taken on the strength of the Force.

15. Declaration, etc., on enlistment

(1) Any person applying for appointment as a police officer and a section 12 or 13 or for enlistment under section 14 of this Ordinance shall first answer truly questions studies previous service in any of her Majesty's Forces or in any police Force and as to whether he has at any time been convicted of any offence.

(2) Upon answering the said questions, every such person shall make and sign a declaration in the form prescribed in the Schedule hereto before a magistrate or superior police officer (such a declaration shall be signed by such person or if he is illiterate, he shall fix his thumb print).

(3) Any person who wilfully makes a false statement in any answer given under subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine not exceeding Shs. 200/- or to imprisonment for a term not exceeding one month.

16. Re-engagement

¹⁷ Defined in section 2 of this Ordinance as meaning 'any police officer of or above the rank of assistant superintendent'. See section 5(1) of the Ordinance for the list of police ranks.

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(1) Any constable of good character who has completed or is within three months of completing his first period of service may with the approval of the Commissioner, and subject to his medical fitness, re-engage for any period or periods until he shall complete a total of twenty-one years' service, reckoning from the date of enlistment:

Provided that any such constable may at any time during the period for which he has re-engaged claim his discharge at the expiration of three months after he has given notice in writing to the officer in charge of the Police at the place where he is stationed of HIS wish to be discharged.

(2) Every such constable may, with the approval of the Commissioner, on completing such period of twenty-one years continue in the Force in the same manner and in all respects as if his term of service were still unexpired, except that it shall be lawful for him to claim his discharge at the expiration of three months after he has given notice in writing to the officer in charge of the Police at the place where he is stationed of his wish to be discharged. In like manner, the Commissioner may, at his discretion, after the expiration of three months' notice in writing, discharge such constable, if at any time he shall see fit to do so.

17. Re-engagement within three months of discharge

Any constable may, with the approval of the Commissioner, re-engage for service within three months after having received his discharge and shall, if the Commissioner approves of his re-engagement, be entitled to the rank which he held at the date of his discharge if there is a vacancy in the establishment of that rank at the time he re-engages. The service of a constable who re-engages under this section shall be deemed to be continuous for the purposes of gratuity if he has not already been paid a gratuity in respect of his previous service

18. Re-engagement after three months of discharge

If any constable is permitted to re-engage for service after the expiration of three months from the date of his discharge, the Commissioner may, subject to the approval of the Governor, allow his previous service or part thereof count for the purposes of gratuity if he has not already been paid a gratuity in respect of his previous service; and the question of his reinstatement in the rank or grade which he held at the date of his discharge shall rest with the Commissioner.

19. Police Officers not to resign without permission

Subject to the provisions of section 16, no police officer shall be at liberty to resign, or to withdraw himself from his duties unless expressly permitted to do so by the Commissioner or by some other officer authorised to grant such permission.

20. Prolongation of service in case of war

Any police officer was period of service expires (whether by effluxion of time or consequent upon the giving of any period of notice under section 16 of this Ordinance) during the occurrence or apprehended occurrence of hostilities, internal disorder or other grave emergency of any kind may be retained and his service prolonged for such further period, not exceeding twelve months, as the Governor may direct.

21. Discharge of constables

Any constable may be discharged by the Commissioner at any time:

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- (a) if the Commissioner considers that he is unlikely to become or has ceased to be an efficient police officer;
- (b) if he is pronounced by a Government medical officer to be mentally or physically unfit for further service;
- (c) on dismissal from the Force for misconduct;
- (d) on reduction of establishment;
- (e) on conviction for a criminal offence by any court.

22. Rules for reckoning service for purposes of discharge

In reckoning the service of any constable for purposes of discharge there shall in all cases be excluded therefrom all periods during which such constable has been absent from duty for any of the following reasons –

- (a) detention for any cause, save that of detention awaiting any criminal trial which has resulted in his not being found guilty;
- (b) desertion;
- (c) absence without leave exceeding forty eight hours.

23. Discharge on completion of service

(1) Subject to the provisions of sections 16 and 21, every constable who has completed his period or periods of service in accordance with the provisions of this Ordinance shall be discharged unless at the date of such completion of service he stands charged with the commission of any offence under section 38 of this Ordinance in which case his service shall be prolonged and his discharge deferred until he has undergone his trial and any punishment which may be awarded in respect of the offence charged.

(2) Every constable shall, on discharge, be granted a certificate in the prescribed form and shall, until he has received such certificate of discharge, remain subject to the provisions of this Ordinance and to any standing orders or regulations made thereunder.

24. Arms and accoutrements to be delivered up on discharge

(1) When a police officer is discharged from the Force all powers and authorities vested in him shall immediately cease and determine, and he shall forthwith, and before a certificate of discharge is issued to him, deliver up to the person appointed by the Commissioner for that purpose or to the officer in charge of police at the place at which he was last stationed, all arms, ammunition, accoutrements, uniform and other appointments which have been supplied to him and which are the property of the Government.

(2) Any police officer who, having been discharged from the Force, fails to deliver up any arms, ammunition, accoutrements, uniform and other appointments as required by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Shs. 400/- or to imprisonment for a term not exceeding six months or to both; and the court may issue a warrant to search for and seize all such arms, ammunition, accoutrements, uniform and other appointments which shall not have been delivered up.

PART IV – POWERS, DUTIES AND PRIVILEGES OF POLICE OFFICERS

25. Police officers not to engage in other employment

No police officer shall, without the consent of the Governor, engage in any employment or office whatsoever other than in accordance with his duties under this Ordinance.

26. General powers and duties of police officers

(1) Every police officer shall exercise such powers and perform such duties as are by law conferred or imposed on police officers, and shall obey all lawful directions in respect of the execution of his office which he may from time to time receive from any competent authority.

(2) Every police officer shall be deemed to be on duty at all times and may at any time be detailed for duty in any part of the Protectorate.

(3) It shall be the duty of every police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority, to collect and communicate intelligence affecting the public peace, to prevent the commission of offences and public nuisances, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient ground exists, and, for any of the purposes mentioned in this subsection, he may, without a warrant, enter at any hour of the day or night any premises licenced under the Alcoholic Liquors Ordinance, 1953, or any place in which he has reasonable grounds to suspect that illegal drinking, or gambling is taking place or to which dissolute or disorderly characters are resorting.

27. Police officers may use arms in certain cases

Any police officer may use any arms, against –

(a) any person in lawful custody, charged with, or convicted of, a cognisable offence when such person escaping or attempting to escape;

(b) any person who, by force, rescues or attempts to rescue any other person from lawful custody; and

(c) any person who, by force, prevents, or attempts to prevent, the lawful arrest of himself or of any other person:

Provided that resort shall not be had to the use of any such arms –

(i) as authorised under paragraph (a) of this section, unless such officer has reasonable grounds to believe that he cannot otherwise prevent escape, or unless such officer shall give a warning to such person that he is about to use such arms against him and such warning is unheeded;

(ii) as authorised and paragraphs (b) and (c) of this section, unless such police officer has reasonable ground to believe that he or any other person is in danger of grievous bodily harm or that he cannot otherwise effect such arrest or prevent such rescue.

28. Search by police officers

(1) Whenever a police officer, not being lower in rank than an inspector, has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorised to investigate may be found in any place, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search or cause search to be made, for such thing.

(2) A police officer proceeding under subsection (1) shall, if practicable, conduct the search in person.

(3) If he is unable to conduct the search in person and there is no other person competent to make the search present at the time, he may, after recording in writing his reasons for so doing, require any Officer subordinate to him, not below the rank of

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corporal to make the search; and he shall deliver to such officer an order in writing specifying the place to be searched and, so far as possible, the thing for which search is to be made, and such officer may thereupon search for such thing in such place.

(4) The provisions of the Criminal Procedure Ordinance¹⁸ as to search warrants shall, so far as may be, apply to a search made and that this section.

(5) Copies of any record made under subsection (1) or subsection (3) shall forthwith be sent to the nearest magistrate empowered to take cognisance of the offence, and the owner or occupier of the place searched shall on application be furnished with a copy of the same by the magistrate.

(6) The occupant of the place searched, or some other person in his behalf, shall in every instance, be permitted to attend during the search.

(7) Notwithstanding the provisions of this section or the provisions of the Criminal Procedure Ordinance relating to the search premises no police officer shall search any premises unless he is in possession of a search warrant issued under the provisions of the Criminal Procedure Ordinance or is carrying a warrant card in such form as shall be prescribed by the Governor.

(8) On the request of the owner or occupier of any premises being searched by police officer, the police officer shall show such owner or occupier the search warrant authorising the search of the premises or his warrant card, as the case may be.

29. Power to take photographs of accuses or convicted persons

(1) The officer in charge of a police station may cause photographs to be taken of any person in lawful custody for any offence punishable by imprisonment without the option of fine, whether accused or convicted:

Provided that were such person satisfies the officer in charge of the police station that the taking of such photographs would be contrary to the religious teaching or social custom to which such person adheres, the officer in charge of the police station shall not require such photographs to be taken.

(2) If any such person, when required to do so, refuses to allow such photographs to be taken to the satisfaction of such officer he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Shs. 200/- or to imprisonment for a term not exceeding one month, and, after conviction, reasonable force may be used to enable such photographs to be taken.

(3) On the acquittal of any person who has not previously been convicted of an offence as described in subsection (1) and whose photographs have been taken under the provisions of this section, such photographs (both negatives and copies) shall be destroyed.

30. Powers to lay information

It shall be lawful for any police officer to lay any information before a magistrate and to apply for a summons, warrant, search warrant or such other legal process as may by law issue against any person.

31. No fee to be chargeable on bail bonds taken by police

Notwithstanding any other law or rule to the contrary, no fee or duty shall be chargeable upon bail bonds in criminal cases, recognisances to prosecute or give evidence or

¹⁸ Sections 78 to 85 of the Criminal Procedure Ordinance (No. 4 of 6 September 1926 , as amended) dealt with search warrants.

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recognisances for personal appearance or otherwise issued or taken by police officer, nor shall such bonds or recognisances required to be sealed.

32. Power to inspect licences

(1) it shall be lawful for any police officer in plain clothes who produces his warrant card for inspection or any police officer in uniform to stop and detain any person whom he sees doing any act or seizing possession of anything for which a licence is required under the provisions of any law and to require such person to produce his licence.

(2) Any person who fails to produce such licence when called upon by such police officer may be arrested without a warrant unless he gives his name or address and otherwise satisfies such police officer that he will duly answer any summons or other proceedings which may be taken against him.

(3) Any person in charge of the motor vehicle who fails to obey any reasonable signal of a police officer acting under the provisions of subsection (1) of this section, or who obstructs any officer in the execution of his duty under the provisions of the said subsection, shall be guilty of an offence, and any police officer may arrest any such person without a warrant and may cause any such vehicle found by him to have been used for the commission of an offence against any law in force in the Protectorate to be moved to the nearest police station, and there detained until released by the officer in charge of the police station:

Provided that no such arrest shall take place if such person gives his name and address and satisfies such police officer as provided in subsection (2) of this section.

(4) When any vehicle is detained at a police station under the provisions of subsection (3) of this section, the officer in charge of the police station shall as soon as practicable report such detention to a magistrate and thereafter detain the vehicle only for such period as may be authorised by the magistrate.

33. Disposal of unclaimed property

(1) It shall be the duty of every police officer to take charge of all unclaimed movable property and to furnish an inventory or description thereof to a magistrate.

(2) If such properties is neither money nor property subject to speedy or natural decay nor property the immediate sale of which would, in his opinion, be for the benefit of the owner, the magistrate shall detain or give orders for the detention of any such property and shall cause a notice to be posted in a conspicuous place at his court and at the police stations within his jurisdiction specifying such property and calling upon any person who may have any claim thereto to appear and establish his claim within six months from the date of such notice.

(3) Such property, if no person shall within six months from the date of the notice aforesaid establish his claim thereto, may be sold by order of the magistrate, and on the completion of the sale the right to take legal proceedings for the recovery of such property or the proceeds of such sale shall cease:

Provided that if such property is a firearm or ammunition the magistrate instead of ordering the sale thereof, may order that such property be disposed of in such manner as the Commissioner may direct and the right to take legal proceedings for the recovery of such property or the proceeds of the sale of thereof, if sold, shall cease upon any such order being made.

(4) The procedures of the sale of such property shall be apportioned in the following manner –

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(a) one-half shall be paid to the credit of the Police Rewards and Fines Fund established under section 53 hereof;

(b) such proportion of the remaining one-half as a magistrate may direct shall be paid to the finder of the property;

(c) the balance shall be paid into the general revenues of the Protectorate.

(5) If the magistrate is of the opinion that the property is subject to speedy or natural decay or that its immediate sale would be for the benefit of the owner, the magistrate shall detain such property or give orders for its detention, and may at any time direct it to be sold without having caused the notice prescribed in subsection (2) to be given prior to such sale. On completion of the sale under this subsection the right to take legal proceedings for the recovery of the property sold shall cease.

(6) The proceedings of any sale under subsection (5) this section shall remain in such custody as the magistrate shall direct, and the magistrate shall immediately after such sale cause notice of such sale to be posted in the manner prescribed in subsection (2), specifying the property sold and calling upon any person who may have any claim to the proceeds of such sale to appear and establish his claim within six months from the date of such notice and on expiration of six months from the date of such notice the right to take legal proceedings for the recovery of such proceeds shall cease, and such proceeds shall be dealt with in accordance with the provisions of subsection (4) of this section.

(7) When the unclaimed movable property consists of money the same shall be dealt with in all respects as if it were the proceeds of the sale ordered by virtue of the provisions of subsection (5) of this section.

34. Non-liability for act done under authority of a warrant

(1) Where the defence to any suit instituted against a police officer is that the act complained of was done in obedience to a warrant purporting to be issued by Judge, magistrate or justice of the peace, the court shall upon production of the warrant containing the signature of the judge, magistrate or justice of the peace and upon proof that the act complained of was done in obedience of such warrant, enter judgment in favour of such police officer.

(2) No proof of the signature of such judge, magistrate or justice of the peace shall be required unless the court has reason to doubt the genuineness thereof; and where it shall be proved that such signature is not genuine, judgement shall nevertheless be given in favour of such police officer if it is proved that, at the time the act complained of was committed, he believed on reasonable grounds such signature was genuine.

35. Salary of certain police officers not to be attached for money

No salary or other allowance paid to any police officer of or below the rank of Inspector shall be liable to be attached, sequestered or levied upon for or the in respect of any debt or claim for any money borrowed by him or any goods supplied to him or to any person on his behalf while he is a police officer.

PART V - DISCIPLINE

36. Methods of dealing with offences by senior police officers

Any offence or other misconduct committed by a superior police officer in regard to which proceedings are not instituted in a criminal court shall be dealt with and punished in accordance with Colonial Regulations¹⁹ and in the case of any Inspector such offence

¹⁹ Colonial Regulations - Rules and Regulations for His Majesty's Colonial Service 1905.

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or misconduct shall be dealt with and punished either under this Ordinance, or, if the Governor thinks fit, in accordance with Colonial Regulations:

Provided that nothing herein contained shall prevent the Commissioner from summarily administering a reprimand or severe reprimand any police officer in the case of minor misconduct.

37. Offences by police officers triable by criminal courts

(1) Any police officer who –

- (a) being cognisant of any mutiny or sedition among the Force does not use his utmost endeavours to suppress such a mutiny or sedition; or
- (b) being cognisant of any intended mutiny or sedition among the Force does not without delay give information thereof to his superior officer; or
- (c) being present at any assemblage tending to riot does not use his utmost endeavours to suppress such assemblage; or
- (d) deserts, that is to say, remains absent without cause for a period exceeding 21 days; or
- (e) persuades, procures, assists or attempts to persuade, procure, or assist any police officer to desert;
- (f) knowing that any police officer has deserted or intends to desert does not without delay give information to his superior officer; or
- (g) strikes or offers violence to his superior officer, such officer being engaged in the execution of his duty;

shall be guilty of an offence and shall be liable on conviction before a court of criminal jurisdiction to imprisonment not exceeding one year.

(2) Notwithstanding the provisions of paragraph (d) of subsection (1) of this section no police officer shall be found guilty of the offence of desertion unless the court is satisfied that there was an intention on the part of such officer not to return to the Force.

