

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 Conucil and its delegated authorities, to observe loyally the military regulations and the Laws of the State and to obey without hesita-

tion 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 main tain the secrecy of all military and professional matters and to take every possible care and maintain in perfect condition the arms and equipments entrusted to me».

#### Article 3

#### 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 I 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 wich 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 assisted by an evaluation board appointed by him from time to time.

#### Article 8

# Cadet Officers

1. 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

- 1. 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.

#### Permanent Service

Categories of permanent services are:

- a) The active service;
- b) absence on leave;
- 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 suitablity 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 examition 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 for 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 discarged 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.
- 13. Not-withstanding 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 anytime 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.

# Suspension from service

- 1. Suspension from the service may be made:
- a) for precautionary reasons;
- b) for disciplinary reasons;
- c) 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 committe, 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 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 discarge 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 esecution of disciplinary punishment.

#### Article 19

# Discontinuance of permanent service

1. A member shall cease from the permanent service for one of the following causes:

- a) Age;
- 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 discarged 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 suject 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 discarged or dismissed as the case may be from permanent service.
- 7. Any member who has been discarged 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.

#### 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.

## 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 on 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 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.

## 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 insistituted 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 unsuitables may again be considered in subsequent evaluations.

- 10. The declaration of suitablity 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 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

1. 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:
- al) 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.

## 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 convalesence 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,

sicknes or injury of a member is due to a cause of service or otherwise.

#### 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 incharge of the Unit to which the member is attached may at anytime recall a member from leave.

#### Article 34

Members under-going 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 overseas study, in accordance with the procedure laid down by the Civil Procedure Code.
- 3. No memebr undergoing the overseas course mentioned in para (1) above shall be entitled to salary and allowances other than subsistance 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

- 1. 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, incharge 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

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 un-reasonable delay take him or cau-

se 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

If the Commandant of the Police Force considers that the punishment imposed is not proportionate to the gravity and/or 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. Diserspectful 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, id'es, 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 indisciplined 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 quarrel-some 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 statment 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 annonymous letter or complaint;
- 24. incurs debt in or out of the Force without reasonable prospect of paying the 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 drunkness;
- 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 anyway in need of help;
- 47. uses violence or illtreats 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 anyway 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 ommission 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 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 all ranks;
- 5. confinement to guard room from 1 to 21 days from the rank of askari upto the rank of 1st askari;
  - 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;
  - 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.

# Imposition of the punishment in general

# Punishments may be imposed by:

# a) The Commandant:

Upto maximum of suspension from the service for all Officers, and upto and including expulsion from the Police Force for all other ranks.

# b) A General or a senior Officer:

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

# c) A junior Officer:

- ( i) Upto a maximum of 7 days confinement to quarters for any Officer of lower rank;
- (ii) upto a fine not exceeding one-fifth of the monthly basic salary or confinement in quarters not exceeding 10 days for any Inspector;
- (iii) upto 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) Upto reprimand to be recorded in the personal file for any Inspector of lower rank in the Unit;

- (ii) upto 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) upto confinement in guard room from 1 to 15 days for any askari and 1st askari in the Unit.

# e) Sergeant or 1st sergeant Incarge of a Unit:

- (i) Upto confinement to barracks of 1 to 5 days for any sergeant of a lower rank in the Unit:
- (ii) upto confinement to guard room from 1 to 10 days for askaris and 1st askaris in the Unit.

### Article 53

# Additional powers of the Commandant

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 the dismissal or discharge from the Force, reduction in rank or expulsion, the Commandant may appoint a discplinary 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 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 incharge 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

# 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 upto 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 abeve-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 here-in-under mentioned 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 upto 10 days to Inspectors, non-commissioned Officers and Askaris.

b) Commandant of Division and equivalent Unit:

- Simple commendation to Officers;

leave reward of upto 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 upto 5 days to Inspectors, non-commissioned Officers and askaris.

# 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 extraordinary 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 excution 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.
- 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 inconsitent with the provisions established  $\mathbf{i}_n$  these regulations are hereby repealed.

# Entering into force

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

Mogadiscio, 4 January 1973.

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