

Somaliland Police Force Law 2017

*And Proposed 2018 Amendments other Current
Police Laws*

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SOMALILAND POLICE FORCE LAW (No. 63/2013 (2017))

(As signed by the President on 26 December 2017 and gazetted on 6 January 2018)

The latest proposed amendmemts to the law amendments passed by the House of Representatives (HoR) on 1 December 2018 and other current Somaliland Police Force Laws are also listed below and included in this compilation.

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[For the details of the main pre 1991 Somaliland Police Force Laws which date back to 1913 and more particularly from 1927when the the Somaliland nation-wide (civil) police was established see Somaliland's Previous Police Force Laws at: <http://www.somalilandlaw.com/police law .html>]

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Introduction and Background of the 2017 Police Force Law – back to the basics

Introduction

1. It not entirely clear why a new Somaliland police bill/law has taken decades to (a) reach the House of Representatives (HoR) and (b) is still being reconsidered again and again by the parliament. The fact remains, however, that with the re-establishment of a Somaliland Police Force in November 1993 and the adoption of the short Somaliland Police re-establishment laws¹ and more detailed police regulations² (based on pre 1990 laws) in 1994/5 which acted as the starting interim police legislation, no new police bill reached the House of Representatives until 2012³. Nonetheless, to their credit and despite budgetary and equipment limitations, the Somaliland Police Force has grown over the years as a formidable force that excelled in keeping the peace and combatting the threat of terrorism. The Force compares favourably with other larger and much more financed police forces in the countries of the Horn of Africa. The need for updating the 1994/5 police laws which were based, as a stop gap, on the 1970s dictatorship police laws, and the dated criminal laws (principally the Italian based Penal Code⁴) which the Somaliland Police Force has to enforce, remains increasingly pressing. The constitutional Art. 130(5) injunction to the effect that all pre 1991 laws which were still current *'and which did not conflict with the Islamic Sharia, individual rights and fundamental freedoms shall remain in force in the country of the Republic of*

¹ Law on the Structure of the Somaliland Police Force No. 54/1994 of 3 November 1994 which was amended in 1995 (Law No. 7/95).

² The Somaliland Police Regulations 1995 (Regulations No. RSLP/D-1.131/95) consisting of 88 Articles and covering all aspects of the police force establishment, structure and ranks, recruitment, condition of service, discipline etc.

³ A Police Force Bill or draft law, was first considered by the HoR Internal Affairs Committee and the House in June/July 2012 and December 2012 when it had its first reading (Copy is available here: [Somaliland Police Force Bill](#) 2012). It had its further reading in June 2013 and September 2013, and was passed, with amendments, by the HoR on 5 October 2013 (on a vote of 35 for, 3 against and 10 abstaining). The House of Elders (HoE) considered it speedily and approved it, with amendments, on 29 October 2013. The HoR then considered the HoE's amendments and approved again their draft Bill on 29 December 2013 (on a vote of 45 for and 10 abstentions). The HoR then forwarded the Bill to the President for his signature on 15 January 2014. The Vice President (acting on behalf of the President) returned the Bill or draft law to the HoR on 3 February 2014 (as he is entitled to do so under Art. 78(3) of the Constitution) and set out the provisions of the Bill to which he objected. [I have set out in the footnotes to the English translation a summary of the proposed 2014 (acting) presidential objections under their relevant articles]. There is no set time limit for reconsideration of such returned bills to the HoR, but under Art. 78(4) of the Constitution, the HoR can pass the law again on a two thirds majority vote, in which case, the President will have to accept the Bill, as passed. If, however, the House cannot muster such qualified majority vote and do not accept the President's proposed changes, then the Bill (draft law) lapses. On 3 December 2017, the HoR considered the presidential objections and decided on a vote of over two thirds majority to reject all the presidential objections and approve again the text of the Law that they approved before on 29 December 2013. The President then signed the Law on 26 December 2017, and, as set out in Article 51 of the Law, it came into force on its signature by the President on that date. The Law was gazetted on 6 January 2018, but apparently has not been fully implemented as the Government sought further changes that are similar to the ones previously rejected by the parliament.

⁴ The Code which was almost entirely based on the Italian Penal Code of 1930 that was applied in (Italian Somalia) was prepared the Somalia 'Court of Justice' in 1957 was finalised and approved in 1962 (Legislative Decree No. 5 of 16 December 1962) and came into force on 3 April 1964 when it replaced, in the territory of Somaliland, the Indian Penal Code that applied there (formally) since the 1899 Somaliland Order in Council – (see the Schedule titled 'Indian Acts Applied').

*Somaliland until the promulgation of laws which are in accord with the Constitution of the Republic of Somaliland*⁵ has not yet been systematically put into effect, and, for example, many of the provisions in the dated Penal Code which will not pass the the test of conformity with the constitutionally guaranteed fundamental individual rights and freedoms are still enforced⁶.

2. Even the 2012 police bill⁷ (which departed from the initial 2011 version⁸ of of bill which was based on the re-adoption of the Somaliland ‘civil’ police status) took until

⁵ Art. 130(5) continues to lay down that ‘*laws which conform to the Constitution shall be prepared, and each such law shall be presented within minimum time scales set by the House*’.

⁶ Absent the statutory changes of these provisions, it is within the jurisdiction of of the constitutional court to consider and adjudicate litigation on these s. 130(5) cases brought by by persons affected by these provisions or organisations that have an interest in the promotion of such rights.

⁷ I use the ‘bill’ or the Somali equivalent ‘draft law’ ‘qabyo-qoraalka xeer’ interchangeably.

⁸ The first draft police law that was approved in 2011 by the relevant Minister of Internal Affairs (that I can trace) was based on Article 124 of Somaliland Constitution and stated in Art. 5 that the ‘*[i]n accordance with Article 124 of the Constitution, there shall be a civilian police force of Somaliland to be known as ‘the Somaliland Police’*’. The draft law consisting of 66 articles was apparently turned down, in the end, because of the fact that it stated in Article 6 that the membership of the Somaliland Police shall ‘*comprise of the Somaliland Police Force and the members of the Somaliland Maritime Force*’. Whilst, I understand the objection to the lumping together of these two forces, it was, in my view, correct that Article 124 of the Somaliland Constitution does indeed propose a police force and a corrections corps which are entirely separate from the military ‘armed forces’ covered by the different Article 123 of the Constitution. Simply put, the term used in Article 123 is, in Somali ‘*Ciidanka Qaranka*’ i.e ‘The National Force’ or ‘The National Armed Force’ (in short, the Military). The Article describes the unique ‘defence’ of the country duties of the military and confirms that, unlike in the military dictatorship era, the Minister of Defence shall always be a civilian. The fact that military is described as the ‘*national force*’ does not preclude that it would comprise different forces (such as army, air force, navy or other specialist forces) which would be set out, as confirmed in Article 123(5), regulations on its structure. There are also two other provisions in the Constitution which relate to the national military force(s). The first is that, under Article 90(4) of the Constitution which states that the President leads the ‘the National Forces’ (*Ciidamada Qaranka*) ‘*as he is their Commander-in-Chief*’. This is a normal provision found in many constitutions of the democratic countries and refers specifically to the military forces of the state. Presidents do not act as Commanders in Chief of police forces or prisons services/corps in democratic states. Secondly, following the similar 1960 – 69 Somali Republic constitution provision, Article 104 of the Somaliland Constitution addresses specifically the “Forces’ Courts” and their procuracies and states that these courts are specifically for ‘*hearing criminal cases against the members of the National (armed) forces*’ in peace and in war (in Somali, *xubnaha ciidamada Qaranka*), and , in my view is referring to the force(s) described in Article 123 of the Somaliland Constitution described as being the ‘National Force’. I would also go further in stating that the criminal cases referred to are those which are proscribed in the military Codes and not necessarily offences under other laws which apply to everyone. It was only the military dictatorship draconian decrees that extended the jurisdiction of the military courts, as well those of the special security courts.

Significantly also this 2011 Police draft law dealt with in conderable way, the issues of ‘complaints against the police’ (Articles 34 -41) and ‘police accountability’ (Articles 42- 53) in considerable detail. Although complaints were still be to be investigated by a police complaints unit, there was provision for independent person to review the investigation, and confirmation that the complaints investigation shall not affect the power of the Somaliland Human Right Commission to undertake investigations under its own statutory powers. The Accountability provisions in the draft law dealt with consultation on the national policing plan, a national advisory committee and consultations on local policy and community partnership arrangements.

There was also another second draft police law in early 2012 which still covered the police and the maritime police and consisted of 49 articles, but it proclaimed in Article 6(2) that ‘*the Somaliland Police is part of the national forces*’. This was a significant shift to the pre 1991 position and an overstretching of Article 124(1) of the Constitution, but, at least, there was no mention of the President being the ‘commander in chief’ of the police force (including the Maritime Police). Following somewhat the

December 2017 when the the House of Representatives overruled (through a two thirds majority) the objections of the then acting president (the vice-president) to, among things, parts of the law dealing with the use of force by the police and introduction of a relatively modest system for addressing complaints against the police. Although the bill became law when signed by the President, further amendments to the Law were sought again by the President (in 2018) on mostly the same issues that were raised before, which have since been considered in an amendment bill passed by the HoR in December 2018. The Amendment bill⁹ is now (as at March 2019) still with the House of Elders.

'The UNDP police reform programme in Somaliland (and Puntland) is about changing behavior and attitudes. The desired transformation is from a colonial/authoritarian model, where policing is based on force and coercion, to a modern public service, where policing is based on democratically endorsed laws, mutual respect and assistance.'

('Rights-Based Partnership Policing Reform' Efforts Press Ahead as 300 More Officers Graduate the sixth batch of the Rights-Based Partnership Policing programme in Mandheera Police Academy on April 11, 2011)

'In my view, however, in Somaliland, it is not only the dictatorship laws that still pose a problem, but also the adoption of (and continued use) of the Italian Somalia colonial laws and systems relating to the military and to the police/prisons forces that replaced the existing Somaliland laws (in these matters) which were all updated in the 1950s.'

3. It unlikely, In my view, that some of the modest police accountability issues that the HoR was seeking to introduce can be achieved until we go back to the early version of bill which aimed to re-instate a Somaliland civil, and not 'military' police force. Sadly, the 2017 Law's unequivocal statements that the '*Police Force shall ... form part of the armed forces¹⁰ of the Republic of Somaliland*' (Art. 5) and that '*[t]he President is, in*

previous 1960 Somaliland Police laws, Article 31 of this second draft law stated that the '*President may, after consultation with the Minister of Interior, require the Somaliland Police to act in support of the Somaliland Armed Force*', which somewhat underlines the difference between the police and the military force(s). When it came to the public's complaints about the police and the latter's accountability in a democratic state, which was amply addressed in the earlier first 2011 draft law in over 20 articles, a single article headed '**police accountability**' stated that any such complaints will be dealt with by the 'office of the Internal Control Unit of the police' and that the Minister of Internal Affairs may be approached if the police fail to consider the complaint or their response is unsatisfactory (Article 9). **The previously proposed independent oversight and review of the internal investigation in the 2011 version was dropped.** It is indeed considered, nowadays, that there must be an independent oversight of police complaints for the public to have confidence in the investigation and consideration of such complaints. An example of a nearby country that had (in the past) civilian police legislation similar to that of Somaliland's is **Kenya's Independent Policing Oversight Authority Act 2011** which, as se out in its long title, is described as an Act '*to provide for civilian oversight of the work of the Police; to establish the Independent Policing Oversight Authority; to provide for its functions and powers and for connected purposes*'. [Kenya's main police Act is the **National Police Act 2011** (as amended)].

⁹ A consolidated unofficial copy of the 2017 Law and the December 2018 HoR approved text of the Amendments Bill (in Somali) is included in this compilation.

¹⁰ Art. 2 of the **1995 Somaliland Police Regulations** stated that the '*Somaliland Police Force shall provisionally remain part of the armed forces of the Republic of Somaliland*', which, in my view, indicated the re-born Somaliland's state's desire to move away from the military dictatorship era militaristic control of the police as soon as practicable. The Somaliland Constitution (approved in a national referendum held on 31 May 2001) deals, under separate Articles, with the National Armed Forces (Art. 123) on the one hand, and the Police and Corrections Corps (Art. 124) on the other. It is only in respect of the 'National Armed Forces' that the Constitution, under Article 90(4), is given to be the 'Commander-in-Chief. An earlier (2011) draft version of this Law (consisting of 66 Articles) made it clear that '*[i]n accordance with Article 124 of the Constitution, there shall be a civilian police force of Somaliland to be known as the 'Somaliland Police''* (Article 5). The next version (consisting of 49 Articles, with a different

accordance with Article 90 of the Constitution of the Republic of Somaliland, the Commander-in-chief of the armed forces of the Republic of Somaliland of which the Police Force forms a part¹¹ appear not have been critically scrutinised by the House of

Minister of Interior, by then) retained, in its Article 6, the reference to Article 124 of the Constitution in clause 1 of the Article, but then stated in second clause the Article that the *'Somaliland Police is part of the national forces'*. The final bill introduced at the House in June 2012 (and consisting of 45 Articles) made no mention of Article 124 of the Constitution in its Article 5(1) which simply asserted that *'Police is one of the forces of the Republic of Somaliland'* (*Ciidamada Jamhuuriyadda Somaliland*). There is nothing wrong with describing the Police as a 'force' (Ciidan) which was the case also in Somaliland from the formation of a national Somaliland Police Force in 1927 to the independence of State of Somaliland in 1960, but the police force was never considered as being of the military force or subject to the military laws until after Somaliland united with Somalia (see below).

Prior to 1991, Art. 2(1) of the 1972 Organisation of the Police Force Law (Law No. 2 of 23 December 1972), which was promulgated by the military dictatorship) declared that the Police Force was *'an integral part of the Armed Forces'* and the 1970 dictatorship amendments to the existing military laws further expanded the application of the military laws to the 'armed forces' including the police force and the prisons corps beyond offences other than those covered in the 1960s Military Criminal Codes. Unlike the Somalia police (which included members that dealt with prisons) that was covered by Somalia's military laws, the Somaliland police force (and the separate Somaliland Prison Service) were not covered by military law except at times of war or emergency (i.e *'the occurrence or the apprehended occurrence of hostilities, internal disorder or other grave emergency of any kind, the Governor [the Minister after independence] 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 [the Minister] be made subject to military law and may be placed under the command of and be subject to the orders of a military authority..* – section 10 of the 1958 Police Ordinance'.

The 1995 provisional status of the re-established Somaliland was likely to have been based on the concerns about militaristic police forces during the dictatorship and the yearning for a civilian police that may still participate in the defence of the country when called upon to do so, but do not act like the dictatorship forces. Sadly the 1995 Regulations adopted many of the provisions of the 1970s Police legislation including the provision of the President being the Commander in Chief of the police force (see Art. 2(1) of the Regulation) and, therefore, was not in step with the [1993 National Charter](#) which ruled out the continued use of post 20 October 1969 Legislation, it is also unfortunate, in my view, that these issue were not explored further before this 2017 Law re-adopted the pre 1991 police 'militarisation' model. Civilian Police Forces can still have specialised units and need not necessarily have military ranks as did the Somalian Police. The 1960 State of Somaliland police ranks had equivalent corresponding military ranks, but the die has now been cast as both the current Somaliland Police, Corrections Corps, Coast Guard and (even the Intelligence Service) have all been awarded military ranks and, as mentioned below, come under military law and courts. I often remember the remarks (a while back) of a former very senior (foreign) police officer remarking wryly about the seniority of military Generals over police Generals and the latter's sworn duty of following the commands of the latter, under military law! Since then, however, the Police Commissioner has been promoted to Major General – an equivalent rank of the Military Chief of Staff, but the underlying issue is the independent status of a police commissioner in enforcing the criminal laws, and that respect cannot have a 'commander in chief' whose orders on law enforcement issues he must follow, in military style, without any questions.

¹¹ Note Article 90(4) of the Constitution sets out the President's role as *'commander in chief of the national armed forces (Ciidamada Qaranka, in Somali)*. The same phrase *'national armed forces'* is used, separately, in Article 123 of the Constitution which relates specifically to the military forces as distinct from the following Article 124 which deals with the Police Force and the Corrections Corps. In presidential democracies presidents are commanders in chief of the armed forces (i.e the military) but not the police or corrections (prisons) forces/services. In the US, for example, it is clear the role of the President as Commander in Chief is in respect of the armed forces, and it is often said that this also signifies the civilian supremacy over the military. Indeed Article 123(4) of the Somaliland Constitution entrenches this concept of *'civilian supremacy'* by stating that the Minister of Defence shall always be a civilian. The Somalian (Italian model) Constitution which became the constitution of the new united Somali Republic contained a similar clause (Article 75(f)) of the president being the commander in chief of the *'Forze Armate'* (*Armed Forces*) which, in Italian, consisted of the various military branches and did

Representatives (HoR) which was seeking other very modest reforms. To paraphrase the Somali proverb that ‘the ‘A’ alphabet that you get wrong proves to be an obstacle when you reach the longest chapter’ (*Alifka kaa qaldamay, Albaqruu ku dhibaa*), declaring explicitly in this 2017 Police Force Law the ‘military’ status of the police force, when even the 1995 Regulations (based on the 1993 National Charter) opted only for a ‘provisional’ military status of the new Somaliland police force until new laws are adopted, is indeed the major obstacle to the introduction of any meaningful reform of police accountability in a democratic country. A military force, by its nature, is accountable only to its command structure and ultimately to its commander in chief. Police forces in democratic countries appreciate legitimate monitoring by statutory or public non-police committees or individuals and accept the importance of such accountability to the cementing of good relations with the public. A return to modernised new versions of the ‘civil’ police laws of Somaliland (which were finally only repealed in 1972) will ensure that the military dictatorship laws are finally swept away, as enjoined by Art. 13(5) of the Somaliland Constitution and will further strengthen the current good police-community relations. Additionally, repealing the outdated provisions of the Penal Code that are no longer in step with the provisions of the Somaliland Constitution would lessen police involvement in controversial issues¹².

not include the ordinary police and prisons forces even though the latter may, in some respects, such as discipline, in Somalia, came under the military judiciary. The significant change to the status of the police force, however, happened after the military coup in October 1969 when the Constitution was abrogated. Indeed as early as 31 December 1969, the Military dictatorship issued a law on pensions and gratuities of the members of the Armed Forces and Para-military Organisations (Law No. 6 of 31 December 1969) in which, under Art. 1(3) 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 Illalio Corps were defined as being ‘*Para-Military Organizations*’ (a term used also in the Military Codes). Furthermore in 1972, the police force was declared as being ‘*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.*’ (see Art. 2(1) of the **1972 Organisation of the Police Force Law** (Law No. 2 of 23 December 1972). The ‘*Head of State*’ was of course then Military Chief. Article 3(1) of the 1972 also added that the police commandant ‘*may be selected from among the generals and colonels on effective permanent service in the Police Force or from the other Armed Forces*’. It was no surprise, therefore, that the first Somaliland Republic police regulations indicated the ‘provisional’ military status of the newly re-established police force, as a signal to move away from the dictatorship laws as soon as practicable.

¹² For example, the various provisions of defamation/libel (Art. 452 Penal Code) or insult (such as Arts. 269 insult to a political, administrative or judicial body or Art. 220 offending the honour or prestige of the Head of State which, incidently do not apply to the Head of Government, as in Somaliland the head of state is as also the head of government) would in their replacement (as civil and not criminal matters in the case of defamation) or repeal (in the case of ‘insult’ provisions that go back to the 1930s Italian Rocco Code) that are no longer acceptable in a democratic society that can criticise freely its political leaders and institutions. Criminal defamation cases unnecessarily involve the police and yet (as I have come across in my research) the civilian Somali Republic democratic government issued in 1969 a Decree Law relating to the Press, which, though dated now in its approach to the freedom of the press, **included an express provision introducing civil defamation suits for the press in place of the Penal Code defamation.** Art. 12 of the Press Law (Decree Law No. 1 of 1 January 1969 published in the Official Bulletin dated 30 January 1969, Supplement No. 4, Issue No. 1, p. 342) stated:

‘Article 12 Civil Liability

1. *The owner and the editor or assistant editor of a newspaper or other periodical, and the author of the article shall be jointly and severally liable for any damage caused to third parties by the publication of the periodical.*

2. *In case of defamation by means of the press, the party injured may ask for compensation of damages in the manner provided for in the Civil Procedure Code. The amount of such compensation shall be proportioned to the seriousness of the injury and to the diffusion of the periodical.’*

It will also be well worthwhile taking note of the modern developments of the (civilian) police laws of African and Asian commonwealth countries¹³ that, in the past, had police laws similar to those of the 1960 State of Somaliland¹⁴.

The long legal history of the Somaliland Police

4. The Somaliland Police Force has a long legal history stretching back to its establishment in the late 19th century as a small armed constabulary to police the coastal towns (Zeila, Berbera, Bulhar, Karan and Heis)¹⁵. In 1912 the Somaliland Camel Constabulary (disbanded in 1914 and not to be confused with the military Somali Camel Corps formed in 1914) was established to police the interior not far from Berbera, with some expeditions beyond. As far as the early police related laws were concerned, the **1899 Somaliland Order in Council**¹⁶ 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 then Protectorate Consul General¹⁷ 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 defence¹⁸ of the Protectorate'* (section 32(ii)). The earliest police law was promulgated in 1913 (the **Somaliland Civil Police**

Art. 13 of the Law made it clear that other criminal offences committed by the press would be dealt with by the ordinary penal law, but the point is that the Decree Law saw no problem in removing the press from suits of criminal defamation under the Penal Code. This was a Decree Law which needed, under the 1960 Constitution conversion into Law, which, as far as I can ascertain, was not so covered and so therefore had a short application period which was overtaken by the last elections in March 1969 and the military coup in October 1969 which ended the freedom of the press. The current [2004 Somaliland Press Law](#) does provide that infringements of the responsibilities set out in Art. 6 of the Law *'shall be dealt with in accordance with the sanctions set out in the Press Code of Conduct and in the other relevant civil laws of the country'*. Yet in a 2007 media 'insult' case, the Somaliland Supreme Court categorised the Press Law as being merely a *'civil law relating to the profession of specific persons and cannot trump the Penal Code and the other laws of the land...'*, thus sweeping away s. 6 of the 2004 Law – a matter that requires reassessment by the Supreme Court in any new similar cases or failing that an express repeal of criminal defamation (SC decision MS/C/7/07 of 25/02/2007 *Yusuf A Gabobe & others v AG of the State*, para 5). For a commentary on the lower court decision in that case see my 2007 Article; [Using Insult Laws is an Insult to the Somaliland Media and Public'](#).

¹³ Such as the East African countries including Sychelles and Asian countries (such as Malaysia, Pakistan etc.)

¹⁴ For example, a quick look of the current Sychelles police laws will show some similarities with the 1958 Somaliland police legislation and lessons can be learnt from other countries.

¹⁵ By 1906, there was a police complement of 52 mounted and 267 foot police headed by a superintendent of Police (Colonial Reports No. 508, Somaliland Protectorate 1905-6, p. 15).

¹⁶ Orders in Council often dealt with the 'constitutional issues' of the Protectorate.

¹⁷ 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...'*. The title of Governor was adopted from October 1919.

¹⁸ 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...'*.

Ordinance No. 3 of 1913¹⁹). The most comprehensive police law which marked the 'formal enrolment' or establishment of a nationwide²⁰ police force was, however, the **Somaliland Police Ordinance No. 2 of 16 June 1927** (originally titled the Somaliland Civil Police Ordinance). Despite being a colonial force, the Somaliland police was still a civil (non-military) force which could also be called upon, when necessary to assist the military in defence of the country²¹. Section 70 of the 1927 Ordinance 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. Both of these functions were later carried out by separate customs and prisons services (see, for example [the Somaliland Prisons Law](#)). The Somaliland Police Commissioner was also responsible for enforcement of the traffic laws, firearms licensing and Immigration (the Police Commissioner was appointed 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 [1924] Ordinance and may appoint such Assistant Immigration Officers as he may think fit*'. 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).

5. 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[ed] the countryside and render[ed] assistance to local authorities by enforcing their orders*' and were recruited from the districts in which they served under the relevant District Commissioner. The head in each district was a sergeant major. It was reported in the 1949 Protectorate Colonial Report that '*many of the (Ilalo) men now serving fought gallantly against the Italian invaders in 1940*'. The Ilalo remained a separate force until 1970 when the military government merged them with the police force²².

6. The last comprehensive State of Somaliland police law was the **1958 Police Ordinance No. 2 of 20 February 1958** consisting of 73 sections grouped into 11 Parts, which was accompanied by other linked Police subsidiary legislation²³, remained largely

¹⁹ I can trace No copy this old 1911 law which was repealed by the more comprehensive 1927 police ordinance. I understand this 1911 law was based based on the East Africa Police Ordinance No. 4 of 1911.

²⁰ Section.3(1) of the Ordinance stated that the '*police force (to be known as "The Somaliland Police") shall be formally enrolled ...*' and that it shall act as a police force '*in and throughout the Somaliland Protectorate ...*' (s. 4).

²¹ Section 4 of the 1927 law stated that the 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*' (underlining added). Note, however, that the obligation to act, when required, as a military force, did not make the police force part of the military forces, as the police (and the Somaliland Prison Service) were always considered to be 'civil' forces.

²² Integration of the Ilalo Corps into the Police Force, Law No. 5 of 12 January 1970.

²³ For full Copies of the 1958 Police Ordinance and its linked other police legislation, which were current on the independence of the State of Somaliland are available in a separatt volume of **Somaliland's Past Police Laws 1911 to 1990** available at <http://www.somalilandlaw.com/police law .html> Examples of

in force (as were other various State of Somaliland laws) until its repeal in 1972. Section 4 of the Ordinance 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 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 might be called to serve as a 'military force' and may be placed under the command of and be subject to the orders of a military authority, but even then these police personnel were to remain under the control of the Commissioner for purposes of 'interior economy' or administrative management. Otherwise, as a civilian force, the Police were subject only to the police laws and regulations and the other laws of the land. The establishment of a Somaliland Police Association²⁴ *'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'* was another indication of a 'civil' police force. The ranks of the police force as set out in s. 5(1) were Commissioner²⁵, Deputy Commissioner, Senior superintendents, Superintendents, Assistant Superintendents, Chief Inspectors, Inspectors, Sub Inspectors, Sergeants major, Sergeants, Corporals and Constables (Askaris).²⁶, and the military ranks only came after the merger with the Somalia police.