Apprehension of deserters

(3) Upon reasonable suspicion that any person is a deserter any police officer may, notwithstanding the provisions of section 39 of this Ordinance, apprehend him without warrant and forthwith bring him before a court having jurisdiction in the place wherein he was found, which may deal with the suspected deserter or remitting to a court having jurisdiction in the place in which he has deserted

38. Offences against discipline by officers of or below the rank of inspector triable under this Ordinance

Any police officer of or below the rank of inspector who –

- (1) is disrespectful in word, act or demeanour to his superior in rank;
- (2) (a) refuses to obey any lawful order;
(b) fails to comply with any lawful order given out by his superior in rank;
- (3) (a) is drunk;
(b) renders himself unfit for duty by reason of drink or drugs;
(c) drinks intoxicating liquor when on duty;
(d) is drunk on duty;
- (4) enters any place licensed for the sale of intoxicating liquor when on duty, except when his presence is required there in the execution of his duty;
- (5) sleeps when on duty;
- (6) idles or gossips or sits or lies down without reasonable cause when on duty;
- (7) smokes on duty;

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- (8) removes his armlet or duty badge when on duty or endeavours at any time to conceive or disguise his number;
- (9) absents himself without leave;
- (10) leaves his beat, point or other place to which he has been ordered, without permission or without sufficient and probable reason;
- (11) being under arrest or in confinement, leaves or escapes from his arrest or confinement before he is set at liberty by proper authority;
- (12) neglects or refuses to assist in the apprehension of any police officer charged with any offence;
- (13) allows to escape any prisoner who is committed to his charge or whom it is his duty to keep or guard;
- (14) offers or uses unwarrantable personal violence to or ill-uses any person in his custody;
- (15) is guilty of cowardice;
- (16) discharges his firearm without orders or just cause;
- (17) When detailed for parade or other duty, without reasonable cause fails to appear or appears late on such parade or duty;
- (18) talks or is inattentive or otherwise misbehaves himself on parade;
- (19) while in uniform is dirty or untidy in his person, arms, clothing or accoutrements;
- (20) pawns, sells, loses by neglect, makes away with, wilfully or negligently damages, fails to take reasonable care of, or fails to report any damage to any of the articles of arms, ammunition, clothing, accoutrements or necessaries supplied to him, or any medal or decoration granted to him for service or good conduct, or any Government property or any exhibit or any lost, stolen, or and claim property committed to his charge;
- (21) commits any petty offence of stealing or misappropriating any money or goods being the property of the Government or of any police officer, or of receiving any such property knowing the same to have been stolen or misappropriated from the Government or from any police officer;
- (22) commits any act of plunder or wanton and destruction of property;
- (23) solicits or accepts any bribe;
- (24) without the knowledge and permission of the Commissioner accepts directly or indirectly any gratuity, present or reward from any member of the public in respect of anything done by him in the discharge of the duties of his office;
- (25) is slovenly, and civil or quarrelsome;
- (26) is guilty of any oppressive or tyrannical conduct towards an inferior in rank;
- (27) forces a sentry;
- (28) fails to work his beat properly, or is it regular on beat or sentry;
- (29) fails to attend to any lawful and reasonable request made to him by any member of the public;
- (30) is guilty of any neglect of duty;
- (31) when knowing where an offender is to be found fails to report the same or exert himself to make the offender amenable to the law;
- (32) neglects to assist any person injured or taken ill in the streets;
- (33) without due authority discloses or conveys any information concerning any investigation or other police or Departmental matter to any unauthorised person;
- (34) malingerers of feigns sickness, or conceals any venereal or contagious disease or neglects or fails to report the fact, if he is suffering from the same;

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- (35) is guilty of wilful misconduct, or wilfully disobeys, whether in hospital or elsewhere, any orders, by which misconduct or disobedience he contracts or aggravates any disease or infirmity or delays its cure;
- (36) incurs debt in or out of the Force without any reasonable prospect, or intention, of paying the same, or having incurred any debt makes no reasonable effort to pay the same;
- (37) without proper authority exacts from any person, carriage, portage or provisions;
- (38) resists an escort whose duty it is to apprehend him or to have him in charge;
- (39) breaks out of, or leaves without lawful excuse, any police lines camps or quarters;
- (40) refuses, or by culpable neglect omits, to make or send a report or return which it is his duty to make or send;
- (41) omits to make any necessary entry in any official document, book or paper;
- (42) makes or signs any false report or statement in any official record or document knowing or having reasonable grounds to believe that the same is false;
- (43) makes a false accusation against any police officer knowing that such an accusation is false;
- (44) is guilty of any prevarication before any court or at any inquiry;
- (45) holds over any complaint or report against any police officer;
- (46) protects any person not being a police officer from his creditor under pretence of such person being a police officer;
- (47) makes or joins in making any anonymous complaint;
- (48) makes any frivolous or vexatious complaint, or makes a complaint in an irregular manner;
- (49) lends money to any police officer;
- (50) gambles, or permits, or fails to report, gambling in police stations or barracks;
- (51) is wanting in civility to any member of the public;
- (52) in making a complaint against any police officer makes a false statement affecting the character of such officer knowing such statement to be false, or knowingly or wilfully suppresses any material facts;
- (53) engages without authority in any employment or office other than his police duties;
- (54) becomes security for any person without the permission of the Commissioner;
- (55) if called upon by a superior police officer to furnish full and true statement of his financial position, fails to do so;
- (56) is guilty of any other act, conduct, disorder or neglect to the prejudice of good order and discipline not hereinbefore specified, shall be deemed to have committed an offence against discipline, and such offence may be inquired of, tried and determined, and the offender shall be liable to suffer punishment, according to the degree and nature of the offence, in accordance with the provisions of this Ordinance:
- Provided that, notwithstanding the provisions of subsection (2) of section 26 of this Ordinance, a police officer shall not be found guilty of an offence under paragraphs (3) to (8) inclusive of this section unless it shall be proved that, at a time when such offence was committed, he was on a specific duty for which he was specially detailed.

39. Power of arrest and remand for offences

Any police officer of or above the rank of corporal may arrest without warrant any police officer (not being an officer of his own or of a superior rank) who is accused of an offence under section 37 or 38. A police officer effecting an arrest under this section

shall forthwith bring the accused before an officer in charge of police or other proper officer, who shall cause the case to be heard by a competent authority without undue delay and may order the remand of the accused in custody for so long as may reasonably be necessary.

40. Punishments which may be awarded

(1) A superior police officer (not being in the Commissioner) or an officer in charge of police may inquire into the truth of any charge under section 38 of this Ordinance against any police officer of or below the rank of inspector and if he finds the accused guilty of the charge he shall convict him and may impose on him any one or more of the following punishments:-

- (a) in the case of any inspector – reprimand;
- (b) in the case of any constable -
 - (i) reprimand;
 - (ii) severe reprimand;
 - (iii) punishment drills or extra fatigue duties;
 - (iv) fine not exceeding Shs. 20/-;
 - (v) reduction in rank;
 - (vi) stoppage of increment or reduction in incremental scale;
 - (vii) removal from any office of distinction or special emolument or allowance;
 - (viii) dismissal:

Provided that in the case of an inspector the award of a reprimand, and in the case of any police officer to whom this section is applicable the award of the fine of Shs. 10/- or more under subparagraph (iv) or of any punishment under subparagraph (v), (vii) or (viii) shall be subject to the confirmation of the Commissioner.

(2) Whether any punishment imposed by virtue of this section requires the confirmation of the Commissioner or not, the Commissioner may vary or remit any punishment so imposed:

Provided that no punishment shall be increased or any punishment added unless the accused has been given a further opportunity of being heard, nor shall the punishment so varied exceed the maximum punishment or punishments which the officer hearing the case might have imposed under this section.

41. Appeals to the Commissioner

(1) Any constable tried under section 40 of this Ordinance who has been convicted of any offence under section 38 and deems himself aggrieved either in respect of such conviction or of the punishment imposed upon him (not being a punishment which the Commissioner has confirmed or imposed under the provision of section 40) may appeal to the Commissioner, within seven days from the date of such conviction or the imposition of such punishment.

(2) Upon any appeal, the Commissioner shall have power to –

- (a) return the proceedings for the taking of further evidence;
- (b) whether further evidence taken or not, quash the proceedings and rehear the case himself de novo under section 42 of this Ordinance or order the case to be reheard de novo by some other officer under section 40 of this Ordinance;
- (c) reverse or vary any finding;
- (d) revoke, vary or add any punishment.

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(3) In exercising his powers and the paragraph (d) of subsection (2) of this section, the Commissioner may impose any punishment or punishments which he might have imposed under section 42 of this Ordinance if he had tried the case himself:

Provided that no punishment shall be increased or any punishment added on appeal unless the accused is first given a further opportunity of being heard.

42. Special powers of Commissioner

The Commissioner may inquire into the truth of any charge under section 38 of this Ordinance against any police officer of or below the rank of inspector and if he finds the accused guilty he shall convict him and may impose any or more of the following punishments –

- (a) in the case of any inspector –
 - (i) reprimand;
 - (ii) severe reprimand;
 - (iii) fine not exceeding half a month's pay;
 - (iv) stoppage of increment of reduction in the incremental scale;
 - (v) reduction in rank or grade;
 - (vi) dismissal:

Provided that any punishment and the sub paragraph (v) or (vi) shall be subjected to the approval of the Governor.

- (b) In the case of any constable –
 - (i) reprimand;
 - (ii) severe reprimand;
 - (iii) fine not exceeding half a month's pay;
 - (iv) Confinement to quarters for a period not exceeding fourteen days, such confinement involving the taking of all duties in turn, attending all normal routine parades and one punishment drill, not exceeding one hour each day except Sundays, and employment on fatigue duties;
 - (v) stoppage of increment of reduction in incremental scale;
 - (vi) removal from any office of distinction or special emolument or allowance;
 - (vii) reduction in rank;
 - (viii) dismissal.

43. Appeal to the Governor

Any inspector who has been punished under section 42 or any constable whose dismissal under subparagraph (viii) of paragraph (b) of subsection (1) of section 40 has been confirmed by the Commissioner or who has been punished by dismissal under subparagraph (viii) of paragraph (b) of section 42 or any police officer of or below the rank of inspector who has been reduced in rank or dismissed under the provisions of section 47 may, within seven days after the decision of the Commissioner has been communicated to him, appeal to the Governor whose decision shall be final.

44. Powers of interdiction and suspension

(1) The Commissioner may at any time interdict from duty any police officer who started with any offence triable under this or any other law or by the institution of proceedings under Colonial Regulations 57, 58 of 60, if the Commissioner considers that the interests of discipline required that such officer shall forthwith cease to exercise the powers and functions of his office. The Commissioner shall without delay report to the Governor any action taken by him under this subsection in respect of a superior police

officer or an inspector and the governor made either confirm such interdiction or give such other directions as he may think fit.

(2) A police officer interdicted from duty shall not by reason of such interdiction cease to be a member of the Force:

Provided that the powers, privileges and benefits vested in him as a member of the Force shall be in abeyance during the period of such interdiction, but he shall remain subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted:

Provided further that any such police officer who has been interdicted shall, during the period of interdiction, be allowed to receive such proportion of his pay not being less than one-half, as the Commissioner or, in the case of a superior police officer or inspector, the Governor may think fit:

And provided further that if the proceedings against any such officer do not result the dismissal or other punishment of the officer, he shall be entitled to the full amount of the emolument's which he would have received if he had not been interdicted.

(3) A superior police officer or officer in charge of police may at any time interdict from duty any constable who started with a criminal offence or with any offence against this Ordinance, pending the hearing of the charge against him, if such officer considers that the interests of discipline require that such constable shall cease to exercise the powers and functions of his office instantly. A superior police officer or officer in charge of police shall forthwith report to the Commissioner any action taken by him under this subsection and the Commissioner may either confirm such interdiction or give such other directions as he may think fit.

(4) A superior police officer or officer in charge of police may suspend from pay and duty any constable who has been punished by dismissal under sub paragraph (viii) of paragraph (b) of subsection (1) of section 40 of this Ordinance, pending the decision of the Commissioner in respect of such punishment.

45. Power of officer holding inquiry

(1) Every police officer empowered to try offences under this part of this Ordinance shall have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to such inquiry and to adjourn any hearing from time to time.

(2) Any person summoned as a witness under subsection (1) of this section who fails to attend at the time and place mentioned in the summons or on adjournment, or refuses to answer any question that is lawfully put to him, shall be guilty of an offence and shall be liable on conviction before a court of competent jurisdiction to a fine not exceeding Shs. 100/-or to imprisonment for a period not exceeding one month:

Provided that no such witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

(3) Any person summoned as a witness under the provisions of this section shall be entitled to be paid out of the funds of the Protectorate such sum as may be prescribed as expenses, or, if no sum be prescribed, his reasonable expenses.

(4) Inquiries held under this Part of the Ordinance shall be recorded in such manner as may be provided by regulations or standing orders.

46. Procedure in case of grave of repeated offences

(1) in every case where it appears to any officer (not being a Commissioner) who is investigating the truth of any charge under section 38 of this Ordinance that the offence

which the accused is alleged to have committed would not, by reason of its gravity or by reason of previous offences or for any other reason, be adequately punished with any of the punishments provided in section 40 such officer shall, without recording a finding, stay the proceedings and refer the matter to the Commissioner. The Commissioner may direct the taking of such further evidence as he may deem necessary, or he may rehear the case or order it to be reheard by another officer competent to try it, or he may order the accused to be taken before a magistrate to be dealt with as provided in subsection (2) of this section, or, if all the evidence has been recorded before the proceedings are transmitted to him, he may record a finding and impose any punishment he is authorised to impose under the provisions of section 42 of this Ordinance.

(2) Where an accused person is taken before a magistrate under this section he shall be liable on conviction of any offence mentioned in section 38 of this Ordinance to a fine not exceeding three months' pay or to imprisonment with or without hard labour for a term not exceeding six months:

Provided that no proceedings shall be taken against any police officer under this section in respect of any offence for which he has already been punished under this Ordinance.

47. Police officers not be tried twice for same offence but, if convicted by a court etc., liable to reduction or dismissal

No police officer who has been tried by a court or by proceedings under Colonial Regulations, or any offence shall be tried on the same charge or suffer any punishment on account thereof under this Ordinance, but nevertheless, a police officer who has been so convicted may, by reason of such conviction, be reduced in grade or rank or dismissed from the Force by the Commissioner:

Provided that no police officer of or above rank of inspector may be reduced in grade or rank or dismissed from the Force except with the approval of the Governor, and, in the case of superior police officers, except with the approval of the Secretary of State.

48. Fines to be recovered by stoppage of pay

(1) All fines imposed on a police officer in respect of offences under this Ordinance or any regulations made thereunder shall be recovered by stoppage of the offender's pay due at the time of committing such offence and thereafter accruing due.

(2) The monthly amount of any stoppage in respect of any fine or for any other cause authorised by this Ordinance or by regulations made thereunder shall be in the discretion of the officer by whom the fine was imposed or of the officer in charge of police in the place where the person concerned is stationed, but shall in no case exceed one-third of the monthly pay of the offender.

(3) Where more than one order of stoppage is made upon the same person, the orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders have been discharged.

49. Damage to or loss of equipment

If any police officer of or below the rank of inspector pawns, sells, loses by the neglect, makes away with or wilfully or negligently damages any arms, ammunition, accoutrements, clothing or appointment supplied to him or any Government property or any exhibit or any lost, stolen or unclaimed property committed to his charge he may, in addition to or in lieu of any other punishment, be ordered to make good either wholly or partially the amount of such loss or damage, and such amount may be recovered by stoppage from his pay.

50. Pay not to accrue during absence without leave or imprisonment

No pay shall accrue to any constable in respect of any day during which he is absent from duty without leave or is undergoing any sentence of imprisonment either for any offence against discipline, or for any other offence of whatsoever nature:

Provided that in any case the Commissioner may in his discretion authorise the payment of such proportion of pay, not being more than one half, as he may think fit.

51. Mode of complaint by police officer

(1) If any inspector or constable thinks himself wronged in any matter by any police officer of lower rank than the officer in charge of police in the place where he is stationed, he may complain thereof to the officer in charge of police, and if he thinks himself wronged by such officer in charge of police, or any officer of the same or higher rank not being the Commissioner, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the Commissioner and if he thinks himself wronged by the Commissioner either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the Governor; and the officer in charge of police, the Commissioner or the Governor, as the case may be, upon any complaint being so made shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint, take such steps as may be necessary for giving such redress to the complainant in respect of the matter complained of, as the case requires.

(2) Every such complaint shall be made in the manner prescribed by standing orders or regulations made under this Ordinance.

52. Prohibition against Police officers being members of trade union

(1) it shall not be lawful for any police officer to be or to become a member of –

(a) any trade union, or anybody or association affiliated to a trade union; or

(b) any body or association the objects or one of the objects of which is to control or influence conditions of appointment in any trade or profession; or

(c) any body or association the object or one of the objects of which is to control or influence the pay, provisions or conditions of service of the Force, other than any body or association which may be constituted and regulated pursuant to regulations²⁰ made under this Ordinance.

(2) If any question arises as to whether any body is a trade union or an association to which this section applies, the question shall be decided by the Governor whose decision shall be final and conclusive.

(3) Any police officer who contravenes the provisions of this section shall be liable to be dismissed from the Force and to forfeit all rights to any pension or gratuity.

PART VI – POLICE REWARDS AND FINES FUND

53. Establishment of police Rewards and Fines Fund

²⁰ See the Police Association Regulations, Gov't Notice No. 44 of 23 June 1958, which established a Somaliland Police Force Association 'the object of which shall be to enable all Police Officers of the Somaliland Police Force to bring to the notice of the Commissioner and the Governor matters affecting the welfare and efficiency of the members of the force, other than questions of promotion affecting individuals and questions of discipline' and which was 'entirely independent and unassociated with any body outside the Force' (paragraph 3).

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(1) All fines imposed under the provisions of this Ordinance or any regulations made thereunder for any offence against discipline, and all fines levied for assaults on police officers, shall be paid to the Accountant General to be placed to the credit of a fund to be styled the "Police Rewards and Fines Fund".

(2) No payment shall be made from the Police Rewards and Fines Fund except upon the authority of the Commissioner.

(3) The Commissioner may, in his discretion, sanction payments from the Police Rewards and Fines Fund for any the following purposes:-

(a) payments to police officers below the rank of inspector as rewards for meritorious acts or service in the execution of duty, if such payments are not authorised to be met out of Protectorate funds;

(b) assistance to the wives of families of deceased police officers of or below the rank of inspector, or to any such officers discharged from the Force as medically unfit for further service;

(c) expenditure for the benefit and advancement of authorised recreation and sport and other branches of police activity organised within the police;

(d) the purchase of ammunition for the encouragement of range practice among police officers;

(e) expenditure for the benefit and the advancement of education organised within the Force.

54. Rewards to police as informers payable to Fund

All rewards, forfeitures and penalties which by law are payable to informers shall, when the information is laid by a police officer, be paid into the Police Rewards and Fines Fund.

PART VII – DISPOSAL OF DECEASED'S ESTATES

55. Provisions for disposal of personal property of officers dying in the service

(1) The Commissioner shall keep, cause to be kept a personal record of every constable.

(2) In the event of any such constable dying while in the Force a report of the death together with the personal record shall be delivered to the administrative officer in charge of the tribal district of the deceased.

(3) Any officer of the Government having in his charge or control any pay, gratuity, allowance or other moneys or personal property belonging to such constable who dies while in the service of the Force shall pay or deliver the same to the administrative officer in charge of the tribal district of the deceased who shall dispose of the same according to the law or native custom applicable.

PART VIII – SPECIAL CONSTABLES

56. Power to appoint special constables

(1) Where it shall appear that any unlawful assembly, or riot, or disturbance of the peace has occurred, or may be reasonably apprehended, and that the police ordinarily employed for preserving the peace are not sufficient for it, preservation or for the security of property in the district were such unlawful assembly or riot or disturbance of the peace has occurred or is apprehended, it shall be lawful for any magistrate having jurisdiction in such district, on the application of the superior police officer or an officer in charge of police, to appoint by writing, in the prescribed form, any residents of the neighbourhood to act as special constables in such number, for such time and within such limits as he shall deem necessary:

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Provided that no public servant shall be appointed without the prior permission in writing of the Governor.

Power to suspend or determine services of special constables

(2) The magistrate by whom any such special constable has been appointed under subsection (1) of this section or in his absence, any magistrate exercising jurisdiction in the district in which such special constable has been appointed is hereby empowered to suspend or determine the appointment of any special constable if he considers such appointment can be safely suspended or determined and shall forthwith transmit notice thereof in the prescribed form to the special constable concerned.

Governor may establish a Force of special constables

(3) Notwithstanding the provisions of subsection (1), the Governor may, if it thinks fit, establish a Force of special constables and authorise the Commissioner to enrol in such Force such persons as may offer their services and whose services he accepts, subject to the conditions hereinafter appearing or as may be prescribed.

Special constable includes any special constable

(4) Save where the context otherwise requires in this part of the Ordinance, "special constable" includes any special constable whether appointed under subsection (1) or enrolled under subsection (3) of this section.

57. Powers and duties

Every special constable while on duty shall have the same powers, privileges and protection as a police officer of equivalent in rank and shall be liable to perform the same duties and shall be subordinate to the same authorities as any police officer.