Independence of the State of Somaliland and union with Somalia

7. On Somaliland's independence on 26 June 1960 and the birth of the new [State of Somaliland](#)²⁷, the Police Force was headed by the Commissioner of Police and came under the Minister of Interior. The separate Ilalo Force which came under the District Commissioners was put under the control of the 'regional' governor(s). Section 54(1) of the [1960 Somaliland Constitution](#) made it clear that, subject to any changes made after independence *'the existing law [before independence] 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 but shall be*

the of the other police legislation were: ***The Police (Retiring Benefits and Compensation) Regulations, the Police (Leave) Regulations, and and the Police Association Regulations***, all three promulgated in 1958; and the earlier **1951 Somaliland Police Force Reserve Ordinance**. The latter 1951 Ordinance established the 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). The Reservists (who shall be trained and issued with uniform and equipment) may be called out 'during an emergency' or where any senior police *'considers that an imminent danger has arisen with which he cannot efficiently deal by use of the police officers under his control'*. The 1958 Police Law (see below) introduced [Special Constables](#).

²⁴ The Police Association Regulations, GN No. 44 of 1958.

²⁵ Indeed until June 1962 the Somaliland Police Commissioner retained his title and rank when he was appointed Vice Commandant of the Somali Republic Police Force, which had already appointed an overall Police Commandant and Vice Commandant from Somalia to these posts in June 1960 – DPR (Decree of the President of the Republic) No, No. 49 of 21 June 1962.

²⁶ This was once explained to me by a former senior (British) police officer, all the police ranks have equivalent status military ranks (i.e Commissioner levels equivalent to General levels down to lower ranks).

²⁷ For more information about the laws in force in the newly independent State of Somaliland see: http://www.somalilandlaw.com/state_of_somaliland_1960.html#Heading

construed with such adaptations and modifications as may be necessary to bring it into conformity with the provisions of this Constitution. [My insertion of brackets and underling]. This wording is broadly similar to the current Art. 130(5) of the Somaliland Constitution. With the hasty union of Somaliland and Somalia in July 1960, 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](#) 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*'²⁸. As in many other areas, the integration of the different ranks and laws applied by the two Police Forces presented many challenges, but, perhaps, was not as volatile as that of the integration of the two armies²⁹.

Somalia and Somaliland Police mergers 1960 - 69

8. 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 in 1941 a Gendarmerie as a police and security force which in 1943 numbered 3000 led by British officers – [Somalia's Police still celebrate 20 December \(1943\) as the anniversary date of their establishment](#)³⁰. In January 1956, the Somalia Police Force composition was reconstituted³¹ after the previously reinstated Italian military force, the Security Force (*Corpo di Sicurezza della Somalia*) was disbanded with effect from 1 January 1956³², with the Somali members joining the police force and Italian officers and members being repatriated to Italy. An Italian Lt. Colonel commanded the Police Force then³³ (as from the same date). By June 1958 there were 5 Somali officers holding the rank of Major and the most senior, Mohamed Abshir, was appointed on December 1958 as the Police Commandant with the rank of Lt. Colonel³⁴. On 24 June 1960, Lt. Colonel Mohamed Ibrahim Ahmed was appointed as Vice Commandant of the [Somalia Police Force](#). (Incidentally, with the formation of the new Somalia Army in April 1960³⁵, another senior police officer, Lt. Colonel Daud Abdulle Hersi (formerly a Major) was appointed as its Commandant³⁶). On 30 June 1960, on the eve of Somalia's independence, the '*Ufficiale Superiore*' of the police and the

²⁸ Unfortunately in various publications, it is stated wrongly that the Somalia Police Force merged with the Somaliland Scouts. The latter was the military force of the State of Somaliland and in fact did not merge with the newly formed (in April 1960) Somalia Army until January 1961.

²⁹ 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. (See para 10 below)

³⁰ 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.

³¹ Decree No. 18 of 1 January 1956.

³² Decree No. 17 of 1 January 1956.

³³ Decree No. 19 of 1 January 1956,

³⁴ Admin Decree No. 063604 of 25 December 1958.

³⁵ Establishment of the National Somalia Military – Law No. 15 of 6 April 1960.

³⁶ Admin Decree No. 20 of 12 April 1960.

new army were promoted to the rank of General³⁷. 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 heads³⁸ after the start of the union.

9. Unlike the Somaliland police force, the Somalia police (including the prisons police and even the Ilalo) had military style ranks and were subject also to the military codes and tribunals (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). The Italian Military Criminal Code (as existing at that time) was further re-confirmed as extending to Somalia in February 1951³⁹. Furthermore, the Somalian (Italian) military laws adopted in 1963 and 1964 which included also a category of 'militarily organised bodies'. In Italy, apparently the national Gendarmerie (the Carabinieri) and the special national financial guards were considered as military forces, but local police forces were not, and the question then was (and is sadly still is in Somaliland) as to the ambit of the category of '*militarily organised bodies*' which came to the fore during the dictatorship (see below, paras 12 - 15)

10. The initial merger of the two commands of the two police forces did not start until 1962. A '*back dated*' Decree of the President (DPR) No. 48 of 21 January 1962 re-asserted that '*with effect from a 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 Decree of the President No. 49 of 21 June 1962 which laid down that the (*Somaliland*) Commissioner of Police, Jama Ali Korshel, shall be appointed as Vice Commandant of the Somali Republic Police Force with '*back dated*' effect from 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. (On 22 April 1969, Jama Ali Korshel, then a Brigadier General, was promoted to Major General and Commandant of the Police Force⁴⁰).

11. With the command merger of the two police forces, there were no new police laws until 1972 and so technically the respective police laws in the two territories continued to apply subject to command changes and the new administrative arrangements. The two forces continued to enforce the differing substantive and procedural criminal laws⁴¹ until the Somalian (Italian based) Penal Code (was extended

³⁷ Admin Decree No. 34853 of 30 June 1960.

³⁸ 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.

³⁹ Ordinance No. 4 of 20 February 1951 (*Estensione al Territorio dei Codici penali Militari .. vigenti in Italia*)

⁴⁰ DPR No. 65 of 22 April 1969,

⁴¹ Somaliland applied the Indian Penal Code 1860 and the Indian Code of Criminal Procedure 1898 from 1899 but latter was superseded by (the broadly similar) 1926 Somaliland Criminal Procedure Ordinance No. 4 of 6 September 1926 (as amended). Evidential issues (both criminal and civil) were covered by the Indian Evidence Act 1872 since 1899. The Somalia main criminal laws were the Italian Penal Code 1930 and the Italian Penal Procedure Code 1930. Incidentally, the boundaries of Somaliland and Somalia

to both territories with effect from 2 April 1964 and the new [Criminal Procedure Code](#) (based to a large extent on a combination the Somaliland Criminal Procedure Ordinance and the criminal law provisions of the Indian Evidence Act applied in Somaliland) with effect from 31 March 1965.

The application of military laws in the 1960 -69 period

12. As stated above, the Somalia police (as well as the Ilalo and prisons guards) were subject to military laws and tribunals. New military codes – the [1963 Military Criminal Code in Peace and War](#) (MCC)⁴², the [1964 Military Criminal Procedure Code in Peace & War](#) (MCPC)⁴³ (all based on the Italian military codes) were introduced as being applicable to the whole of the Somali Republic and replaced the Somaliland military laws⁴⁴. Prior to the adoption of these laws, however, a constitutional amendment (in January 1963⁴⁵) added the following paragraph 3 to Article 95 (dealing with the Judiciary in the 1960 Somali Republic Constitution⁴⁶) and so 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*)

13. In reflecting Article 95(3) of the 1960 Constitution, Article 1 of the 1963 Military Criminal Code (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*).

14. 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 military law⁴⁷. The term ‘*militarily organised bodies*’ was interpreted as covering the police, but until the

remained unchanged for, among other reasons, the continued application of differing laws until well into the mid 1970s.

⁴² Legislative Decree No. 2 of 24 December 1963

⁴³ Legislative Decree No.1 of 1 June 1963.

⁴⁴ The Somaliland military laws which were updated in the 1950s were similar to those in other British protectorates and colonies and their modern versions can now found in Commonwealth countries, such as the East African countries and Scyhellles. 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)

⁴⁵ Law No. 6 of 30 January 1963, Article 3(6)

⁴⁶ Copy available at: http://www.somalilandlaw.com/Somali_Republic_Constitution_1960.htm

⁴⁷ 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.

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 offences⁴⁸ (Article 11 of the MCC). This was all to change during the military dictatorship.

The Military Dictatorship era and police laws

15. On 21 October 1960, a military coup overthrew the rule of the democratically elected government and legislative assembly. The coup leaders suspended initially⁴⁹ the 1960 Constitution of the Republic and then abrogated⁵⁰ it. The Command of the Police Force was co-opted 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**⁵¹ (Law No. 6 of 31 December 1969) 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 Organisations*' (a term used also in the Military Code – see para 13 above) but were still included in the benefits of this Law. The Ilalos were, later, integrated with the Police Force with effect from 1 February 1970 .

The 1970s Police laws

16. 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. In the abrogated 1960 Somali Republic Constitution, Article 75(f) 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 local 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

⁴⁸ 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.

⁴⁹ 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 Somalia*).

⁵⁰ Decree of the Supreme Revolutionary Council (SRC) No. 38 24 February 1970.

⁵¹ Copy of this 1969 Law and other 1970s Police laws set out below are available in Part Three of the ***Somaliland's Past Police Laws 1910 to 1990*** Compilation.

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 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 courts. Furthermore, although, as set out below, this 1972 Police Law keeps (with some military related modifications) the pre 1969 position of the police coming under the Ministry of Internal Affairs, by 1977, the law was amended and the police force was brought directly under the SRC president who was, by then, titled the President of the Somali(a)⁵² Democratic Republic.

17. On the 'deployment' of the police force (which is usually a matter within the purview of the Police Commandant) Article 2(2) of the Law stated that it *'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). Exceptionally, the Law stated that 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)) (underling added). 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.

18. The Law re-confirmed the military ranks of the Force (Article 23) and 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)). This is indeed now the position adopted in the 2017 Somaliland Police in sharp contrast to the plan in the 1995 Police Regulations which only adopted this pre 1990 position provisionally until the new Somaliland police laws were enacted, and was also sadly a clear departure from the proposed civil force status for the Somaliland police in the first 2011 new draft police bill.

19. The **1973 Police Regulations**, Decree of the President of the SRC No. 14 of 4 January 1973 were issued under the 1972 Law consisted of 63 Articles grouped into ten Parts⁵³. Earlier in 1970, The Ilalo Corps was merged with the Police Force in 1970 (Law No. 5 of 17/1/1970⁵⁴). Furthermore 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'*. Finally Law No. 30 of 13 August 1979 titled '**Reform of the Uniform and Equipment of the Somali Police**

⁵² The official Somali version of the Siyad Barre 1979 Constitution was titled the Somalia Democratic Republic ([Dastuurka Jamhuuriyadda Dimoqraadiga Soomaaliya](#)).

⁵³ Some of the Regulations were based on similar provisions in the Somaliland 1958 Police Ordinance (see above), which was possibly due to the fact that, from February 1970 to December 1974, the Commandant of the Police Force, Jama Mohamed Ghalib, was formerly a member of the Somaliland Police.

⁵⁴ [Law No. 5 of 17/1/1970](#)

Force' (in Somali only) set out in detail the uniform, kit and military equipment of the police force.

Post 1991 Somaliland Republic Police laws.

20. In re-asserting their sovereignty on 18 May 1991, after suffering in the 1980s what was described as a targeted Somalia 'Government at War with its People', the first [1993 Somaliland National Charter](#) laid down that only laws in force in Somaliland before 20 October 1969 (the day before the military coup on 21 October 1969) shall be applied in Somaliland so long as they are not in conflict with Islamic Sharia or with the fundamental rights and freedoms of the individual. The newly elected President Mohamed I Egal set out to introduce a body of essential laws covering the civil service, public finance, criminal law and procedure, immigration, civil law and procedure⁵⁵ etc (primarily from the pre October 1969 era) were adopted in a **Presidential Decree** titled **Implementation of Laws** (RSLP,/D.119/1093 of 16 October 1993). When it came to the Police laws. with the reestablishment of a Somaliland Police Force in November 1993, the short re-establishment laws did not implement directly the 1972 Police Law and the 1973 Regulations, but the Somaliland Police Regulations contained many of the provisions of the the 1970s legislation and significantly adopted the presidential police commander-in-chief formula which as I have explored above was not explicitly in the pre October 1969 Constitution.

Final Summary highlights of the Republic of Somaliland Police Laws

21. With the formal re-establishment of the Somaliland Police Force on 2 November 1993, the initial police laws addressed the local and national forces in, for example the **Law on the Structure of the Somaliland Police Force No. 54/1994 of 3 November 1994** which was amended in 1995 (Law No. 7/95) so that the local police forces were added to the national police force⁵⁶. **The Somaliland Police Regulations 1995** (Regulations No. RSLP/D-1.131/95) consisting of 88 Articles and covering all aspects of the police force establishment, structure and ranks, recruitment, condition of service, discipline etc. were also issued in 1995⁵⁷. Despite the injunction in Article 31(1) of the **1993 Somaliland National Charter**⁵⁸ to the effect that that only pre 20 October 1969 laws that do not with Sharia or the fundamental rights and freedoms could continue to be used, the 1995 Police Regulations were almost entirely based on pre 1972 Police Law and 1973 Police Regulations, hence the critical examination above of the retention of the 'military' status of the police force, albeit on 'a provisional' basis. At the same time, it was declared in Article 2(3) that '*the structure of the Police Force shall be based on democratic principles of widening (or de-centralisation of) the administration of the country*'. Nevertheless, the preamble to the 1994 Police Structure Law reference to fact that Article 14(7) [*i.e Article 15(7)*] of the National Charter listed, among the powers of the President, as being the Commander in chief of the National Force (*Ciidanka*

⁵⁵ On Civil law and civil procedure, both codes of which were introduced in the 1970s, but in the light of the non-availability of the pre 1970s Somaliland (indian and British civil laws applicable in these areas), the 1973 (Egyptian based) Civil Code and the 1974 Ciivil Procedure Code (actually Italian based, but wrongly identified as being of Arab origin, as well) were also adoped in the same decree.

⁵⁶ A consolidated copy of these early laws are available at: http://www.somalilandlaw.com/police_law.html

⁵⁷ The Regulations were also slightly amended by Article 4 of Law 07/95

⁵⁸ The National Charter: http://www.somalilandlaw.com/somaliland_national_chartercha.htm

Qaranka) (which as I have explained above is, in my view, referring to the military force) appears to indicate an element of reliance on the 1972 Police laws, which were perhaps more readily available (and known to those who served in the police force in those years) than either the 1960 constitution or the previous Somaliland police law.

22. It took until 2011 for a new draft Police Law police law (approved by then Minister Internal Affairs) that was based on Article 124⁵⁹ of Somaliland Constitution to state that

'Article 5 Somaliland Police

In accordance with Article 124 of the Constitution, there shall be a civilian police force of Somaliland to be known as 'the Somaliland Police''

The draft law consisting of 66 articles was apparently turned down in the end because of the fact that it stated in Article 6 that the membership of the Somaliland Police Force shall *'comprise of the Somaliland Police Force and the members of the Somaliland Maritime Force'*. Whilst, I understand the objection to the lumping together of these two forces, it was, in my view, correct that Article 124 of the Somaliland Constitution does indeed propose a police force and a corrections corps which are entirely separate from the military 'armed forces' covered by the different Article 123⁶⁰. As explained above the last version of the draft police law submitted to the House of Representative in 2012 was entirely different and followed 1972 -3 police legislation on the issue of the military status of the Somaliland Police Force and their 'Commander in chief 'being the nationally elected president of the democratic Republic of Somaliland.

⁵⁹ 'Article 124: The Police and the Corrections Forces

1. The Police Force shall be responsible for protecting the peace and for enforcing the law, and its structure and duties shall be set out by law.
2. The Corrections Force shall be responsible for guarding and reforming prisoners and its structure and duties shall be set out by law.'

'Qodobka 124aad Ciidamada Booliiska Iyo Asluubta

1. Ciidanka Booliisku waxa uu u xilsaaran yahay ilaalinta nabadgelyada iyo dhaqangelinta xeerarka; qaab-dhismeedkooda iyo waajibaadkoodana xeer ayaa qeexaya.
2. Ciidanka Asluubtu waxa uu u xilsaaran yahay haynta iyo toosinta akhlaaqda maxaabiista; qaab-dhismeedkooda iyo waajibaadkoodana xeer ayaa nidaaminaya.'

⁶⁰ Article 123: The Principles of the National Armed Forces

1. The national Armed Forces shall be responsible for protecting and defending the independence of the country. In addition, they shall, when needed, undertake duties in periods of state of emergency, in accordance with the Constitution.
2. The national armed forces shall always obey and act in accordance with the Constitution and the laws of the country.
3. The structure (*and composition*) of the national armed forces shall reflect all the various Somaliland communities[213].
4. The person who is appointed as Minister of Defence shall be a civilian citizen.
5. The command structure of the national Armed Forces shall be determined by law.'

'Qodobka 123aad: Mabaadi'da Ciidanka Qaranka

1. Ciidanka Qaranku wuxuu u xil-saaran yahay ilaalinta iyo difaaca madaxabannaanida dalka; waxa intaa u dheer marka loo baahdo hawlaha xilliga xukunka degdegga ah ee waafaqsan Dastuurka.
2. Ciidanka Qaranku waxa uu had iyo jeer u hoggaansamayaa oo tixgelinayaa Dastuurka iyo xeerarka dalka.
3. Dhismaha Ciidanka Qaranku wuxuu ka koobnaanayaa dhammaan deegaannada Somaliland.
4. Qofka loo magacaabay Wasiirka Gaashaandhigga waa inuu ahaadaa muwaadin madani ah (Civilian).
5. Qaab-dhismeedka ciidanka Qaranka xeer-baa nidaaminaya.'

23. The 2012 version of the draft police laws was, in contrast to the preceding first and second draft of the law distinctly different in that police accountability and community consultation in a democratic society (including independent oversight and review which was covered more amply in preceding first draft) was barely addressed. The 2012 draft law was finally approved by both Houses of Parliament⁶¹ and forwarded to the President for signature on 15 January 2014. The Vice President (acting on behalf of the President) returned the Bill or draft law to the HoR on 3 February 2014 (as he is entitled to do so under Art. 78(3) of the Constitution) and set out the provisions of the Bill to which he objected. [*I have set out in the footnotes to the English translation a summary of the proposed presidential objections under their relevant articles*]. There is no set time limit for reconsideration of returned bills by the HoR, but under Art. 78(4) of the Constitution, the HoR can pass the law again on a two thirds majority vote, in which case, the President will have to accept the Bill, as passed. If, however, the House cannot muster such qualified majority vote and do not accept the President's proposed changes, then the Bill (draft law) lapses. On 3 December 2018, the HoR considered the presidential objections and decided on a vote of over two thirds majority to reject all the presidential objections and approve again the text of the Law that they approved before on 29 December 2013. The President signed the Law on 26 December 2017, and, as set out in Article 51 of the Law, it came into force on its signature by the President on that date. The Law was gazetted on 6 January 2018, but apparently has not been fully implemented as the Government sought further changes that are similar to the ones previously rejected by the parliament

24. The further Governmental proposals for changes to the 2017 Law, which were largely similar to the 2014 proposed changes were considered by the HoR relevant Committee in mid 2018, and the HoR then passed amendments which, in many respects were different from Governmental proposals, as can be seen from this final text they approved on 1 December 2018, which is available in this compilation in Somali. I have noted in italics under the relevant translated current provisions of the Law, the proposed changes the HoR have approved, which are now with the House of Elders (HoE). On 18 December 2018, the HoE referred the Bill to a Committee and then rose for the recess. ***Briefly the HoR Amendments affect Articles 6, 10, 12, 16, 17, 32, 34, 35, 36, 37, 44, 45, and 46 of the Law.*** As mentioned above, I have included here, for ease of reference, a consolidated Somali copy of the current Law with the HoR proposed changes noted in their relevant places. The HoR numbering of the articles of the amending bill still requires revision.

25. The still current 1994-95 Somaliland police legislation and the more recent police legislation including the 2017 Police Force Law and the 2018 HoR approved proposed changes to this Law are all covered in this lengthy compilation and are also listed in the contents page. The English language translation of the 2017 Law includes footnotes that refer also to 2014 Government objections/proposed amendments for historical

⁶¹Briefly, the draft law was first considered by the House of Representatives Internal Affairs Committee and the House in June/July 2012 and December 2012 when it had its first reading. It had its further reading in June 2013 and September 2013, and was passed, with amendments, by the House of Representatives (HoR) on 5 October 2013 (on a vote of 35 for, 3 against and 10 abstaining). The House of Elders (HoE) considered it speedily and approved it, with amendments, on 29 October 2013. The HoE considered the HoE's amendments and approved the amended again the draft Bill on 29 December 2013 (on a vote of 45 for and 10 abstentions).

reference. *My apologies for the repetition of some of the footnotes which appear both in this introduction as well as the English translation of the 2017 Law as I have assumed that some readers may want to consider the introduction and the compilation separately.* The other major past police laws of Somaliland together with an introductory legal history note going back primarily to the first main law in 1927 that confirmed the establishment of a nation-wide Somaliland (Civil) Police Force in 1927, which was updated in 1958, are also available covered at: http://www.somalilandlaw.com/police_law.html.

'Back to the future' Final comments

26. Somaliland had a long legal history of 'civil' policing and it was only after the union with Somalia and the merger of two police forces that '*military*' status of policing has overtaken that past history. The previous Somaliland police laws were finally repealed fully in 1972 during the dictatorship era when the police was fully co-opted into the military and the reach of the military law, even to civilians, was widely extended. Although the use of pre 1991 laws is acceptable, subject to express conditions, under Article Article 130(5) of the Somaliland Constitution, it is difficult to comprehend why the military status of policing which was already described in 1995 as being only '*provisional*' has being re-affirmed in the first police law that was passed 22 years after the 1995 police legislation. It is incongruous to state in the 2017 Law that Somaliland Police Force '*shall be independent in the performance of its functions*' (Art. 8(2)) and at the same time confirm that it is a military force, subject to the dated (Italian) military law as amended by the military dictatorship, and under the over all command of the popularly election President in a democratic country. A military force cannot be subject to accountability outside its command structure and it is not surprising that the modest accountability requirements proposed by the House of Representatives were repeatedly resisted.

27. The African Commission on Human and Peoples' Rights adopted a '*Resolution On Police Reform Accountability And Civilian Police Oversight In Africa*' in 2006⁶² in which, among other things it expressed its concern -

'that in many of the African States, there exist no independent policing mechanisms, to which members of the public may report police misconduct and abuse of their powers for redress and that where they do, they are directly under the police authorities';

and noted that -

'accountability and the oversight mechanisms for policing forms the core of democratic governance and is crucial to enhancing rule of law and assisting in restoring public confidence in police; to develop a culture of human rights, integrity and transparency within the police forces; and to promote a good working relationship between the police and the public at large'.

The Commission then urged all African states to '***establish independent civilian policing oversight mechanism, where they do not exist, which shall include civilian participation***'.⁶³

⁶² ACHPR at its 40th Ordinary Session held in Banjul, The Gambia, from 15th to 29th November, 2006. Accessed at: <http://www.achpr.org/sessions/40th/resolutions/103a/>

⁶³ For examples of some of the changes made by African countries, see the following reports:

28. The Somaliland Police Force has achieved considerable progress in maintaining public order and combatting serious crimes and it has also maintained the support of the community. There is no reason why it cannot retain its current rank structure but the way forward is for the Somaliland Police (and the prisons, as well as the new coastguard, forces) to re-claim their non-military status prior to the the union with Somalia and adapt the modern versions of our 1960 laws which are used by many African and Islamic police (and prisons corps) s that are armed and have updated laws similar to to the previous Somaliland laws. As illustrated in the 1958 Somaliland police laws, a police force can have rank and discipline structure without being subject to military laws and courts – hence my reference to ‘going back to the future’.

OUR MISSION: We, the Somaliland Police will work with the Somaliland people to uphold our Constitution, human rights and the rule of law, and will maintain strong community partnerships against crime, which will support Somaliland’s social, economic and political development.
(April 2010 National Charter for the Somaliland Police)

29. It is also important that the Somaliland Government and Parliament should start the long overdue law reform of old pre 1990 laws as enjoined by Article 130(5) of the Constitution and to seek international assistance for a comprehensive law reform programme, starting with laws that impinge on fundamental human rights and freedoms enshrined in the Constitution. Countries that cme out of oppressed rule of dictators often under take a root and branch reform of the old laws and whilst many of the draconian military security laws have been informally disapplied, it is time that police (and military) pre-1991 legislation are aside.

For any comments or queries, please contact me at editor@somalilandlaw.com

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March 2019

(UNOFFICIAL) ENGLISH LANGUAGE TRANSLATION

ARRANGEMENTS OF THE ARTICLES *(Added by editor)*

(Brief notes identifying the articles covered by the HoR December 2018 Amendments Bill are noted under the relevant articles of this current Law which are Articles 6, 10, 12, 16, 17, 32, 34, 35, 36, 37, 44, 45, and 46)

Presidential Decree (dated 26 December 2017)

Preamble

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Article 47 Standing orders and directions

Article 48 Oversight of the implementation and finalisation of this Law

Article 49 Administrative power in respect of this Law

⁶⁴ The Somali text reads 'crimes against humanity' which, under international criminal law, has a distinct definition tuned over a century from the 1907 Fourth Hague Convention, the 1945 Nuremberg International Military Tribunal, various ILC definitions and the various international criminal tribunals including the International Court, which indicate that, in general, they are a category of 'systematic and mass human rights violations' distinctly different from other violations or infringements of human right. In the context of this Police Law, therefore, it appears that this article is addressing the latter and wider 'violations of human rights' or 'crimes against human rights'. The Somaliland Constitution sets out the fundamental individual human rights and freedoms obligates the interpretation of this rights and freedoms in line with relevant international conventions – see Article 21 to 36, as well as Article 8 of the [Constitution of the Republic](#) which was approved in a national referendum in May 2001.

Article 50 Repeals

Article 51 Coming into force of this Law

SOMALILAND



REPUBLIC

Office of the President

REF: JSL/XM/WM/222-06/122017

Date: 26/12/2017

Presidential Circular⁶⁵

Putting into effect the Police Force Law
Law No. 63/2013

Having seen: Article 90 of the Constitution of the Republic of Somaliland;

Having seen: The resolution of the House of Representatives No. GW/KF-35/749/2017, reference Ref: GW/G/26/168/2017, dated 19/12/2017, the purpose of which was the forwarding of the resolution approving the Police Force Law, Law No. 63/2013;

Having seen: Articles 75, 76, 77 (5), (and) 78 (3) of the Constitution of the Republic of Somaliland;

Has promulgated

This Circular⁶⁶ publicising the coming into force⁶⁷ of the Republic of Somaliland Police Force Law, Law No. 63/2013.

Praise Be to Allah.