58. Refusal of person appointed to serve

If a special constable being called upon to serve refuses or neglects to serve, he shall for every such refusal or neglect be guilty of an offence and shall be liable on conviction to a fine not exceeding Shs. 100/- unless he satisfies the court that he was prevented by sickness or such other unavoidable cause as may in the opinion of the court be sufficient excuse.

59. Commissioner to provide necessary equipment for special constables

it shall be lawful for the Commissioner to provide at the public expense for the use of special constables, uniforms, equipment, arms and other necessary articles for the proper carrying out of the duties of their office.

60. Uniform, etc., to be delivered up on termination of appointment

Every special constable shall within one week after the determining of his appointment deliver up in good order (fair wear and tear only excepted) to the nearest police station his form of appointment and any uniform, equipment, arms or other articles which may have been provided for him under this Ordinance. Any such special constable who refuses or neglects to make such a delivery shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Shs. 40/-, and the court may issue a warrant to search for and seize any such form of appointment, uniform, equipment, arms or other article which shall not have been so delivered up.

61. Regulations

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The Governor may make regulations for the general governance of special constables and without prejudice to the generality of such power may make regulations²¹ regarding –

- (a) their appointment, retirement and dismissal;
 - (b) their rank and remuneration;
 - (c) their terms of service and discipline;
 - (d) their training;
 - (e) their duties and responsibilities when on duty;
 - (f) the uniform and equipment to be and the arms to be carried by them;
- the provisions of this Ordinance and to any regulations made thereunder, may make such appointments, promotions and reductions in ranks and grades as he may see fit.

62. Standing orders

the Commissioner may, subject to the general directions of the Governor and to the provisions of this Ordinance and any regulations made thereunder, make standing orders for the general governance of special constables in relation to the training, arms, accoutrements, clothing and equipment, places of residence while on duty, classification and duties and such other orders as he may deem expedient for preventing neglect and for promoting efficiency and discipline on the part of special constables in the discharge of their duties.

63. Additional powers of appointment of special constables

(1) Notwithstanding the foregoing provisions of this Part of this Ordinance the Commissioner may at any time, if it appears to him to be expedient in the interests of public order and safety so to do, appoint any person to be a special constable for such period and within time as he may consider necessary, and any special constable so appointed shall be deemed to be a police officer during the period of his service as a special constable:

Provided that, whenever any special constable has been appointed under the provisions of this section, the Commissioner shall forthwith transmit to the Governor notice of such appointment and of the circumstances which rendered such appointment expedient.

(2) In the application of this section of the provisions of section 8 of this Ordinance, the said provisions shall have effect as if the words “and any superior police officer” were added at the end thereof.

PART IX – TEMPORARY INCREASE OF FORCE

64. Force may be temporarily increased in case of war or other grave emergency

In case of the occurrence or apprehended occurrence of hostilities, internal disorder or other grave emergency of any kind, it shall be lawful for the Commissioner at the direction of the Governor, to enlist for service in the Force, for a limited period, such number of constables additional to the fixed establishment of the Force, as the Governor shall deem necessary; the period of service and the number of such constables may from time to time be varied as the Governor shall direct:

Provided that no constables so enlisted shall be compelled to serve for a longer period than twelve months.

65. Conditions of service of constables temporarily employed

²¹ See the various 1958 Regulations set out in this compilation.

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All the provisions of this Ordinance and of any Ordinance amending the same and any regulations and orders made or which may from time be made thereunder shall, so far as they may be applicable, applied to all constables enlisted under section 64 of this Ordinance; and such constables shall for all purposes be deemed to be part of the Force so long as they should be serving therein.

PART X – GENERAL OFFENCES

66. Power to prosecute under other law not affected

Nothing in this Ordinance shall exempt any person from being prosecuted under any other Ordinance or law for the time being in Force for any offence made punishable by this Ordinance, or from being liable under any other Ordinance or law to any other or higher penalty or punishment than is provided for such offence in this Ordinance:

Provided that no person shall be tried twice for the same offence.

67. Disorderly conduct in a police station, office or lock-up

(1) any person who, in any police station, police office or any lock-up, behaves in a riotous, indecent, disorderly or insulting manner shall be guilty of an offence and shall be liable, on conviction therefor, to imprisonment for a term not exceeding 3 months or a fine not exceeding Shs. 500/- or to both such fine and such imprisonment.

(2) Any police officer may arrest, without a warrant, any person, who, within his view, commits any offence made under the provisions of subsection (1) of this section.

68. Unlawful possession of articles supplied to police officers

Any person not being a police officer, who is found in possession of any article whatsoever which has been supplied to any police officer for the execution of his duty, or any medal or decoration granted to any such officer for service or good conduct, and who fails to account satisfactorily for the possession thereof, or who without any authority purchases or receives any such article, medal or decoration from any such officer, or who aids and abets any such officer to sell or dispose of any such article, medal or decoration, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Shs. 500/- or to imprisonment for a term not exceeding 3 months.

69. Penalty on persons causing disaffection etc.

Any person who causes, or attempts to cause, or does any act calculated to cause disaffection amongst the police, or induces or attempts to induce, or does any act calculated to induce any police officer to withhold his services or to commit a breaches of discipline, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding Shs 1,500/- or to both such imprisonment and fine, and in either case, if a police officer, shall forfeit all rights to pension or gratuity and be disqualified from being a police officer.

PART XI - MISCELLANEOUS

70. Retiring benefits and compensation for non-pensionable officers

The Governor in Council may make regulation providing for the grant of retiring benefits and of compensation in the case of death or injury incurred on duty for all non-pensionable police officers.

71. Regulations

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The Governor may make regulations for the better carrying out of the provisions of this Ordinance and the general governance of the Force and, in particular, as to any matters which the Commissioner is authorised to regulate by standing orders under section 7 of this Ordinance, when any such regulations are made, they shall prevail over any standing orders made or to be made by the Commissioner as aforesaid.

72. Power of Crown to remove police officer

Nothing in this Ordinance shall be taken to affect the power of the Crown to remove any police officer at pleasure.

73. Repeal and saving

The Police Ordinance²² is hereby repealed:

Provided that all appointments, enlistments, or orders made, directions given or penalties incurred under the said repealed Ordinance shall, so far as they are consistent with the provisions of this Ordinance be deemed to have been respectively made, given or incurred and that this Ordinance.

SCHEDULE

DECLARATION

(S.15)

I..... do solemnly and sincerely declare that I ~~will be faithful and bear true allegiance to her Majesty the Queen Elizabeth the Second, Her heirs and Successors, and that I will faithfully serve her Majesty the Queen, Her Heirs and Successors, during any service in the Force and the will obey all lawful orders of the Governor and of the officers placed over me, and will subject myself to all Ordinances, orders and regulations, from time to time in Force, relating to the Force.~~

Signature or thumb
print of police officer

Declared at
this day19...

Before me
(Signature of Magistrate or superior Police Officer)

*Note: After independence on 26 June 1960, the new State of Somaliland solemn declaration/oath of office was changed.
After the union of Somaliland, this Police Ordinance remained largely in force in the territory of Somaliland until its repeal in 1972.*

²² That is the previous 1927 Police Ordinance (No. 2 of 16 June 1927), as amended.

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THE POLICE (LEAVE) REGULATIONS 1958 **Government General Notice No. 47 of 1958**

*(Published in Supplement No. 3 to the Somaliland Protectorate Gazette, Vol. XVIII, No. 27,
dated 12th July 1958)*

In exercise of the powers conferred upon him by section 71 of the Police Ordinance, 1958, the Governor in Council has made the following regulations:-

1. Short title and commencement

These regulations may be cited as the Police (Leave) Regulations, 1958, and shall be deemed to have come into operation on the 1st day of February 1958.

2. Definitions

In these regulations –

“full pay” means the pay of the rank, education allowance, ration allowance, bandsman allowance, wireless telegraphists allowance and motor transport drivers allowance;

“subordinate police officer” means any police officer below the rank of Sub Inspector;

“sick leave” means the period is involved in a police officer’s excuse will duty on medical grounds by the appropriate government medical official.

3. Vacation leave

(1) When the exigencies of the service permit, supporting a subordinate police officer may be granted vacation leave with full pay at the rate of two and half days for each completed month of service.

(2) Leave may only be accumulated up to a maximum of 90 days unless the prior permission of the chief secretary has been obtained to extend and officers tour throughout the exigencies of service.

4. Sick leave

provided that the sickness is not due to the officers will neglect or misconduct, a subordinate police officer may be granted sick leave in addition to vacation leave, as follows:-

(a) up to ten days at any one time;

(b) provided a Government medical officer certifies that there is reason to believe that the officer will ultimately be fit to resume full duty, up to two months on full pay (including the ten days referred to in paragraph (a) and, if necessary, a further period not exceeding two months on half pay;

(c) up to a further six months leave without pay if he is suffering from pulmonary tuberculosis if such extension is on the certificate of the Government medical officer also certifies that there is reason to believe that the officer will ultimately be fit to resume full duty.

5. Injury on duty

Where a subordinate police officer is injured, or becomes sick as the result of an injury received:-

(a) in the actual discharge of his duty, and

(b) without his own default, and

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(c) on account of circumstances specially attributable to the nature of his duty a policeman, the Commissioner of Police may with the approval of the Governor and on the recommendations of a Medical Board convened by the Director of Medical Services, grant sick leave on full pay for any period.

6. Casual leave

(1) Casual leave may be granted with full pay to a subordinate police officer at the discretion of the Commissioner of Police or any superior police officer of not more than six days at any one time, in any one calendar year.

(2) No casual leave shall be granted within six months of the commencement of a tour of service as referred to in regulation 7 or three months from the end of such tour of service.

7. Method of computing vacation leave due

When calculating service for the assessment of vacation leave due, the period already spent on vacation leave or sick leave shall not be included. The tour of service for calculating vacation leave due will be taken from the date on which the subordinate police officer last returned from vacation leave up to the day prior to proceeding on vacation leave.

8. Rations

Subordinate police officers are entitled to full rations while on casual leave and full ration allowance while on vacation leave or sick leave on full or half pay spent out of hospital.

9. Leave without pay

Leave in excess of that provided for in these rules may be granted in special circumstances with the sanction of the Governor and such leave shall be without pay and shall not be taken into account in computing service for gratuity and/or pension.

10. Advance of salary

The Commissioner of Police may advance to any subordinate police officer who is proceeding on vacation leave, or sick leave out of hospital, a sum representing the full pay of such officer for the period of the leave but only up to a maximum of three months in the case of vacation leave. In this case of sick leave out of hospital, such officer may receive an advance of pay as follows:-

- (a) a sum representing the full pay of such officer in respect of the first two months;
- (b) a sum representing half the pay of such officer in respect of the second two months.

(Repeal)

11. The Police (Leave) Rules 1956 are hereby revoked.

HARGEISA
7th July, 1958

F. D. ROBERTSHAW
Attorney General

Government Notice No. 84 of 1958

The Police Ordinance 1958

THE POLICE (RETIRING BENEFITS AND COMPENSATION) REGULATIONS 1958

In the exercise of the powers conferred by section 70 of the Police Ordinance 1958, the Governor in Council has made the following regulations:-

1. Sort title and commencement

These regulations may be cited as the Police (Retiring Benefits and Compensation) Regulations 1958, and shall be deemed to have come into operation on the 1st day of February, 1958

2. Interpretation

In these regulations -

"non-pensionable subordinate police officer" means any subordinate police officer who does not hold a pensionable office within the meaning of any law relating to pensions for the time being in force in the Protectorate.

3. Gratuities payable after twelve or more years' service

(1) Every non-pensionable subordinate police officer discharged after continuous good service to the satisfaction of the Commissioner extending over a period of not less than twelve years, shall be eligible to receive a gratuity in respect of each completed year of service of an amount made up of two-thirds of the sum of one month's pay of the rank or office in which he was serving at the date of his discharge, one month's ration allowance and one month's house allowance.

(2) Where any non-pensionable subordinate police officer who has completed twelve or more years' continuous good service re-engages for a further period before having been paid a gratuity and dies in the service, the date of his death shall, for the purpose of calculating the amount of gratuity for which he would have been eligible under paragraph (1) of this regulation, be deemed to be the date of his discharge from the service; and such gratuity shall be paid to the person authorised to distribute his estate, as part thereof.

(3) Ration allowance for the purpose of this regulation shall be such sum as shall be determined by the Financial Secretary from time to time.

(4) House allowance for the purpose of this regulation shall be deemed to be fifteen per cent of the basic pay of the rank or office in which the police officer was serving at the date of his discharge.

4. Gratuities payable in certain circumstances before completing twelve years' service

(1) Where any non-pensionable subordinate police officer before completing twelve years' continuous good service is discharged on account of reduction of establishment or as medically unfit for further service, such unfitness not having been caused by his own misconduct, he may, on the recommendation of the Commissioner and with the sanction of the Governor, receive such proportion of the gratuity which he would have received under regulation 3 of these regulations, if he had completed twelve years.

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continuous good service, as the number of years which he had actually served at the date of his discharge bears to twelve.

(2) When any non-pensionable subordinate police officer dies in the service before completing twelve years' continuous good service, it shall be lawful for the Commissioner with the sanction of the Governor to cause such proportion of the gratuity which he would have earned under regulation 3 of these regulations, if he had completed twelve years' of continuous good service, as the number of years which he had actually served at the date of his death bears to twelve, to be paid to or for the benefit of the widow or widows or child or children or any next of kin of the deceased, on such conditions and if to or for the benefit of more than one person, in such proportions as to the Governor shall seem fit.

5. Compensation in case of death or injury incurred on duty

When in the discharge of his duties, any non-pensionable subordinate police officer is killed, or so injured as to cause his discharge from the Force, the Governor, on the recommendation of the Commissioner, may direct payment out of the public revenue of such compensation as he may deem fit: and such compensation shall be in addition to any gratuity for which he may be eligible under the provisions of these regulations.

HARGEISA.
20th December, 1958

F. D. ROBERTSHAW,
Attorney General

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POLICE ASSOCIATION REGULATIONS

Government Notice No. 44 of 1958

(Published in Supplement No. 3 to the Somaliland Protectorate Gazette, Vol. XVIII, No. 25, dated 28th June 1958)

In exercise of the powers conferred upon him by section 52 and 71 of the Police Ordinance, 1958, the Governor in Council has made the following regulations:-

12. Short title and commencement

These regulations may be cited as the Police Association Regulations, 1958, and shall be deemed to have come into operation on the 1st day of July 1958.

13. Definitions

In these regulations, unless the context otherwise requires:

“Association” means the Somaliland Police Force Association established under regulation 3(1) of the regulations;

“Board” means the District Board establishing the regulation 5 (1) of these regulations;

“District” means the following commandments within the Somaliland Police Force:

Hargeisa Police District

Berbera Police District

Borama Police District

Burao Police District

Erigavo Police District

Las Anod Police District

The Police Training School

The Police Field Force

Police General Headquarters, with which will be included the Special Branch and the Criminal Investigation Department and also the Police Band;

“Inspector” includes Chief Inspector and Sub Inspector;

“Subordinate Police Officer” means any Police Officer below the rank of Inspector.

14. Establishment of Association

(1) that there is hereby established a body, to be known as the Somaliland Police Force Association, the object of which shall be to enable all Police Officers of the Somaliland Police Force to bring to the notice of the Commissioner and the Governor matters affecting the welfare and efficiency of the members of the force, other than questions of promotion affecting individuals and questions of discipline.

(2) The Association shall be entirely independent and unassociated with any body outside Force.

15. Membership of Association

All Police officers shall be members of the Association.

16. District Boards

(1) Boards shall be formed in each District and shall consist of the following numbers of that District:

Hargeisa Police District –

One Inspector

One Sergeant

Three Corporals and

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	Six Constables
Berbera Police District –	One Inspector One Sergeant Two Corporals and Four Constables
Borama Police District –	One Sergeant Two Corporals and Four Constables
Burao Police District –	One Inspector One Sergeant Two Corporals and Four Constables
Erigavo Police District –	One Sergeant Two Corporals and Four Constables
Las Anod Police District –	One Sergeant Two Corporals and Four Constables
The Police Training School –	One Sergeant Two Corporals and Two Constables
The Police Field Force –	One Inspector One Sergeant Two Corporals and Four Constables
Police General Headquarters –	One Inspector One Sergeant One Corporal and Four Constables

(2) Members of the Association to serve on the Boards shall be selected by the Officers Commanding the Districts after such consultation as they may think necessary with members of the Association:

Provided that the selection shall be subject to confirmation by the Commissioner of Police, who may, if he so desires refuse to confirm the selection, in which case a further selection shall be made and sent it to the Commissioner of Police.

(3) If any member of the Board should be unable for any reason to complete his term of office a replacement may be selected by the Officer Commanding the District in the manner laid down in paragraph (2) hereof.

Somaliland's Past Police Laws

- (4) Each Board shall hold in each year:-
- (a) an annual Meeting on a date not later than the twenty second day of July, to be fixed by the Officer Commanding the District; and
 - (b) meetings in the months of October, January and April.
- (5) At each annual meeting each Board shall elect from among its members the following officers:-
- (a) a Chairman;
 - (b) a Secretary.
- (6) The Officers elected under the last paragraph shall hold office until the next annual meeting of the Board and should any vacancy of occur in their number the Officer Commanding the District concerned shall arrange for such vacancy to be filled by such methods as he deems expedient.
- (7) In addition to the meetings described in paragraph (3) of regulation 6, other meetings may be held for special purposes with the consent of the Officer Commanding the District.
- (8) At each meeting the Board shall consider any matter raised by any member of the Association and the Board shall vote thereon. If the majority of the members of the Board favour forwarding such matter for the consideration of the Commissioner of the Police the Secretary of the Board shall forward the same in accordance with the provisions of paragraph (10) of this regulation.
- (9) A full record of the proceedings at all meetings shall be written in a book kept for that purpose and the secretary of each Board will be responsible for the corrective maintenance and custody of the book.
- (10) All resolutions passed by the Board would be signed by the Chairman and Secretary and handed to the Officer Commanding the Police District concerned for forwarding to the Commissioner of Police.

17. Procedure at Meetings

- (1) The quorum at any meeting shall be one half of the number of the members of the Board and the Chairman at a meeting of the Board shall have a casting vote as well as a deliberative vote.
- (2) The Board may, from time to time, co-opt a Superior Police officer to assist and advise at any meeting.
- (3) Subject to the provisions of these regulations each Board may arrange its own procedure.

18. Facilities to attend Meetings

Except where, in special circumstances, a Police Officer is required for duty for which no substitute is available, leave shall be given for attendance at all meetings held in accordance with the provisions of these regulations and every such attendance shall, as regards allowances and expenses, be deemed to be an occasion of Police duty. A decision as to whether an officer is required for duty for which no substitute is available shall only be taken by the Officer Commanding the District, subject to an appeal to the Commissioner of Police was decisions of the final.