Musa Bihi Abdi

President of the Republic of Somaliland

⁶⁵ This is more of a Presidential Decree (or law) which has wide application as it puts into force this primary law as mandated by the constitutional provisions listed above. This type of decree/law is also described in Article 14 (see clause 1) of the [Law on the Delineation of the Organisation of the Government and of the Independent Public Bodies](#) (Law No. 71/2015) which also lists, in its clause 4, Administrative Circulars which are of a more limited and specific administrative application.

⁶⁶ See preceding footnote.

⁶⁷ on the date of this promulgation (i.e 26 December 2017) as confirmed below in Article 51 of this Law

REPUBLIC OF SOMALILAND
House of Representatives

The Somaliland Police Force Law – Law No. 63/2013

The House of Representatives

Having seen: Articles 124⁶⁸, 24⁶⁹, 26, 27, 29, 32 and Article 34⁷⁰ of the Constitution of the Republic of Somaliland;

Pursuant to: The crux of Article 112 of the Constitution of the state of the Republic of Somaliland which sets out clearly the role of the regional and district administrations in the (*maintenance of the*) internal security⁷¹;

Considering: That human life is the gift of Allah and that every person has the right to life⁷². of which (s)he can only be deprived on proof, in a court, of the commission of a criminal offence so punishable under the law;

Cognisant of: The particular significance that the development and training of the Police Force has for the development of the state of the Republic of Somaliland;

Having Heard: The proposals of the Minister of Internal Affairs and those of the Commandant of the Somaliland Police Force;

Has passed
The Somaliland Police Force Law

Article 1 Definitions

President: means the President of the Republic of Somaliland.

⁶⁸ Article 124(1) of the Constitution: '*The Police Force shall be responsible for protecting the peace and for enforcing the law, and its structure and duties shall be set out by law*'.

⁶⁹ Article 25: The Right to Liberty, Guarantees and the Conditions of Rights and Freedoms

1. No person shall be deprived of his liberty except in accordance with the law.

2. No person may be arrested, searched, or detained, except when caught *in flagrante delicto*, or on the issue of a reasoned arrest warrant by a competent judge.

3. The state shall guarantee to all citizens their rights and freedoms and the punishment for any of their infringements shall be determined by law.

4. The freedoms of the person shall not override the laws protecting the public morals, the security of the country or the rights of other individuals.

⁷⁰ For the texts of other constitutional articles referred to in this preamble see the [Somaliland Constitution at this link](#).

⁷¹ Art. 112(1) of the Constitution includes 'internal security' as one of the responsibilities of the Regions and Districts 'in so far as they are able' to fulfil them.

⁷² This reflects Art. 24(1) of the Constitution: '*Human life is the gift of Allah and is beyond price. Every person has the right to life, and shall only be deprived of life if convicted in a court of an offence in which the sentence laid down by law is death.*'

Somaliland Police Force Law No. 63/2013(2017)
Xeerka Ciidanka Booliska Somaliland Lr. 65/2013

- Minister:** means the Minister of Internal Affairs of the Republic of Somaliland.
- Commandant of the Force:** means the Commandant of the Republic of Somaliland Police Force.
- Police:** means the Republic of Somaliland Police Force.
- The Command:** means the Command of the Police Force.
- Division:** means the Police Force Command at regional level.
- Department:** means a force responsible for a particular specialism in the Police Force such as the Road Safety Force, the Criminal Investigations (*Department*) and the Intelligence Force.
- Askari⁷³:** means any member of the Police Force with no rank.
- Officer:** means any member of the Somaliland (*Police*) force holding the rank of Sub-Lieutenant and above.⁷⁴
- Sub-officer⁷⁵:** means any member of the Police Force holding the rank between first corporal to third (*Chief*) inspector.
- Force:** means the Republic of Somaliland Police Force.
- Seniority:** means seniority in rank of the members of the Republic of Somaliland Police Force.
- Merit:** means warranting promotion or an acknowledgement, which a member (*of the Force*) thoroughly deserves.
- Suspension:** means a temporary stoppage from work.
- Contravention:⁷⁶** means an act⁷⁷ which may attract a disciplinary fine.
- Criminal offence⁷⁸:** means an act meriting court adjudication.

⁷³ Similar to 'constable', and, in the Somaliland military (since the 1960s), to the 'soldier' level referred to as 'Dable' (Rifleman). The latter term 'Dable' was indeed used in Art. 19 of the (still current) 1995 Somaliland Police Regulations which have now be amended, to a limited extent by the Law, and should read 'Askari' (singular) and Askar (plural) instead of 'Dable' and 'Dablay'.

⁷⁴ The current Somaliland police ranks (based on the Art. 19 of the **1995 Somaliland Police Force Regulations** – text available at http://www.somalilandlaw.com/police_law.html) are listed as General Officers (Brigadier and above – with the present Commandant having been promoted to Major General), Senior Officers (Colonel, Lt. Colonel and Major), Junior Officers (Captain, Lieutenant and sub-Lieutenant), Inspectors (III, II and I); Sub-officers (Sergeant and Corporal); Recruit Officers; Dablay (meaning 'riflemen' or 'soldiers' as these are essentially military ranks) who are one-stripe (or Lance) Corporals, Dable and Recruit Dable (the latter now referred as Askaris in this new Law). (Note that Art. 21(1) of this Law states that new Regulations will be setting out the ranks and uniforms of the police force, but so far no such regulations have been issued and gazetted).

⁷⁵ Under the (still) current 1995 Regulations (Art. 19), sub officers were described as being sergeants and (two-stripe) corporals, whilst the Inspectors (III down to I) are listed separately between the Junior officers (Captain and below) and the sub officers – see preceding footnote.

⁷⁶ The term 'contravention' here relates to contravening disciplinary offences, and should not be confused with the minor types of offences in the Penal Code which are also known as 'contraventions' (and are similar to misdemeanours) as compared to more serious offences which are described as 'crimes' (see Art. 15 of the Penal Code). Currently, these disciplinary offences (or contraventions) are listed in Article 73 of the 1995 Somaliland Police Regulations referred to, in Somali as the '*Gefafka Asluubeed*' as 53 differen1t offences. These are by and large the 53 disciplinary offences set out in Art. 50 of the **1973 Police Regulations** (Decree of the President of the SRC, No.14 of 4 January 1973), which in turn followed closely section 38 of the **1958 Somaliland Police Ordinance** (Ordinance No. 2 of 20 February 1958) which listed 56 such disciplinary offences applying to police officers 'of or below the rank of Inspector', with the term covering also both sub-inspectors and chief inspectors (s. 3 of the Ordinance). (Texts of these laws are available at http://www.somalilandlaw.com/police_law.html)

⁷⁷ Or, presumably, also an omission that could constitute a crime.

⁷⁸ As distinct from disciplinary offences which come under the term 'contraventions' (*Gefaf, in plural*) above. With the changes in this Law about the jurisdiction of the ordinary courts in respect of the

PART 1 GENERAL PRINCIPLE

Article 2 Title of the Law

This Law shall be titled the Somaliland Police Force Law.

Article 3 Purpose of the Law

The purposes of this Law are to -

1. set out⁷⁹ the structure, powers and duties of the Police Force;
2. confirm that the duties, rights and responsibilities of the members of the police which shall all be grounded on the laws;
3. raise and strengthen the capacity of the Somaliland Police Force and the services to the society for which they are responsible on behalf of the State;
4. (*ensure that*) the Somaliland Police is trained and organised in ways that conform to the laws of the country and to international law.

Article 4 Application of the Law

This Law shall apply to all the members of the Somaliland Police Force, who are registered by the Somaliland Police Force at the time when this Law comes into force, as well as all those who are (*henceforth*) registered, in accordance with this Law, as members of the Somaliland Police Force.

PART 2 OVERALL RESPONSIBILITIES OF THE POLICE FORCE

Article 5 The Somaliland Police Force

criminal offences set out in this law, a thorough review of the Somalian system of military for police offences which was no known before in Somaliland except for situations were the police were acting under military command in times emergency or war, as set out, for example, in section 10 of the 1958 Somaliland Police Ordinance, need to be reviewed and clarified in the light of Art. 3(1) of the Law which, for the first time, since 1991, firmly declares that the police force forms 'part of the armed forces' of the Republic of Somaliland (see more on this issue in the following footnotes).

⁷⁹ Note that the establishment, structure and powers and duties of the re-established Somaliland Police Force were previously set out in the 1994 Establishment of the Somaliland Police Law. No. 54/1994, which was amended by Law No. 7 of 27 November 1995 (noted in Presidential Decree No. 07/995 of 4 September 1995, and were expanded in more detail in the 1995 Somaliland Police Regulation. The provisions of this Law therefore adds to or amends some of these previous provisions. The last detailed laws dealing with previous Somaliland Police Force, prior to the union with Somaliland in July 1960, were updated and promulgated, shortly before Somaliland's independence in 1958, but the comprehensive law establishing a nation-wide Somaliland police force was the 1927 Somaliland Police Ordinance No. 2 of 16 June 1927 (which was subsequently amended many times until the new 1958 Ordinance, No. 2 of 20 February 1958 and its other police related legislation), and which stated, under section 3(1) stated that '*[T]he 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 officers ...*'. Section 4 of the Ordinance added it will '*act a police force in and throughout the Somaliland Protectorate for preserving the peace and preventing crime, and apprehending offenders against the peace ...*'. Prior to that there were small police forces in coastal towns since the late 1980s and for a short relatively short period the Camel Constabulary. For more details about the previous Somaliland police laws, see <http://www.somalilandlaw.com/police law .html>,

The Police Force shall:

1. form part of the armed forces⁸⁰ of the Republic of Somaliland;
2. serve the society whilst being independent of political pursuits, and impartial in respect of the nation's political parties and associations and the society (*at large*);
3. perform its responsibilities in accordance with the Constitution and the laws of the country;

⁸⁰ Art. 2 of the 1995 Somaliland Police Regulations stated that the 'Somaliland Police Force shall provisionally remain part of the armed forces of the Republic of Somaliland', which, in my view, indicated the re-born Somaliland's state's desire to move away from the military dictatorship era militaristic control of the police. The Somaliland Constitution (approved in a national referendum held on 31 May 2001) deals, under separate Articles, with the National Armed Forces (Art. 123) on the one hand, and the Police and Corrections Corps (Art. 124) on the other. It is only in respect of the 'National Armed Forces' that the Constitution, under Article 90(4), is given to be the 'Commander-in-Chief. An earlier (2011) draft version of this Law (consisting of 66 Articles) made it clear that '*[i]n accordance with Article 124 of the Constitution, there shall be a civilian police force of Somaliland to be known as the 'Somaliland Police'*' (Article 5). The next version (consisting of 49 Articles, with a different Minister of Interior, by then) retained, in its Article 6, the reference to Article 124 of the Constitution in clause 1 of the Article, but then stated in second clause the Article that the '*Somaliland Police is part of the national forces!*' The final bill introduced at the House in June 2012 (and consisting of 45 Articles) made no mention of Article 124 of the Constitution in its Article 5(1) which simply asserted that '*Police is one of the forces of the Republic of Somaliland*' (*Ciidamada Jamhuuriyadda Somaliland*). There is nothing wrong with describing the Police as a 'force' (Ciidan) which was the case also in Somaliland from the formation of a national Somaliland Police Force in 1927 to the independence of State of Somaliland in 1960, but the police force was never considered as being of the military force or subject to the military laws until after Somaliland united with Somalia (see below).

Prior to 1991, Art. 2(1) of the 1972 Organisation of the Police Force Law (Law No. 2 of 23 December 1972), which was promulgated by the military dictatorship) declared that the Police Force was '*an integral part of the Armed Forces*' and the 1970 dictatorship amendments to the existing military laws further expanded the application of the military laws to the 'armed forces' including the police force and the prisons corps beyond offences other than those covered in the 1960s Military Criminal Codes. Unlike the Somalia police (which included members that dealt with prisons) that was covered by Somalia's military laws, the Somaliland police force (and the separate Somaliland Prison Service) were not covered by military law except at times of war or emergency (i.e '*the occurrence or the apprehended occurrence of hostilities, internal disorder or other grave emergency of any kind, the Governor [the Minister after independence] 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 [the Minister] be made subject to military law and may be placed under the command of and be subject to the orders of a military authority.*' - section 10 of the 1958 Police Ordinance'.

The 1995 provisional status of the re-established Somaliland was likely to have been based on the concerns about militaristic police forces during the dictatorship and the yearning for a civilian police that may still participate in the defence of the country when called upon to do so, but do not act like the dictatorship forces, and it unfortunate, in my view, this issue was not explored further before this Law re-adopted pre 1991 police 'militarisation' model. Civilian Police Forces can still have specialised units and need not necessarily have military ranks as did the Somalian Police. The 1960 State of Somaliland police ranks had equivalent corresponding military ranks, but the die has now cast as both the current Somaliland Police, Corrections Corps, Coast Guard and (even the Intelligence Service) have all been awarded military ranks and, as mentioned below, come under military law and courts. I often remember the remarks (a while back) of a former very senior (foreign) police officer remarking wryly about the seniority of military Generals over police Generals and the latter's sworn duty of following the commands of the latter, under military law! Since then, however, the Police Commissioner has been promoted to Major General - an equivalent rank of the Military Chief of Staff, but the underlying issue is the independent status of a police commissioner in enforcing the criminal laws.

4. participate in the defence of the country during circumstances of war and emergencies and shall assist the National Army⁸¹ in accordance with the Constitution of the Republic of Somaliland⁸².

Article 6 Overall responsibilities of the Police Force

The Somaliland Police (*Force*) has been established so as to be responsible⁸³ for:

- a) the maintenance of the internal security of the Republic of Somaliland;
- b) the protection of the Constitution and the laws of the Republic of Somaliland.

The HoR approved December 2018 Amendments Bill [henceforth referred to as the 'HoR Bill' adds (c) and (d) as follows –

- c) the fulfilment of the responsibilities referred to in clauses (a) and (b) of this Article by the Police Force shall be undertaken in line with the provisions of Article 16 of this Law;*
- d) the responsibilities set out in this or other articles of this Law or in any other law assigning the Police Force enforcement responsibilities, shall not be interpreted as permitting the obstruction of the citizens' exercise of their rights and freedoms guaranteed under the Constitution and the other in force in the country.*

Article 7 Command centres of the Police Force

The central headquarters of the Command of the Police Force shall be at Hargeisa, the capital of the Republic of Somaliland.

Article 8 Legal personality

⁸¹ This clause reflects the position under the previous Somaliland police laws as can be seen in section 10 of the 1958 Somaliland Police Ordinance which set out that the police shall assist the military on the 'occurrence or apprehended occurrence of hostilities, internal disorder or other grave emergency of any kind' (see also footnote 16 above). Similar wording, but of wider effect, appeared in Art. 12 of the 1972 Organisation of the Police Law which stated that '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 their policing duties'.

⁸² Arts. 38(6c to 6e) and 92 of the Somaliland [Constitution](#) deal with the respective roles of the Houses of Parliament and the President in respect of declaration of war or emergency (and disasters). This is also covered by Arts. 44 & 45 of the [Maintenance of the Public Order and Security Law](#) - MPOS (Law No. 51/2012). In turn, under Art. 7 of the MPOS Law, the national armed forces may be called on to assist the Police in the protection and maintenance of the national security, and that on these occasions such military units working on policing operations shall have the same legal status and powers as the Police Force (Art. 7(3)).

Note this provision, on its own, does not make the police force part of the armed forces as, historically was the case during the dictatorship era, but reflects the position under the previous Somaliland police laws as can be seen in section 10 of the 1958 Somaliland Police Ordinance which set out that police shall assist the military in the 'occurrence or apprehended occurrence of hostilities, internal disorder or other grave emergency of any kind' (see also footnote 16 above).

⁸³ See the more detailed Article 15 for the overall duties of the Somaliland Police Force. Section 4 of the 1958 Somaliland Police Ordinance had a similar concise statement of the the 'general duties of the police' as : '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 when called upon...'.

1. The Somaliland Police shall have legal personality⁸⁴ of its own, its own name⁸⁵ and special emblem in accordance with this Law.
2. The Somaliland Police shall enjoy administrative and financial independence⁸⁶ and shall be independent in the performance of its functions⁸⁷.

Article 9 Emblem of the Somaliland Police Force

1. The emblem of the Police Force shall be the head of a Kudu mounted on a cushion and surrounded by two intertwined leaves, (*all set*) on a blue background⁸⁸.
2. The emblem of the Police Force shall be exclusive to the Somaliland Police Force only and cannot be interfered with.
3. The Somaliland Police identifiers must be prominent in their uniform, seal, any means of identification and any other items which are exclusive to the Force.

Article 10 Territorial operation of the Police Force

The Somaliland Police Force shall operate throughout the territorial areas⁸⁹ of the Republic of Somaliland and in any other area where their operation is allowed by the laws of the Republic of Somaliland or by international law⁹⁰.

PART 3 OVERALL COMMAND

Article 11 Power of the President in respect of the Police

1. The President is, in accordance with Article 90 of the Constitution of the Republic of Somaliland, the Commander-in-chief of the armed forces of the Republic of Somaliland of which the Police Force forms a part⁹¹.

⁸⁴ This legal personality is grounded on Article

⁸⁵ As set out in Article 1 (definitions) the name of the force is **'the Republic of Somaliland Police Force'**. However, throughout this Law, there are references also to 'the Somaliland Police' which is also sometimes referred to as simply 'the Police' or even occasionally 'the Force'.

⁸⁶ This is subject to budgetary and public finances laws and procedures. The line Ministry (for parliamentary and policy issues) is the Ministry for Internal Affairs (see Article 12 below for the role of Ministry).

⁸⁷ This expression of the independence of the police force in the performance of its core law enforcement functions is very welcome, but is undermined by the police force's designation as part of the 'national armed forces' (Article 5 of the Law) and by Article 11(1) which states that the President of the Republic is the 'Commander in chief' of the police force (see further the footnote below on Article 11).



⁸⁸ Copy of the emblem.

⁸⁹ This territory of the Republic includes the territorial seas and the contiguous zone, but the policing of these maritime zones are more than likely to be carried out by the Somaliland Coast Guard - see the new Somaliland Coastguard Law for their 'policing' responsibilities.

⁹⁰ This reflects, in general, Article 3(2) of the Penal Code which states that the Code shall be 'applicable also to citizens and aliens who are outside the territory of the (*Somaliland*) State within the limits established' by the Code (such as Articles 6-9) or as permitted by 'international conventions' (or Law). Furthermore there are other Somaliland laws, based on international law, such as the piracy, civil aviation, and offences set out in international conventions which set extra territorial jurisdiction for some criminal offences.

⁹¹ See footnote 16 above. Note Article 90(4) of the Constitution sets out the President's role as 'commander in chief of the national armed forces (*Ciidamada Qaranka*, in Somali). The same phrase

2. The President of the Republic of Somaliland has the power to appoint and dismiss the Commandant of the Police Force and his deputies⁹².
3. The other functions which this Law and other laws, from time to time, entrust to the President shall also form part of his powers.
4. Ranks of Second (or sub) Lieutenant and above shall be appointed under a Presidential Decree⁹³.

The HoR Bill makes the following changes to this Article 11:

Clause 1- the phrase 'Article 90(4)'⁹⁴ of the Constitution.

Clause 2 – the presidential appointments to be made 'after consultation with the Minister as set out in Article 90(3)(f)'⁹⁵ of the Constitution of the RoSL'

Clause 3 re-numbered 4

Clause 4 re-numbered 3 and sets the President's power to grant promotions above sub-lieutenant level (but does not mention the Police Commandment's advice on such promotions), award medals and awards (again omitting the role of the Commandant) and to lead the police in line with the general policy of the Government – a policy matter which more appropriate to the Minister, but is probably confusingly brought into here because of the inappropriate (and in my view unconstitutional) designation of the President as

'national armed forces' is used, separately, in Article 123 of the Constitution which relates specifically to the military forces as distinct from the following Article 124 which deals with the Police Force and the Corrections Corps. In presidential democracies presidents are commanders in chief of the armed forces (i.e the military) but not police or corrections (prisons) forces/services. In the US, for example, it is clear the role of the President as Commander in Chief is respect of the armed forces, and it is often said that this also signifies the civilian supremacy over the military. Indeed Article 123(4) of the Somaliland Constitution entrenches this concept of 'civilian supremacy' by stating that the Minister of Defence shall always be a civilian. The Somalian (Italian model) Constitution which became the constitution of the new Somali Republic contained a similar clause (Article 75(f)) about the president being the commander in chief of the 'Forze Armate' (Armed Forces) which, in Italian, consisted of the various military branches and did not include the ordinary police and prisons forces even though the latter came, in some respects, (such as discipline) in Somalia, under the military judiciary. The significant change to the status of the police force happened after the military coup in October 1969 when the Constitution was abrogated, and the police (and, to some extent, the prisons) forces were declared as being '*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.*' (see Art. 2(1) of the 1972 Organisation of the Police Force Law (Law No. 2 of 23 December 1972). The '*Head of State*' was of course then the Military chief. Article 3(1) of the 1972 also added that the police commandant '*may be selected from among the generals and colonels on effective permanent service in the Police Force or from the other Armed Forces*'. It was no surprise, therefore, that the first Somaliland Republic police regulations indicated the 'provisional status' of the newly re-established police force (see footnote 16 above).

⁹² See also the following Article 12(1) which adds that these presidential appointments/dismissals shall be made on the advice of the Minister of Internal Affairs.

⁹³ Art. 5(4) of the current (1995) Regulations add that appointments will be made on the proposal of the Commandant of the Police Force. This is likely to be re-stated in any new Regulations issued under this Law.

⁹⁴ I have questioned repeatedly the applicability of this 'commander in chief' constitutional to any force other than the military force of nation (see Article 123 of the Constitution) and these footnotes.

⁹⁵ This appoints clause refers to the President's power to appoint the *the Commanders of the forces (or the armed forces) and their deputies* (in Somali. Ciidamada - forces' . In a country where all the various non military forces are all forces organised nationally (with the exception of the early years of the re-establishment of the Somaliland police force when some of the police units were local forces) it has been widely accepted that these are presidential appointments. This does not however mean that all the armed 'forces' are of military nature which are commanded by the President, as Article 90(4) covers the national forces' (Ciidamada Qaranka) which are specifically mentioned in Article 123 of the Constitution.

Commander in chief of the Police Force. Article 8 of this Law guarantees the independent of the Police Force in the performance of its functions, but that cannot happen if they are classified as a military force acting unquestioningly under a Commander in Chief's orders.

Article 12 Role of the Minister of Internal Affairs in respect of the Force

1. The Minister of Internal Affairs shall advise the President on the appointment and dismissal of the Police Force Commandant and his deputies in accordance with this Law and its Regulations which are consistent with this Law.
2. Issuing Regulations for this Law on consultation with the Commandant of the Force and legal experts⁹⁶.
3. Meeting the equipment needs of the Police Force.
4. Issuing directions, (*and*) general directives for the implementation of the national policy and plans relating to the security of the country.
5. Being aware of the security conditions and ensuring that the Force is fulfilling overall its functions in accordance with this Law and the Constitution.
6. Strengthening the Police Force after consultation with the Commandant of the Force.
7. The Minister of Internal Affairs shall be informed of matters relating to promotions⁹⁷ in the Police Force.

The HoR Bill changes the title of this Article to the role of the Ministry of Internal Affairs which is said to be the following powers:

1. *The development and progression of the knowledge of the Somaliland Police Force.*
2. *Striving to meet the various equipment needs of the Police Force.*
3. *Preparation of laws, policies and strategies for the advancement of the Police Force and forwarding them to the Council of Ministers (Cabinet).*
4. *Linking the Police Force and the other agencies of the Government.*
5. *Working on securing foreign or domestic educational opportunities for the Police Force.*
6. *Issuing Regulations for this Law and other laws which give powers to the Police Force.*
7. *Inspection of and keeping abreast of the Police Force functions.*
8. *Awareness of the status of peacefulness and ensuring overall that the Force is undertaking its functions in accordance the provisions of this Law and the Constitution of the RoSL.*
9. *Advising the President on his appointment or dismissal of the Commandant and his Deputy Commandant.*
10. *Undertaking other functions in this Law or in other laws concerning the Force.*
11. *Providing reports about the overall status of the country's peacefulness to the President and the Council of Ministers (Cabinet).*

PART 4 STRUCTURE OF THE POLICE FORCE

Article 13 Structure

⁹⁶ Clauses 2 to 6 of this Article could have done with an introductory sentence, such as 'the Minister shall also have the following powers and duties'.

⁹⁷ Articles 11(4) and 14(3)(h) set out the respect roles of the President for officer level appointments and of the Police Commandant for ranks below sub-lieutenant. Promotions are dealt with, in detail, in Part 6 (Articles 44 to 51) of the current 1995 Somaliland Police Regulations which cover, among other things qualification for promotion, types of promotion (including special merit), seniority roll, promotion evaluation and evaluation committee.

1. The structure of the Somaliland Police Force shall consist of:
 - a) of the Command⁹⁸ of the Police Force comprising of –
 - 1) The Commandant.
 - 2) Two deputies.
 - 3) Senior Commanders⁹⁹.
 - b) Departments¹⁰⁰ and divisions which come under the Command.
 - c) Stations and posts¹⁰¹.

Article 14 Powers and responsibilities of the Police Force Commandant

1. The officer appointed as Commandant of the Police Force shall possess –
 - a) competence, academic knowledge and experience;
 - b) leadership qualities that would enable him to undertake the assigned responsibilities.
2. The Commandant shall be the highest authority of the leadership and management of the Police Force.
3. The Commandant of the Somaliland Police Force shall, whilst observing the laws and Regulations of the Police Force, have the power of¹⁰²:
 - a) leadership and coordination of the work and operations of the Force;
 - b) planning and determination of the numbers the Force in accordance with the work requirements;
 - c) keeping the Minister of Internal Affairs apprised regularly of the general security conditions of the country;
 - d) meeting the equipment needs of the Force such as transport, communication etc and the establishment of special medical centres for the Force;
 - e) establishing an overall system relating to procedures for recruitment of the Police and employment, knowledge and training, uniform and carrying of weapons, etc;
 - f) establishing police training centres, working on and facilitating availability of training in knowledge and skills in the country;
 - g) appointing an assessment committee¹⁰³;
 - h) awarding rank promotions, as the Force Commandant has the power to promote ranks below second (or sub) Lieutenant¹⁰⁴, which he can issue in a circular.

⁹⁸ 'Taliska' in Somali.

⁹⁹ In Somali, described here as 'Hoggaano' (meaning leaders – based on *Hoggaan* - animal lead and halter). I have used the term 'Senior Commanders', to distinguish them from 'Taliyeyaal' (the various commanders of different levels) .

¹⁰⁰ See Art. 1 for the definitions of 'Department' (*Waax*) and 'Division' (*Qayb*).

¹⁰¹ In Somali '*Saldhigyo iyo Rugo*' – terms which are also used for military 'bases' and 'camps'.