HARGEISA
23rd June, 1958

F. D. ROBERTSHAW
Attorney General

Somaliland's Past Police Laws

(This Ordinance which pre-dated the other 1958 police legislation dealt with the Reserve Police.. However, Part VIII of the 1958 Police Ordinance also introduced the concept of 'Special Constables' to Somaliland but it is by no means clear this was implemented during the relatively short period before Somaliland's independence in June 1960).

AN ORDINANCE

ENACTED by the Governor of the Somaliland Protectorate.

GERALD REECE,

Hargeisa, Governor.
28th July, 1951.

No. 14 of 1951

An Ordinance to provide for the Establishment of a Somaliland Police Force Reserve

It is hereby enacted as follows :

Short title

1. This Ordinance may be cited as the Somaliland Police force Reserve Ordinance, 1951.

Interpretation

2. In this Ordinance, unless the context otherwise requires -

"arms" includes firearms;

"Commissioner" means the Commissioner of Police;

"emergency" means any state of affairs which, in the opinion of the Commissioner, constitutes a danger to peace and good order;

"Reserve police officer" means a member of the Somaliland Police Reserve ;

"Reserve" means the Somaliland Police Reserve established under the provisions of section 3 of this Ordinance, and includes any part of such Reserve.

Establishment of Somaliland Police Reserve

3. There is hereby established a police reserve, which shall be known as the Somaliland Police Reserve.

Who may be Reserve police officer

4. The Reserve shall consist of such persons, resident in the Protectorate who having attained the age of eighteen years volunteer for service in the Reserve and are considered by the Commissioner to be suitable for enrolment as a Reserve police officers.

Employment of Reserve

Somaliland's Past Police Laws

5. The Reserve may be employed in any territory administered by the Government for assisting the Somaliland Police Force in the maintenance of law and order, the prevention and detection of crime and the apprehension of offenders.

Duties of Reserve officers

6. Every Reserve police officer shall upon enrolment undertake, in writing, to carry out -
(a) such police duties as he may be required to do by the Commissioner; and
(b) such training as may be ordered by the Commissioner.

Oath of allegiance

7. (1) Every Reserve police officer shall, on enrolment, make the following declaration of allegiance in such manner as he may declare to be the most binding on his conscience:-

I, A,B, solemnly and sincerely declare that I will be faithful and bear true allegiance to His Majesty King George the Sixth, his heirs and successors, and that I will faithfully serve His Majesty the King, his heirs and successors, during my service in the Somaliland Police Reserve, and will obey all orders of the Governor and of the officers placed over me, and will subject myself to all Ordinances, orders and regulations, from time to time in force relating to the Reserve.

Signature or thumb print of Reserve police officer.
Declared/Affirmed at this day of 19
Before me

(2) Such declaration shall be made before a magistrate, or a superior²³ police officer or a senior officer of the Reserve, and shall be signed by the person making the declaration or, if he is illiterate; he shall affix his thumb print thereto.

Minimum service in the Reserve

8. Every Reserve police officer enrolled under the provisions of this Ordinance shall serve in the Reserve for a minimum period of two years and thereafter may re-engage, for further service, for periods of two years.

Calling out in emergency

9. (1) The Commissioner may in such manner as he may determine, call out all or any Reserve police officers during an emergency, and when so called out they shall remain on duty until released from duty by the Commissioner.

(2) Where any police officer for the time being in charge of the Somaliland Police force in any district, or any police officer of or above the rank of superintendent, considers that any imminent danger has arisen with which he cannot efficiently deal by use of the police officers under his control, he may call out all or any of the Reserve police officers resident in the area under his jurisdiction and in such case he shall, as soon as practicable, report to the Commissioner the action he has taken and his reasons for such action.

Reserve to be issued with arms, etc.

²³ Section 2 of the 1927 Police Ordinance which was still current in 1951 defined a "Superior police officer" as meaning any police officer above the rank of Inspector.

Somaliland's Past Police Laws

10. The Reserve shall be issued with such uniform arms, ammunition and equipment as may be approved by the Governor.

Provisions of Police Ordinance, may be applied to Reserve

11. The Governor may, by notice in the Gazette apply any of the provisions of the Police Ordinance, to the Reserve and during such time as he shall in such notice specify Reserve police officers shall be subject to the provisions of that Ordinance and have all of the powers, privileges and immunities conferred thereby.

Compensation on death or injury on duty

12. (1) If any Reserve police officer receives any permanent or temporary disablement, attributable to any wound or injury received or sickness contracted by him in the performance of any duty carried out under the provisions of this Ordinance, or during the carrying out of any training which he has been required to undertake, the Governor may award such Reserve police officer such compensation, gratuity or pension as to him may seem just.

{2) If any Reserve police officer is killed in the performance by him of Reserve Police force duty or during the carrying out by him of any training which he has been required by the Commissioner to undertake, the Governor may grant to the dependants of such Reserve police officer such pension or allowance as to him may seem just.

(3) No pension, compensation, allowance or, gratuity, paid under the provisions of this section shall be assigned, transferred or be liable to be attached or levied upon by any process of law.

Power of Commissioner

13. (1) The Commissioner may from time to time issue such instructions and directions in accordance with this Ordinance and subject to the provisions thereof or of rules made thereunder respecting enlistment, discipline, discharge, training, arms and accoutrements, clothing and equipment, interior economy of the Police Reserve, the prevention of contagious diseases, and all matters connected therewith as may be required for promoting the discipline of the Reserve and may direct the employment and distribution of the Reserve as to him shall seem meet, and all Reserve police officers shall conform to all such instructions and directions.

(2) The Commissioner may from time to time make such appointments, promotions and reductions in ranks and grades as he may think fit.

Rules

14. The Governor may make rules generally for better carrying out the provisions of this Ordinance.

Somaliland's Past Police Laws

PART TWO UNION OF SOMALILAND AND SOMALIA 1960-69

Union of Somaliland and Somalia

Both versions (July 1960 and January 1961) of the planned treaty of union between the two independent states of Somaliland and Somalia indicated that the laws in force in the two countries will continue to be in force in the respective territories until they are changed. Secondly, Article 6(2) of the belated 1961 Act of Union ²⁴ stated that '*[t]he Police Forces of Somaliland and Somalia shall constitute the Police Force of the Somali Republic and shall be under the authority of the Minister of the Interior*'. As in many other areas, the integration of the different ranks and laws applied by the two Police Forces presented many challenges, but was not as volatile as that of the integration of the two respective armies²⁵.

The Somalian Police Force

Briefly, in Somalia, the early coastal police forces led to forces under the Italian Carabinieri until the defeat of the Italian army in 1941. The British Military Administration established a Gendarmerie as a police and security force which in which in 1943 numbered 3000 led by British officers. Somalia's Police still celebrate 20 December (1943) as the anniversary date of their establishment²⁶. In January 1956, the Somalia Police Force composition was reconstituted²⁷ after the previously reinstated Italian military force, the Security Force – (*Corpo di Sicurezza della Somalia*) – was disbanded with effect from 1 January 1956²⁸ (with the Somali members joining the police force and Italian officers and members being repatriated). An Italian Lt. Colonel commanded²⁹ the Police Force. By June 1958 there were 5 Somali officers holding the rank of Major and the most senior, Mohamed Abshir, was appointed on December 1958³⁰ as the Police Commandant with the rank of Lt. Colonel. On 24 June 1960, Lt. Colonel Mohamed Ibrahim Ahmed was appointed as Vice Commandant of the Somali

²⁴ [www.somalilandlaw.com/Act of Union Law No. 5 of 31 January 1961.pdf](http://www.somalilandlaw.com/Act%20of%20Union%20Law%20No.%205%20of%2031%20January%201961.pdf)

²⁵ Indeed the merger of the two armies was unceremoniously hurried in respect of the Somaliland military, which remained under the command of British officers until 1 January 1961, whilst the police high command merger of the two police forces did kick start until mid-1962

²⁵ They are welcome, of course, to commemorate the establishment of their police force by the British Military Administration in 1943, The comparable date for Somaliland police force is the establishment of the first nationwide (not confined to coastal areas) police force signified by their establishment Law - Somaliland Police Ordinance No. 2 of 16 June 1927 (even though the re-organisation started in 1926). It was very common during the union of Somaliland and Somalia for Somalian laws and anniversaries to be adopted and celebrated as 'national' Somali Republic laws or anniversaries.

²⁶ They are welcome, of course, to commemorate the establishment of their police force by the British Military Administration in 1943, The comparable date for Somaliland police force is the establishment of the first nationwide (not confined to coastal areas) police force signified by their establishment Law - Somaliland Police Ordinance No. 2 of 16 June 1927 (even though the re-organisation started in 1926). It was very common during the union of Somaliland and Somalia for Somalian laws and anniversaries to be adopted and celebrated as 'national' Somali Republic laws or anniversaries.

²⁷ Decree No. 18 of 1 January 1956

²⁸ Decree No. 17 of 1 January 1956.

²⁹ Decree No. 19 of 1 January 1956.

³⁰ Admin Decree No. 063604 of 25 December 1958.

Somaliland's Past Police Laws

Police Force. (Incidentally, with the formation of the new Somalia Army in April 1960³¹ another senior police officer, Lt. Colonel Daud Abdulle Hersi, formerly a Police Major, was appointed as its Commandant³²). On 30 June 1960, all the 'Ufficiali Superiore' of the police and the new army (i.e Commandants) were promoted to the rank of General³³. I mention these Somalian developments to point out the fact that there were no pre-union agreements between Somaliland and Somalia on the distribution of the leading governmental or police/military heads³⁴ after the start of the union.

So, from 1 July 1960, all the Somalian high ranks in the police (and the army) were promoted up to General level. It was only in 1962 that Commissioner of the Somaliland Police was brought into what was, to become the Somali Republic Police Force. A Decree of the President (DPR) No. 48 of 21 January 1962 in another 'backdated legislation'³⁵ re-asserted that '*with effect from 1 July 1960 General Mohamed Abshir is appointed as the Commandant of all Police Force of the Republic*'. The preamble of the Decree mentioned that following the union on 1 July 1960 of Somalia and Somaliland, constituting the Somali Republic, consideration was given to the necessity of the appointment of an overall Commander in chief of all the Police Forces of Republic. This was followed by another Decree of the President No. 49 of 21 June 1962 that laid down that the (Somaliland) Commissioner of Police, Jama Ali Korshel, shall be appointed as Vice Commandant of the Somali Republic Police Force with effect from (*back dated*) 11 January 1962. The Decree added that Lt. Colonel Mohamed Ibrahim Ahmed shall cease, on that date, to be Vice Commandant of the Somalia Police Force. (A few years later, on 22 April 1969, Jama Ali Korshel, then a Brigadier General was promoted to Major General and Commandant of the Police Force – DPR No. 65 of 22 April 1969). I mention these Somalian developments to highlight the fact that as there were no agreements at all between Somaliland and Somalia on the distribution of the leading governmental or police/military heads³⁶.

As there were no pre-agreed Somaliland-Somalia integration plans, the structure of the Somalia Police and Command (based on army ranks) was imposed on the new combined Police Force. Unlike the Somaliland police, which was not subject to military law (except on the occasions of war or emergency when they might be called upon to assist the military force in defence of the country), the Somalia police, Ilaalo and prisons police were already subject to military law since November 1950 (Ordinances No. 78, 79, and 80 of 15/11/1950) and came under the Military Justice tribunals (Law No. 10 of 20 February 1958) and the existing (Italian) Military Codes applicable to Somalia.

The merger of the two police forces

³¹ Establishment of the National Somalia Military – Law No. 15 of 6 April 1960

³² Admin Decree No. 20 of 12 April 1960.

³³ Admin Decree No. 34853 of 30 June 1960.

³⁴ This was mostly the failure of the Somaliland leaders to negotiate comprehensive terms of union which quickly dawned on them and the public that this was going to be a lopsided union when even few conditions in the Somaliland version of Law of union were rejected the Somalians.

³⁵ This was also done with the January 1961 Act of union which was 'backdated' to apply with effect from 1 July 1961.

³⁶ This was mostly the failure of the Somaliland leaders to negotiate comprehensive terms of union which quickly dawned on them and the public that this was going to be a lopsided union when even few conditions in the Somaliland version of Law of union were rejected the Somalians.

Somaliland's Past Police Laws

It was agreed in both laws of union of Somaliland and Somalia that the respective laws in each territory shall continue to apply until new laws are adopted. This was set out in both versions of law/act of union as follows:

The Union of Somaliland and Somalia Law No. 2 of 1960³⁷

Section 2(2): .. the existing laws presently in force in the Northern Region and in the second named Regions respectively shall remain in full force and effect within the respective territories where the same presently apply and shall not have force or effect beyond those respective territories where the same presently apply

Section 2(4) That the Courts as presently constituted in the aforesaid Northern Region and the aforesaid second named Regions shall continue to exercise within their respective territories the jurisdiction which is conferred upon them by presently existing law and shall be Courts of the Somali Republic.

Act of Union Law No. 5 of 31 January 1961³⁸

Article 3 (Continuation of Laws and Institutions)

1. The laws in force in Somaliland and Somalia at the time of the establishment of the Union shall remain in full force and effect in the respective jurisdictions subject to the provisions of the Constitution, this law or any future law.

2. Subject to the provisions of Article 94³⁹ of the Constitution concerning the jurisdiction of the Supreme Court, and any future law, the Courts as presently constituted in Somaliland and Somalia shall continue to exercise the respective jurisdiction conferred upon them by law.

What this meant was that the two police forces that were planned to merge were enforcing different criminal laws (initially, in differing courts⁴⁰) and shall be operating under differing police laws until common Somali Republic laws were introduced. The two forces continued to enforce the differing substantive and procedural criminal laws until the [Somalian \(Italian based\) Penal Code](#) (was extended to both territories with effect from [2 April 1964](#)) and the new [Criminal Procedure Code](#) (based to a large extent on a combination the *1926 Somaliland Criminal Procedure Ordinance (as amended)* and the criminal law provisions of the Indian Evidence Act applied in Somaliland) with effect from 31 March 1965. **The differing police laws in the two territories were only repealed in 1972 when a new police law was introduced by the dictatorship government (see the following Part 3).** Nonetheless, on taking over the power in October 1969 and abrogating the Somali Republic Constitution, the military dictatorship confirmed in Art. 2 of Decree of the Revolutionary Council (No. 12 of 25 October 1969 titled '*Judicial Organs and their Functions*' that –

³⁷ http://www.somalilandlaw.com/The_Union_of_Somaliland_Somalia_Law_SL_Gazette1.pdf

³⁸ http://www.somalilandlaw.com/Act_of_Union_Law_No._5_of_31_January_1961.pdf

³⁹ Article 94 Supreme Court:

1. The Supreme Court shall be the highest judicial organ of the Republic. It shall have jurisdiction over the whole territory of the State in civil, criminal, administrative and accounting matters, and in any other matter specified by the Constitution and by law.

2. The organization of the Supreme Court and of the other judicial organs shall be established by law.

⁴⁰ The Organisation of the Judiciary Law No. 3 of 12 June 1962 set up a common system of courts largely modelled after the Somalian judicial system (with the Prosecution headed by an Attorney General being part of the Judiciary *ala* the Italian office of *Publico Ministero*. Unfortunately, Somaliland still retained the same system and has not yet fully separated the prosecution from the judiciary.

Somaliland's Past Police Laws

'(t)he Courts shall apply the respective laws and procedures that are now in force in the various Regions of the Republic , subject to the conditions that these provisions are not incompatible with the aims and spirit] of the Revolution.' *Note the regions where differential laws applied were only the Northern Regions (Somaliland) and the Southern regions (Somalia) that formed the union in 1960, the central planks of which were the respective 'union' laws and a linked democracy based constitution which were jettisoned by the military coup.*

The application of military laws during the 1960 -69 period

As stated above, the Somalia police (and prisons guards) were subject to military laws and tribunals. New military codes – the **1963 Military Criminal Code in Peace and War (MCC)**⁴¹, and the **1964 Military Criminal Procedure Code in Peace & War (MCPC)**⁴² (all based on the Italian military codes) were introduced as being applicable to the whole of the Somali Republic and replaced the Somaliland military laws⁴³. Prior to the adoption of these laws, however, a constitutional amendment (in January 1963⁴⁴) added the following paragraph 3 to Article 95 (dealing with the Judiciary in the 1960 Somali Republic Constitution⁴⁵) which limited the jurisdiction of any military tribunals (courts) in peace time as follows:

'Article 95(3): The jurisdiction of Military Tribunals in time of war shall be established by law. In time of peace, they shall have jurisdiction only in respect of military offences committed by members of the Armed Forces.' (*My underlining*)

In reflecting Article 95(3) of the Constitution the 1963 Military Criminal Code (MCC), Article 1 of the MCC defined the persons subject to military criminal law as follows:

'Article 1: Persons subject to the military criminal law.

1. The Military criminal law applies to all military persons employed in the military service and to those considered to be so employed.
2. The law shall determine in which cases the military criminal law should apply to the temporarily discharged military personnel, definitely discharged military personnel, persons assimilated to the military service, members of the militarily organised civil bodies and any other persons unrelated to the armed forces of the state.' (*My underlining and also, overall, improved translation*).

The term '*military*' in military service was defined in Article 2(a) of the MCC as the National Army and any other person, who, under the provisions of the law gained such status, but the term '*armed forces*' was defined as including the '*military*' and the other '*militarily organised bodies*'. The Somalia 1950s legislation has already laid down that the police including the prisons guards and the Ilalos were subject to military law⁴⁶. The term '*militarily organised bodies*' was interpreted as covering the police, but until the

⁴¹ Legislative Decree No. 2 of 24 December 1963

⁴² Legislative Decree No.1 of 1 June 1963.

⁴³ The Somaliland military laws which were updated in the 1950s were similar to those in other British protectorates and colonies and their modern versions in now found in Commonwealth countries, such as the East African countries and Seychelles. See List of main (1960 and beyond) State of Somaliland Laws: http://www.somalilandlaw.com/State_of_Somaliland_Main_Laws_300660_2_.pdf, (p. 9 – military laws)

⁴⁴ Law No. 6 of 30 January 1963, Article 3(6)

⁴⁵ http://www.somalilandlaw.com/Somali_Republic_Constitution_1960.htm Art. 95(3).

⁴⁶ Ordinances No. 78 (the police), 79 (the prison guards), and 80 (Ilalo) of 15/11/1950 and the later updated Law No. 10 of 20 February 1958 relating to military tribunals.

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military coup of 21 October 1969, the application of the military criminal law to the police (and to the military) was confined to offences set out explicitly in the MCC. Incidentally also the application of MCC to the non-military persons or civilians was also limited to persons who aid or abet someone to commit a military offence or who commit some of the specific listed military offences⁴⁷ (Article 11 of the MCC). This was all to change during the military dictatorship.