¹⁰² See also Article 16(4) of the 1995 Police Regulations, which is now largely superseded by this clause, but there are still some aspects of that Regulation which address matters not included in this Article of this Law that will need to be covered in any new regulations.

¹⁰³ This is probably referring to the 'Promotions Assessment Committee' which is currently set up under Art. 50 of the 1995 Police Regulations. See also Art. 27 of this Law which deals with appraisal assessments that presumably will inform decisions on promotions. The details of both assessments will, I expect, be covered in the new Regulations.

¹⁰⁴ As Art. 11(4) above states that appointments of Second (or sub) Lieutenants and above shall be made under a Presidential Decree, it follows, therefore, that the promotion from Third Inspector to Second (or sub) Lieutenant must also be by Presidential Decree, rather than by a Commandant Circular. These Army 'inspector' grades are not like the Somaliland 1960 'police inspector grades' (see s. 5 of the 1958 Somaliland Police Ordinance) but are the Somalian Army/Police grades at the level of military Warrant

The HoR Bill inserts here a new Article numbered 15 here:

Article 15 Commandant and Deputy Commandant Requisite Conditions

The conditions for the selection for the Commandant (and presumably also his deputy as set in the title of this Article - Editor) of the Somaliland Police Force are:

- 1) He must be a citizen of Somaliland by birth¹⁰⁵.
- 2) He must be a Muslim who acts in accordance with Islamic religion.
- 3) He should be physically and mentally able to fulfil his responsibilities.
- 4) He must be competent and with good behaviour and conduct.
- 5) He must not have been subject of a final criminal conviction during the last five years¹⁰⁶.
- 6) He must have knowledge equivalent to university level or expertise in a Force of at least 15 years.

PART 5 OVERALL DUTIES OF THE POLICE FORCE

Article 15 Overall duties of the Police Force

The overall duties of the Somaliland Police Force are¹⁰⁷:

1. Protection and maintenance of the internal security of the country.
2. Safety and protection of life and the public and private property of the people.
3. Protection of the fundamental freedoms of the person.
4. Enforcement of and compliance with the laws and other legislation promulgated for the country.
5. Prevention and investigation of crimes in accordance with the laws of the country.
6. Registration and annual collation of criminal offences.
7. Seeking and arresting suspects and taking them to court.
8. Undertaking prosecutions at the courts in respect of the offences and at the levels the Police can act as agents delegated by the Attorney General¹⁰⁸.

(or non-commissioned) Officers in the 1960 Somaliland Scouts. That is why, for example, under s. 13 of the 1958 Somaliland Police Ordinance, the Police Commissioner had power to appoint police officers below the Inspector ranks (lowest being sub-inspector) and this is now reflected in this Law which limits such Commandant's appointments to ranks below sub-lieutenant level.

¹⁰⁵ This 'born to' Somaliland citizenship requirement goes against the equality of citizens clause 8(1) of the Constitution and affects Somaliland citizens who acquire citizenship through naturalisation or registration under the Somaliland Citizenship Law, but whilst some differential treatment, such as withdrawal of the latter types of acquisition of citizenship in exceptionally defined cases, the justification for differential requirement in appointments or election to office must be clear and lawful. Currently Article 82 of the Constitution requires presidential and vice-presidential candidates to be Somaliland citizens by birth, which in the Somaliland law context does not mean 'birth in Somaliland' (*ku dhashay*) but means 'born to' (*u dhashay*) Somaliland through lineage, as set out in [Article 2\(1\) of the Somaliland Citizenship Law](#). The requisite constitutional conditions relating to members of both Houses of Parliament and to Ministers, however, relate to Somaliland citizenship (see Articles 41(3), 59 and 94). As far as I can ascertain from corrections corps laws and the recent coast guard law, there are no such 'citizenship by birth' requirement for their commandants.

¹⁰⁶ For such an important law enforcement post, the criminal record requirement ought to be much more stringent

¹⁰⁷ This Article supersedes the similarly titled Article 9 of the 1995 Police Regulations, but it is, by no means, an exhaustive list of the duties of the police force.

9. Relations and cooperation with the other security agencies.
10. Relations with the international police (Interpol).
11. Protection and maintenance of the security of the foreign diplomats¹⁰⁹ present in the country.
12. Participation in emergency response activities in the event of the happening of unforeseen circumstances such as storms, earthquakes etc.
13. Supporting and strengthening the national army in the event of state of war.
14. Safeguarding the privileges and respecting the immunities and the integrity of the personality of the national councils¹¹⁰.
15. Protection of the centres of the governmental bodies, (*and the*) maintenance of the security of the senior heads of the government, members of Parliament, foreign countries' diplomats and visitors¹¹¹.
16. Collation and storage of the information relating to offenders and issue of 'no criminal record' certificates¹¹².
17. Undertaking exchange of intelligence and establishing cooperative relationships with the Police Forces of neighbouring countries¹¹³.
18. Enforcement of the orders and lawful decisions issued by the courts and the Attorney General's office.
19. Taking witnesses to the courts in relation to prosecutions.

¹⁰⁸ Art. 12 of the Criminal Procedure Code deals with, among other things, prosecutions delegated to members of the Police Force. The currently published Code is in its original format, as passed in 1963, and does not cover the various later amendments. Art. 12 (with amendments) reads as follows:

Article 12: The Office of the Attorney General (*as amended by various laws*):

1. The Office of the Attorney General shall exercise the functions laid down in Arts. 49 and 50 of the Organisation of the Judiciary Law and any other functions conferred by (the Constitution and) the law.
2. In Court proceedings, the Office of the Attorney General shall be represented by:
 - a) the Attorney General or one of his Deputies before the Supreme Court;
 - b) the Attorney General or one of his Deputies, or in their absence, a Police Officer above the rank of Inspector before a Court of Appeal;
 - c) the Attorney General or one of his Deputies or a Police Officer above the rank of Inspector, before a Regional Court. In case of necessity, the Divisional Commandant of Police may designate any Police Officer for this purpose;
 - d) the Attorney General or one of his Deputies or the Commandant of a Police Station or any Police Officer designated by him, before a District Court.
3. For the purposes of this Code, unless the context indicates otherwise, the term "Office of the Attorney General" shall mean:
 - a) the Attorney General or one of his Deputies;
 - b) any Police Officer representing the Attorney General.
4. The investigation and suppression of crimes shall be carried out by the Police under the direction of the Office of the Attorney General.
5. When so considered necessary, the Attorney General may, at any stage of the proceedings, order that his own Office shall take over the investigation or the prosecution of any case.

The number of qualified prosecutors at the Attorney General's office is increasing year by year

¹⁰⁹ This phrase is likely to cover also any 'consular' staff.

¹¹⁰ The national councils (*Golayaasha Qaranka*) are the two Houses of Parliament as the Legislature and the 'Council of Government' (or the cabinet) as the Executive. The third branch of the State, the Judiciary is covered by its own separate law which guarantees its immunities and integrity.

¹¹¹ Note, in any case, Clause 2 of this Article in relation to the duty to protect the public at large.

¹¹² Articles 260 to 271 of the Criminal Procedure Code deal with functions of the Criminal Records Office and procedure for request for an issue of Criminal Records Certificates.

¹¹³ One of the problems of detailed enumerated functions is the danger of leaving out unwittingly important aspects, such as, here, the work with the Police of other 'non-neighbouring' countries. Interpol is covered in Clause 10 of this Article.

20. Seizure of contraband goods and forwarding them to the revenue authorities.
21. Ensuring compliance with road traffic laws and investigation of accidents.
22. Collation, assessment and circulation to the relevant authorities (*of the statistics*) of crimes and accidents which happen in the country.
23. Exercise of the other powers and duties entrusted to them under the other laws of the country.

The HoR Bill will change the numbering of this article and all the remaining articles of the Law.

Article 16 Powers of the Police Force

The Police Force has the power¹¹⁴:

1. To arrest, detain, in accordance with the law, any person preparing to commit¹¹⁵ a criminal offence, attempting or is in the process¹¹⁶ of committing an offence in accordance with this Law and any other laws¹¹⁷.

¹¹⁴ For a start, this article does not cover all the powers that the Police Force may have been given under various other legislation (such as the Criminal Procedure Code and the Maintenance of Public Order and Security Law etc.) and should therefore not be seen to provide an exhaustive list. This can be acknowledged at the end of this Article, by stating for example that the police force shall have the power 'to exercise such powers and shall perform such duties and functions as are by law imposed or conferred on or assigned to the police force'. Some of the powers which are currently not adequately in the old laws can also be clarified, such as attendance of witnesses in an investigation, taking photos, fingerprints and forensic evidence in appropriate cases, stoppage of vehicles and closure of roads etc.

¹¹⁵ If this is introducing a general power of the Police to arrest without a warrant anyone 'about to commit' an offence and involving a sense of immediacy and necessity coupled with the Police duty to prevent and suppress the commission of offences set out in Art. 15(5) of this Law and also in Art. 27(b) of the CPC (Criminal Procedure Code), this may amount to a narrow and practical addition to Art. 38 of the CPC. The latter deals with arrests without a warrant of persons suspected of having committed an offence in urgent circumstances where a warrant cannot be obtained in time or the accused person would not be found if not arrested immediately. *Incidentally, Article 38(1) of the CPC has been amended by the Reform of the Criminal Procedure Code, Law No. 1 of 17 February 1968 read as follows:*

'A police Officer may arrest a person without warrant:

1. In case of urgent necessity when there are grounds to believe that:

- a) the person to be arrested has committed an offence for which the maximum punishment is imprisonment for more than ten (10) years or a heavier punishment;*
- b) a warrant of arrest cannot be obtained in time or it is likely that the person to be arrested will not be found if he is not arrested immediately'*

As an example, English law allows a police officer to arrest with a warrant 'a) anyone who is about to commit an offence; b) anyone who is in the act of committing an offence; c) anyone whom he has reasonable grounds for suspecting to be about to commit an offence; d) anyone whom he has reasonable grounds for suspecting to be committing an offence', or where an offence has been committed 'a) anyone who is guilty of the offence; b) anyone whom he has reasonable grounds for suspecting to be guilty of it', but in all cases on condition that it is necessary to arrest the person for any of the following reasons: 'a) and b) to enable the name or address of the person in question to be ascertained, c) to prevent the person in question - (i) causing physical injury to himself or any other person; (ii) suffering physical injury; (iii) causing loss of or damage to property; (iv) committing an offence against public decency; or (v) causing an unlawful obstruction of the highway; d) to protect a child or other vulnerable person from the person in question; e) to allow the prompt and effective investigation of the offence or of the conduct of the person in question; f) to prevent any prosecution for the offence from being hindered by the disappearance of the person in question'. (s. 24 Police and Criminal Evidence Act 1984).

Another example is s.58 of Kenya National Police Service Act 2011 which sets out powers of arrest without warrant as follows: '*Subject to Article 49 of the Constitution, a police officer may without a warrant, arrest a person - (a) who is accused by another person of committing an aggravated assault in any*

case in which the police officer believes upon reasonable ground that such assault has been committed; (b) who obstructs a police officer while in the execution of duty, or who has escaped or attempts to escape from lawful custody; (c) whom the police officer suspects on reasonable grounds of having committed a cognizable offence; (d) who commits a breach of the peace in the presence of the police officer; (e) in whose possession is found anything which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to that thing; (f) whom the police officer suspects upon reasonable grounds of being a deserter from the armed forces or any other disciplined service; (g) whom the police officer suspects upon reasonable grounds of having committed or being about to commit a felony; or (h) whom the police officer has reasonable cause to believe a warrant of arrest has been issued.'

In general, the current arrest powers without warrants are tightly delineated in the CPC and relate to listed offences (including attempts) that have been committed or are being committed (*in flagrante delicto*) (see Arts. 34 to 38) including situations of urgency in serious cases, and in less serious cases under Article 50(2) (failure of a person to provide personal details required of him by a police officer). In fact in many countries, there are various offences which arrestable without a warrant where the police officer believes upon reasonable grounds that a person has committed an offence or who is found to be in possession of anything that may be reasonably suspected to be stolen property, etc and the Somaliland Criminal Procedure Ordinance No. 4 of 6 September 1926 (as amended) included various arrestable offences which were listed in sections 37 and 38, which are similar to the arrestable offences in various African Commonwealth countries' criminal procedure acts. It is often the case, however, that express provision in Article 25(2) of the Somaliland Constitution to the effect the '*No person may be arrested, searched, or detained, except when caught in flagrante delicto, or on the issue of a reasoned arrest warrant by a competent judge*' is interpreted as limiting arrests without warrants to in *flagrante delicto* cases when there are various other circumstances which would necessitate the arrest of a person who reasonably believed to have committed an offence or was attempting to commit an offence in situation of urgency etc envisage in Arts. 34 to 38 and 50 of the current Criminal Procedure. A clarification from the Constitutional Court is required to cover this seemingly obvious gap that is already partially cover by the CPC powers of arrest without warrants, until such time that Article 25(2) can be amended to include explicitly after the phrase *in flagrante delicto* exception '*or in situations where the law provides for arrests without a warrant ...*'. For example, in English law, other than the common law powers of arrest, the statutory powers of arrest without warrants include, among other things, arrests of persons under emergency powers of terrorism legislation, persons who are absent from places of detention or broken bail, persons to be arrested under immigration or mental health law, or persons accused by electoral polling station officers of committing electoral offences, or person suspected of being deserters from the armed forces etc (s. 26 Police and Criminal Evidence Act 1984). Incidentally, the Somaliland Criminal Procedure Ordinance also contained various provisions dealing with arrests without warrants by the police in sections 37 to 41 (also arrests without warrants by the members public in limited circumstances were allowed under s. 42 of the Ordinance with the proviso that the the arrestee must then be handed over, without delay, to a police officer or to the nearest police station). I mention all this

An arrest warrant may, however, be issued by a judge when there are grounds to believe that an offence has been committed, and the offence was committed by the accused person (Art. 40(1) CPC). Defining the phrase '*preparing*' any more widely to cover preparatory acts which precede '*attempting*' an offence is more problematical and needs to be confined to instances where the law makes such acts offences in themselves such as, in various jurisdictions, the offence of possessing equipment to commit a crime, which, in Somaliland, has very few parallels such as Art. 542 of the Penal Code - unjustified possession of altered keys or pick-locks by a person who has previously been convicted of theft offences. In any case, the arrests and detentions mentioned in this Clause (16(1)) are explicitly subject to the current laws, such as principally the CPC and the Constitution and should therefore be interpreted accordingly.

Note also that there are already special provisions under the Public Order and Security Law (Law No. 51/2012) which allow the Police (on the advice of the Security Committee) to seek permission from the court to detain a person suspected of being involved in an act which poses a serious threat to the national order and security, for an initial maximum period of 48 hours (Art. 8(1)). Art. 8(2) of the same Law also gives the Police power to arrest such persons if they are suspected of carrying out the serious offence or are likely to abscond before a court order may be obtained.

¹¹⁶ That is the concept of in '*flagrante delicto*' mentioned in both Article 25(2) of the Constitution which states that no person may be arrested, searched, or detained, except when caught *in flagrante delicto*, or on the issue of a reasoned arrest warrant by a competent judge and also in the Criminal Procedure Code.

2. The members of the Police Force may carry weapons when they are undertaking activities relating to their functions.
3. The Police Force may utilise power and force not exceeding the levels permitted under this Law and the other laws¹¹⁸ of the country¹¹⁹.

Also Articles 34 to 39 of the Criminal Procedure Code set out in detail the circumstances when persons may be arrested without a warrant, and Article 37 specifically defines the expression “caught in flagrante delicto” as meaning a person “caught in the act of committing an offence; is pursued immediately after the commission of the offence by a police officer, or the injured party, or any other person; and is caught immediately after the commission of the offence, with objects or traces which clearly show that he committed the offence.”

¹¹⁷ Incidentally, like other countries which based their criminal procedure codes on the Indian Code of Criminal Procedure, there is no obligation to administer ‘Miranda’ type cautions to persons who are arrested, although some Commonwealth countries, such as Kenya, have, in the past, introduced such cautions through the early English 1912 ‘Judges Rules’ (and their subsequent iterations) relating to the safeguarding of the rights of a suspect. ([Miranda was a 1966 US Supreme Court](#) decision which re-affirmed the procedural safeguards to secure to right to non self-incrimination such as warning to the arrestee of his rights before questioning. The British caution to arrestees who are suspected of committing an offence (or in interview under caution) is ‘you do not have to say anything. But, it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence’. There are considerable legal provisions and codes dealing with both the powers and duties of the police, the rights of suspects and the admissibility of evidence (including adverse inferences from a defendant’s silence in certain circumstances) – see, for example, the [Police and Criminal Evidence Act 1984 and its numerous Codes](#).

In various countries, the warning or the right to silence etc are enshrined in their constitutions or criminal procedure laws, and indeed Art. 9 of the Somaliland Juvenile Justice Law states that juveniles have the right to remain silent and to refuse to answer questions without the presence of his/her parents/guardian or counsel. This right to silence is also implicit in Art. 27(3) of the Somaliland Constitution which states that ‘no person shall be compelled to proffer a confession, a witness statement or testimony under oath. Any such matters (evidence) obtained under duress shall be void’. Furthermore Article 29(1) of the (Somaliland) Criminal Procedure lays down that a ‘person to be arrested shall be so informed, together with the reasons for the arrest’. The current Criminal Procedure Code (which was based largely based on the Somaliland Criminal Procedure Ordinance and the Indian Evidence Act applied in Somaliland since 1899) has a system of formal statement taking, which should not be confused with information given to the police in the early stages of their enquiries under Arts. 22 and 24 of the CPC, and cannot, as set out in Art. 24(3) of the CPC, be ‘used in any criminal proceedings against the person making the statement unless it falls within the meaning of a confession’. Confessions are admissible only if recorded by a judge (Arts. 68 and 151 CPC). Cautions are, nevertheless, given by the trial judge to arrested persons under Art. 39(5) CPC which states that the ‘Judge shall:

- a) explain to the person arrested the substance of the charge;
- b) inform the arrested person that, at the present state of the proceedings, he is not required to make any statement, but that any statement which he does make may be used as evidence against him;
- c) record any statement made by the arrested person.’

It remains to be seen how the Somaliland CPC will be developed further in these areas of cautions and statements. Examples of developments of nearby commonwealth countries, such as Kenya, with its recently updated police laws, as well as developments in its criminal procedure laws may be well worth considering in respect of the much needed updating of the dated Somaliland Criminal Procedure Code with its truncated evidential provisions.

¹¹⁸ Such as the Penal Code – see the footnote to Article 44(4) of this Law.

¹¹⁹ The debates in parliament about the use of force by the police centred on the use of live of ammunition by the police in public order situations involving demonstrations and public rallies, but the issue is much wider than policing in order situations. The current laws in this are in the dated Penal Code provisions such as Art. 33 - exercise of a right or performance of a duty, Art. 34 - necessity of defending one’s own and other person’s right against actual danger of unlawful injury taking proportionate action, Art. 35 - lawful use of force arms or other means of physical coercion, Art. 36 unavoidable action proportionate to the danger posed etc, and Art. 29 of the CPC – using any lawful means necessary to effect the arrest of a person who forcibly resists arrest or attempts to escape. (Some of these provisions are covered in

4. As set out in Clause 3 of this Article, members of the Force may utilise force, if they can thereby save any life or property, or if they consider that the circumstances require that they defend themselves in accordance with this Law¹²⁰.
 5. Whenever the members of the Force are enforcing the law and statutes of the country, they must observe the rights of the person¹²¹ and traditional good conduct¹²².
 6. To take accused persons to a court within a period not exceeding 48 hours¹²³.
 7. The Police Force shall not use live ammunition against unarmed persons¹²⁴; and should this happen, the person¹²⁵ who gave the order shall be held responsible.
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Article 44(4) of this Law). But the intractables of modern policing in a democracy and the Somaliland Constitution's principles of fundamental rights and freedoms linked to international and to the state's duty to safeguard these rights in all its functions including the enforcement of the law necessitate that issues, the use of force be addressed both in law and practice in line with modern standards..

There are guidelines on the use of force by law enforcement bodies such as the [UN Basic Principles on the use of Force by Law Enforcement Officials](#) (Adopted in Havana on 7 September 1990). Principle 9, for example, states that, '*Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life*'. Principle 5 adds that '*Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment; (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment*'. The Principles also set out the importance of review, reporting and independent investigation/action in suitable cases.

Whilst some of the relevant issues are mentioned in this and other Articles of this Law, it is important that this issue is addressed in much more detail than is currently set out in this law and that both the legal issues and policy issues involved, including the investigation and judicial involvement in appropriate cases are set out properly. An example of an up to date policy is the recent 2018 [Caribbean Human Rights and Use of Force Model Policy](#).

¹²⁰ See Art. 44(4) of this Law.

¹²¹ The fundamental individual rights and freedoms are set out in the Constitution and include, among others, equality of treatment (Art. 8), the right to security of the person and the right to dignity (Art. 24). The right not to be deprived of liberty except in accordance with the law and not to be arrested, searched or detained except when caught in flagrante delicto or on the issue of a judge's warrant (Art. 25), the right to be innocent until proven guilty in a court (Art. 26), the right to have a legal representative, if detained (Art. 27) and to defend oneself in court (Art. 28) etc.

¹²² This relevant, for example, in arrests or searches of the person at home, as acknowledged, for example, in Art. 30(3) of the Criminal Procedure Code (CPC).

¹²³ This is a constitutional requirement under Art. 27(2) of the Constitution (and is also covered by Art. 39(1) of the CPC which must be read with the Constitution).

¹²⁴ This blanket ban on the use of live ammunition against 'unarmed persons' was one of the provisions of this Law to which the Presidency objected in returning the bill to the House of Representatives on 3 February 2014 without presidential signature (as permitted under Article 78(3) of the Constitutions). The 2014 presidential objections (in this case submitted by the Vice-President, as acting President) included the objection to this Article 16(7) clause, as well as eight other provisions in Articles 12, 32, 34, 35, 36, 44, 45 and 46).

The House could not muster the two thirds majority of passing the law again to trump the 2014 presidential objections, as permitted under Article 78(4) of the Law, and so, absent such overriding vote of the House the bill was destined to lapse.

In the event, the House did not consider the 2014 presidential objections for a considerable time as, currently drawn, neither Article 78 nor Article 77 of the Constitution set any time limits for the House to consider and vote on the 2014 presidential objections to bills. (In contrast, the President is obliged,

8. Whenever the members of the Police Force are conducting an operation, only the officer in charge of the particular force has the right to communicate with persons who are the subject of the operation¹²⁶.

9. If the operations conducted by the Police Force, in conformity with this Law and other laws of the land, cause the public problems resulting in death, injury or property damage, then on ascertainment¹²⁷ of the extent of the problems and their confirmation, the government of the RoSL¹²⁸ must be informed so that compensation can be paid to anyone affected by the problems.

The HoR Bill re-arranges the provisions of this article 16 into 11 clauses as follows:

The Police Force has the power:

- 1. To arrest, detain and bring before the law, in accordance with the provisions of this Law or the criminal procedure¹²⁹ laws of the country, anyone engaged in the preparatory acts, attempts, or the actual commission of a criminal offence.*
- 2. To investigate, arrest and bring before the law anyone suspected of organising or planning a criminal offence against the security of the country, the life and property of the Somaliland people and of the foreign persons residing in the country.*
- 3. The Police (Force) shall not use live ammunition against unarmed persons if they are not endangering the overall peace of the nation.*
- 4. The Police Force can use the Force's power against anyone who forcibly challenges them when they are performing their duties in accordance with the provisions of this Law or the other laws of the country.*
- 5. The Force power referred to in clause 4 of this Article can be utilised by the Police Force when -*
 - a) it is necessary for saving or protecting the life and property of the public, for whose security they are responsible, or for saving their own lives and armaments;*

under Article 77(5) of the Constitution, to either sign a bill passed on him or refer it back with his objections to the House within 21 days of his receipt of the approved bill from the House. The 2014 presidential objections were belatedly considered by the House on **3 December 2017** (nearly 4 years after they forwarded the bill to the President) and, having rejected the February 2014 presidential objections, approved the bill again in its February 2014 text on a two thirds majority votes of 59 votes. The House then passed the bill to President again on 19 December 2017, and this time, the President signed the bill into law on 26 December 2017, and the Law, as set out in Article 51 of the Law, came into force on that date. The Law was gazetted on 6 January 2018.

Finally, in relation to Article 16 of the Law, the gist of the presidential February 2014 objection, was that this clause 16(7) should be deleted as the blanket ban on use of ammunition (on all situations) involving unarmed persons was that it *'contradicts clauses 2. 3. 4 and 9 of this Article which give the Force power to carry weapons and to use them in defence of life and property. It is also in conflict with Art. 35 of the Penal Code (lawful use of arms)'*. See also

¹²⁵ See also Art. 17(5) of this Law for this 'individual liability'.

¹²⁶ This is an operational issues which, perhaps, should have been left to be dealt under the Force Standard Operating Procedures (SOPs)

¹²⁷ It is not clear from this clause as to whom this responsibility for ascertaining the extent of these problems lays. Whilst the police force will no doubt undertake their own investigations into such events, an independent enquiry by or referral the independent complaints bodies mentioned below in Part 8 of this Law would be more likely to strengthen the relationship between police force and the public. This is one of various areas where there is a need for more detailed regulations.

¹²⁸ Abbreviation of the 'Republic of Somaliland ' is used in the Law. In Somali – JSL Presumably the relevant department would be the Ministry of Internal Affairs, (as well as the Police Force).

¹²⁹ This reference to criminal procedure laws would be more comprehensive if it read the *'relevant criminal and criminal procedure laws'*.

- b) they are tackling an imminent danger of death or serious injury to the lives of the public or which endangers their own lives;*
- c) they are involved in the capturing of a person accused of committing a serious criminal offence who has escaped police custody or is escaping the prison he was held;*
- d) they are detaining or arresting a person suspected of committing a serious criminal offence, who has forcibly resisted the (Police) Force or attempted to escape¹³⁰.*
6. *When the Police Force is using police power, they must identify themselves and provide a clear warning of their intention to use police force and a weapon.*
7. *The warning referred to in clause 5 of this Article shall not be provided by the police if it will endanger their own lives or it is not appropriate to provide such a warning.*
8. *It is incumbent on any police officer who uses the force of police in accordance with clause 4 of this Article to –*
- a) render emergency medical assistance and take, as quickly as possible, to the nearest health centre any person who suffered death or injury on account of the use of force;*
- b) forward, as soon as possible, to his superior officer the report of the incident.*
9. *When performing their duties set out in this Article, the Police Force shall observe the rights of the person laid down in the Constitution, this Law and other relevant laws.*
10. *Whenever the members of the Police Force are conducting an operation, only the officer in charge of the particular force has the right to communicate with persons who are the subject of the operation¹³¹.*
11. *If the operations conducted by the Police Force, in conformity with this Law and other laws of the country, cause the public loss of life and property, then on conclusion of the investigation, the matter shall be forwarded to the Ministry so that appropriate compensation can be paid to the affected person.*

Article 17 Police Force members' performance of their duties

1. Every member of the Police shall possess an identification card (ID card), individual registration card and a number displayed on his uniform.
2. Every member of the Police Force engaged in work must have specified duties and powers.
3. He must be informed orally/in writing of the functions he is responsible for, his duties and powers, for which he ought to be trained.
4. The type of training, training centres, duration (*of the training*) and other related matters shall be set out in Regulations.
5. Any officer who directs a member or a group of the Police Force to undertake tasks which are not in conformity with the law shall be responsible¹³² for any wrong or contravention or loss that arises from the performance of the tasks.¹³³

¹³⁰ This reflects Article 29(2) of the Criminal Procedure Code - If the person to be arrested forcibly resists the arrest, (or) attempts to escape, 'the person making the arrest may use all lawful means necessary to effect the arrest'.