Police laws during this period

Other than the administrative merger of the two police forces, I can trace were no major changes in the respective police laws in Somalia and Somaliland during this period. The Somalia (Ministry of Finance) Financial Guards (*Corpo del Guardia di Finanza*) were integrated with the Police Force in 1965⁴⁸ although a unit of the Guards was operating from Hargeisa (Somaliland) earlier⁴⁹.

⁴⁷ These military offences were listed in the MCC as Art. 78: Providing or disclosing confidential information; Art. 120: Abuse of power in the work of workshops or other military laboratories; Art. 124 Forced delivery; Art. 125. Resistance, threat or insult to a sentinel, lookout or guard; Art. 126. Violence to a sentinel, lookout or guard; Art. 129. Holding back dispatch riders; Art. 166. Seditious activities; Art. 168. Subscription for complaint or protest -Military gathering. They are all primarily offences committed by civilians in military areas.

⁴⁸ *Integrazione del Corpo della Guardia di Finanza nelle Forze di Polizia*, Decree Law No. 18 of 13 October 1965, and Decree Law No. 23 of 1 December 1965 (with effect from 1 November 1965).

⁴⁹ This observation is based on my personal knowledge, and I will stand corrected, if my memory is wrong.

PART THREE DICTATORSHIP ERA 1969 TO 1990

The Military coup 21 October 1969

On 21 October 1960, a military coup overthrew the rule of the democratically elected government and legislative assembly. The coup leaders suspended initially⁵⁰ the 1960 Constitution of the Republic and then abrogated⁵¹ it. The Command of the Police Force was co-opted⁵² into the military coup, but the (then) former Police Commandant, Major General Jama Ali Korshel, was removed from the Supreme Revolutionary Council (SRC) in 1971. In one of the earliest laws passed by the SRC on 31 December 1969, the **Law on Pensions and Gratuities of the Members of the Armed Forces and Para-military Organisations** (Law No. 6 of 31 December 1969)⁵³ the "*Armed Forces*" were defined as meaning '*the National Army (including the Army, Navy and Air Force) and the Police Force*'. The Custodial Corps and the Illalo Corps were defined as being '*Para-Military Organizations*' (a term used also in the Military Code⁵⁴) but were still included in the benefits of this Law. The Ilalos were, in any case integrated with the Police Force with effect from 1 February 1970⁵⁵.

The new Police laws

The main police law introduced by the military SRC was the (relatively short -29 Articles) 1972 **Organisation of the Police Force Law – Law No. 2 of 23 December 1972**. Article 2(1) of the Law stated unequivocally that '*[t]he Police is an integral part of the Armed Forces of the Somali Democratic Republic and hierarchically and organically shall come under the Head of the State, in his capacity as the Commander in chief of the Armed Forces*'. This was the first time that '*the Head of the State*' as Commander in Chief of the '*National Army*' also became the Commander in Chief of the police force. The abrogated Article 75(f) of the 1960 Somali Republic Constitution addressed the role of President (elected by the National Assembly) as Commander in Chief of the '*Forze Armate*' (*Armed Forces*) which, in Italy on which this constitution was based, consisted of the various military branches and did not include the ordinary police and prisons forces even though the latter may, in some respects in Somalia, such as discipline, come under the military judiciary. In any democracy where the law guarantees the independence of the police (and prosecution authorities) in their law enforcement roles, no head of state can claim to be the '*Commander in Chief*' of the Police, a title which involves absolute overall command of the functions and duties of the military forces. It

⁵⁰ The First Charter of the Revolution preamble which also changed the previously agreed (in the Acts of Union) and the 1960 Constitution the name of the country from Somali Republic to the Somali Democratic Republic (*Repubblica Democratica Somala*).

⁵¹ Decree of the Supreme Revolutionary Council (SRC) No. 38 24 February 1970.

⁵² According to former police General Jama Mohamed Ghalib, the senior police officers were appointed members of the coup Supreme Revolutionary Council (SRC) '*were not privy to the conspiracies which preceded the coup d'etat, but were co-opted because the co-operation of the police force was needed to ensure the success of the 'New Order'*' – Jama M Ghalib, *The Cost of Dictatorship – The Somali Experience* (Lilian Barber Press Inc. 1995) 87.

⁵³ Copy of this Law is available in this Compilation at page 80.

⁵⁴ See Art. 1 of the MCC set out in page 48 above.

⁵⁵ Integrazione del Corps degli Ilalo nelle Forze di Polizia, Law No. 5 of 17 January 1970.

Somaliland's Past Police Laws

was, however, the kind of power that a military dictatorship bestowed on itself which included absolute power over all state activities including the judiciary and the courts⁵⁶. Furthermore, although, as set out below, this 1972 Police Law kept (with some military related modifications) the pre 1969 position of the police coming under the Ministry of Internal Affairs, the 1977 the law was amended and the police force were brought directly under the SRC president who, by then, was titled the President of the Somali(a)⁵⁷ Democratic Republic⁵⁸.

On 'deployment' (which is usually a matter within the purview of the Commandant) was said in Article 2(2) 'shall come under the Secretary of State for Interior who may issue directives relating to the general policy of the operational activities of the Police'. The Commandant of the Force was said to '*have the command and the effective responsibility of the operational activity of the Police Force*' (Article 20(2)). The Commandant of the Police Force '*may be selected from among the generals and colonels on effective permanent service in the Police Force or from the other Armed Forces*' (Article 3(1)). However, under Article 2(3), the organisation of the police force '*shall be inspired by the principles of democracy (?) and of scientific Socialism proclaimed in first and second Charter of the Revolution*' issued by the coup leaders on the day of the coup. The Law re-confirmed the military ranks of the Force (Article 23) and significantly stated that '*the members of the Police Force, in their capacity as members of the Armed Forces, shall be subject to the Military penal laws in force and to the provisions established by the Police Regulations*' (Article 14(3)).

The **Police Regulations**, Decree of the President of the SRC No. 14 of 4 January 1973 were issued under the Law very shortly after the Law and consisted of 63 Articles grouped into ten Parts. Many of the Regulations were based on the similar provisions in the Somaliland 1958 Police Ordinance (see above), which was possibly due to the fact that, as from February 1970, the Commandant of the Police Force was formerly a member of the Somaliland Police, Jama Mohamed Ghalib.

Earlier in 1970, **The Ilalo Corps** was merged with the Police Force in 1970 ([Law No. 5 of 17/1/1970](#)).

Law No. 13 of 3 February 1977 titled 'Somali Police Force Structure to come under the President of the SDR' stated, in Article 1, that 'the Police Force established under Law No. 2 of 23 December 1972 which was structurally attached to the Ministry of Internal Affairs shall, as from 3 February 1977, come directly under the Office of the President of the SDR'.

Law No. 30 of 13 August 1979 titled 'Reform of the Uniform and Equipment of the Somali Police Force' (in Somali only) set out in detail the uniform, kit and military equipment of the police force. A copy of this 9 Article Law about police uniform and

⁵⁶ For example: Power of SRC to intervene in Judicial Matters Law No. 38 of 5 April 1972 which included in Article 3 power to '*confirm, vary or set aside any judgment*'.

⁵⁷ The official Somali version of the Siyad Barre 1979 Constitution was titled the Somalia Democratic Republic ([Dastuurka Jamhuuriyadda Dimoqraadiga Soomaaliya](#)).

⁵⁸ See below Law No. 13 of 3 February 1977

Somaliland's Past Police Laws

equipment and is no longer relevant to Somaliland is not included in this compilation, but is available at the Somaliland Police Law website page for historical reference.

End of the military dictatorship

The military dictatorship rule ended, for all intents and purposes, at the end of 1990 and with fighting breaking in Mogadishu and its environs and the flight from Mogadishu of Siyad Barre in early January 1991. With Mogadishu politicians claiming to set up a new government and disputing over it, Somaliland declared on 18 May 1991 that it has re-established its sovereign State of Somaliland to be known as **the Republic of Somaliland**. This ended the union which was, in any case, abolished with the tearing up of the constitution and its linked acts of union conditions and democratic dispensations by the military coup on 21 October 1969.

Somaliland's Past Police Laws

LAW n. 2 of 23 December, 1972 Organisation of the Police Force Law (No. 2 of 23 December 1972)

As published in the Bolletino Ufficiale Della Repubblica Democratica Somala of 17 January 1973, Suppl. No. 3 of (issue) No. 1 (of that year).

THE PRESIDENT OF THE SUPREME REVOLUTIONARY COUNCIL

HAVING HEARD the Council of the Secretaries of State;

TAKING NOTE of the approval of the Supreme Revolutionary Council;

HEREBY PROMULGATES

the following Law:

Chapter 1 PRELIMINARY

Article 1 *Definitions*

1. For the purpose of this law, unless the context indicates otherwise;

«Force»: means the Somali Police Force.

«Secretary of State»: means the Secretary of State for Interior.

«Member»: means any member of the Police Force.

«Commandant»: means the Commandant of the Police Force.

«Officer»: for the purpose of this law and without prejudice to any other law, means the member of the Police Force holding the rank of 2nd lieutenant and above;

«Inspector»: means the member of the Police Force holding the rank from Sub-Inspector to Chief-Inspector;

«Non-Commissioned Officer»: means the member of the Police Force from the rank of Police Sergeant to 1st Sergeant;

«Askari»: means the member of the Police Force from the rank of Police recruit to 1st Askari.

Article 2

Status and dependence of the Police Force

1. The Police Force is an integral part of the Armed Forces of the Somali Democratic Republic and hierarchically and organically shall come under the Head of the State, in his capacity as the Commander-in-Chief of the Armed Force.

2. In regard to deployment, the Police Force shall come under the Secretary of State who may issue directives relating to the general policy of the operational activities of the Police Force, and coordinate the relationship with the other Ministries concerned.

3. The Organisation of the Police Force shall be inspired by the principles of democracy and of Scientific Socialism proclaimed in the First and Second Charter of the Revolution.

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Chapter 2 APPOINTMENTS, ENLISTMENTS AND FUNCTIONS

Article 3

Commandant and Vice-Commandants

1. The Commandant of the Police Force may be selected from among the generals and colonels on effective permanent service in the Police Force or from the other Armed Forces, and shall be appointed by a decree of the Head of State, with the prior deliberation of the Supreme Revolutionary Council, having heard the Secretary of State.
2. The Vice-Commandants may be selected from the superior officers on effective permanent service in the Police Force and shall be appointed by decree of the Head of State, on the proposal of the Commandant of Police, having heard the Secretary of State and the Supreme Revolutionary Council.

Article 4

Status of a member

1. The status of a member shall be determined by the duties and rights relating to his rank. It commences with the lawful conferring of the rank and ends with the loss of such rank.
2. The members of the Police Force are divided into members in effective permanent service and retired members in reserve.
3. The members in effective permanent service are bound by terms of employment. Where a state of war or emergency is proclaimed members already retired may be recalled.

Article 5

Officers of the Police Force

1. The vacancies in the establishment shall be filled from within the members of the Police or if necessary through voluntary recruitment based on proper competition publicly announced by the Ministry of Interior on the proposal of the Commandant within the limits set out in the establishment.
2. The enlistment shall be made on national basis.
3. The candidates shall possess the prescribed qualifications.
4. The rank of officer is conferred by a decree of the Head of State on the proposal of the Commandant of the Police having heard the Secretary of State.

Article 6

Inspectors of the Police Force

1. The Inspectors of the Police Force are selected from among the non-commissioned officers in the service of the Police Force, or may be selected from among citizens in possession of prescribed qualifications. The rank of Inspector is conferred by act of the Commandant.

Those selected from the non-commissioned ranks, in particular, should:

- a) have completed at least two years of effective service;
- b) be able to read or write the Somali Language;
- c) have excellent disciplinary record;
- d) be physically and mentally fit;
- e) have moral integrity;

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- f) have good power of command.
2. Knowledge of writing may not be required for promotion of exceptional merit.

Article 7

Non-commissioned Officers

1. The non-commissioned officers of the Police Force are selected from among the Askaris in the service of the Police Force, or may be selected from among the members of the public in possession of prescribed qualifications.
2. Those selected from Askaris in the service in particular, should possess all the qualities and qualifications listed in Art. 6(2) and (3).
3. The rank of the non-commissioned officer is conferred by act of the Commandant of Police.

Article 8

Askaris of the Police Force

1. The Askaris of the Police Force are recruited by voluntary enlistments in which the citizens who possess the prescribed qualification established in the announcement of competition may participate or may be directly recruited upon exceptional merit.
2. The Commandant of the Police shall have the power to make enlistments for the purpose of filling the periodical vacancies in the establishment of the Force.

Article 9

General Duties

1. It shall be the duty of the Police Force to:
 - a) defend institutions of the state;
 - b) maintain public order and security;
 - c) protect life, individual safety and property of citizen and the free exercise of individual rights given by law, without prejudice to the security of the State;
 - d) enforce laws, general and special regulations, ordinances of the public authorities and provisions relating to economical and political interests of the State;
 - e) prevent, investigate and report offences and apprehend offenders;
 - f) investigate and suppress violations of financial laws of the State and local government taxations as well as customs and foreign exchange;
 - g) perform frontier Police duties and fiscal and currency exchange duties on the borders of the land, air space as well as in the territorial waters of the Republic;
 - h) carry out any other guard and security duties for which the law requires Police action.
2. The Police Force shall provide assistance and relief in case of public and private disaster.

Article 10

Judicial duties

As laid down by Article 8 of the Law on the organisation of the Judiciary, investigation and suppression of offence and representation of the Attorney General in prosecutions shall be carried out by the Police Force under the direction of the Attorney General.

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Article 11

Economical and Financial duties

In the performance of the duties regarding protection of economical and financial interests of the State, the Police Force shall comply with directives issued by the competent Secretaries of State in so far as they are not inconsistent with the directives issued by the Secretary of State.

Article 12

Exceptional duties

1. Upon the occurrence or the apprehended occurrence of hostilities, war or other grave emergency of any kind, the Head of State may at his own initiative or on the proposal of the Secretary of State order that the Police Force be employed on duties other than those provided in the preceding Articles.
2. In such cases, the Head of State, may order the temporary increase of the establishment of the Police Force.
3. In case of war, the Police shall take part in military operations and in such case may come under the Secretary of State for Defence.

Article 13

Relationship with the local public security authorities

1. The territorial units of the Police Force shall perform all duties relating to the maintenance of public order and security in compliance with the directives issued by the competent district or regional public order authorities.
2. Commanders of the territorial units of the Police Force shall confer regularly with such authorities and shall liaison with the military and judicial authorities whenever the need arises. Such authorities shall keep the Commanders informed of all matters which may have a bearing on Police duties.

Chapter 3

OBLIGATIONS AND RIGHTS OF MEMBERS OF THE POLICE FORCE

Article 14

Obligations of the members of the Police Force

1. All members of the Police Force shall have the obligation to perform the duties assigned to them by the law and execute the directives and lawful orders issued by their superiors and the competent authorities.
2. The members of the police Force shall be considered permanently on duty, and may be destined anywhere at any time to carry out the duty entrusted to them.
3. The members of the Police Force, in their capacity as members of the Armed Forces, shall be subject to the Military penal laws in force and to the provisions established by the Police regulations.
4. During the state of an emergency, the retirement of a member of the Police Force from the service, shall, notwithstanding any provisions in any law or regulation, be subject the Commandant's approval.

Article 15

Prohibition to exercise activities other than the institutional ones

1. Members of the Police Force shall not engage in activities other than those assigned to them by law.

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2. It shall be prohibited for the members of the Police Force to assume any other employment on remuneration or otherwise unless officially required to do so by the competent authorities.

Article 16

Prohibition to disclose office secrets

- I. It shall be prohibited for the members of the Police Force to disclose in anyway or bring to the notice of unauthorised persons informations of confidential nature received in the course of their duties, or otherwise conveyed in confidence.
2. Any member of the Police Force who contravenes the above prohibition shall if the act does not constitute a more serious offence be punished with imprisonment from six months to two years.

Article 17

Salaries and allowances

Salaries and allowances for the members of the Police Force shall be same as for the members of other Armed Forces, except for any special allowance for specified types of duties.

Chapter 4

ORGANISATION OF THE POLICE

Article 18

Organisational structure of the Police Force

1. Subject to Article 20 of this law, the Police Force shall consist of:
 - a) Police Headquarters;
 - b) an organisation of the territorial Police, which may comprise of:
 - i) Group Commands;
 - ii) Divisional (Regional) Commands;
 - iii) Sub-Divisional Commands;
 - iv) Station Commands;
 - v) Police Posts.
 - c) A mobile Police which may comprise of:
 - i) Mobile Group (Darawishta Poliska);
 - ii) Riot unit (Birmadka Poliska).
 - d) Technical and specialised units, including:
 - i) Tributary⁵⁹ Division;
 - ii) Criminal Investigation Division;
 - iii) Traffic Division;
 - iv) A Communication Unit.
 - v) Training unit.
 - e) Services: Gadidka Poliska⁶⁰, Central Stores and Health Service.
2. The establishment of the Police Force shall be prescribed by decree of the President of the Supreme Revolutionary Council, on the proposal of the Secretary of State.

Article 19

⁵⁹ This refers to the Italian term 'tributario' meaning 'tax' or 'fiscal'.

⁶⁰ Police transport.

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Competence of the Secretary of State

1. The Secretary of State may issue general directives for the performance of Police duties.
2. The creation of new commands, units and Services as well as the abolition or transformation of the existing ones shall fall within the competence of the Commandant who shall, however, keep the Secretary of State informed of any such changes.

Article 20

Power of the Commandant

1. The internal organisation, displacement and chain of command of the various commands, units and services shall fall within the competence of the Commandant.
2. The Commandant shall have the command and the effective responsibility of the operational activity of the Police Force. He shall be responsible to the Supreme Revolutionary Council through the Secretary of State for the efficient administration of the Police Force.
3. The Commandant shall inform the Secretary of State matters of major importance or matters, which may in anyway be of interest in regard to the general or particular situation of the country. The Secretary of State may relay such information to other Ministries as and when necessary.
4. The Commandant shall promote all the activities relating to the proper organisation, equipment and welfare of the Police Force. For such purpose, he shall:
 - a) organise the general performance of the institutional activities of the Police Force in the whole territory of the State, in accordance with directives if any issued by the Secretary of State, in accordance with directives if any issued by the Secretary of State or by the Supreme Revolutionary Council;
 - b) provide for the enlistment and the distribution of personnel and materials among the various units considering the permanent and temporary needs of deployment;
 - c) nominate the Commandants of various units, offices and services from the qualified members of the Force;
 - d) supervise the yearly or periodical training programmes;
 - e) promote the recruitment, promotion and discharge of the members of the Police Force, subject to availability of budgetary provisions and of vacancies in the establishment;
 - f) exercise the powers given to him by law and regulations on matters concerning granting rewards and discipline.
5. The Commandant may delegate any power conferred upon him in the preceding paragraph to other Police Officers.