¹³¹ This is an operational issues which, perhaps, should have been left to be dealt under the Force Standard Operating Procedures (SOPs)

¹³² This is likely to raise issues of criminal liability for offences under the Military Criminal Code and/or of disciplinary offences. See also Art. 45(2)(a) of this Law for the State's vicarious civil liability for the loss arising thereof.

¹³³ This clause 17(5) was also in the 2014 presidential objections and was said to be, as currently drawn, would weaken the Force's performance of its duties. It was proposed that it should be changed to read: '5. Any officer who directs a member or a group of the Police Force to undertake a task must base his order on the laws of the country'.

The HoR Bill re-arranges the provisions of this article 17 as follows:

- 1. In order to maintain the Police Force members' performance of their duties, every member of the Police Force shall have a Police Force identity card and a Force uniform displaying the unique number of that member. .*
- 2. Every member of the Police Force shall fulfil his duties in accordance with the provisions Constitution, this Law and the other laws of the country.*
- 3. (The members of the Force) shall be informed, verbally or in writing, their assigned functions, duties and powers, and be trained (on these matters).*
- 4. The training of the Police Force and its various types given to the members of the Force shall be published in Regulations issued by the Minister.*
- 5. The duties assigned to a (Force) member or group must be lawful and at the same time based on the provisions of the Constitution, this Law and other laws which are relevant to the work of the Police Force.*

PART 6 EMPLOYMENT AND THE AFFAIRS OF THE FORCE

Article 18 Permanent employment

Any member who is officially recruited into the Police Force shall be recognised as being permanently employed in the Police whilst -

- a) engaged in work;
- b) absent on leave; (*or*)
- c) suspended from work.

Article 19 Termination of the employment of members of the Police Force

The employment of a member of the Police Force shall end in the event of the happening of one or more of the following:

- a) The Death of the member of the Police.
- b) On reaching the age of retirement but will continue to work if it is deemed necessary.
- c) On confirmation by a doctor that the member is unable to fulfil his duties.
- d) On resignation which has been accepted, and which should be in official writing.
- e) On dismissal from employment in accordance with the law.
- f) On a final conviction by a court.

Article 20 General register of the Force

1. Every member of the Police Force shall have a personal file established on the day of his appointment, which shall contain every event of his life *outside or* in the Force, such as types of posts held, training undertaken, education received, promotion, responsibilities, awards, disciplinary action, transfer, demotion, offences committed, leave and any other incidents which must be recorded. Such file shall carry the Force number allocated (*to the member*) on the date of appointment.

2. The safe keeping (*of the file*), persons who have the power to alter it and the procedure for permission to view it or to have a copy shall be set out in the Regulations of the Somaliland Police Force issued by the Minister of Internal Affairs.

Article 21 Rank and uniform

1. The ranks and the uniform of the Police Force shall be set out in special Regulations.
2. The members of the Police Force shall take orders on the basis of the hierarchy of their ranks.
3. Where two¹³⁴ members of the Police Force are of the same rank, the taking of orders shall be based on their respective precedence in acquiring their rank, and, if they have both acquired the (*same*) rank at the same time, on the precedence of their respective names in the (*relevant*) list.¹³⁵

Article 22 Employment Leave

The Leave of the members of the Police, the types of leave , procedures for taking leave and the persons having power to approve any leave shall be set out in the Regulations issued under this Law

Article 23 Salaries and allowances

Every member of the Police Force:

1. shall have a set salary;
2. may have allowances; (*and*)
3. the levels of salaries and allowances shall be set out in a Presidential Decree, after consultation with the relevant authorities;
4. shall be paid a salary commensurate with the post held.
5. He may also be merit an allowance as set out in the Somaliland Police Force Regulations.

Article 24 Awards to members of the Police Force

1. The members of the Police Force may have the following awards conferred on them, which shall also be noted in their personal records:
 - a) Normal commendation.
 - b) Normal financial reward.
 - c) Ceremonial commendation.
 - d) Reward for meritorious service.
 - e) Medal for merit or bravery medal.
 - f) Special reward promotion.
 - g) Leave reward.

¹³⁴ Presumably also two or 'or more'.

¹³⁵ The situations when neither Clause 2 nor Clause 3 of the Article determines seniority which are now dealt with in Art. 27 of the current (1995) Police Regulations will presumably be dealt with in the new Regulations. The formula currently adopted in such situations is that the relative seniority can be determined by reference to the rank held prior to the current rank, and if that still produces a tie, then the respective date of recruitment to the Police Force shall be considered.

2. The persons conferring the awards set out in Clause 1 (*of this Article*) and the procedures for the awards shall be set out in Regulations issued under this Law

Article 25 Death, injuries and disablement of members of the Police Force

1. Any member of the Police who is killed in the performance of his Force duties or in connection with revenge arising from the performance of his Force duties shall have his or her *dia*¹³⁶ (blood compensation) paid by the state, and the perpetrator¹³⁷ (*of the offence*) shall be brought to justice.
2. The State of the RoSL shall act as the respondent party in the case of any member of the Police killed in lawful operations and shall pay his *dia* or, (*if injured compensation*) for his injuries. The state shall seek reparations from and arrest and bring before the law the person who committed the offence, where ever he may have fled.
3. Any member of the Police who is injured or disabled or is harmed whilst performing his Force duties shall have the right to receive medical treatment and care from the Government.
4. The disabled and injured members of the Police shall be dealt with in accordance with the (*provisions of the*) Somaliland Police Regulations.

Article 26 Deployment the Force

Any member of the Police Force may be transferred to a location other than the one he worked in or to a post different from the one he held previously and which relates to the duties of the Police Force in accordance with this Law

Article 27 Appraisal of the work of the members of the Force

Every Police Force member's work, capability, discipline, honesty, and competence shall be appraised periodically, and the appraisal procedures, decisions on the appraisals and the persons responsible for conducting the appraisals shall be set out in Regulations.

Article 28 Oath of the members of the Force

Every person recruited to the Somaliland Police Force shall, on recruitment, take the Constitutional oath referred to in Article 129 of the Constitution as follows:

"I SWEAR BY ALLAH THAT I SHALL BE TRUE TO THE ISLAMIC RELIGION AND MY SOMALILAND COUNTRY, AND SHALL MANAGE MY PEOPLE IN EQUITY AND JUSTICE SO LONG AS I HOLD OFFICE."

PART 7 CONDUCT AND DISCIPLINE ACTION

Article 29 Conduct and discipline of the Force

1. The Police Force shall have (*good*) conduct and discipline (*the observance of*) which is an obligation on every member of the Police Force.

¹³⁶ 'Mag' in Somali.

¹³⁷ This word is inadvertently missing from current text of the draft Law.

2. The conduct and discipline referred to in Clause 1 of this Article shall be set out in the Police Force Regulations¹³⁸.

Article 30 Matters which are forbidden in respect of members of the Police Force

The members of the Police Force are forbidden to:

1. use their powers and the dignity of their police status for personal interests¹³⁹;
2. undertake other work which is different from the work of the Force whilst being a member of the Force;
3. use weapons against other forces of the state, or within the Police Force or against the civilian population, except in circumstances permitted by the law;
4. be a member of a political party or a political association;
5. disclose information or give reports about an incident faced by the Force or by him;
6. accept gifts or any complimentary items, whether given directly or through another person,
7. submit *their* resignation during the period of a state of war, an emergency situation or an on-going investigation against *them*.

Article 31 Disciplinary actions

1. It is permissible¹⁴⁰ that a member of the Police Force found to have committed a contravention of a provision of this Law be subjected to the following disciplinary action:

- a) Written warning to be placed in his file.¹⁴¹
- b) Salary deduction not exceeding a quarter of the salary of the member and for a period not exceeding two months, which shall be recorded accordingly in his file.
- c) Stoppage of an allowance for a period not exceeding three months, which shall be recorded accordingly in his file.
- d) Exclusion from promotion for a period not exceeding one year after his qualification for promotion, which shall be recorded accordingly in his file.
- e) Disciplinary confinement not exceeding 42 days.
- f) The persons having power to administer disciplinary action shall be set out in the Regulations issued under this Law.¹⁴²

Article 32 Disciplinary offences¹⁴³

¹³⁸ The current 1995 Regulation cover conduct and discipline in Parts 8 to 11 - Arts. 64 to 78 and including **Art. 73 which lists 54 different disciplinary offences**. There is no available English language translation of the 1995 Regulations (consisting of 80 Arts.), but the disciplinary offences in Art. 73 mirror those listed in *Art. 50 of the 1973 Police Regulations (No.14 of 4 January 1973)*. Going back further section 38 of the 1958 Somaliland Police Ordinance listed 56 disciplinary offences which are similar to the later provisions.

¹³⁹ See also Article 32(6) of this Law which also covers abuse of the dignity of the office.

¹⁴⁰ Rather unusual wording which could have been better worded as: '*A member of the Police Force found to have committed a contravention of a provision of this Law may be subjected to the following disciplinary action...*'

¹⁴¹ The current 1995 Regulations begin with a 'verbal reprimand' as the first type of disciplinary action.

¹⁴² There is no Clause 2 of this Article, so the numbering of this Clause appears redundant.

¹⁴³ The Somali term used here is 'crimes', but I have preferred the use of the term 'offences' which is more apt in relation to 'disciplinary' matters.

1. Every member of the Police Force who commits a criminal¹⁴⁴ (?) offence contravening the provisions of this Law shall be held liable and shall be punished in accordance with (the provisions) of Article 34¹⁴⁵ (*Article 31?*) of this Law
2. The disciplinary punishments set out in Article 34 (*Article 31?*) ordered by any responsible person shall be recorded in the Police Force Crimes (*Offences?*) Page¹⁴⁶, a copy of which shall be forwarded to the Complaints Committee¹⁴⁷ and the Commission for Complaints against the Police.
3. The procedures for disciplinary actions in accordance with this Law shall be set it in special Regulations.
4. The Commandant of the Force has the power to summon and to hear the representations in his defence of the member of the Police accused of a disciplinary offence, who must be sworn on the oath set out in Article 30 (*Article 28¹⁴⁸*) of this Law, and to receive any evidence that the member may have in his possession.
5. Any member of the Police who does not comply with the provisions of Clause 4 of this Article or fails to attend on the appointed period (*date*), or refused to give verbal or written evidence shall be subjected to the disciplinary action set out in Article 34¹⁴⁹ 31 of this Law¹⁵⁰.
6. Any member of the Police who abuses the dignity of his Police office in ways which are contrary to good conduct, sells or fails to take care of the weapons of any type, or sides with a sectional group shall be charged with an offence¹⁵¹.

The HoR Bill reduces the provisions of this article 32 to two clauses which read as follows:

Criminal Offence

1. Any member of the Police Force who is accused of committing a criminal offence shall be brought before the competent court, and the procedures applied shall be the criminal procedures laws and the Penal Code¹⁵².

¹⁴⁴ It is not clear why the disciplinary offences (as indicated by the heading of the Article) are described as 'criminal offences' in this Clause and also in the following Clause 2. Normally disciplinary action may follow after the allegations of criminal conduct are dealt with. Art. 44 of this Law does deal with criminal liability of the members of the Police Force for criminal offences against the State and criminal offences against the public which include the crimes against human rights referred to in Art. 33 of this Law.

¹⁴⁵ This could be an error as it is Art. 31, and not Art. 34, that deals with disciplinary action. Art. 34 deals with complaints against the Police and with the proposed Internal Complaints Unit and the Independent Complaints Commission.

¹⁴⁶ 'Xaashida' in Somali. It is possible that this was meant as an 'electronic page' rather than a Register 'Book', although the latter could also presumably be kept as an electronic record.

¹⁴⁷ This probably refers to the Police Internal Control/Complaints Unit referred to in Art. 34(1) of the Law. It is not clear why the same term was not used consistently.

¹⁴⁸ The oath of office is now set out in Art. 28.

¹⁴⁹ This is another error in the 'final' text of the Law that I received in January 2014.

¹⁵⁰ The presidential objection proposed that The words 'set out in Article 34 of this Law' in Clause 5 of this Article should be deleted.

¹⁵¹ As this Clause is in an article dealing with disciplinary offences, then the punishments shall be those set out in Art. 31 which will presumably be expanded upon in the 'special' Disciplinary Regulations to be issued under Art. 31(3). It is hoped that the Regulations will also make clearer the other types of misconduct mentioned in this Clause.

¹⁵² Presumably this is meant to be the relevant provisions of these laws although the following clause emphasises the jurisdiction of the military court which have also use military criminal law and procedure as well as, where relevant, the Penal Code and the Criminal Procedure Code.

2. *The (Armed) Forces Court shall have, in accordance with clause 1 of Article 104¹⁵³ of the Constitution of the RoSL, jurisdiction to deal with the criminal offences referred to in clause 1 of this Article.*

Article 33 Prohibition of punishment of crimes against 'humanity'¹⁵⁴ (*human rights*)

Members of the Police are prohibited (*from the following*):

1. Any criminal act against 'humanity' (*human rights?*) such as physical torture¹⁵⁵, mental torture and any other similar criminal acts¹⁵⁶.
2. Any member of the Police who commits the criminal acts referred to in Clause 1 of this Article shall be held personally responsible (*for his acts*).
3. Any member of the Police who falls under Clause 1 of this Article shall be punished with imprisonment of 5 to 10 years.

PART 8 COMPLAINTS AGAINST THE POLICE FORCE

Article 34 Complaints against the Police Force

¹⁵³ Article 104(1): 'The courts of the Armed Forces shall have special jurisdiction in hearing criminal charges brought against the members of the armed forces in peace or war'. See further my comments above - *footnote 110*.

¹⁵⁴ 'Humanity' is the literal translation of the Somali term '*Bani Aaadanimada*' used in this Article but it is clear from the contents of the Article that it is addressing crimes against 'human rights' rather than crimes against 'humanity'. The latter have a specific and narrower definition and their punishment cannot be confined to the 5 to 10 years imprisonment set out in this Article for some of the human rights offences that the members of the Police Force may commit against individuals. Art. 7(1) of the ICC Rome Statute, for example, defines 'crimes against humanity' as 'any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack' - *murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against an identifiable group on political, racial, national, ethnic, cultural, religious or gender grounds; enforced disappearance of persons; the crime of apartheid; other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury.*

¹⁵⁵ Torture of any type is mentioned as a crime against human rights in Article 24 of the Somaliland Constitution and Somaliland is also bound by the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which was acceded to by the pre 1991 Somali (Democratic) Republic on 24 January 1990. Under Art.1(1) of the Convention, "torture" '*means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions*'. There is no reason why these acts cannot be prosecuted now under the Penal Code provisions dealing causing hurt (or grievous or very grievous hurt) - Art. 440.

¹⁵⁶ Similar acts will include unlawful killing although such cases will also fall under the Penal Code crimes against the person and could well attract a higher sentence than set out in Clause 3 of this Article. Homicide without the intention of killing but arising from an intention to cause hurt to another (or even an assault) could attract, under Art. 441, imprisonment of 10 to 15 years.

1. Complaints against the Somaliland Police Force shall be made to the relevant competent Commander and shall be addressed to the Somaliland Police Internal Control/Complaint(s) Unit¹⁵⁷.
2. If the complaint is not dealt with by the Police or the person complaining is not satisfied with the response, the complainant shall forward his/her complaint to the Independent Police Complaints Commission which consists of:
 - a) A member of the Security and Defence Committee of the House of Elders (chairman¹⁵⁸).
 - b) A member of the Internal Affairs Committee of the House of Representatives.
 - c) A representative of the Ministry of Internal Affairs (Secretary).
 - d) A (*senior*)¹⁵⁹ Police Officer/Police expert, appointed by the Police Commandant.
 - e) 2 independent Advocates knowledgeable about the laws of the country.
 - f) A member of the Somaliland Human Rights Commission.
3. The complaints against the Police Force in the regions and districts shall be forwarded to the committee at regional or district level which shall be appointed under the Regulations issued by the Minister of Internal Affairs within three (3) months of this Law coming into force, and the relevant Regional Chairman (Governor) which the complaint concerns shall be so notified.¹⁶⁰

The HoR Bill deletes this article.

Article 35 Appointment of the commission dealing with complaints against Police Force at national level

The Complaints Commission shall be nominated (*as follows*)¹⁶¹:

1. The member of the Security and Defence Committee of the House of Elders shall be nominated by the Chairman (*Speaker*) of the House of Elders.
2. The member of the Internal Affairs and Defence Committee of the House of Representatives shall be nominated by the Chairman (*Speaker*) of the House of Representatives.
3. The representative of the Ministry of Internal Affairs shall be nominated by the Minister of Internal Affairs.
4. The member of the Human Rights (*commission*) shall be nominated by the Republic of Somaliland National Human Rights Commission.

¹⁵⁷ This title of the Unit is noted in English language in the Somali text of the Law.

¹⁵⁸ The earlier draft passed by the House of Representatives (HoR) assigned the chairing of the IPCC to the HoR nominee.

¹⁵⁹ See the following Art. 35(5).

¹⁶⁰ The 2014 presidential objections proposed that second and third clauses of Article 34 (the independent complaints mechanism) be deleted, together with the linked Articles 35 and 36. The reasons advanced for the deletion of these articles were, briefly as follows: 1. *The Force disciplinary actions are the responsibility of the Force Disciplinary Committee headed by the Officers of the Force, and any criminal offences are forwarded to the Armed Forces Prosecutors to submit the cases to the Armed Forces courts and these Articles are proposing to establish a disciplinary procedure outside the Police.* 2. *These Articles (34 to 36) are conflating disciplinary offences and criminal offences which are totally different.* 3. *These Articles (34 to 36) are enabling members of the two Houses Parliament to hold a governmental (public) office which is contrary to Article 48 of the Constitution (which limits the public/governmental offices that member of the House of Representatives can hold).*

¹⁶¹ The 2014 presidential objections proposed that this Article 35 be deleted. See preceding footnote.

5. The senior officer of the Police shall be nominated by the Commandant of the Police Force.
6. The two advocates shall be nominated by the Republic of Somaliland Lawyers Association.

The HoR Bill changes this Article 35 (which was also re-umbered) as follows:

The Oversight and Public Complaints Office¹⁶²

1. This Law establishes the Oversight and Public Complaints Committee at regional level and the Complaints Against the Police Force Committee at national level. (underling added)
2. The Oversight and Public Complaints Committee at regional level shall consist of 3 members which are –
 - a) The Commandant of the regional level division.
 - b) The Executive Secretary of the Region¹⁶³, and
 - c) An officer from the regional division.
3. The Oversight and Public Complaints Committee shall have the power to –
 - a) receive, investigate and at the same time hear the complaints against the Police Force;
 - b) summon the Force member or members against whom the complaints were made;
 - c) reach a decision about the complaint submitted to them within 10 days..

Article 36 Powers of the Commission dealing with complaints against the members of the Police Force

The powers of the Commission are¹⁶⁴:

1. to investigate the complaints against individual or group members of the Police Force when they receive them and to take the following steps –
 - a) to summon the parties concerned (power to summon¹⁶⁵);
 - b) to hear the representations of the parties.
2. To be responsible for taking action in relation to crimes¹⁶⁶ against the fundamental *human*¹⁶⁷ rights set out in Part 3 of the Constitution.
3. To reach and issue decisions¹⁶⁸ about the crimes referred to in Clause 2 of this Article on a (*qualified*) two thirds (2/3) majority vote of the members.
4. Their period of office shall be three years.
5. To forward their decisions to the Attorney General's Office for initiating proceedings against the member of the Police who has committed¹⁶⁹ the criminal offence.

¹⁶² This changes forwarded to the HoR by the Government in respect of this Article referred to this Office in English language as the 'Internal Control/Complaint Unit' but there no such English term in the HoR approved Somali term of this Office which was in both texts '*Xafiiska Dabagalka iyo Cabashooyinka*' which I have translated as the 'Oversight and Public Complaints Office', which looking at its functions could as easily be shortened to the 'Public Complaints Office'.

¹⁶³ i.e the Regional Council. Regional Councils are, unlike District Councils, not elected directly.

¹⁶⁴ The 2014 presidential objections proposed that this Article 36 be deleted. See footnote 82 above.

¹⁶⁵ The words in brackets appear in English in the Somali text.

¹⁶⁶ Presumably only in relation to the complaints against the Police Force and in so far as the actions do not prejudice any potential or actual criminal proceedings.

¹⁶⁷ Again the term used here is again '*Bani'aadanimo*' meaning 'humanity', but I have chosen to use the correct term of 'human' (rights) as stated in Part 3 of the Constitution referred to in this Clause.

¹⁶⁸ The decisions shall be forwarded to the Attorney General for prosecution (see Art. 36(5)).

6. The Attorney General shall initiate the proceedings within ten days¹⁷⁰.
7. The Commission shall, at its first meeting, lay down its own rules setting out its activities, and shall have an office at the headquarters of the Ministry of Internal Affairs.
8. The complaints against the Police Force in the regions and districts shall be forwarded to the committee at regional or district level which shall be appointed under the Regulations issued by the Minister of Internal Affairs within three (3) months of this Law coming into force, and the relevant Regional Chairman (Governor) shall be notified. [*This Clause is a repetition of Art. 34(3) – see above*]

The HoR Bill changes this Article as follows:

Powers of the Complaints Against the Police Force Committee

1. *The complaints against the Somaliland Police Force shall, in the first instance, be submitted to the Oversight and Public Complaints Office at regional level.*
2. *On receipt of a complaint, the Oversight and Public Complaints Office at regional level shall consider it and issue a decision about it.*
3. *If the decision issued by the Oversight and Public Complaints Office at regional level is considered unsatisfactory, a complaint against the decision can be submitted to the Force Commandant who shall consider it and issue a decision thereof.*
4. *The Force Commandant shall, on receipt of the regional level committee decision and the complaint against it referred to in the (preceding) clause 3 shall reach a decision within 10 days. If the Force Commandant's decision is considered unsatisfactory or he is unable to reach a solution about the complaint, he shall forward the complaint to Complaints Against the Police Force Committee at national level.*
5. *The Complaints Against the Police Force Committee at national level. national level complaints committee shall consist of the following 5 members:*
 - a) *A member of the Security and Defence Committee of the House of Elders¹⁷¹.....(Chairman)*
 - b) *A member of the Internal Affairs Committee of the House of Representatives¹⁷².*
 - c) *A member of the Ministry of Internal Affairs(Secretary)*
 - d) *A Police Officer/police expert.*
 - e) *A member of the RoSL National Human Rights Commission.*
6. *On receipt of a complaint against a member or a group of the Police Force, the Committee has investigatory powers and shall take the following steps -*
 - a) *to summon the parties;*
 - b) *to hear the submissions of the parties.*
7. *In issuing a decision about the offences referred to in clause 8¹⁷³ 2 of this Article, the Committee's decision shall pass on a one third (1/3) of the members who can vote and they*

¹⁶⁹ Should be 'accused of' the crime.

¹⁷⁰ This raises questions of fettering prosecutorial independence and discretion. Under the Somaliland Constitution, the Attorney General's Office enjoys the same independence as the Judiciary, and (following the Italian practice in Somalia) is considered to be part of the wider Judicial Branch of the State.

¹⁷¹ In my view, this Committee is undertaking 'executive branch' functions and NOT legislative functions or Government oversight functions by the legislature sub committees and therefore the inclusion of actual members of the Houses of Parliament, (rather than, for example, individuals nominated by the one or the two Houses who are not their members) is contrary to constitutional principles of separation of the powers of three branches of the Government (legislature, executive and judiciary) as expressly underlined in the preamble of the Constitution. There is no room for members of both Houses to serve in committees/commissions set up under the various law to undertake public functions.

¹⁷² The preceding footnotes apply equally to the membership of both House of Parliament.

forward their decision to the Attorney General of the Forces Courts¹⁷⁴ for instituting a prosecution against the member of the Police Force that committed the criminal offence(s).

8. *The Attorney General of the Forces Courts shall institute the prosecution within ten days at the competent court.*

Article 37 Complaints by the Police Force

1. If a member or a group of the Somaliland Police is complaining about their heads or about problems that face them, their requests (*concerns*) shall be forwarded to their relevant Commander.
2. If the Commander fails to do anything about the complaint, the complainant(s) can forward it to the overall Commandant of the Police Force.
3. If the Commandant of the Police Force fails to do anything about the complaint, the complainant(s) can forward it to the Minister of Internal Affairs.

¹⁷³ The 8 clauses in this Article appear to have been incorrectly numbered from 2 to 14, instead of 1 to 8.

¹⁷⁴ The [Somaliland Constitution](#) specifically lists the type of courts of the land in Article 100 among which, under clause 5, the courts of the 'national armed forces' (in Somali, Maxkamadaha Ciidamada Qaranka). Article 104 of the Constitution adds that the Forces' Courts shall '*shall have special jurisdiction in hearing criminal charges brought against the members of the (national - qaranka) armed forces in peace or war*' and that they the courts and their procuracy '*shall be determined by a special law*'. No such law has been promulgated since the Republic of Somaliland was re-born in 1991. It is also the case that the Article 123 specifically address the 'National Armed Forces' (Ciidanka Qaranka) separately from the police force and the corrections corps, both of which are also refererred to as 'forces' (Ciidan in Somali) but are not military forces as are the 'national forces' refeered to in Article 123. In fact the police force and prisons service in State of Somaliland were non-military forces and had their disciplinary rules, but, were not, unlike the Somaliland Scout subject to court martial or military tribunals. It was only after the union with Somalia and particularly after the military coup that the police and the corrections corps brought under the military and their courts with further changes being made in the 1970s to the jurisdiction of the military courts and the security and other special courts being established by the dictatorship regime. It was no accident that the both the 1993 National Charter and the 1997 Interim constition , as well as the current constution limited the type of courts that Somaliland can, in the light of the experience of the oppressive dictatorship , have in the re-established free and democratic state of Somaliland. Both the early 1990s police and prisons corps laws of Somaliland sppecifically stated that they shall provisionally be part of the re-established armed forces until new laws are promulgated and indeed the first draft version of the police law specifically stated that the Somaliland police shall be (again) a civilian force. Unfortunately this final (and current) law, as can be seen in Article 11 above re-confirmed the dictatorship system of the the police being part of the armed forces (i.e the military) and therefore the President of the Republic is their Commander in chief - a concept alien to the democractic principles of the constitution, the separation of the police force/prisons forces from the national military and, above all, a total negation of the the independence of the police force in its law enforcement functions guaranteed under Article 8(2) of this Law. No independent oversight of the complaints against the police will be feasible so long as the police are, as in this law, a considered military force. As I shall address separately, as well the dictatorship changes to the 1960s Somalian military laws meant that all military or police (or prison officers) who crimes under the Penal Code that have nothing to do with their military codes offences were still subject to trial by military courts. These changes also unduly affected civilians who were not accused of participating in the commission of military codes offences, whilst before the military coup, Article 95 of the 1960 Constitution made it clear that in time of peace military tribunals (courts) '*shall have jurisdiction diction only in respect of military offences committed by members of the Armed Forces*'. After nearly three decades of the end of the dictatorship, it is high time that Article 130(5) of the Constution be fully implemented and the pre 1991 laws be replaced with modern laws that build on the Somaliland's past legal history and catch up with the current iterations in countries that had similar past legislation as ours, many of whom are Commonwealth muslim countries they have, over the years updated their laws.