Article 21

Powers and functions of Vice-Commandants

1. Vice-Commandants of the Police Force shall assist the Commandant in the discharge of his functions and shall perform such other duties as may be assigned to them.
2. The First Vice-Commandant shall replace the Commandant in case of absence or impediment, assuming all the powers and responsibilities and shall ensure the continuity of the directives issued by the Commandant and organisational functions of the Police Force. In case of contemporary absence or impediment of the Commandant

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and the First Vice-Commandant, such functions shall be performed by the Second Vice-Commandant, or in the absence of both, the next most senior Police Officer available.

Chapter 5 MISCELLANEOUS

Article 22 *Personal File*

For each member of the Police Force, a personal file containing all the documents and matters pertaining to his status service and career, shall be opened and kept up to date.

Article 23 *Order of Precedence*

1. The ranks of the Police Force shall come in the following order of precedence:
 - a) General Officers;
 - b) Senior officers:
 - i) Colonel
 - ii) Lt. Colonel
 - iii) Major
 - c) Junior Officers:
 - i) Captain
 - ii) Lieutenant
 - iii) Second Lieutenant
 - d) Inspectors:
 - i) Chief Inspector
 - ii) Inspector
 - iii) Sub-Inspector.
 - c) Non-Commissioned Officers:
 - i) 1st Sergeant
 - ii) Sergeant
 - iii) Cadet Officers.
 - f) Askaris:
 - i) 1st Askari
 - ii) Askari
 - iii) Recruit.
2. Except in cases of special circumstances, the member of the Police Force most senior in rank shall be the Commandant of the Unit to which he is posted.
3. In the case of absence or impediment of the officer in charge of the unit, the member of the Police Force immediately next in rank shall assume charge of the Command of the unit as acting i/c⁶¹. If there are more members of the same rank in the unit, the acting Commandant shall be the most senior among them unless otherwise ordered by the Commandant

Article 24 *Badges of Rank*

⁶¹ In charge.

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- I. The badges of the rank of the officers of the Police Force shall be determined by a decree issued for such purpose by the Head of State, on the proposal of the Commandant, having heard the Secretary of State.
2. All other badges of the ranks shall be determined by the Commandant of Police.

Article 25

Uniform and equipment in use

Except as otherwise provided, the members of the Police shall wear when on duty, the prescribed uniforms and may for the performance of their duties, carry arms and ammunitions as and when authorised, by the Commandant.

Article 26

Police Regulations

The President of Supreme Revolutionary Council shall by decree on the proposal of Secretary of State, make regulations with provisions dealing with entitlements, career and disciplinary sanctions, leave, promotion, granting of rewards, appointments, enlistment, decoration, commendations and any other provision for the better and general governance of the Force as well as Police welfare fund, in line with the other Armed Forces in so far as applicable.

Article 27

Repeals

Any law, ordinance, regulations made thereunder, in so far as applicable to the Force or any other provisions contrary or inconsistent with this law are hereby repealed.

Article 28

Retrospective effect of actions taken by the Commandant

Any action taken by the Commandant prior to coming into operation of this law, concerning, discipline, gratuity, leave, discharge or dismissal from the Force, shall be deemed to have been done by him under this law or the regulations made under it.

Article 29

Entry into Force

This law shall come into force as from the date of its publication in the Official Bulletin of the Somali Democratic Republic.

It shall be included in the Official Compilation of laws and published in the Official Bulletin.

All persons shall be required to observe it and cause others to observe it as a law of the Republic.

Mogadiscio, 23 December, 1972.

Major Gen. Mohamed Siad Barre
PRESIDENT
of the Supreme Revolutionary Council

**DECREE OF THE PRESIDENT OF THE SUPREME REVOLUTIONARY COUNCIL,
4 January, 1973, n. 14.**

POLICE REGULATIONS

THE PRESIDENT

OF THE SUPREME REVOLUTIONARY COUNCIL

HAVING SEEN the First Charter of the Revolution dated 21 October 1969 and Law No. 1 of 21 October 1969;

HAVING SEEN Article 26 of the Law Number 2 of 23 December 1972 on the Organisation of the Police Force;

CONSIDERING the need to issue Police Regulations;

ON THE PROPOSAL of the Secretary for Interior;

DECREES:

Part One JURIDICAL STATUS
Chapter I GENERAL PRINCIPLES

Article 1

Oath of Obligation

1. Any Somali citizen who joins the Police Force shall take an oath in the form of sacred rite as any other member of the Armed Forces of the Somali Democratic Republic.
2. Retirement from the service shall not exempt a member from the obligations of an oath corresponding the duties and the status of the retired.
3. Members of the Force shall take the oath individually.

Article 2

Manner of taking Oath

The members of the Police Force shall take oath in the following manner:

“I swear in the name of God to be faithful to the Somali Democratic Republic, its Supreme Revolutionary Council and its delegated authorities, to observe loyally the military regulations and the Laws of the State and to observe without hesitation the orders of my hierarchic Superiors.

I swear to defend under any circumstances the fundamental principles and spirit of the 21st October Revolution.

I swear to behave myself with honour, courage and discipline under any circumstance whether peace or war, to maintain the secrecy of all military and professional matters and take every possible care and maintain in perfect condition the arms and equipments entrusted to me”.

Article 3

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Precedence

In respect to right to command, a member in the service shall, despite seniority, take precedence over those of the same rank on retirement.

Article 4

Seniority in rank

1. The seniority in rank shall be determined by referring to the date of appointment of a member of the Police Force *to* his present rank.
2. When more members are appointed *to* the same rank on the same date, their seniority in rank shall be determined in the order in which their names appear in the Presidential Decree or in the Force Order carrying the appointment.
3. When the relative seniority cannot be determined as in paras 1 and 2 above, it shall be reckoned by referring to the rank held prior to the rank in question. If seniority still cannot be determined in the above manner, reference shall be made to date of recruitment into the Police Force.
4. Demotion shall not affect the seniority of a member in the rank held before the last promotion.
5. If demotion is made to a rank not previously held, seniority shall be reckoned from date of promotion to the rank from which demotion has been made.

Article 5

Temporary recruitment

When in accordance with Article 12 para 2 of the Law on the Organisation of the Police Force, a temporary increase, in the establishment of the Police Force has been made, the following procedure shall apply:

- a) For the whole duration of the temporary recruitment any person so employed shall be subject to the regulations in force for the members of the Police Force and shall assume the same juridical status and receive the same benefits.
- b) Whenever the exigencies which caused an increase have ceased, all or some of the members employed above may be discharged with any terminal benefits which may accrue to them under the existing Laws for the services undertaken.

Chapter II CONDITIONS OF SERVICE

Article 6

Recruitment of members

The enlistment of persons into the Police Force shall be made in accordance with the Law on the Organisation of the Police Force and of these regulations. Where necessary, in the case of officers, an announcement of competition which shall show the following may be made:

- a) The nature of the competition and the qualifications required as well as the rules of participation;
- b) manner of ascertainment of prescribed qualification;
- c) any other requirement.

Article 7

Selection of candidates

Selection of candidates for promotion to Officer, Inspector or non-commissioned officer, or an enlistment thereof may be made by the Commandant of Police

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assisted by an evaluation board appointed by him from time to time.

Article 8

Cadet Officers

- I. Successful competitors from the civilians for officership shall be appointed as Cadet Officers, assuming all the rights and obligations deriving from and imposed by all military Laws and regulations.
2. Successful competitors from the ranks of the Police Force appointed as Cadets shall continue to remain in the ranks held prior to their appointment as Cadet Officers.

Article 9

Final examination

- I. Any Cadet Officer appointed from the civilians who for any reason fails to pass the final examination may be discharged or assimilated into the Police Force.
2. Any Cadet Officer appointed from the ranks of the Police Force who fails to pass the final examination at the end of the course may continue to hold the rank held prior to his appointment as a Cadet Officer.

Article 10

Appointment to the rank of Officer and assessment

Every Cadet Officer who passes the final examination following the completion of the course may be appointed to the rank of Officer.

Article 11

Seniority of appointment to Officer

Without prejudice to the principle of absolute seniority in the case of a competitive examination relative seniority shall be determined on the basis of the final marks obtained at the end of the course.

Article 12

Retired Officers may be included in the rolls

On the proposal of the Command of the Police Force, retired Officers who are deemed suitable and useful to the institutional service may be included in the rolls. The re-engaged Officers included in the rolls of the Police Force by virtue of the preceding para shall be put at the end of the rolls for Officers in the service.

Article 13

Inclusion of Officers transferred from other Armed Forces in the rolls of the Force

Any Officer transferred from the other Armed Forces of the State into the Police Force shall be put at the end of the roll for Officers of the same rank already serving the Police Force.

Article 14

Permanent Service

Categories of permanent services are;

- a) The active service;
- b) absence on leave;

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c) suspension from service.

Article 15

Active Service

1. Any member who is in the service of the Police Force and who is available for employment at all times shall be deemed to be in active service.
2. Any member who is in active service shall be physically fit for unconditional service.
3. The suitability to the active service shall be periodically ascertained by the Commandant of Police Force.

Article 16

Absence on leave

1. Any member who is temporarily exempted from active service for one of the following causes shall be deemed to be absent on leave:

- a) war imprisonment;
- b) temporary sickness arising out of cause of service;
- c) temporary sickness not attributable to a cause of service;
- d) private reasons.

Absence on leave shall be granted:

- (i) by Law in the case of letter (a) above;
- (ii) by request or authority after statutory medical examination in letters (b) and (c);
- (iii) by application only subject to the needs of service in letter (d).

2. Before a member is sent on absence on leave for reasons of sickness, he shall be granted the period of accrued leave not yet benefited if any.

3. Absence on leave commences from the date mentioned in the letter granting it, except absence on leave for war imprisonment which commences from the date of capture.

4. After the cessation of the causes of absence on leave a member shall no longer be regarded as absent on leave and the total period of that absence on grounds of private reasons or sickness not attributable to a cause of service shall not exceed 2 years within five consecutive years.

5. The total period of absence on leave on grounds of sickness attributable to a cause of service shall not exceed three years within five consecutive years.

6. On expiry of absence on leave the member shall report duty.

7. If the period of absence on leave exceeds two or three years as *the* case may be within a period of five years, the member may be discharged from the service.

8. In the case of an emergency or other exceptional needs any member absent on leave may be recalled into the service provided he is fit for active service.

9. Absence on leave shall be granted by the Commandant of Police.

10. In the case of absence on leave for private reasons no salary shall be paid.

11. Any member who is absent on leave for a sickness which is not attributable to a cause of service may be paid full salary for the first six months but thereafter such salary may be reduced to half for another six months after which time all payments of salary shall cease.

12. In the case of absence on leave for reasons of sickness due to a cause of service, full salary may be paid for a period of one year but thereafter the member may get half salary for another year, after which time such payment shall stop.

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13. Notwithstanding anything here-in-before contained, a member whose sickness is not attributable to a cause of service may, subject to medical opinion, be discharged from the service any time before the expiry of the one year period mentioned in para 11 above if it appears that he is suffering from an illness of such a nature' that he will be unlikely to resume active service.

Article 17

Suspension from service

- I. Suspension from the service may be made:
 - a) for precautionary reasons;
 - b) for disciplinary reasons;
 - d) upon conviction of an offence.
2. Letters a) and b) above shall apply if the member is charged With facts for which he is liable to penal or disciplinary punishment. Suspension from the service shall be compulsory when a warrant of arrest has been issued against a member.
3. If in a final judgement of penal proceedings it is concluded that no offence has been committed or the accused did not commit it, suspension from the service shall be revoked.
4. Suspension from service shall also be revoked when no penal or disciplinary proceedings are instituted against the member within a reasonable period or when there is no imposition of punishment resulting from such proceedings.
5. Apart from the cases, where in accordance with military penal Law sentence to imprisonment entails the suspension from the service as an accessory penalty, sentence to an imprisonment shall result in the suspension from the service only for the period of the execution of such punishment.
6. Where a member is suspended on disciplinary grounds, he must be informed of the substance of the charge and the fact of the suspension.
7. Suspension from the service shall be subject to the approval of the Commandant of Police. In the case of Officers, the Commandant shall make such approval after hearing the opinion of a disciplinary board.
The letter of suspension shall show the reasons that have necessitated the suspension.
8. Any member suspended from the service shall be entitled to half salary.
9. For the purpose of pension and gratuity the period spent on suspension from the service shall not be taken into account, unless such suspension has been revoked.

Article 18

Effect of criminal judgement on disciplinary proceedings

No acquittal or discharge of member by a criminal court on grounds of insufficiency of the evidence adduced against him shall prevent the institution of disciplinary proceedings, against such a member, or the execution of disciplinary punishment.

Article 19

Discontinuance of permanent service

- I. A member shall cease from the permanent service for one of the following causes:
 - a) Age;

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- b) sickness;
 - c) inefficiency in relation to the rank held if any or otherwise;
 - d) upon resignation;
 - e) on compulsory retirement.
- 2) The act of ceasing from the permanent service shall be provided in the case of an officer by a decree of the Head of State, on the proposal of the Commandant of Police Force, having heard the Secretary of State for Interior.
3. Retirement on age limit shall be governed by Law No.6 of 31st December 1969 and any subsequent amendments made thereto.
4. A member who has become permanently unfit for active service or who has not recovered at the expiry of the maximum period of absence on leave provided in Article 16 of this regulation shall be discharged from the permanent service. The same may apply where a member is found to be unfit for the duties of his rank morally, and or professionally.
5. A member who has completed at least 10 years of active service may on request be entitled to retirement from the permanent service. The right of such a request shall be subject to the exigencies of service.
6. Any member who:
- a) has been interdicted;
 - b) has undertaken activities incompatible with the status of his rank;
 - c) has been sentenced to imprisonment for crime not committed with culpa, carrying interdiction from public office;
 - d) has ceased to be a Somali citizen;
 - e) has become engaged, without authorization, in the Armed Forces of a foreign State;
 - f) has been inflicted with a disciplinary punishment of serious nature, shall be discharged or dismissed as the case may be from permanent service.
7. Any member who has been discharged or dismissed from the service for any of the reasons listed in the above para, may not be re-enlisted, even after the causes of discharge or dismissal have ceased or become extinct.

Article 20

Retired members

1. Every retired member shall be subject to the provisions of laws or regulations pertinent to the rank held prior to his retirement and may be recalled compulsorily or on application to a temporary service.
2. Recall to service shall be made by the Head of State, on the proposal of the Commandant of Police Force, having heard the Secretary of State for Interior in the case of Officers, by the Commandant of Police in all other ranks.
3. In so far as applicable any retired member who has been recalled shall be subject to the laws in force for the members in permanent service.

Chapter III PROMOTION

Article 21

Qualification for promotion

To be eligible for promotion to a higher rank a member must be physically fit, and possess good moral character, intellectual, educational and professional qualifications appropriate to the duties and status of the new rank.

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Article 22

Types of promotion

1. Promotion shall be made on the basis of seniority, merit and of exceptional merit.
2. Where appropriate Police Headquarters may prepare lists of the number of Inspectors, non-commissioned officers and Askaris who may be considered for promotion, in accordance with the vacancies in the respective establishments.

Article 23

Promotion by seniority

1. To be eligible for promotion by seniority, a member must possess the qualifications mentioned in Article 21 and must also be included in the seniority roll for the number of posts available for the promotions to be made.
2. Promotion by seniority shall be made in the order in which the names of the members in each category appear in the respective seniority roll.

Article 24

Promotion by merit

1. Any member who possesses the qualifications mentioned in Article 21 and who has been included in the order of merit for the number of posts available for promotion, or who has special qualifications may irrespective of seniority be promoted on grounds of merit.
2. Promotion by merit shall be made in the order in which the names of the members appear in the evaluation list of merit or where applicable in accordance with examination marks obtained.

Article 25

Promotion by exceptional merit

1. Any member who has performed exceptional or meritorious service for the Police Force or for the nation as a whole may be promoted on grounds of exceptional merit.
2. During his career a member may attain more than one promotion for exceptional merit.
3. Promotion by exceptional merit shall put the members in precedence over those of equal rank getting promotion by seniority and/or merit.

Article 26

Seniority roll

For the purpose of promotion the rank and order of seniority of the members in each category of ranks shall appear in the rolls kept by Police Headquarters.

Article 27

Evaluation Board

1. Where a promotion by seniority or merit is to be made, an evaluation board which may be appointed and convened by the Commandant of Police, may be required to express their opinion the promotion of members.
2. For the validity of the decisions of the board, the presence of at least two-thirds of the members of the board with a right to vote shall be necessary.
3. The members of the board shall give their opinion by open vote starting with

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the most junior in rank. The President shall be the last to vote.

4. The evaluation board may be composed of at least one senior officer and other officers of ranks senior to that of the member under evaluation. The Commandant shall determine the size of each board.

Article 28

Evaluation for promotion

1. For evaluation of promotion by seniority, a member must have held the present rank for at least 2 years and may have, where necessary undergone a course and obtained favourable result. For promotion by merit, the period mentioned above may be reduced to one year.

2. Any member against whom a penal or disciplinary proceedings has been instituted or pending or who has been suspended from the service at the time of selection shall not be evaluated for promotion.

3. An evaluation board may give its opinion on the basis of information obtained from the personal file and in particular, from the periodical personal report submitted about the member under evaluation, and if any, examination results.

4. The board shall give its opinion stating whether the member under evaluation is suitable for promotion or otherwise. A member who obtains in his favour more than half of the votes cast by the voting members shall be considered suitable for promotion.

5. For promotion by merit any member who obtains in his favour more than two-thirds of the votes cast by the voting members shall be considered suitable for promotion.

Members declared suitable may, on the discretion of the Commandant of Police Force, be required to undergo an evaluation course.

6. The board may give each of the members classified as suitable marks from which the order of merit of the members may be reckoned giving precedence to the most senior in roll in case of equal marks.

7. Those classified unsuitable shall be recorded in a list in order of roll.

8. The mark of merit provided in para 6 shall be given after considering each of the following:

- a) Moral, character and physical qualities;
- b) professional qualities acquired during the service, with particular emphasis on the power of command or other specific military qualities;
- c) intellectual and educational qualities.

9. Members included in the list of suitable and in the order of merit approved by the Commandant of Police Force may be promoted by the competent authority. Those members who have been classified as unsuitable may again be considered in subsequent evaluations.

10. The declaration of suitability for promotion and inclusion in the orders of merit shall not constitute a right for immediate promotion.

11. The promotion of a member who is in one of the positions indicated in para 2 of this Article shall be suspended. The Commandant of the Police Force shall have the power to suspend the promotion of any member in respect of whom facts of serious nature have intervened or against whom penal or disciplinary proceedings have been instituted. Notice of the suspension shall be given to the member concerned.

12. Members not evaluated or promoted for the reasons given in para 2 and

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11 of this Article may be evaluated for promotion after the causes which impeded the evaluation or promotion have ceased. Such evaluation shall be considered as though it had been made together with the members already evaluated in the case of promotion by seniority.

Chapter IV LEAVE, SALARY AND STATUS OF MEMBERS

Article 29 *Remunerations*

- I. Save as otherwise provided in these regulations, any member who is performing an active service, on yearly ordinary leave, and on sick or convalescence leave shall be entitled to full salary and allowances provided by the existing laws or regulations for his rank or grade.
2. Payment of salary and allowances to any member who:
 - a) ceases from active service for any reason;
 - b) overstays leave for more than 48 hours;
 - c) has been sent on absence on leave for private reasons;
 - d) has been declared to be deserter;shall be suspended.

Article 30 *Deductions and Reductions*

1. Deductions and reductions on the remunerations payable to members of the Police Force may be made exclusively on grounds of:
 - a) a fine imposed following disciplinary violations;
 - b) an order issued by a court;
 - c) suspension from the service;
 - d) debt, damage and loss of Government properties;
 - e) an extraordinary leave for reasons of study, sickness or convalescence in the cases provided by this regulation.
2. Except in the case of suspension from service where salary and allowances of fixed and continuous nature shall be reduced to half, the total deductions and reductions from salary shall not, on the whole exceed the limits set out in Article 51(3) below. .

Article 31 *Effect of absence on leave on pension and gratuity*

For the purpose of pension and gratuity, the time spent on absence on leave for sickness arising out of a cause of service or otherwise shall be taken into account but the time spent on extraordinary leave without pay, absence on leave for private reasons and on suspension from the service shall not be considered.

Article 32 *Death, disability, injuries and sickness*

The Commandant of Police shall, having heard the opinion of a statutory medical board, determine whether death, disability, sickness or injury of a member is due to a cause of service or otherwise.

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Article 33

Ordinary leave

1. Subject to the exigency of service, each member of the Force shall be entitled to a remunerated annual ordinary leave of 30 days for every year of service performed.
2. The Commandant of Police or the Officer in charge of the Unit to which the member is attached may at any time recall a member from leave.

Article 34

Members undergoing overseas courses to sign a bond

1. Any member of the Police Force undergoing an overseas course of study at the expenses of the Government, local body, foreign Government or an International Institution, shall sign a bond that he will not resign from the Police Force for a period specified by the Scholarship and fellowship Law No. 27 of 18th March, 1972.
2. If the member breaks the conditions of the bond he shall be obliged to refund the whole expenses incurred for his over-seas study, in accordance with the procedure laid down by the Civil Procedure Code.
3. No member undergoing the overseas course mentioned in para (1) above shall be entitled to salary and allowances other than subsistence allowance which may be paid to his family, provided the course is not a professional Police training one.

Article 35

Accumulation of leave

1. Subject to the needs of service, members shall be under obligation to take their annual leave.
2. Without prejudice to any leave entitlements previously acquired under law, the accumulation of leave for a period more than two months is hereby prohibited.

Article 36

Overstaying leave

Any member who without reasonable cause overstays leave, shall, without prejudice to any penal or disciplinary action which may be taken against him, be treated as though he has been on an extraordinary leave without pay for the whole period from the date of expiry of the leave to the date of effective return to duty.

Article 37

Authority empowered to grant leave

1. The President of the Supreme Revolutionary Council shall have the power to grant leave of any type, provided in this law, to the Commandant of the Police Force, having heard the opinion of the Secretary of State for Interior.
2. The Commandant of the Police Force shall have the power to grant any type of leave provided in this regulation, to the other members of the Force informing the Secretary of any leave granted to a senior Officer.

Article 38

Obligation on members on leave

Members on leave of any type, shall remain subject to disciplinary obligations and

to those deriving from their juridical status.

Article 39

Registration of the leave

Any leave granted shall be recorded in the personal file of the member concerned.

Article 40

Certificate of discharge

- I. On termination of service, a member of the Police Force shall be given a certificate indicating the reasons for the termination and the length of service.
2. On final termination of service, a member shall surrender all arms, ammunition, equipments and any other Government property in his possession custody or care.

Part Two. DISCIPLINE

Chapter V

GENERAL PRINCIPLES OF DISCIPLINARY OFFENCES AND PUNISHMENTS

Article 41

Provisions in other Laws and Regulations

Without prejudice to heavier penalties provided in the Military Penal Code or in any other law, violations of the provisions of this regulation shall be dealt with disciplinarily, in adherence to the procedure and method set out in these regulations.

Article 42

General rules relating to trial of disciplinary offences

1. Justice and impartiality shall be observed when trying disciplinary offences; to do so the member dealing with the disciplinary case, shall consider all the facts and circumstances of the offence. The defaulter must be given an opportunity to be heard and to defend himself.
2. When imposing punishment, the previous conduct of the defaulter as well as his skill in the service and the effect that the offence has had or may have shall be taken into consideration.

No senior in rank may inflict any punishment other than those given in these regulations of any punishment reserved for a member senior to him in rank.

Article 43

Obligation to take disciplinary action

Any member of the Police Force in whose presence a junior *in* rank commits or is about to commit any disciplinary offence, shall take action if empowered to do so, shall prevent and report the matter to the most senior member in rank, in charge of the Unit of the defaulter, or if that is not possible to the nearest member holding a rank senior to that of the reporter.

Article 44

Preliminary restrictive measures

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Any member who takes notice of a disciplinary offence against a junior in rank may order that the defaulter be put under custody and shall without unreasonable delay take him or cause others to take him before a member competent to try the offence. The senior member may order the detention of the defaulter in a place set aside for that purpose.

Article 45

Fines to be deducted from salary

Every fine imposed pursuant to a disciplinary offence, shall be recovered by deduction from the monthly salary due to the member fined and the amount of each deduction shall be fixed in the judgement imposing the punishment.

Article 46

Recovery of debt or other damages or loss from pay

Save where provided by any other Law, any member of the Police Force who sells, pawns, loses by neglect, appropriates or wilfully or negligently damages any arms, ammunitions, clothing, equipment or any other state property in his care, may be required to make good the damages or loss, wholly or partially by recovering an amount equal to the value of such property from his salary or from any other amount due to him from the State.

Chapter VI COMPETENCE AND PROCEDURE

Article 47

Competence

Every member of the Police Force shall be competent to investigate any disciplinary offence committed by a member junior to him in rank. Any member incharge or acting incharge of a Police Unit shall be competent to investigate any disciplinary offence given in these regulations against any member of his Unit.

Article 48

Procedure on hearing disciplinary offences

1. Any member of the Police trying a disciplinary offence shall inform the defaulter the facts with which he is being charged, hear his defence and at the end of the case make his final conclusions in written form. If he finds the defaulter guilty of the charge, he shall then impose a punishment proportionate to the circumstances of the offence if competent to inflict such a punishment, otherwise he shall refer the case, together with any recommendations, to the authority competent to impose such punishment, through the proper channel.

2. If the defaulter is found guilty, the particulars of the conclusions made at the end of the hearing together with the charge providing the punishment and the particulars thereof shall be brought to the notice of the defaulter by the Officer or the member who has conducted the hearing. The result of the case shall then be submitted to the Commandant of the Police Force who having examined the case, may confirm, order the publication of the punishment in the Force Orders and record in the defaulter's personal file.

Article 49

Power of the Commandant to modify punishment imposed

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If the Commandant of the Police Force considers that the punishment imposed is not proportionate to the gravity and for circumstances of the offence committed, he may reverse, revoke, vary or enhance the punishment or order a retrial of the case. For disciplinary proceedings, the procedure established by the Criminal Procedure Code may, as far as applicable, be followed.

Chapter VII DISCIPLINARY OFFENCES

Article 50

Offences

The following are the disciplinary offences which may be brought against the members of the Police Force:

1. Disrespectful to his senior in rank in word, act or demeanour;
2. Wilfully omits, fails or delays to comply promptly with an order given by a senior in rank except where the same order is manifestly unlawful;
3. refuses to obey a lawful order;
4. fails to salute a superior in rank;
5. enters or remains in public premises while on duty in uniform without a reasonable cause relating to the service;
6. sleeps whilst on duty;
7. smokes, idles, or gossips whilst on beat, sentry, parade or similar duty in uniform;
8. fails to report his whereabouts for a period less than 48 hours or temporarily absents himself from his Unit or place of destination without reasonable cause;
9. leaves his beat, point of duty, or changes his route of patrol without permission or sufficient reason;
10. when detailed for parade or other duty, without reasonable cause fails to appear or appears late on such parade or duty;
11. behaves in a negligent or in disciplined manner when on duty;
12. neglects the care of his person, uniform and arms and equipments assigned to him;
13. behaves in an irregular, incorrect, impolite or quarrelsome manner;
14. fails to comply with the orders received whilst on beat, patrol or sentry duty;
15. fails to report immediately to his seniors infectious or other contagious disease, illness, or malingers or feigns sickness;
- 16 whilst sick, fails to take the treatment prescribed;
17. omits to compile, without reasonable cause, a report or return he is required to compile or submit;
18. omits to make any necessary record or entry in official document;
19. makes a false report or a statement in an official document knowing or having reasonable grounds to believe the same to be false;
20. obstructs or delays in making or forwarding of a complaint or report against another member of the Police Force;
21. makes a false accusation against any other member knowing the same to be false;
22. when making a complaint against another member knowingly gives false statement;
23. makes or assists or joins in making an anonymous letter or complaint;
24. incurs debt in or out of the Force without reasonable prospect of paying the

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- same or having incurred debt fails to make reasonable effort to pay the same;
25. borrows money from a junior in rank;
 26. gambles, permits or fails to prevent gambling in Police barracks, station or unit;
 27. fails to furnish full and true statement of his personal and economical position when required to do so;
 28. engages without permission in an employment or work outside the institutional duties even without remuneration.
 29. contracts marriage without authorisation;
 30. wears civilian clothes when required to be in uniform;
 31. when on leave fails to report to the nearest Police Station as early as possible;
 32. overstays leave or permission without justifiable grounds;
 33. neglects or being inattentive in training or misbehaves when on parade;
 34. fights or adopts a provocative attitude with another member of the same rank;
 35. behaves in an impolite manner with the members of the public;
 36. fails to take necessary action against a junior in rank who has committed a disciplinary offence;
 37. fails to train adequately personnel under him;
 38. fails to perform his duty properly for undue fear of personal danger;
 39. being manifestly drunk in public or being unable to undertake a duty assigned to him due to drunkenness;
 40. fails to comply with restrictive measures or leaves his place of restriction without permission;
 41. without prejudice to the penal provisions laid in the Military Penal Code, threatens or insults the honour, prestige or reputation of a senior member;
 42. threatens a junior in rank or wilfully insults his honour or decorum;
 43. resists arrest or escort by a member of equal or lower rank whose duty it is to apprehend or have him under escort;
 44. disobeys the order of a sentry;
 45. fails to attend to lawful and reasonable request made by a member of the public;
 46. fails to give the necessary assistance to any person who is injured, ill or in any way in need of help;
 47. uses violence or ill-treats persons placed under his care or custody;
 48. fails to give necessary assistance to a member making an arrest or escorting another member who has committed an offence;
 49. without prejudice to the penalties set out in the Penal Code, fails to guard properly a person detained or in any way placed under his custody;
 50. fails to report to his seniors in rank the whereabouts of a wanted person or fails to bring such person to justice;
 51. is guilty of prevarication of any form before a judicial authority or in the course of a disciplinary proceedings;
 52. without prejudice to the Penal Law, acquires, procures, or accepts without permission or justifiable cause any consideration by means of transport, provisions of goods or service of any kind;
 53. commits any action or omission to the prejudice of good order and discipline of the Police Force, not expressly provided in the preceding paras.
- Following the procedure laid down in this regulation, any member who commits

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any of the disciplinary offences set out above may be arrested, examined and caused to suffer punishment according to the gravity, degree and nature of the offence.

Chapter VIII PUNISHMENT AND APPEALS

Article 51 *Punishment*

The following punishments may be imposed:

1. Verbal reprimand for all ranks;
2. reprimand to be recorded on the personal file for all ranks;
3. fine:
 - a) deduction from the salary not exceeding a quarter of the basic monthly salary for Officers and Inspectors;
 - b) not exceeding one-fifth for sergeants and 1st sergeants;
 - c) not exceeding one-sixth for askaris and 1st askaris;
4. confinement to barracks or quarters from 1 to 21 days for ranks;
5. confinement to guard room from 1 to 21 days from the rank of askari up to the rank of 1st askari;
6. stoppage of one periodical increment if any;
7. final written warning of dismissal in the event of a commission of another disciplinary offence;
8. reduction in rank or loss of specialization allowance for all ranks;
9. suspension from duty for all ranks;
10. discharge from the Police Force for all ranks;
11. dismissal from the service for all ranks;
12. expulsion with dishonour from the service for all ranks.

Article 52 *Imposition of the punishment in general*

Punishments may be imposed by:

a) The Commandant:

Up to maximum of suspension from the service for all Officers, and up to and including expulsion from the Police Force for all other ranks.

b) A General or a senior Officer:

- (i) Up to a maximum of confinement to quarters from 1 to 21 days for all Officers of lower rank to him and Inspectors;
- (ii) up to a maximum of confinement in guard room from 1 to 21 days for the rank of askari up to the rank of 1st sergeant.

c) A junior Officer:

- (i) Up to a maximum of 7 days confinement to quarters for any Officer of lower rank;
- (ii) up to a fine not exceeding one-fifth of the monthly basic salary or confinement in quarters not exceeding 10 days for any Inspector;
- (iii) up to confinement in guard room from 1 to 21 days for the rank of askari to the rank of 1st sergeant.

d) Inspector Incharge of a Unit:

- (i) Up to reprimand to be recorded in the personal file for any Inspector of

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lower rank in the Unit;

(ii) up to confinement to Barracks from 1 to 7 days and/or a fine not exceeding So_ Sh. 10/- for any sergeant and 1st sergeant in the Unit;

(iii) up to confinement in guard room from 1 to 15 days for any askari and 1st askari in the Unit.

e) Sergeant or 1st sergeant in charge of a Unit:

(i) Up to confinement to barracks of 1 to 5 days for any sergeant of a lower rank in the Unit;

(ii) up to confinement to guard room from 1 to 10 days for askaris and 1st askaris in the Unit.

Article 53

Additional powers of the Commandant

1. The Commandant of the Police Force may inflict any of the punishments mentioned in the preceding Article on any member. Where a member is charged with or suspected of having committed a serious disciplinary offence which may result in the dismissal or discharge from the Force, reduction in rank or expulsion, the Commandant may appoint a disciplinary board who shall examine the facts of the case and recommend the appropriate punishment. Discharge or dismissal, reduction in rank and expulsion with dishonour from the Police Force of an Officer shall be effected by a decree of the Head of State.

2. The Commandant may award pardon of disciplinary punishments in special circumstances or appropriate cases.

Article 54

Appeals

1. Any member of the Police Force who has been punished as a result of disciplinary offence under this regulation and who feels that he has been unjustly punished or that the punishment imposed is excessive, may appeal in writing to the competent senior authority within 15 days from the date of commencement of punishment.

2. If the member is not satisfied with the outcome of the appeal, he may submit another appeal to the next senior authority within 30 days from the date of the notice of the result of the appeal. Members shall always have the right to appeal to the Commandant through the proper channel.

3. Any appeal against the decision of the Commandant of the Police Force, may be filed with the Secretary of State for Interior.

4. Notwithstanding anything contained in these regulations nothing shall prevent any member of the Force from petitioning, through the proper channel, the Head of State in his capacity as Commander-in-chief of the Armed Forces, after exhausting the rights of appeal given in this Article.

Article 55

Transmission of Appeals

Any Officer, or member in charge of a Unit to whom an appeal against a disciplinary punishment has been submitted by a member under his command shall, following the procedure established in these regulations transmit the same, after due endorsement with his reasoned opinion to the competent authority

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Chapter IX· MERITORIOUS SERVICES

Article 56

Recognition for special merit of service

A special reward may be granted to any member who has performed a duty of special and exceptional nature beyond and above the normal institutional duties.

Article 57

Rewards which may be granted

1. The following may be granted to the members of the Police Force:

a) *Officers:*

- Simple commendations;
- ceremonial commendation;
- reward for gallantry, military or police service;
- promotion for exceptional merit;
- decoration.

b) *Inspectors and non-commissioned officers:*

- Simple commendations;
- monetary reward;
- leave reward up to 15 days;
- ceremonial commendation;
- reward for gallantry, military or police service;
- promotion for exceptional merit;
- decoration.

c) *Askaris:*

- Simple commendations;
- monetary reward;
- ceremonial commendation;
- reward for gallantry service;
- decoration;
- promotion for exceptional merit;
- leave reward upto 10 days.

2. The Commandant of the Police Force shall be competent to grant any of the above mentioned rewards, with the exception of promotion by exceptional merit for Officers and decorations.

3. The following shall respectively have power to grant the rewards herein undermentioned to members under their command:

a) *Commandant of Group or equivalent Unit or Office:*

- Simple commendation for the members of any rank or category;
- leave reward of up to 10 days to Inspectors, non-commissioned Officers and Askaris.

b) *Commandant of Division and equivalent Unit:*

- Simple commendation to Officers;
- leave reward of up to 7 days to all ranks and categories, excepting Officers.

c) *Commandant of Station or equivalent Unit;*

- Simple commendation to Inspectors, non-commissioned officers and Askaris;
- leave reward of up to 5 days to Inspectors, non-commissioned Officers and askaris.

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Article 58

Publication of Rewards

Any Officer, Inspector, non-commissioned officer who has granted a reward to a member shall record the particulars of such reward in the documents of his office and forward a copy to the Commandant for confirmation, publication in the Force Orders and record in the personal file of the member concerned.

Chapter X.

POLICE WELFARE FUND

Article 59

Establishment of Police Welfare Fund

1. All fines imposed or effected under the provisions of these regulations or any other Law, for offences against the discipline, and all or specified share of any sum of money which under extra-ordinary title or for activities performed, or results obtained due to a member of the Police Force shall without prejudice to any other Law in Force be credited to a fund styled the «Police Welfare Fund».
2. Any other fine or rewards which are payable to the Welfare Fund under any other Law or regulation shall be credited to such fund.

Article 60

Commandant to sanction payments from the Welfare Fund

The Commandant shall have exclusive power to sanction payments from the Welfare Fund for payment to:

- a) Members of and below the rank of Inspector as reward for meritorious act or service in the execution of their duties unless such payments are authorised to be met out of Government Funds.
- b) Assistance to the wives or families of deceased members of the Force, or any member discharged from the Force as medically unfit for further service.
- c) Expenditure for the advancement of recreation or other Police activities.
- d) Expenditure for the advancement of education organised within the Police.