The HoR changes this Article as follows:

1. The phrase 'their relevant commander' in clause 1 is changed to 'their Divisional Commander'.
2. In clause 2 'overall Commandant' is changed to 'Commandant'.
3. In clause 3 ends with 'the Minister'.
4. A new clause 4 is added as follows: 4. On receipt of the complaint of the (police) member or members, the Minister shall consider them and reach a decision thereof.

PART 9 ASSETS, EQUIPMENT, WEAPONS AND BUDGET

Article 38 Registration of the assets the Police Force

1. The Police Force shall own movable and immovable assets to be used for the performance of its duties, and such assets are national assets that no one can use for private interests.
2. All immovable assets of the Police Force shall be recorded in a register.
3. The Police Force Commandant shall set down Administrative Procedures¹⁷⁵ specifically for the management of the assets of the Force.

Article 39 Safeguarding of the assets and equipment of the Police

Every member of the Police Force has the duty to protect, maintain and care for the assets and weapons of the Police Force for which he is responsible.

Article 40 Weapons and ammunition

The weapons (*of the Force*) are the property of the Government and the guns and ammunition of the Force members assimilated¹⁷⁶ into the nation's Force shall form part of the weapons of the Force and shall not be returned to any member who leaves or is dismissed from the Force or retires or dies.

Article 41 Budget of the Police Force

1. The funds of the Police Force may come from:
 - a) the allocation in the national budget set for the Police;
 - b) supplementary grants from the central government;
 - c) supplementary grants from local government;
 - d) allocations set by law in connection with issuing penalty fines¹⁷⁷.
2. The Police finances shall be managed in accordance with the provisions of the government finance laws, the Police Regulations and the Administrative Procedure referred to¹⁷⁸ in this Law

¹⁷⁵ Phrase used in English in the Somali text.

¹⁷⁶ After re-assertion of Somaliland's sovereignty in 1991 and the establishment of the Police (and other armed forces) in the early 1990s, members of the various armed groups were assimilated into the Police, the Custodial Corps and the Army or demobilised. There was a parallel disarmament exercise of collecting all the heavy arms, as well as the small arms in the possession of the armed groups' members.

¹⁷⁷ Other than disciplinary fines levied against Force members (currently under Art. 69 of the 1995 Regulations), it is not clear which other fines might fall under this sub Clause.

3. The Commandant of the Police and the officers he has nominated shall be responsible for the protection, inspection, (*and*) the verification of the proper management of the Police finances.

Article 42 Audit of the accounts of the Force

The Police Force Commandant shall set up a special Internal Auditor for the Force consisting of officers with in-depth knowledge of and experience in accounting, who can work periodically or whenever they are required.

Article 43 Contributory fund of the Police Force

The Police Force may establish a fund based on contributions within the Police Force, which shall be set out in Regulations.

PART 10 GENERAL AND SPECIFIC LIABILITY

Article 44 Criminal liability and its punishment

1. The members of the Police shall be liable for the crimes committed intentionally against the State, which shall be dealt with under the Armed Forces laws and the Penal Code.
2. Crimes committed intentionally¹⁷⁹ against the public shall be forwarded to the 'civilian courts'¹⁸⁰ and shall be dealt with under the Penal Code.¹⁸¹

¹⁷⁸ See Art. 38(3).

¹⁷⁹ Criminal intention is defined in Art. 24(1)(1)(a) of the Penal Code and involves '*where the harmful or dangerous event which is the result of the act or omission is foreseen and desired by the offender as a consequence of his act or omission, and where the law makes the crime dependent upon such event*'. It is not clear why this Clause is limited to 'intentional' crimes. The mental element for many ordinary crimes (and contraventions) could also be, as set out in Arts. 23 and 24(1)(a) and (b) of the Penal Code '*preterintentionality*' (beyond intent) or *culpa* (negligence). It would make no sense for only criminal intent cases to go to ordinary courts whilst other less serious crimes against the members of the public go to military courts. This is also another argument for the urgent reform of the old 'Somali Republic' military codes whose application should, in my view, be confined to 'military offences' only, as was the case before the military coup of 1969.

¹⁸⁰ Whilst clause 1 of this Article envisage members of the police who commit crimes shall be dealt with under military criminal laws and the the Penal Code, and implies that the military offences, by their nature shall be dealt with by military courts, clause 2 is unequivocal in its assertion and any crimes committed by the police against the members of the members shall be dealt with by the non-military ordinary courts set out in Article in paragraphs 1 to 4 of Article 100 of the Constitution that have jurisdiction to deal with criminal cases, as set out further in the [Organisation of the Judiciary Law](#) (Law NO. 23 /2003-2008). In fact. In the 1960s, both the then constitution of the Somali Republic and other legislation (such Article 3(6) of the he 1962 Organisation of the Judiciary Law) confirmed that the military tribunals (courts) dealt with military offences committed by the military and the reach of the military courts were widened after 1970 by the military dictatorship, and so it is not incongruous that, where there is evidence of a Penal Code offence committed by a member of the police against a member of the public, which the Attorney General prosecutors consider merits a criminal prosecution be tried by the ordinary courts. There were (and still are) provisions in the 1963 Military Criminal Code in Peace and War (MCC) for the ordinary Supreme Court to decide on any jurisdictional questions in any case about the appropriate court which do amount to an offence under the military criminal law.

¹⁸¹ The 2014 presidential objections proposed that this clause 44(2) be amended to retain the 'current position' which was that such crimes are dealt with by the Armed Forces Courts and not 'Civilian Courts'

3. If the Commander of the Division/Department considers that an act committed by a member (*of the Force*) does not merit prosecution in court or the forwarding to the court was not supported by the Commandant of the Force, the member shall be disciplined in accordance with the Disciplinary Regulations.

4. The members of the Force shall not be held liable for any act committed in the exercise of the powers given to them under the law in the performance of the duty of self-defence, (*and in*) circumstances necessitating lawful use of a weapon in accordance with Articles 33¹⁸², 34¹⁸³, 35¹⁸⁴, and 36¹⁸⁵ of the Penal Code.

The HoR Bill changes the following clauses of this Article:

Clause 2 - Crimes committed intentionally by the police against the public fall within the jurisdiction of, and shall be forwarded to, the National Forces Court in accordance with Article 104(1) of the Constitution of the RoSL¹⁸⁶.

Clause 3- the word 'department' is deleted and the word 'Police' is added to the term 'Disciplinary Regulations'.

and that the civilian courts jurisdiction runs contrary to the fact that the Police are an armed force. I have commented on this issue from the standpoint of the relevant constitutional provisions and the visceral concerns of Somalilanders about 'militarisation' in the light of their experiences under a military dictatorship – see, for example, footnote 27 above.

¹⁸² Art. 33 of the Penal Code: Exercise of a Right or Performance of a Duty.

1. Nothing is an offence which is done in the exercise of a right, or in the performance of a duty imposed by law or by a lawful order of a public officer.

2. If an act constituting an offence is committed by order of a superior officer, the officer [240 P.C.] who has given the order shall be liable for the offence.

The person who carried out the order shall also be liable for the offence unless, owing to a justifiable mistake, he believed he was obeying a lawful order.

3. Whoever carries out an unlawful order shall not be punishable when the law does not allow him to question the legitimacy of the order [37 P.C.].

¹⁸³ Art. 34 of the Penal Code: *Private Defence*

Whoever has committed an act, having been compelled by the necessity of defending his own or another person's right against the actual danger of an unlawful injury, shall not be punishable provided that the defence is proportionate to the injury [37 P.C.].

¹⁸⁴ Art. 35 of the Penal Code: *Lawful Use of Arms*

1. Subject to the provisions contained in the two preceding Arts., a public officer [240(a) P.C.] shall not be punishable if, for the purpose of performing a duty his office, he employs or orders the employment of arms or orders the employment of arms or other {*means*}¹⁸⁴ of physical coercion when he is compelled to do so by the absolute necessity of repelling violence or overcoming resistance to the authorities, or avoiding the escape of a person lawfully arrested or detained for an offence.

2. The provisions of the first paragraph shall apply to any person who, being lawfully requested by a public officer, affords him assistance.

3. Other cases in which the use of arms or other means of physical coercion is permitted shall be established by law [37 P.C.].

¹⁸⁵ Art. 36 of the Penal Code: *State of Necessity*

1. Whoever has committed an act, having been compelled by the necessity of saving himself or others from actual danger of serious bodily injury, and where such danger has not been voluntarily caused by him or could not otherwise be avoided, shall not be punishable provided that the act is proportionate to the danger, and the person is not legally bound to expose himself to such danger.

2. The provisions of the first paragraph shall also apply if the state of necessity is caused by the threats of others; in this case, however, the person who has compelled another to commit an act shall be liable for the act committed by the other person [27, 37 P.C.].

¹⁸⁶ See footnote 104 above relating to the questions about this interpretation of Article 104(1) of the Constitution.

Clause is very slightly amended to read:

4. The members of the Force shall not be held liable for any act committed in the exercise of a power laid down in laws relating to the performance of the duty of self-defence, (and in) circumstances necessitating lawful use of a weapon in accordance with Articles 33, 34, 35, and 36 of the Penal Code.

Article 45 Civil liability

1. A member of the Police shall not be liable under civil law¹⁸⁷ or for (*customary*) restitution¹⁸⁸ for an act committed whilst enforcing the law in the performance of his Force functions (*and*) in accordance with the law.
2. The State shall be liable for any compensation under civil law¹⁸⁹ arising from:
 - a) an act committed by a member of the Police Force under the orders of an officer¹⁹⁰ empowered to give such orders¹⁹¹;
 - b) an act committed intentionally or negligently by a member of the Police Force in the performance of his/her functions;
 - c) criminal offences committed by a member of the Police Force whilst performing his/her functions and for any compensation or restitution arising thereof;
 - d) any other act for which the civil law¹⁹² makes the state liable for its compensation.
3. Any person who attacks or confronts with weapons, or obstructs with weapons or by force the Police Force in the lawful execution of their orders or the performance of their lawful operations shall be responsible for any loss of life or property incurred by him or by other third persons or by the (*members of the*) Force performing the operations, where the acts causing the loss were committed by the person or by the Police Force who acted in accordance Articles¹⁹³ 33, 34, 35 and 36 of the Penal Code.
4. The circumstances referred to in Clause 3 of this Article shall be subject of an independent investigation, so as to ascertain the person to be held liable.
5. The independent investigation referred to in Clause 4 of this Article can¹⁹⁴ be undertaken by the Independent (*Police*) Complaints Commission.¹⁹⁵

¹⁸⁷ Liability for tortious (or delictual) acts is covered by Arts. 160 to 175 of the 1973 Civil Code.

¹⁸⁸ '*Magdhow*' (payment of *mag*) in Somali here signifies that there is no liability also for 'customary' compensation either. Although the civil compensation system is also founded on sharia and relevant customary principles, the customary system includes, in addition, traditional arrangements which modify and sometime oblige compensation and at higher levels through previous agreements between different sub-clans.

¹⁸⁹ See the preceding footnote for the differences between civil compensation and traditional compensation. In the vast majority of civil cases concerning compensation, courts will often endorse the traditionally agreed (out of court) settlements as this also encouraged by various provisions of the Civil Code, the Civil Procedure Code and the Organisation of the Judiciary Law.

¹⁹⁰ Defined in Article 1 of the Law as any member of the Police Force holding the rank of Second (or Sub) Lieutenant or above.

¹⁹¹ Art. 164 of the Civil Code also confirms that a public official is not liable for any tortious (or delictual) injury to another person where he acts in pursuance of an order from a superior person that he has to observe and if he shows that he believed that the act performed was lawful or that he had reasonable grounds for such belief, and that he acted with due care.

¹⁹² This relates, in general, to employer's vicarious liability for the tortious (or delictual) acts of his employees which, as set out in Art. 171(1) of the Civil Code, relates to any such tortious acts committed by the employee whilst in the course of his employment.

¹⁹³ For details of these Penal Code provisions, see the footnote above relating to Art. 44(4).

¹⁹⁴ For purposes of legal certainty the term 'shall undertake' (*waxaa sameynaya*) rather than 'can undertake' (*waxaa samayn kara*) would have been more appropriate.

6. The Police Force is not liable for any damage incurred by a lawfully detained or arrested person and caused during the act of a member of the Police Force preventing or stopping the person from escaping, where the person uses a weapon similar to the one held by the Police¹⁹⁶, and the member of the Police has acted in a careful manner.

The HoR Bill changes the following clauses 5 of this Article 45 as follows:

5. *The independent investigation referred to in Clause 4 of this Article can be undertaken by the Oversight and Public Complaints Committee referred to in Part 8 of this Law.*¹⁹⁷

PART 11 CO-OPERATIVE WORKING BETWEEN THE FORCE AND THE ADMINISTRATIONS OF THE REGIONS

Article 46 Co-operative working between the Force and the administrations of the regions

1. The Regional quarters of the Police Force shall undertake activities relating to the strengthening of the order and the maintenance of the security.
2. The Police Force is represented at the Regions by the Commander(s) of the divisions who shall link together all the branches of the Police Force at regional level, and at the same time act as the link between the Police Force, the Regional administration and the (*regional*) agencies and branches of the (*central*) government.
3. The Divisional Commander of the Region shall have a co-operative working relationship with the Chairman (*Chairmen*¹⁹⁸) of the District (District Commissioner¹⁹⁹), the Chairman of the Region, the armed forces and the other agencies of the State.²⁰⁰
4. Every district shall have a police station or stations and the Force at the police station shall work with the district administration in the strengthening of the order and the maintenance of the security.
5. The Commander of the Station shall have close working relationship with the Chairman of the District Council.
6. Where adverse security circumstances affect two or more districts within a region, the Divisional Commander of the Region shall assume the command of the Police activities and shall work with the Chairman of the Region, whilst taking directions from the Commandant of the Force.

¹⁹⁵ The 2014 presidential objections included the deletion of this clause 45(5) for the same reasons set out above in relation to the deletion of Articles 32 to 36.

¹⁹⁶ This badly drafted 'like for like weapon' provision was presumably intended to convey a 'proportionality' element, but should be read with Art. 35 of the Penal Code – the lawful use of arms (see footnote to Art. 44) – which emphasises the 'absolute necessity' of using force to avoid the escape of an arrested or detained person.

¹⁹⁷ See above the HoR Amendments made to Articles 35 and 36 of this Law.

¹⁹⁸ There are invariably more than one district in each region.

¹⁹⁹ This English term 'District Commissioner' is included in parenthesis in the Somali text of the Law. The term is left over from the Somaliland Protectorate laws (and the pre 1969 local government laws) and the current Regions and District Law refers to them as the Chairman of the District (and are, sometimes, called Mayors).

²⁰⁰ The 2014 presidential objections included the deletion of this clause 46(3) on the basis that, in practice, the Divisional Commanders of the Regions shall be working with the Chairmen of the Regions and not the District Chairmen.

7. Where the districts in which the security activities are carried out are located in two or more regions, the power to conduct the operations of the Police Force shall be taken over by the Commandant of the Force, whilst taking directions²⁰¹ from the Minister of Internal Affairs.

8. If an offender flees from the place where he committed a crime and moves to a different district, the nearest police station shall have the duty to apprehend him. At the same time the police at the district where he committed the crime can seek his apprehension but must inform the police within whose boundaries they may be operating.

9. The Regional Chairmen shall assist in any way possible the Police Force divisions of the Region in the fulfilment of their operational activities.

10. The Chairmen of the District Councils in the towns which are also the seats the regions where the divisional commands are also based shall assist police divisions in their districts with finances and with any needs which are necessary for the fulfilment of their operational activities.

11. The Chairmen of the other District Councils (*in each Region*) shall assist the commanders of their district stations/station with finances and with any needs which are necessary for the fulfilment of their operational activities.

12. The Police Force at every district shall work with the local government in the collection of revenues and in any other matters in which district administration seeks their assistance in accordance with the law.

13. The co-operative work of the Police Force referred to in the Clauses of this Article shall affect adversely the co-operative working and the duties of all sides which are set out in the Maintenance of Public Order and Security (Law no. 51), the Traffic Law, the Immigration Law and the other laws of the country.

The HoR Amendments re-arranged the numbering of the clauses of this Article 46 and made some changes as follows:

The Links between the Police Force and the Administrations of the Regions

1. *The Commanders of the Police Force in the regions shall undertake activities relating to the strengthening of the order and the maintenance of the security.*

2. *The Police Force is represented at the Regions by the Divisional Commanders who shall link together all the branches of the Police Force at regional level, and at the same time act as the link between the Police Force, the regional administration and the other agencies and branches of the (central) government at regional level.*

3. *The Police Divisional Commanders of the regions shall work with the Chairmen of the regions on security matters.*

4. *Where adverse security circumstances affect two or more districts within a region, the Divisional Commander of the Region is responsible for directing the Police activities whilst taking directions from the Chairman of the Region and keeping the Commandant of the Police Force informed.²⁰²*

5. *The Regional Chairmen shall assist in any way possible the Police Force divisions of their Regions in the fulfilment of their operational activities.²⁰³*

²⁰¹ The 2014 presidential objections proposed the substitution of the ‘whilst taking directions from the Minister of Internal Affairs’ in this clause 46(7) with the words ‘whilst keeping the Minister of Internal Affairs apprised of the situation’. On the basis that the current wording goes contrary to the Police operational independence and would oblige them to take no action without the Minister’s approval.

²⁰² Currently numbered clause 6 of this Article 46.

²⁰³ Currently numbered clause 9 of this Article 46.

6. *Where the districts in which security activities are carried out are located in two or more regions, the power to conduct the operations of the Police Force shall be taken over by the Commandant of the Force who shall keep the Minister of Internal Affairs informed²⁰⁴.*

7. *Every district shall have a police station or stations and the Force at the police station shall work with the district administration in the strengthening of the order and the maintenance of the security.²⁰⁵*

8. *The Police Force at every district shall work with the local government in the collection of revenues and in any other matters in which district administration seeks their assistance in accordance with the law. ²⁰⁶*

9. *The Chairmen of the District Councils shall assist the Police stations of the districts in respect of their essential needs such as water, lighting etc., which are beyond their financial means.*

10. *In the event that offender flees from the district where he committed a crime and moves to a different district, the nearest police station shall have the duty to apprehend him. At the same time the police at the district where he committed the crime can seek his apprehension but must inform the police within whose boundaries they may be operating.²⁰⁷*

11. *The co-operative work of the Police Force and the administrations of the regions and districts referred to in the above Articles of this Law shall not affect adversely the co-operative working and the duties of all the sides, which are set out in the Maintenance of Public Order and Security Law (Law no. 51), the Traffic Law, the Immigration Law and the other laws of the country.²⁰⁸*

PART 12 FINAL PROVISIONS

Article 47 Standing orders and directions

The Commandant of the Police Force shall have the power to issue at any time –

- a) standing orders relating to the better performance of the matters referred to in the law and the Regulations;
- b) leave, recruitment, salaries, transfers, dismissals, training;
- c) authorisations for the use of weapons and ammunition;
- d) completion of the uniform and the equipment of the members of the Force;
- e) co-operative working between police and the other agencies of the government;
- f) any orders, in accordance with the law, facilitating the operations of the Force or the capability and good conduct of the Force or any other matter relating to the above mentioned²⁰⁹ issues.

Article 48 Oversight of the implementation and finalisation of this Law

²⁰⁴ Currently numbered clause 7 of this Article 46

²⁰⁵ Currently numbered clause 4 of this Article 46.

²⁰⁶ Currently clause 12 of this Article 46.

²⁰⁷ Currently clause 8 of this Article 46.

²⁰⁸ Currently clause 12 of this Article 46.

²⁰⁹ This is likely to refer to the provisions of this Article and it would have been better if this was so stated.

The oversight of the implementation of this Law and the finalisation of legislation, as well as the issue of Regulations, guidelines, procedures and establishment of offices shall be the responsibility of the Minister of Internal Affairs.

Article 49 Administrative power in respect of this Law

The Minister of Internal Affairs shall, in consultation with the Commandant of the Police Force, shall issue, within a year beginning from the date of this Law comes into force²¹⁰, Regulations not in conflict with this Law, for the implementation and interpretation of this Law.

Article 50 Repeals

Any provisions²¹¹ of any law which are in conflict with this Law are hereby repealed.

Article 51 Coming into Force of this Law

This Law shall come into force after its approval by the legislative chambers (House of Representatives and House of Elders) and is signed by the President²¹².

C/risaaq Siciid Ayaanle
General Secretary
House of Representatives RoS

C/raxmaan Maxamed C/laahi (Cirro)
Chairman
House of Representatives RoS

²¹⁰ As at February 2019, no new regulations have been published or gazetted.

²¹¹ The wording in Somali often used here means '*any law*' which is far too wide and is not intended to be so.

²¹² The Law was finally signed (without the proposed February 2014 presidential objections which were voted down by the House of Representatives on over two thirds majority) on **26 December 2017**, As the new session of the House starts in the last week of October 2018, there are reports that the President may submit new amendments to this Law, which may well include some of the previous February 2014 presidential objections which have been covered in these footnotes.

JAMHUURIYADDA SOMALILAND

XEERKA CIIDANKA BOOLISKA SOMALILAND

(SOMALILAND POLICE FORCE LAW)

XEER Lr: 63/2013 (2017)

(Xeerka waxa lagu daabacay cadad gaar ah oo Faafinta Rasmiga ah ee JSL oo soo baxay 6dii Janawari 2017)

TUSMADA XEERKA CIIDANKA BOOLIISKA

(Oo aan ku daray - Tifatiraha)

Xeer Madaxweyne (26 December 217)

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JAMHUURIYADDA



SOMALILAND

Xafiiska Madaxweynaha

Sum: JSL/XM/WM/222-06/122017

Taar: 26/12/2017

Wareegto Madaxweyne

Dhaqan-galka Xeerka Ciidanka Booliska Xeer Lr. 63/2013

Markaan Arkay: Dastuurka Jamhuuriyadda Somaliland, Qodobka 90aad;

Markaan Arkay: Go'aanka Golaha Wakiillada Go'aan Lr.GW/KF-35/749/2017, summadiisuna tahay Ref: GW/G/26/168/2017, kuna taariikheysan 19/12/2017, ujeedadiisuna tahay soo gudbin go'aanka ansixinta Xeerka Ciidanka Booliska, Xeer Lr. 63/2013;

Markaan Arkay: Qodobada 75aad, 76aad, 77aad (5), 78 (3) ee Daturka Jamhuuriyadda Somaliland;

Waxaan soo-saaray:

Wareegtadan oo lagu baahinayo Dhaqan-galka Xeerka Ciidanka Booliska Jamhuuriyadda Somaliland, Xeer Lr. 63/2013.

Allaa Mahad Leh

Muuse Biixi Cabdi

Madaxweynaha Jamhuuriyadda Somaliland

JAMHUURIYADDA SOMALILAND

GOLAHA WAKIILADDU

- Markuu Arkay:** Qodobada 124aad, 24aad, 26aad, 27aad, 29aad, 32aad, iyo Qodobka 34aad ee Dastuurka Jamhuuriyadda Somaliland.
- Markuu ka Duulaya:** Nuxurka Qodobka 112aad ee Dastuurka Qaranka JSL kaas oo si cad u qeexaya Nabad-gelyada Gudaha iyo kaalinta ay ku leeyihiin maamulada Gobolada iyo Degmooyinka.
- Markuu tixgaliyay:-** In nafta aadamuhu ay tahay deeq Ilaahay, qofkastana uu xaq u leeyahay noloshiisa, wuxuu ku waayi karaa ay kaliya marka maxkamada horteeda uu kaga caddaado dembi uu xeer jideeyey.
- Markuu Qiimeeyay:** In dhismaha iyo tababaradda ciidanka boolisku uu Muhiimad gaar ah u leeyahay dhismaha qaranka jamhuuriyadda Somaliland.
- Markuu Dhagaystay:** Soo-jeedinta Wasiirka Wasaaradda Arrimaha Guddaha iyo Taliyaha Ciidanka Booliska Somaliland.

**Wuxuu soo Saaray
Xeerka Ciidanka Booliska Somaliland**

**Qodobka 1aad
Erey-bixin**

- Madaxweyne:** Waxa loola jeedaa Madaxweynaha Jamhuuriyadda Somaliland.
- Wasiir:** Waxa loola jeedaa Wasiirka Wasaaradda Arrimaha Gudaha Jsl.
- Taliyaha Ciidanka:** Waa Taliyaha Ciidanka Booliiska Jamhuuriyada Somaliland.
- Booliiska:** Waxa loola jeedaa Ciidanka Booliiska Jamhuuriyada Somaliland
- Taliska:** Waxa loola jeedaa Taliska Ciidanka Booliska.
- Qayb:** Waxa loola jeedaa Taliska Ciidanka Booliska ee heer Gobol.
- Waax:** Waxa loola jeedaa Ciidan Xirfad gaar ah u qaabilsan Ciidanka Booliiska, sida, ciidanka nabadgelyada wadooyinka, Dembi baadhista iyo ciidanka Wardoonka.
- Askari:** Waxa loola jeedaa xubinkasta oo ciidanka Booliiska kamid ah oo aan darajo lahayn.

- Sarkaal:** Waxa loola jeedaa xubin kasta oo ciidanka Somaliland ka mid ah oo gaadha daraja xidigle iyo wixii ka sareeye.
- Sarkaal-xigeen:** Waxaa loola jeedaa xubin kasta oo ciidanka booliska ka mid ah oo leh darajada u Dhaxeysa alifle ilaa kormeere saddexaad.`
- Ciidanka:** Waxaloola jeedaa Ciidanka Booliiska JSL.
- Mudnaan:** Waxa loola jeedaa kala Sareynta xubnaha ciidanka Booliiska Somaliland "seniority"
- Mutaysi:** Waxa loola jeedaa Kasbashada dallaacadeed ama u Garashada, aqoon ee ay xubintu istaahisho "Merit."
- Hakin:** Waxa loola jeedaa ka-joojin shaqada si ku-meel-gaadh ah "Suspension"
- Gef: -** Waxaa loolaa jeedaa fal lagu mutaysan karo ganaax asluubeed
- Dambi:** Waxaa loola jeedaa fal gaadhsiisan Xukun maxkamadeed.

**CUTUBKA 1AAD
MABAA'DIIDA GUUD**

**Qodobka 2aad
Magaca Xeerka**

Xeerkan waxaa loogu yeedhayaa Xeerka Ciidanka Booliiska Somaliland.

**Qodobka 3aad
Ujeeddada Xeerka**

Ujeeddada Xeerkani waa:

1. In uu aasaaso qaab-dhismeedka, awooddaha iyo waajibaadka ciidanka Booliiska.
2. In uu sugo waajibaadka, xuquuqaha iyo masuuliyada xubnaha Booliiska ahaadaana kuwo sharciga ku salaysan.
3. In kor loo qaado Lana tayeeyo kartida Ciidanka Booliiska Somaliland iyo adeegyada bulsho ee ay Qaranka ugu xilsaaran yihiin.
4. In ciidanka booliska Somaliland loo tabbaboro, loona habeeyo qaab waafaqsan Shuruucda Dalka & tan caalimaga ah.

**Qodobka 4aad
Habka Adeegsiga Xeerka**

Xeerkan waxaa lagu dhaqayaa dhamaan xubnaha Ciidanka Booliiska Somaliland ee waqtiga xeerkani dhaqangalo u diiwaangashan Ciidanka Booliiska Somaliland iyo dhamaan xubnaha sifo Xeerkan waafaqsan loogu diwaangaliyo Ciidanka Booliiska Somaliland.

CUTUBKA 2AAD
MASUULIYADDA GUUD EE CIIDANKA BOOLIISKA

Qodobka 5aad
Ciidanka Booliiska Somaliland

Ciidanka Boolisku waa:

1. Qayb ka mid ah Ciidamada Jamhuuriyadda Somaliland
2. U adeegaha bulshada, isagoo ka madaxbanaan loolanka siyaasadeed, dhexna u ah Xisbiyada ama ururada siyaasadeed ee Qaranka iyo bulshadaba.
3. Inuu u guto xilkiisa si waafaqsan Dastuurka iyo xeerarka dalka.
4. In uu ka qayb qaato difaaca dalka Xaaladdaha Dagaalka iyo xaaladdaha deg-dega ah isagoo gacan ka siinaya Ciidanka Qaranka si waafaqsan dastuurka JSL.

Qodobka 6aad
Masuuliyadda Guud ee Ciidanka Booliska

1. Booliiska Somaliland waxaa loo dhisay in ay masuul ka ahaadaan:
B) Sugida amaanka Guddaha ee dhulka Jamhuuriyadda Somaliland
C) Ilaalinta Dastuurka iyo shuruucda Jamhuuriyadda Somaliland

Qodobka 7aad
Xarumaha Hoggaaminta Ciiddanka Booliska

Xarunta Dhexe ee Hogaaminta Ciiddanka Boolisku waa Caasimada Jamhuuriyada Somaliland ee Hargeysa

Qodobka 8aad
Shakhsiyadda Qaanuuneed

1. Booliiska Somaliland wuxuu leeyahay shaqsiyadiisa qaanuuneed ee u gaarka ah, isagoo yeelanaya magaciisa iyo astaantiisa u gaarka ah, si waafaqsan Xeerkan
2. Booliiska Somaliland wuxuu leeyahay madax banaanidiisa maamul iyo maaliyadeed, gudashada shaqadiisana waa u madaxbanaan yahay.

Qodobka 9aad
Astaamaha Ciidanka Booliiska Somaliland

1. Astaanta ciidanka Booliisku waa madax goodir oo dulsaaran barkin hareerahana kaga wareegsan yihiin laba caleemood oo ku dhex jira midab Buluug ah.
2. Astaanta Ciidanka Booliisku waxay gaar u tahay Ciidanka Booliiska Somaliland oo keliya waana lama taabtaan.
3. Astaanta Ciidan Booliiska Somaliland waa in ay ka muuqataa direyskooda, shaambadahooda, aqoonsigooda iyo waxkasta oo u gaar ah Ciidanka.

Qodobka 10aad
Xuduudda Hawl-fulineed ee Ciidanka Booliska

Ciidanka Booliiska Somaliland wuxuu ka hawlgelayaa dhamaan xudduudihiisa dhuleed ee Jamhuuriyada Somaliland iyo Goob kasta oo kale oo sharciga Jamhuuriyada Somaliland

ama sharciga Caalamiga ahi ogol yahay in ay ka hawlgalaan.

CUTUBKA 3AAD
HOGAAMINTA GUUD

Qoddobka 11aad
Awoodda Madaxweynaha ee Ciidanka

1. Madaxweynuhu waa Taliyaha Guud ee Ciiddamada JSL oo Ciiddankan Booliskuna ka mid yahay, sida waafaqsan Qoddobka 90aad ee Dastoorka JSL.
2. Talliyaha Guud ee Ciiddanka Booliska & ku xigeenadiisa waxaa magacaabistooda & xilka qaadistoodaba leh Madaxweynaha JSL.
3. Waxa kale oo awoodda Madaxweynaha ka mid ah hadba hawlaha kale ee Xeerkan & Xerarka kale awood u siiyeen.
4. Darajooyinka xidigle iyo wixii ka sareeya madaxweynaha ayaa digreeto Madaxweyne ku soo saaraya

Qodobka 12aad
Doorka Wasaaradda Arrimaha Gudaha ee Ciidanka

1. Wasiirka Arrimaha Guduhu wuxuu kala talinayaa Madaxweynaha magacaabista & xil ka qaadista Talliyaha Ciiddanka Booliska & Ku-xigeenadiisa isaga oo raacaya Xeerkan & Xeer-nidaamiyihisa si waafaqsan Xeerkan
2. Soo saarista Xeer nidaamiyaha Xeerkan isaga oo la tashanaya taliyaha ciidanka iyo aqoonyahanada sharciga.
3. Qabyo tirka baahida agabka ciidanka Booliiska
4. Soo saarista tilmaamo, hagayaal guud oo lagu fulinayo siyaasada Qaranka iyo qorshayaasha amaanka dalka la xidhiidha.
5. La socodka xaaladda nabadgelyo iyo hubinta in ciidanku guud ahaan hawshoodii u gudanayaan si Xeerkan iyo Dastuurka waafaqsan.
6. Tayaynta ciidanka Booliiska ka dib marka uu taliyaha ciidanka la tashado.
7. Arrinta la xidhiidha Dalacaada Ciidanka Booliiska waxaa lala socodsiiinayaa Wasiirka Arrimaha Gudaha.

CUTUBKA 4AAD
QAAB-DHISMEEDKA CIIDANKA BOOLIISKA

Qodobka 13aad
Qaab-Dhismeedka

1. Qaab-dhismeedka ciidanka booliiska Somaliland waxa uu ka kooban yahay;
 - B) Taliska ciidanka booliiska oo ka kooban
 - 1) Taliye
 - 2) Laba Taliye ku xigeen
 - 3) Hoggaano
 - T) Qaybo iyo Waaxo toos u hoostag Taliska.
 - J) Saldhigyo iyo Rugo

Qodobka 14aad
Awoodda Iyo Masuuliyada Taliyaha Ciidanka Booliiska

1. Sarkaalka taliyaha ciidanka booliiska loo magacaabayaa waa in uu
 - b) Leeyahay karti, aqoon akaademiga iyo waaya'aragnimo
 - t) Leeyahay awood hogaamineed oo uu ku hanan karo xilkaa loo igmaday
2. Taliyuhu waa masuulka ugu sareeya hogamaaminta iyo maamulka ciidanka booliiska.
3. Taliyaha ciidanka booliiska Somaliland isagoo dhowraya Xeerarka iyo Xeer-nidaamiyaha u degsan ciidanka booliiska, wuxuu awood u leeyahay: -
 - B. Horumarinta iyo isu xidhka shaqo iyo hawl-galinta ciidanka
 - T. Qorsheynta iyo Jaangoynta tirada ciidanka hadba sida baahida shaqo tahay
 - J. inuu wasiirka arrimaha Gudaha si joogto ah ula socodsiiyo Xaalada nabadgalyada guud ee dalka
 - X. Qabyo tirka iyo qalabeynta ciidanka sida gaadiidka, Isgaadhsiinta iwm iyo inuu hirgaliyo barro caafimaad oo ciidanka u gaar ah.
 - Kh. Abuurida nidaam guud oo la xidhiidha habka qorista booliiska iyo shaqaalaynta, aqoonta iyo tababarrada, labiska dirayska iyo qaadashada hubka, iwm
 - d. Abuurida xarumaha tababarada booliiska, kashaqaynta iyo fududaynta helitaanka tababarro aqooneed iyo xirfadeed ee dalka
 - r. Magacaabida guddi qiimeyneed.
 - s. Dalacaadda derajooyinka, wuxuu taliyaha ciidanku awood u leeyahay wixii ka hooseeya xidigle isagoo oo ku soo saaraya wareegto.

CUTUBKA 5AAD
WAAJIBAADDKA GUUD EE CIIDANKA BOOLIISKA

Qodobka 15aad
Wajibaadka Guud ee Ciidanka Booliska

Wajibaadka Guud ee ciidanka booliiska Somaliland waa: -

1. Ilaalinta iyo sugida nabadgalyada dalka guddihiisa.
2. Badbaadinta iyo illaalinta nafta iyo hantida guud iyo ta gaar ahaaneed ee dadka.
3. Ilaalinta Xoriyaadka aasaasiga ah ee qofka.
4. Fulinta iyo ku dhaqanka shuruucda iyo xeerarka dalka u dejisan
5. Ka hortagga iyo baadhista denbiyada si waafaqsan Xeerarka dalka
6. Tiro-koobka iyo ururinta faldanbiyeedka sanad kasta.
7. Dabagalka iyo soo qabashada eedayanyaasha iyo horgeyntooda maxkamadda.
8. Oogista dacwaddaha maxkamaddaha hortooda ay booliisku wakiil uga noqon karaan falkii iyo heerkii uu xeer ilaaliyaha guud u igmaddo.
9. Xidhiidhka iyo wadda shaqaynta Hay'adaha amniga ee kale.
10. Xidhiidhka booliiska caalamiga ah (Interpol) diblomaasiyiinta shisheeye ee dalka jooga.
11. Ilaalinta iyo sugidda nabad-galyada
12. Ka qaybgalka hawlaha gurmada hadii ay dhacaan durufo lama filaan ah sida duufaanadda, dhulgariirka iwm.
13. Taageerada iyo xoojinta ciidanka qaranka haddii ay timaado xaalad dagaal.
14. Ilaalinta maamuuska iyo dhawrista xasaanadda iyo karaamadda shakhsinimo ee Golayaasha Qaranka.
15. Ilaalinta xarumaha hay'adaha dawladda, Sugida amniga madaxda sare ee xukuumada, xubnaha baarlamaanka, martida iyo dublamaasiyiinta wadamada shisheeye.
16. Isku dubaridka iyo kaydinta xogta denbiilayaasha iyo bixinta cadaynta dambi

la'aanta.

17. Samaynta xog isweydaarsiyada iyadoo lala abuurayo xidhiidh iskaashi booliiska Wadamada aynu jaarka nahay.

18. Fulinta amaradda iyo go'aanada sharciga ah ee kazoo baxa Maxkamaddaha iyo Xeer Illaalinta.

19. Horgeynta markhaatiyada maxkamadaha ee dacwad oogista.

20. Qabashada alaabada kootarabaanka ah iyo u gudbinta hay'adaha cashuuraha.

21. Xaqiijinta ku dhaqanka xeerarka wado-marista gaadiidka iyo baadhista shilalka.

22. Ururinta, qiimaynta iyo ku baahinta hay'addaha ay khusayso denbiyada iyo shilalka guud ee dalka ka dhaca.

23. Fulinta awoodaha iyo waajibaadyada kale ee ay siiyeen Xeerarka kale ee dalku.

Qodobka 16aad **Awooddaha Ciidanka Booliiska**

Ciidanka Booliisku wuxuu awood u leeyahay:

1. In ay qabtaan, xidhaan, iyagoo sharciga u raacaya cid kasta oo fal denbiyeed diyaarinaya, isku dayaya, amaba faraha kula jirta si waafaqsan xeerkan iyo xeerarka kale.

2. Xubnaha Ciidanka Booliisku waxay qaadan karaan hub marka ay fulinayaan hawlo shaqadooda la xidhiidha.

3. Xubnaha Ciidanku waxay adeegsan karaan awood iyo xoog aan dhaafsiisnayn xadka xeerkan iyo xeerararka kale ee dalku u ogol yihiin.

4. Sida uu xusayo faqrada 3aad ee Qodobkan xubnaha ciidanku waxay adeegsan karaan awood hadii ay naf iyo maal ku nabadgelineyaan ama ay la ahaato xaalad u baahan inay is difacaan iyagoo raacaya Xeerkan.

5. Xubnaha Ciidanku markasta oo ay fulinayaan sharciga iyo Xeerarka dalka waa in ay ilaaliyaan xuquuqda qofka iyo anshax dhaqameedka suuban.

6. In ay ku horgeeyaan eedayanayaasha Maxkamada horteeda muddo aan ka badnayn 48 saacadood gudohood.

7. Ciidanka Booliisku xabad nool uma adeegsan Karaan dad aan hubeysnayn haday dhacdon waxaa ka masuula cidda amarkaa bixisay.

8. Markasta oo ciidanka booliisku Hawl-gal fulinaayo sarkaalka Ciidanka wata oo keliya ayaa u xaq leh inuu la hadlo cidda hawsha lagu fulinayo.

9. Si xeerkan iyo xeerarka kale ee Dalka waafaqsan hadii hawlgalada ay Ciidanka Boolisku fullinayaan ay ku keento dadwaynaha dhibaato keentay dhimasho, dhaawac, iyo burbur maaliyadeed marka la hubiyo baaxada dhibaatadu inta ay leegtahay waxaa waajib ah in loo gudbiyo Xumuuda JSL, si loo siiyo magdhow ciddii ay dhibaatadu ku dhacday.

Qodobka 17aad **Xil-Gudashada Xubnaha Ciidanka Booliiska**

1. Xubinkasta oo booliis ahi waa in ay haysataa kaadhka aqoonsiga (ID card), taysaro iyo Number ku muujisan direyskooda.

2. Xubinkasta oo ciidanka booliiska ka tirsan oo qabanaysa shaqo waa in waajibkeeda iyo awooddeeduba cayiman yahay.

3. Waa in Hadal/qoraal loogu sheegaa hawsha ay u xilsaaran tahay, waajibaadkeeda iyo awoodeeda, isla markaana lagu tababaraa.

4. Nooca tababarka, xarumaha tababarka, xiligiisa iyo wixii la xidhiidha waxa lagu

xusayaa Xeer- nidaamiyaha.

5. Sarkaalka u dira hawl aan Sharciga waafaqsanayn xubin ama koox ciidanka booliiska ka mid ah, isagaa ka masuul ah wax kasta oo khalad ama gef ama khasaare ka yimaada hawlgalkaa.

CUTUBKA 6AAD
SHAQADA IYO ARRIMAHA CIIDANKA

Qodobka 18aad
Shaqada Joogtada ah

Waxaa loo aqoonsanayaa in si joogto ah shaqada booliiska ugu jirto xubin kasta oo si rasmi ah loogu qaatay ciidanka booliiska oo:

- a) Shaqada ku jirta
- b) Fasax ku maqan
- c) Shaqada laga hakiyay.

Qodobka 19aad
Dhammaadka Shaqada Xubnaha Ciidanka

1. Shaqada xubnaha ciidanka boolisku waxay dhamaanaysaa haddii ay dhacdo mid ama wax ka badan sabahan soo socda: -

- B. Geeri ku timaada xubinta booliiska.
- T. Haduu ama Haday gaadho da'da hawlgabka isagoo shaqada sii hayn karo haddii loo arko lagamarmaan
- J. Haddii dhakhtar caddeeyo in aanu hawsha gudan karin.
- X. Haddii uu is-casisho oo isla markaana laga aqballo, waana in ay ahaataa qoraal rasmiya.
- KH. Haddii shaqada lagaga eryo sifo sharciga waafaqsan
- D. Haddii uu ku dhaco xukun maxkamadeed oo kama dambays ah.

Qodobka 20aad
Diwaanka Guud ee Ciidanka

1. Xubin kasta oo ka tirsan ciidanka booliiska waxay yeelanaysaa fayl u gaar ah oo loo sameeyo maalinta la qoro shaqada, iyadoo dhacdo kasta oo noloshiisa ama nolosheeda ciidanimo la xidhiidha lagu kaydinayo, sida noocyada shaqo ee uu qabtay, tababarada uu qaatay, waxbarashada uu helay, dalacaada, xilka, abaal-marinta, anshax marinta, bedelka, hoos u dhigida, denbiyada uu galay, fasaxyada iyo dhacdo kasta oo kale oo ay tahay in la kaydiyo, iyadoo faylkaasi yeelanayo lambarka ciidan ee la siiyay maalintii la qoray.

2. Qaabka loo xafidayo, cida awoodda u leh wax ka bedelkiisa iyo habka lagu ogolaan karo eegistiisa ama nuqul ka helidiisa waxaa lagu nidaaminayaa Xeer- nidaamiyayaasha ciidanka booliiska Somaliland oo uu Wasiirka Arimaha Guduhu soo saarayo

Qodobka 21aad
Derajada iyo Dirreyska

1. Derajada iyo dirrayska ciidanka booliiska waxa lagu soo saarayaa Xeer nidaamiye gaar ah.

2. Xubnaha Ciidanka Booliisku waxay u kala amar qaadanayaan sida ay u kala derejo sareeeyaan.

3. Haddii laba qof oo Ciiddanka Booliiska ka tirsani isku darajo noqdaan waxay u fullaysaa kala amar- qaadashadooda sida ay derejada ugu kala hor qaateen, haddii ay mar wada qaateena sida uu magacooddu uu ugu soo kala horeeyo liistadda.

Qodobka 22aad
Fasaxyada Shaqada

Fasaxyada xubnaha booliiska, noocyada fasaxa, hab- raaca fasax bixinta iyo cidda awoodda u leh ogolaanshaha fasax kasta, waxaa lagu sheegayaa Xeer- nidaamiyaha xeerkani jidaynayo.

Qodobks 23aad
Mushaharada & Gunooyinka

Xubin kasta oo ciidanka booliiska ahi:-

1. Waxay yeelanaysaa mushahar go'an.
2. Waxay yeelan kartaa gunno.
3. Heerarka mushaharka iyo gunnooyinka waxa lagu soo saarayaa xeer madaxweyne marka uu la tashado haya'ddaha ay khusayso
4. In la siiyo mushahar u dhigma shaqada uu hayo.
5. Wuxuu kaloo mutaysan karaa gunno waxaana lagu faah-faahinayaa xeer-nidaamiyaha ciidanka booliiska Somaliland.

Qodobka 24aad
Abaal Marinta Xubnaha Ciidanka Booliska

1. Xubnaha ciidanka booliska waxaa la siin karaa abaal- gudyadan soo Socda iyagoo qoraal ah faylkiisana loo galinayo: -

- b. Amaan caad ah
- t. Abaal gud caad lacageed
- a. Amaan gole jog
- x. Abaalgud qiimayn hawleed
- Kh. Bilad sharaf ama bilad geesi
- d. Dalacaad abaal marin gaar ahaaneed
- r. Fasax abaalgud.

2. Farqada 1aad ee qodobkan abaal-gudyadaas cidda bixinaysa iyo qaabka loo bixinayo abaalmarinta waxaa lagu Xusayaa xeer nidaamiyaha uu xeerkani jidaynayo.

Qodobka 25aad
Dhimashadda, Dhaawaca iyo Naafada Xubnaha ciidanka Booliiska

1. Xubinta ka mid ah booliiska ee lagu dilo isagoo waajibaadkiisa ciidan gudanaya ama lagu dilo aargoosi ka dhashay waajibaadkiisa ciidan ee uu gudanayey waxaa magtiisa ama magteeda bixinaya dawlada, waxaana la horgaynayaa cadaalada

2. Xubinta Ciiddanka Booliiska ee lagu dilo hawl-gal sharciga waafaqsan waxaa dhibane ka ah Qaranka JSL, oo ay waajib ku tahay inuu bixiyo magtiisa ama dhaawaciisaba. Ciddii falkaas gaysatayna meel kastaba ha tagtee qaranka ayaa ka goosanaya, soona qabsanaya, sharcigana hor keenaya.

3. Xubin kasta oo booliis ah oo lagu dhaawaco ama ku dhaawacanta ama ku naafawda ama waxyeelo soo gaadho iyadoo waajibaad Ciidan gudanaysa wuxuu ama waxay dawlada xaq ugu leeyahay daawayntiisa iyo xannaanayntiisaba.
4. Naafada iyo dhaawaca xubnaha booliiska waxaa lagu nidaamiyaa xeer-nidaamiyaha ciidanka booliiska Somaliland

Qodobka 26aad
Hawlgelinta Ciidanka

Xubin kasta oo Ciiddanka Booliiska ka tirsan waxaa loo bedeli karaa goob aan ahayn goobtii uu shaqada ka hayay ama shaqo ka duwan shaqadii uu hayay oo la xidhiidha waajibaadka Ciiddanka Booliiska si waafaqsan xeerkan.

Qodobka 27aad
Qiimeynta Shaqada xubnaha ciidanka

Qof kasta oo ciidanka booliiska ka tirsan, wax qabadkiisa, kartidiisa, asluubtiisa, daacadnimadiisa iyo hawl-karnimadiisa waxaa si joogta ah loogu samaynayaa qiimayn, iyadoo hab-raaca qiimaynta, ka go'aan qaadashada qiimaynta, iyo masuuliyiinta qiimaynta u xilsaaran lagu faahfaahin doona Xeer-nidaamiyaha.

Qodobka 28aad
Dhaarta xubnaha Ciidanka

Xubin kasta oo ciidanka booliiska Somaliland loo qaato marka shaqada la qorayo waa in la mariyaa dhaartan dastuuriga ah ee ku xusan qodobka 129aad ee Dastuurka qaranka una dhigan sidan

"WAXAAN ILAAHAY UGU DHAARTAY IN AAN U NOQONAYO DAACAD DIINTA ISLAAMKA, DALKAYGA SOMALILAND, DADKIISANA KU MAAMULAYO SINNAAN IYO CADDAAALAD INTA AAN XILKA HAYO".

CUTUBKA 7AAD
ASLUUBTA & ANSHAX-MARINTA

Qodobka 29aad
Hab-dhaqanka Asluubeedka ee Ciidanka

1. Ciidanka Booliisku waa in uu yeeshaa hab-dhaqanka asluubeed, kaas oo laga rabo xubin kasta oo ciidanka booliiska ka tirsan.
2. Hab-dhaqanka asluubeed ee faqrada 1aad ee qodobkani xustay waxaa lagu faahfaahinayaa Xeer- nidaamiyaha ciidanka booliiska.

Qodobka 30aad
Waxyaabaha Ka Reeban Xubnaha Ciiddanka Booliiska

Xubnaha ciidanka booliska waxaa ka reeban:

1. In aanay dan gaar u ah u adeegsan awoodooda iyo haybadooda booliisnimo.
2. In ay qabtaan shaqo kale oo ka duwan tan ciidanka inta ay ciidanka ka tirsan yihiin.
3. In aanay kala hor-iman hub ciidamada kale ee Qaranka, ciidanka booliiska

- dhexdiisa ama dadka rayidka ah, marka laga reebo xaaladaha sharcigu u ogolaaday.
4. Inay xubin ka noqdaan xisbi siyaasadeed ama urur Siyaasadeed.
 5. Inay bixiyaan xog ama ka waranto xaalad ciidanku la kulmay ama xubintaasi la kulantay.
 6. In ay aqbalaan hadiyad ama wixii lagu sharfo haday tahay mid si toos ah lagu siiyey ama cid kale loo soo mariyey.
 7. Inay iscasilaadeeda soo gudbiso iyada oo lagu jiro xaalad dagaal, xaalad degdeg ah ama baadhisi ku socoto.

Qodobka 31aad
Talaabooyinka Anshax marineed

1. Waxaa banaan in xubinta ciidanka booliiska ee lagu helo gef ka dhan ah xeerkan lagu qaado mid ka mid ah anshax-marinahan:
 - b) Digniin qoraala faylkiisana loo galiyo
 - t) Mushahar ka goyn aan ka badnayan afar dalool oo meel mushaharka xubinta muddo aan ka badnayn laba bilood qoraala faylkiisana loo galiyo.
 - j) Guno ka joojin muddo aan ka badnayn saddex bilood qoraala faylkiisana loo galiyo.
 - x) Dalacaad ka reebis muddo aan ka badnayn sanad xilliguu mutaystay qoraala faylkiisana loo galiyo..
 - Kh) Xadhigasluubeed aan ka badnayn 42 maalmood.
 - D) Cida awoodda u leh anshax marinta waxa lagu qeexi doonaa xeer-nidaamiyaha Xeerkan.

Qodob 32aad
Anshax Marinta Dambiyadda

1. Xubin kasta oo booliiska ka tirsan ee gasha fal dambiyeed ka dhan Xeerkan iyada ayaa ka masuul ah waxaan lagu ciqaabayaa si waafaqsan qodobka Qodobka 34aad ee xeerkan.
2. Masuul kasta oo amra in ciqaabaha anshaxmarineed ee ku xusan Qodobka 34aad waa in la diwaangeliyo xaashida dambiyada ciidanka booliiska nuqul ka mid ahna la siiyo guddida cabashooyinka iyo guddida cabashooyinka ka dhanka ah booliiska.
3. Talaabooyinka anshax marineed si xeerkan waafaqsan waa in lagu soo saaro Xeer nidaamiye gaar ah.
4. Taliyaha ciidanku wuxuu awood u leeyahay in uu u yeedho dhagaystana xubinta booliiska ee lagu soo eedayay faldambiyeed is difaaciisa (power to summon) waana in uu ku dhaariyo dhaarta ku xusan qodobka 30aad ee Xeerkan kana qabto wixii cadaymo qoraal ah ee uu haysto.
5. Xubinta Booliiska ee u hogaansami wayda farqada 4aad ee qodobkan diida ama ku guul daraysta in muddadaa loo qabtay inuu ku iman waayo ama diida inuu bixiyo cadayn afeed ama qoraal waxaa lagu qaadayaa fal dambiyeedyada anshax marinta ee ku xusan qodobka 34aad ee xeerkan.
6. Xubin kasta oo booliis ah oo u adeegsada haybadiisa booliisnimo si ka baxsan anshaxa suuban iibiya ama dayaca hub noocyadiisa oo dhan ama la safta koox gaar ah waxaa lagu qaadayaa fal ciqaabeed ka dhan.