Article 61

Standing Orders

The Commandant may from time to time make Standing Orders for the better carrying out of the provisions of these regulations and the Law on Organisation of Police relating to leave, enlistment, pay, postings, discharge, training, the use of arms and ammunition, clothing and equipment, places of residence, classification and distribution of duties, the better performance of the duties charged with Police and any other order which he may deem expedient for promoting efficiency and discipline and other-matters incidental thereto.

Article 62

Repeal of previous provisions

Any previous provisions inconsistent with the provisions established in these regulations are hereby repealed.

Article 63

Entering into force

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These regulations shall enter into force the day following its publication in the Official Bulletin of the Somali Democratic Republic.

Mogadiscio, 4 January 1973.

Major Gen. Mohamed Siad Barre
PRESIDENT
of the Supreme Revolutionary Council

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LAW No. 6 of 31st December, 1969

Law on pensions and gratuities for the members of the Armed Forces and Para-Military Organizations.

THE SUPREME REVOLUTIONARY COUNCIL

HAVING SEEN the First Charter of the Revolution dated 21st October, 1969, and Law No. 1 of 21st October, 1969;

CONSIDERING it necessary to enact a law governing pensions and gratuities for the members of the Armed Forces and Para-Military Organizations;

DECREES:

Chapter I. GENERAL PROVISIONS

Article 1

General Provisions

1. Subject to the provisions of this Law:
 - a) members of the Armed Forces and Para-Military Organizations other than those referred to in letter (c) below, who have continuously served for twenty years or more shall, on termination of service, be granted a pension calculated at the rates laid down in this Law, provided that:
 - (i) the pensions granted under this Law shall not exceed 60% of monthly basic salary;
 - (ii) service for period of twenty years or more mentioned above, includes service in the categories of members of the Armed Forces and Para-Military Organizations referred to in letter (a) above, for not less than three years;
 - b) members of the Armed Forces and Para-Military Organizations referred to in para (1) letter (a) above, who do not qualify for pension under the said provisions but have continuously served for ten years or more shall, on termination of service, be granted a gratuity calculated at the rate of one month's basic salary for every completed year of service or fraction of a year exceeding six months;
 - c) members of the Armed Forces and Para-Military Organizations who are in the ranks of:
 - i) Dable - Constable;
 - ii) Alifle Corporal;
 - iii) 2nd Alifle - Sergeant;who have continuously served for ten years or more shall, on termination of service, be granted a gratuity calculated at the rate of one month's basic salary for every completed year of service or fraction of a year exceeding six months.
2. Subject to the provisions of this Law, the period of entitlement to pension or gratuity referred to in para (1) above, shall be calculated from 1st April, 1950.
3. For the purposes of this Law, unless the context otherwise indicates:
 - a) «Armed Forces» mean the National Army (including Army, Navy and Air Force) and the Police Force;
 - b) «Basic Salary» means monthly basic salary at the time of termination of service, excluding all allowances whatsoever;

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c) «Para-Military Organizations» means the Illalo Corps and the Custodial Corps.

Article 2

Ineligibility to pension or gratuity on conviction

Pension or gratuity shall not be granted to any member of the Armed Forces or Para-Military Organizations:

a) whose service has been terminated as a result of a conviction, which has become final, on a criminal charge for extortion, peculation, falsification, theft, fraud, misappropriation and in general as a result of any conviction, which has become final, entailing permanent interdiction from holding public office:

Provided that the person concerned shall be refunded the contribution he has made towards pension or gratuity, together with interest accrued thereon;

b) who has been convicted of any crime against the Personality of the Somali State under Part I Book II of the Penal Code punishable with death, imprisonment for life or imprisonment for not less than ten years.

Article 3

Resignation

I. Where a member of the Armed Forces and Para-Military Organizations, referred to in Article 1 para (I) letter (a) of this Law, resigns from office:

a) he shall not be granted pension, unless he has served continuously for 20 years or more;

b) he shall be granted gratuity, if he has served continuously for ten years at the rate of one month's basic salary for each completed year of service and a fraction of a year exceeding six months.

2. Where a member of the Armed Forces and Para-Military Organizations, referred to in Article 1 para (1) letter (c) of this Law, resigns from office, he shall not be granted gratuity unless he has served continuously for ten years.

Article 4

Resumption of duty after resignation

1. Where a member of the Armed Forces or Para-Military Organizations, who has resigned from service for any reason whatsoever, resumes service within a period of one year from the date of his resignation, the period served prior to his resignation shall count towards pension or gratuity, as the case may be.

2. Where the person referred to in the previous para has been paid the terminal benefits due to him at the time of his resignation, his resumption of duty shall be considered as initial recruitment, and he shall lose the right to validation of the period previously served by him.

Article 5

Sick leave to count for pensions and gratuities

Where a member of the Armed Forces or Para-Military Organizations is on sick leave arising from injury or illness not attributable to the discharge of official duties, the period of such sick leave shall be counted for the calculation of the period of service for pension or gratuity.

Article 6

Extraordinary leave etc. not to count for pension or gratuity

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Where a member of the Armed Forces or Para-Military Organization is:

- a) on extraordinary leave without pay; or
- b) on leave without pay for personal reasons; or
- c) under suspension from service;

the period of such leave or the period during which he is under suspension shall not be counted for the calculation of the period of service for pension or gratuity.

Chapter II. PENSIONS

Article 7

Prohibition to draw more than one pension from the State

1. No one shall draw more than one pension from the State.

2. Where member of the Armed Forces and Para-Military Organizations becomes eligible for more than one pension, he shall opt for the pension which he deems more beneficial to him.

Article 8

Rates of pension

The rates of pension payable under this Law shall be as follows:

- a) 40% of the basic salary drawn by the officer concerned, if he has served for a period of 20 years;
- b) 50% of the basic salary drawn by the officer concerned, if he has served for a period of 25 years;
- c) 60% of the basic salary drawn by the officer concerned, if he has served for a period of 30 years.

Article 9

Retirement age

The members of the Armed Forces and Para-Military Organization mentioned below shall be retired from service as provided under this Law on reaching the retiring age as specified hereunder:

Lieutenant General	Age 64
Major General	» 60
Brigadier General	» 58
Colonel	» 54
Lieutenant Colonel	» 52
Major	» 50
Captain	» 48
Lieutenant/Sub-Lieutenant	» 46
Warrant Officer, 1st Class/Chief Inspector ' »	» 56
Warrant Officer 2nd Class/Inspector .	» 54
Warrant Officer, 3rd Class/V. Inspector	» 52
Sedah Alifle/1st Sergeant	» 50

Article 10

Pension or gratuity for those discharged as a result of reduction of staff or for inefficiency

Where a member of the Armed Forces or Para-Military Organizations, referred to in

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Article 1 para (1) letter (a) of this Law, has been discharged from service as a result of reduction of staff or for inefficiency:

- a) he shall be granted a pension under this Law if he has continuously served for twenty years or more;
- b) he shall be granted a gratuity at the rate of one month's basic salary for every completed year of service or fraction of a year exceeding six months if he has served for less than twenty years. He shall also be refunded the contributions he has made to the Pensions and Gratuities Fund together with interest accrued thereon.

Article 11

Pension for persons retired from service-incurred illness or injury

1. Where a member of the Armed Forces or Para-Military Organizations, referred to in Article 1 para (1) letter (a) of this Law, is retired on account of disability arising out of service-incurred illness or injury:

- a) he shall be granted a pension as follows:
 - (i) 60% of his basic salary, if he has served for a period of 20 years or more;
 - (ii) 40% of his basic salary, if he has served for less than 20 years;
- b) he shall, in addition, be granted an increase of pension according to the following table:
 - (i) 10% of his basic salary in case of minor disability;
 - (ii) 25% of his basic salary in case of serious disability;
 - (iii) 50% of his basic salary in case of permanent disability.

2. The maximum of the pension including the increase referred to above shall not exceed 80% of basic salary.,

3. The degree of disability shall be determined by a Standing Medical Board to be appointed in each Corps. Persons aggrieved by the decision of the Board may appeal to a Standing Appellate Medical Board appointed in each Corps. The decisions of the Standing Medical Board and, where there has been an appeal, the decisions of the Standing Appellate Medical Board, shall be final.

Article 12

Pension or gratuity for persons retired for illness or injury not attributable to service

Where a member of the Armed Forces or Para-Military Organizations, referred to in Article 1 para (1) letter (a) of this Law, is retired on account of disability not attributable to the performance of official duty, he shall:

- a) be granted a pension as provided by this Law, if he has served for twenty years or more;
- b) be granted gratuity equal to one month's basic salary for every completed year of service or fraction of a year exceeding six months, if he has not served for twenty years. He shall also be refunded the contributions he had made towards pension together with the interest accrued thereon.

Article 13

Commutation

A member of the Armed Forces or Para-Military Organizations, referred to in Article 1 para (1) letter (a) of this Law, who becomes entitled to pension under Article 1 or 11 or 12 of this Law may, at his request made in writing before the date of his

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retirement, be paid 3/4 of the pension due under those provisions and a sum calculated at the rate of 1/4 of the monthly pensions multiplied by 120 by way of commutation of that part of the pension.

Chapter III. GRATUITY FOR DABLE, ALIFLE AND 2nd ALIFLE

Article 14 *Retirement age*

The members of the Armed Forces and Para-Military Organizations, referred to in Article 1 para (1) letter (c) of this Law, shall be retired from service as provided by the said Law on reaching the retiring age as specified hereunder:

Dable - Constable	Age	42 years
Alifle- Corporal	»	46 »
2nd Alifle – Sergeant	»	48 »

Article 15 *Gratuity for persons retired from service-incurred illness or injury*

1. Where a member of the Armed Forces or Para-Military Organizations, referred to in Article 1 para (1) letter (c) of this Law, is retired on account of disability arising out of service- incurred illness or injury:
 - a) he shall be granted a gratuity at the rate of one month's basic salary for every year of completed service or fraction of a year exceeding six months;
 - b) he shall, in addition, be granted an increase of gratuity according to the following table:
 - (i) 10 months of the basic salary in case of minor disability;
 - (ii) 15 months of the basic salary in case of serious disability;
 - (iii) 25 months of the basic salary in case of permanent disability.
2. The degree of disability shall be determined as provided in Article 11 para (3) of this Law.

Article 16 *Gratuity for persons retired for illness or injury not attributable to service*

Where a member of the Armed Forces or Para-Military Organizations, referred to in Article 1 para (1) letter (c) of this Law, is retired on account of disability not attributable to the performance of official duty, he shall be granted a gratuity equal to one month's basic salary for every completed year of service or fraction of a year exceeding six months.

Chapter IV. FORFEITURE AND SUSPENSION OF PENSIONS

Article 17 *Forfeiture of pension*

1. If a member of the Armed Forces or Para-Military Organizations to whom a pension has been granted under this Law is sentenced to a term of imprisonment for any of the offences referred to in Article 2 of this Law committed while he was

in service, he shall immediately forfeit his pension, but he shall be refunded the contributions he has made towards pension.

2. If a member of the Armed Forces or Para-Military Organizations to whom a pension has been granted under this Law is convicted of any crime against the Personality of the Somali State under Part I, Book II of the Penal Code, punishable with death, Imprisonment for life or imprisonment for not less than ten years, he shall immediately forfeit his pension.

Article 18

Suspension of pension

If a member of the Armed Forces or Para-Military Organizations to whom a pension has been granted under this Law is sentenced to imprisonment for any offence other than those referred to in Article 17 para (1) above and if such imprisonment entails temporary interdiction from holding public office as provided by the Penal Code, the pension to the said person shall be suspended during the period of temporary interdiction.

Chapter V.

ALLOWANCES TO HEIRS ON DEATH

Article 19

Allowances to heirs on service-incurred death

1. Where a member of the Armed Forces or Para-Military Organizations, referred to in Article 1 para (1) letter (a). of this Law, dies as a result of service-incurred illness or injury, his minor children shall, until they attain sixteen years of age, be paid monthly the following grant:

- a) a sum equal to 60% of the basic salary drawn by the officer concerned, if he had served for a period of twenty years or more;
- b) a sum equal to 40% of the basic salary drawn by the officer concerned, if he had served for a period of less than twenty years.

2. In case the above mentioned officer does not have minor children at the time of his death, his heirs shall be granted a sum equal to one month's basic salary for every completed year of service or fraction of a year exceeding six months plus an amount equal to 25 times his monthly basic salary.

3. Where a member of the Armed Forces or Para-Military Organizations, referred to in Article 1 para (1) letter (c) of this Law, dies as a result of service-incurred illness or injury, his heirs shall be granted a sum equal to one month's basic salary for every completed year of service or fraction of a year exceeding six months plus an amount equal to 25 times his monthly basic salary.

Article 20

Allowances to heirs on natural death

1. Where a member of the Armed Forces or Para-Military Organizations, referred to in Article 1 para (1) letter (a) of this Law, dies a natural death, his minor children shall, until they attain sixteen years of age, be paid monthly the following grant:

- a) a sum equal to 40% of the basic salary drawn by the officer concerned, if he had served for a period of twenty years;
- b) a sum equal to 50% of the basic salary drawn by the officer concerned, if he had served for a period of twenty-five years;

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- c) a sum equal to 60% of the basic salary drawn by the officer concerned, if he had served for a period of thirty years.
2. In case the above-mentioned officer does not have minor children or in case he had not served for a period of twenty years, his heirs shall be granted a sum equal to one month's basic salary for every completed year of service or fraction of a year exceeding six months. They shall also be refunded the contribution paid by the said officer to the Pensions and Gratuities Fund together with any interest accrued thereon.
3. Where a member of the Armed Forces or Para-Military Organizations, referred to in Article I para (I) letter (c) of this Law, dies a natural death, his heirs shall be granted a sum equal to one month's basic salary for every completed year of service or fraction of a year exceeding six months. They shall also be re-funded the contribution paid by the said person to the Pension and Gratuities Fund together with any interest accrued thereon.

Article 20 Bis *Children's Benefit*

Where a pensioner under this Law dies, his minor children shall, until they attain sixteen years of age, be paid monthly the pension that was being paid to the pensioner.

Chapter VI. PENSIONS AND GRATUITIES FUND

Article 21 *Pensions and Gratuities Fund*

1. With effect from 1st January, 1970, there shall be established in the Ministry of Finance a Pensions and Gratuities Fund, with its own administration, operation and budget, for providing pensions and gratuities to the members of the Armed Forces and Para-Military Organizations.
2. The Pensions and Gratuities Fund shall be administered under a statute to be approved by Decree of the Supreme Revolutionary Council, on the proposal of the Secretary of State for Finance, having heard the Cabinet.

Article 22 *Members' Contribution*

1. As from 1st January, 1970:
- a) Members of the Armed Forces and Para-Military Organizations, referred to in Article 1 para (1) letter (a) of this Law, shall pay 5% of their monthly basic salary by way of contribution towards the Pensions and Gratuities Fund;
 - b) Members of the Armed Forces and Para-Military Organizations, referred to in Article; Lpara (1) letter (c) of this Law, shall pay 2 1/2% [2 and half per cent] of the monthly basic salary by way of contribution towards the Pensions and Gratuities Fund.
2. The aforesaid contributions shall be deducted from the salaries of the persons concerned and deposited by the competent authorities to the Pensions and Gratuities Fund.

Article 23

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State's Contribution

1. As from the date mentioned in the previous Article, the State shall contribute every month to the Pensions and Gratuities Fund:
 - a) 3% of the monthly basic salary of each member of the Armed Forces and Para-Military Organizations referred to in Article 1 para 1) letter (a) of this Law;
 - b) 2 1/2% [*2 and half per cent*] of the monthly basic salary of each member of the Armed Forces and Para-Military Organizations referred to in Article 1 para (1) letter (c) of this Law.
2. The amount required for paying the aforesaid contribution shall be provided in the appropriate sub-head of the State Budget and the amount shall not be subject to virement to other budgetary expenditure.

Chapter VII. SPECIAL PROVISIONS FOR JET PILOTS

Article 24

Special provision regarding Jet Pilots

1. In the case of a jet pilot:
 - a) one year of service rendered by him as such jet pilot shall be counted as two years of service for purposes of calculation of pension and gratuity as the case may be, under this Law;
 - b) if he has served in the Armed Forces or Para-Military Organizations in any other capacity, such period of service shall also be counted in the calculation of the total period of service rendered by him.
2. The period of service required to be rendered by a jet pilot in order to qualify for the rates of pension referred to in Article 8 of this Law shall be half of the period laid down therein.
3. The contribution payable to the Pensions and Gratuities Fund under Article 22 of this Law by a jet pilot, while serving as such jet pilot, shall be 10% of his monthly basic salary, and by the State in respect of him shall be 6% of his monthly salary.

Chapter VIII. MISCELLANEOUS PROVISIONS

Article 25

Authorization of termination of service

All measures relating to termination of service of the members of the Armed Forces and Para-Military Organizations shall be authorized by the respective authorities empowered for the purpose by the Law establishing the Corps.

Article 26

Pensions and Gratuities not assignable or transferable

1. No pension, gratuity or other allowance granted under this Law shall be assignable or transferable.
2. Such pensions, gratuity or other allowance may be attached by Courts in respect of any debt or claim whatsoever due to the State. The attachment for the recovery of debts due to private persons may be ordered by Courts in accordance with the Civil Code.

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Article 27

Inapplicability of this Law

This Law shall not apply to:

- a) the Veterinary Guards;
- b) the Maritime Guards;
- c) the Forest Guards.

Chapter IX. FINAL PROVISIONS

Article 28

Regulations

The Supreme : evolutionary Council, having heard the Secretary of State for Defence and the Secretary of State for Finance, may issue regulations for the proper implementation of this Law.

Article 29

Repeal

1. Any law or provision of law contrary to or inconsistent with this Law is hereby repealed.
2. Notwithstanding para (1) of this Article:
 - a) this Law shall not affect any pensions or gratuities granted;
 - b) this Law shall not affect the pension or gratuity of the members of the Armed Forces and Para-Military Organizations who are, under any law in operation at the coming into force of the new Law, qualified to retire with such pension or gratuity on or before 31st December, 1969, provided that they retire from service by 28th February, 1970;
 - c) in case such persons do not exercise their option to retire from service by 28th February, 1970, with terminal benefits mentioned in letter (b) above, the provisions of the new Law shall apply to them.

Article 30

Entry into Force

This Law shall come into force on 1st January, 1970, and shall be published in the Official Bulletin.

Mogadishu, 31st December, 1969.

THE PRESIDENT
of the Supreme Revolutionary Council
Major General Mohamed Siad Barre