Qodobka 33aad
Reebanaanta iyo Anshaxmarinta Dambiyadda ka dhanka ah Bani Aadamada

Waxaa ka reeban xubnaha ciidanka booliska:

1. Ma banaana fal dambiyeed kasta oo ka dhan ah baniaadanmimada sida jidh-dilka, Maskax ka dil iyo dhamaan faldambiyeedyada ku sifooba.
2. Xubin kasta oo booliis ah ee ku kacda faldambiyeedyada ku xusan faqrada 1aad ee qodobkan isaga ayaa ka masuul ah.
3. Xubin kasta oobooliis ah oo ku sifawda farqada 1aad ee qodobkan waxaa lagu ciqaabayaa xadhig gaadhaya 5 ilaa 10 sanno.

CUTUBKA 8AAD
CABBASHADA KA DHANKA AH CIIDDANKA
BOOLIISKA

Qoddbka 34aad
Cabbashada ka dhanka ah Ciidanka Booliiska

1. Cabashooyinka ka dhanka ah Ciidanka Booliiska Somaliland waxa looga cabanayaa Taliyaha awoodda u leh iyadoo lagu hagaajinaayo xafiisyada dabagalka iyo cabashooyinka Booliiska Somaliland (Internal Control/complaint Unit).
2. Hadii cabashadu uu waxba ka qaban waayo Booliisku ama cidii cabanaysey ay ku qanci weydo jawaabta waxaa cidda dacwooneysa cabashadeeda usoo gudbinaysaa guddi madaxbanaan oo layidhaahdo guddiga madaxa banaan ee cabashooyinka ka dhanka ah ciidanka Booliiska (independent police complain commission), Gudiddaas oo ka kooban:
 - a. Xubin Guddida nabadgelyada iyo Difaaca ee GolahaGuurtida (Gudd)
 - b. Xubin Guddida Arrimaha Guddaha ee Golaha Wakiilada
 - c. Xubin Wasaarada Arrimaha Guddaha (Xoghaye)
 - d. Xubin Sarkaal Booliiska ka tirsan/Khabiir booliis
 - e. 2 Xubnood Qareeno madax banaan oo aqoon u leh Shuruucda Dalka
 - f. Xubin Guddida Xuquuqal insaanka ah.
3. Cabashooyinka ka dhanka ah Ciidanka Booliiska ee Gobolada iyo Degmooyinka waxaa loo gudbinayaa guddi Heer Gobol iyo heer Degmo oo lagu magacaabayo Xeer-Nidaamiye uu soo saarayo Wasiirka Arrimaha Gudaha marka uu dhaqangalo Xeerkan kadib muddo sadex (3) bilood gudahood ah waxaana ogeysiin la siinayaa guddoomiyaha gobolka (Badhasaabka gobolka) ay cabashadu khusayso.

Qoddbka 35aad
Magacaabista Guddida Cabbashooyinka ka dhanka ah
Ciidanka Booliska ee Heer Qaran

Guddida Cabashooyinka waxaa loo soo xulayaa: -

1. Xubinta Gudida Nabad Gelyada iyo Difaaca ee Golaha Guurtida waxa soo magacaabaya Gudoomiyaha Golaha Guurtida.
2. Xubinta Gudida Arrimaha Guddaha Iyo Difaaca ee Golaha Wakiilada waxa soo magacaabaya Gudoomiyaha Golaha Wakiilada.
3. Xubinta Wasaarada Arrimaha Guddaha waxa so magacaabaya Wasiirka Wasaarada Arrimaha Guddaha.
4. Xubinta Xuquuqda Adamaha waxa soo magacaabaya Gudoomiyaha Hay'adda Xuquuqa Adamaha ee Qaranka JSL.
5. Xubinta Sarkaal Sare ah ee Booliska waxaa soo magacaabaya Taliyaha Ciidanka Booliska.
6. Labada xubnood ee Qareenada waxa so magacaabaya Ururka Qareenada JSL.

Qodobka 36aad
Awoodda Guddida Cabashooyinka Ka-dhanka ah
Xubnaha Ciidanka Booliska

Awoodaha Guddidu waa: -

1. Inay soo baadhaan markay helaan cabasho ka dhan ah Xubnin ama koox ka mid ah Ciidanka Booliiska waxaanay qaadayaan talaabooyinkan
- b. Inay u yeedhaan dhinacyada (power to summon)
- c. Inay dhegeystaan dacwada dhinacyadda
2. Waxay u xil saaran yihiin in ay talaabo ka qaadaan denbiyada ka dhanka ah xuquuqda aasaasiga ah ee Bani'aadanimo ee ku xusan xubinta 3aad ee Dastuurka
3. Inay go'aan ka soo saaraan dambiyada ku xusan farqada 2aad ee qodobkan go'aankooduna waxa uu ku ansaxayaa (2/3) tirada xubnaha cod bixinta leh
4. Muddada Xilkoodu waa saddex Sanadood.
5. Inay go'aankooda u gudbiyaan Xeer ilaalinta Guud si ay ugu soo oogto Dacwad xubintii booliiska ahayd ee fal denbiyeedka gashay.
6. Xeer Ilaaliyaha Guud waa in uu muddo todoba cisho gudahood ah ku oogaa dacwada.
7. Gudiddu kulankooda ugu horeeya waa inay samaystaan Xeer nidaamiye u gaara oo hawshooda qeexaaya, waxaanay xafiis ku yeelanayaan xarunta Wasaarada Arimaha Gudaha.
8. Cabashooyinka ka dhanka ah Ciidanka Booliiska ee Gobolada iyo Degmooyinka waxaa loo gudbinayaa guddi Heer Gobol iyo heer Degmo oo lagu magacaabayo Xeer-Nidaamiye uu soo saarayo Wasiirka Arimaha Gudaha marka uu dhaqangalo Xeerkan kadib muddo sadex (3) bilood gudahood ah waxaana ogeysiin la siiinayaa guddoomiyaha gobolka (Badhasaabka gobolka) ay cabashadu khusayso.

Qoddobka 37aad
Cabbashada Ciiddanka Booliska

- 1) Haddii qof ama koox Ciiddanka Booliska ka tirsani ay ka cabbanayaan Madaxdooda ama ay dhibaato kale la soo deristo, waxay codsigooga u gudbinayaan Taliyaha Ciidanka ay ka tirsan yihiin.
- 2) Haddii uu Taliyuhu wax ka qaban waayo cabbashadaasi waxay u gudbinayaan Taliyaha Guud ee Ciidanka Booliska.
- 3) Haddii Taliyaha Guud ee Ciidanku uu cabbashadaasi waxba ka qaban waayo waxay u gudbinayaan Wasiirka Wasaarada Arimaha Gudaha.

CUTUBKA 9AAD
HANTIDA, QALABKA, HUBKA & MIISAANIYADDA

Qodobka 38aad
Diiwaangelinta Hantida Ciidanka Booliiska

1. Ciidanka booliisku wuxuu yeelanayaa hanti guurta iyo ma guurto ah oo uu u adeegsanayo gudashada waajibaadkiisa, waana hanti qaran, cidina dan gaar ah uma isticmaali karto.
2. Dhammaan hantida ma guurtada ah ee ciidanka booliiska waa la diiwaangelinayaa.
3. Taliyaha ciidanka booliisku wuxuu dejinayaa hab- raacyo maamul (Administrative

procedures) oo si gaar-gaar ah loogu maamulo hantida ciidanka.

Qodobka 39aad
Daryeelka hantida iyo qalabka Booliiska

Xubin kasta oo ciidanka ka mid ah waxa ku waajib ah ilaalinta, dayactirka iyo daryeelka hantida iyo qalabka ciidanka booliiska ee uu mas'uulka ka yahay.

Qodobka 40aad
Hubka & Rasaasta

Hubka Dawlada ayaa iska leh, qoryaha iyo rasaasta lagu qaramaayo xubnaha ciidankana, waxay ka mid noqonayaan hubka ciidanka, dibna looguma celinaayo xubinta ciidanka ka tagta ama laga eryo ama hawlgab noqota ama geeriyoota.

Qodobka 41aad
Miisaaniyadda ciidanka Booliiska

1. Dhaqaalaha ciidanka booliisku wuxuu ka iman karaa:
 - a) Xaddiga miisaaniyada Qaranka looga qoondeeyay Booliiska
 - b) Kaalmo xukuumada dhexe ku kabto
 - c) Kaalmo D/hoose ku kabaan
 - d) Qormada ganaaxyada sharcigu uga qoondeeyay.
2. Maaliyada booliiska waxaa lagu maamulayaa hab waafaqsan Xeerarka xisaabaadka dawlada, xeer- nidaamyada booliiska iyo hab-raaca maamul ee xeerkan lagu sheegay.
3. Taliyaha booliiska iyo saraakiisha uu u igmadaa waxay masuul ka yihiin ilaalinta, kormeerka, dabagalka habsami u maamulka maaliyada booliiska.

Qodobka 42aad
Hanti Dhawrka Xisaabaadka Ciidanka

Taliyaha ciidanka booliisku wuxuu abuurayaa hanti- dhawr gudaha ah (Internal Auditor) oo ciidanka gaar u ah oo ka kooban saraakiil aqoon dheer iyo waaya'aragnimo u leh xisaabaadka oo si waqtiile ah ama mar kasta oo loo baahdo shaqayn kara.

Qodobka 43aad
Qaadhaanka Ciidanka Booliiska

Ciidanka Booliisku waxuu samaysan karaa sanduuq dhaqaale oo ku yimaada qaadhaanka ciidanka booliiska dhexdooda, waxaana qeexi doonna xeer-nidaamiyaha.

CUTUBKA 10AAD
MASUULIYADA GUUD & MASUULIYAD GAARKA AH

Qodobka 44aad
Masuuliyadda Denbiga iyo Cigaabtiisa

1. Xubnaha ciidanka booliisku waxay masuul ka noqonayaan denbiyada ay sida badheedhka ah uga galaan Qaranka, waxaana loo raacayo xeerarka ciidamada iyo xeerka cigaabta guud.

2. Denbiyada ay sida badheedhka uga galaan dadweynaha waxaa loo gudbinayaa maxkamadaha caadiga ah (Civilian courts), waxaana loo raacayaa Xeerka ciqaabta guud
3. Haddii uu taliyaha qaybtu/waaxdu u arko in aan falka xubintu gaadhsiisnayn in maxkamad lagu horgeeyo ama uu maxkamad u gudbinta ku waafaqi waydo taliyaha ciidanka, xubinta waxa lagu anshax marinayaa si waafaqsan xeerka anshaxa.
4. Xubnaha ciidanku loo raaci maayo fal kasta oo ay ku galaan isticmaalka awoodda xeerku bixiyey Gudasho waajib is difaac, xaalad baahiyeed sharci u adeegsi hub si waafaqsan qodobada 33, 34, 35 & 36aad Xeerka Ciqaabta Guud.

Qodobka 45aad
Masuuliyad Madani

1. Xubinta ciidanka booliiska looma raacyo masuuliyad madani ah ama magdhaw ka dhashay fal ay ku gashay iyadoo sharciga ilaalinaysa gudanaysa hawsheeda ciidan si waafaqsan sharciga.
2. Dawlada ayaa masuul ka noqonaysa magdhawga madani ee ka yimaada:
 - b. Falka xubinta ciidanka booliisku ku gasho amar sarkaal awood u leh
 - t. Falka xubinta ciidanku ku gasho iyadoo shaqadeeda gudanaysa kama' ama taxadir daro.
 - J. Magdhawga ama cawil celinta ka dhalata denbi ciqaab ah oo xubin ciidan ku gashay iyadoo shaqadeeda gudanaysa
 - X. Fal kasta oo kale oo sharciga madanigu magdhawgeeda ku waajibinayo dawlada
3. Qof kasta oo weerar ama hub kala hor yimaada ama hub ama xoog isku hortaaga ciidanka booliiska oo si sharciga waafaqsan u fulinaya amar ama hawlgal sharci ah, wuxuu masuul ka noqonayaa, khasaaraha naf ama maal ah ee soo gaadhay qofkaa ama cid sadexaad ama ciidanka hawsha fulinaya, marka falka waxyeelada gaystay uu lahaa qofkaasi ama ciidanka booliiska oo falka u sameeyay si waafaqsan Qodobada 33, 34, 35 & 36aad Xeerka ciqaabta guud.
4. Xaaladaha lagu sheegay faqrada 3aad ee qodobkan waa in baadhis madaxbanaan lagu sameeyo, si loo xaqiijiyo cida masuuliyada qaadaysa.
5. Baadhista Madaxbanaan ee lagu sheegay faqrada 4aad ee qodobkan, waxaa samayn kara Guddi madaxbanaan ee cabashooyinka ka dhanka ah booliiska (independent Compliant Commission)
6. Ciidanka booliisku masuul kama noqon karo dhibta soo gaadhay qof si sharci ah loo hayay ama loo qabanayay falka ay xubinta booliiska ahi ku gaysato ka hortag baxsasho ama joojin baxsi, hadii uu adeegsanayo qofku hub lamid ah ka uu booliisku sito, marka xubinta booliisku si taxadir leh u dhaqantay.

CUTUBKA 11AAD
WADA SHAQAYNTA CIIDANKA IYO MAAMULADA GOBOLADA

Qodobka 46aad
Wada shaqaynta Ciidanka iyo maamulada Gobolada & Degmooyinka

1. Fadhiyada ciidanka booliiska ee Gobollada waxay qabanayaan hawlaha la xidhiidha xoojinta nidaamka iyo sugidda nabadgelyada.
2. Ciidanka booliiska waxa Gobollada uga Wakiil ah Taliyahaqaybaha, oo isku xidhaya dhammaan laamaha ciidanka booliiska ee heer Gobol, isla markaana xidhiidhinaya ciidanka booliiska iyo maamulka gobolka iyo hay'adaha iyo laamaha kale ee xukuumada.
3. Taliyaha qaybta ee Gobolku wuxuu wada shaqayn la leeyahay Guddoomiye Degmo

(District Commissioneer), Guddoomiyaha Gobolka, ciidammada iyo hay'adaha kale ee qaranka.

4. Degmo kasta waxay lahaanaysaa saldhig ama saldhigyo booliis, ciidanka ka tirsan saldhigga booliiska ayaa maamulka degmada kala shaqaynaya xoojinta nidaamka iyo suggida ammaanka.

5. Taliyaha Saldhigu wuxuu wada shaqayn dhow la yeelanayaa Gudoomiyaha Golaha Degaanka ee Degmada.

6. Haddii ay dhacdo xaalado nabadgelyo-darro oo saameeya laba degmo ama ka badan ee isla hal Gobol, waxa agaasinka hawsha booliiska la wareegaya Taliyaha Qaybta booliiska Gobolkaas, isagoo la shaqaynaya Guddoomiyaha Gobolka, kana tilmaan qaadanaya Taliyaha Ciidanka.

7. Haddii Degmooyinka hawsha nabadgelyada laga qabanayaa ku yaaliin laba Gobol ama wax ka badan waxa awoodda hawl-gelinta ciidanka booliiska la wareegaya taliyaha ciidanka, isagoo ka tilmaan qaadanaya Wasiirka Arrimaha Gudaha.

8. Haddii ay dhacdo in dembiile ka baxsado meesha uu dembiga ku galay, una gudbo degmo kale, soo qabashadiisu waa waajib saaran fadhiga booliiska ugu dhow, sidoo kale booliiska Degmada uu dembiga ku galay waa raacdaysan karaan si loo soo qabto; waxase shardi ah inay la socodsiiyaan booliiska xadka ay ka hawlgelayaan.

9. Gudoomiyayaasha Goboladu waxay qaybaha ciidamada booliiska ee Goboladooda ka caawinayaan wax kasta oo suuragal ah oo ay hawshooda ku fulin karaan.

10. Gudoomiyayaasha Golayaasha Degmooyinka ee magaalo madaxyada Gobolada ee fadhiyada talisyada qaybuhu ku yaalaan, waxay qaybaha booliiska ee Degmooyinkooda ka taageerayaan dhaqaalaha iyo baahi kasta oo daruuri u ah gudashada hawshooda.

11. Gudoomiyayaasha Golayaasha Degmooyinka kale, waxay taliyaasha saldhigyada/saldhiga Degmooyinkooda ka taageerayaan dhaqaalaha iyo baahi kasta oo daruuri u ah gudashada hawshooda.

12. Ciidanka booliiska ee Degmo kasta waxay D/hoose kala shaqaynayaan cashuur ururinta iyo arrimaha kale ay maamulada Degmooyinku gacan siin ka dalbadaan ee sharciga waafaqsan.

13. Wada shaqaynta ciidanka booliiska ee lagu sheegay faqrada qodobkan, waxba uma dhimayso, wada shaqaynta iyo waajibaadyada dhinacyada ee lagu sheegay Xeerka Anshaxa Ilaalinta Nabadgalyada ee Xeer Lr 51, xeerka waddo-marista, xeerka socdaalka iyo xeerarka kale ee dalka.

CUTUBKA 12AAD
QODOBADA GABA-GABADA

Qodobka 47aad
Amarada & Tilmaamaha (Tallooyin) Joogtada ah.

Taliyaha ciidanka booliisku wuxuu awood u leeyahay markii waqti la joogaba inuu soo saaro

- a) Awaamiir joogto ah oo la xidhiidha hagaag u socodsiinta arrimaha uu dhigayo Xeerka iyo xeer nidaamiyihu
- b) fasaxyada, shaqo qoris, mushaharka, beddelka, shaqo ka saarid, tababarrada,
- c) ogolaanshaha isticmaalka hubka iyo rasaasta
- d) u dhamaystirka lebiska iyo qalabka xubnaha ciidanka
- e) wadashaqaynta booliiska iyo hay'adaha kale ee dawlada
- f) Wixii awaamiir ah ee sharciga waafaqsan ee fududaynaya hawlaha ciidanka ama kartida iyo anshaxa hagaagsan ee ciidanka ama arrimo kasta oo la xidhiidha arrimaha

kor ku xusan.

Qodobka 48aad
Kormeerka dhaqangelinta & dhamaystirka Xeerkan

Kormeerka dhaqangelinta Xeerkan iyo dhamaystirka xeerarka, iyadoo la soo saarayo xeer-nidaamyada, hagayaasha, hab-raacyada iyo xafiisyada uu dhisayo, waxaa masuul ka ah Wasiirka Wasaaradda Arrimaha Gudaha.

Qodobka 49aad
Awoodda Maamul ee Xeerka

Wasiirka Wasaaradda Arrimaha Gudahu isagoo kala tashanaya Taliyaha ciidanka booliiska, wuxuu soo saarayaa Xeer-nidaamiye aan ka hor-imanayn Xeerkan oo uu xeerkan ku dhaqangelinayo kuna faahfaahinayo, ugu badnaan sanad gudihii oo ka bilaabanta maalinta Xeerku dhaqangalo.

Qodobka 50aad
Tirtirid

Waxaa la tirtiray ama la laalay xeer kasta oo xeerkan ka hor-imanaya.

Qodobka 51aad
Dhaqangalka Xeerka

Xeerkani wuxuu dhaqangelayaa marka Golayaasha Xeer- dejintu ansixiyaan Madaxwaynuhuna saxeexo.

C/risaaq Siciid Ayaanle
Xoghayaha Guud ee Golaha Wakiilada JSL

Baashe Maxamed Faarax
Gudoomiyaha Golaha Wakiilada JSL

JAMHUURIYADDA SOMALILAND

**XEERKA CIIDANKA BOOLISKA SOMALILAND
XEER Lr: 63/2013 (2017) IYO WAX KA BADELKIISA GOLAHA WAKIILADA
01/12/2018 (THE (CONSOLIDATION OF CURRENT LAW & THE HOR
AMENDMENTS BILL PROVISIONS)**

*Wax ka Bedelka iyo Kaabista waxay ku qoranyihiin far leexan (italics), oo saameeyey
Qodobbada lambarkooda ahaa 6aad, 10aad, 12aad, 16aad, 17aad, 32aad, 34aad, 35aad,
36aad, 37aad, 44aad, 45aad, iyo 46aad ee Xeerka.*

(Golaha Guurtida oo hadda fasax ku jira ayuu hadda WKBkani hor yaala)

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23/01/1019

**TUSMADA XEERKA CIIDANKA BOOLIISKA
(Oo aan ku daray - Tifatiraha)**

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CUTUBKA 12AAD: QODOBADA GABA-GABADA

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JAMHUURIYADDA SOMALILAND

GOLAHA WAKIILADDU

Markuu Arkay: Qodobada 124aad, 24aad, 26aad, 27aad, 29aad, 32aad, ~~iy~~ Qodobka 34aad, **76aad, 77aad, iyo Qodobka 78aad** ee Dastuurka Jamhuuriyadda Somaliland.

Markuu ka Duulaya: Nuxurka Qodobka 112aad ee Dastuurka Qaranka JSL kaas oo si cad u qeexaya Nabad-gelyada Gudaha iyo kaalinta ay ku leeyihiin maamulada Gobolada iyo Degmooyinka.

Markuu tixgaliyay:- In nafta aadamuhu ay tahay deeq Ilaahay, qofkastana uu xaq u leeyahay noloshiisa, wuxuu ku waayi karaa ay kaliya marka maxkamada horteeda uu kaga caddaado dembi uu xeer jideeyey.

Markuu Qiimeeyay: In dhismaha iyo tababaradda ciidanka boolisku uu Muhiimad gaar ah u leeyahay dhismaha qaranka jamhuuriyadda Somaliland.

Markuu Dhagaystay: Soo-jeedinta Wasiirka Wasaaradda Arrimaha Guddaha iyo Taliyaha Ciidanka Booliska Somaliland.

Markuu Arkay: *Soo jeedintii Xukuumada ee Wax ka baddelka iyo Kaabista Xeerka Booliiska Xeer Lr. 63/2013.*

Markuu Tixgaliyay: *Soo jeedintii Gudidda Arrimaha Gudaha iyo Nabadgalyada Golaha Wakiilada JSL oo soo naaqishay Wax ka baddelka Xukuumada isla markaana Kulamo kala yeeshay laamaha ay khusayso.*

Markay: *Mudanayaasha Golaha Wakiilada dood dheer ka yeesheen Wax ka baddelka Xukuumdu ku soo samaysay Xeerka Booliiska JSL*

Wuxuu soo Saaray
Xeerka Ciidanka Booliska Somaliland, Xeer Lr. 63/2013
Iyo Wax ka badelka iyo Kaabistiisa

Qodobka 1aad **Erey-bixin**

Madaxweyne: Waxa loola jeedaa Madaxweynaha Jamhuuriyadda Somaliland.

Wasiir: Waxa loola jeedaa Wasiirka Wasaaradda Arrimaha Gudaha Jsl.

Taliyaha Ciidanka: Waa Taliyaha Ciidanka Booliiska Jamhuuriyada Somaliland.

Booliiska: Waxa loola jeedaa Ciidanka Booliiska Jamhuuriyada Somaliland

Taliska: Waxa loola jeedaa Taliska Ciidanka Booliska.

- Qayb:** Waxa loola jeedaa Taliska Ciidanka Booliska ee heer Gobol.
- Waax:** Waxa loola jeedaa Ciidan Xirfad gaar ah u qaabilsan Ciidanka Booliiska, sida, ciidanka nabadgelyada wadooyinka, Dembi baadhista iyo ciidanka Wardoonka.
- Askari:** Waxa loola jeedaa xubinkasta oo ciidanka Booliiska kamid ah oo aan darajo lahayn.
- Sarkaal:** Waxa loola jeedaa xubin kasta oo ciidanka Somaliland ka mid ah oo gaadha daraja xidigle iyo wixii ka sareeye.
- Sarkaal-xigeen:** Waxaa loola jeedaa xubin kasta oo ciidanka booliska ka mid ah oo leh darajada u Dhaxeysa alifle ilaa kormeere saddexaad.`
- Ciidanka:** Waxa loola jeedaa Ciidanka Booliiska JSL.
- Mudnaan:** Waxa loola jeedaa kala Sareynta xubnaha ciidanka Booliiska Somaliland “seniority”
- Mutaysi:** Waxa loola jeedaa Kasbashada dallaacadeed ama u Garashada, aqoon ee ay xubintu istaahisho “Merit.”
- Hakin:** Waxa loola jeedaa ka-joojin shaqada si ku-meel-gaadh ah “Suspension”
- Gef:** Waxaa loolaa jeedaa fal lagu mutaysan karo ganaax asluubeed
- Dambi:** Waxaa loola jeedaa fal gaadhsiisan Xukun maxkamadeed.
- Xeer-ilaaliyaha:** **Waxaa loola jeeda Xeer-ilaaliyaha Maxkamadda Ciidammada**

**CUTUBKA 1AAD
MABAA’DIIDA GUUD**

**Qodobka 2aad
Magaca Xeerka**

Xeerkan waxaa loogu yeedhayaa Xeerka Ciidanka Booliiska Somaliland.

**Qodobka 3aad
Ujeeddada Xeerka**

Ujeeddada Xeerkani waa:

1. In uu aasaaso qaab-dhismeedka, awooddaha iyo waajibaadka ciidanka Booliiska.
2. In uu sugo waajibaadka, xuquuqaha iyo masuuliyada xubnaha Booliiska ahaadaana kuwo sharciga ku salaysan.
3. In kor loo qaado Lana tayeeyo kartida Ciidanka Booliiska Somaliland iyo adeegyada bulsho ee ay Qaranka ugu xilsaaran yihiin.

4. In ciidanka booliska Somaliland loo tabbabo, loona habeeyo qaab waafaqsan Shuruuca Dalka & tan caalimaga ah.

Qodobka 4aad
Habka Adeegsiga Xeerka

Xeerkan waxaa lagu dhaqayaa dhamaan xubnaha Ciidanka Booliiska Somaliland ee waqtiga xeerkan dhaqangalo u diiwaangashan Ciidanka Booliiska Somaliland iyo dhamaan xubnaha sifo Xeerkan waafaqsan loogu diwaangaliyo Ciidanka Booliiska Somaliland.

CUTUBKA 2AAD
MASUULIYADDA GUUD EE CIIDANKA BOOLIISKA

Qodobka 5aad
Ciidanka Booliiska Somaliland

Ciidanka Boolisku waa:

1. Qayb ka mid ah Ciidamada Jamhuuriyadda Somaliland
2. U adeegaha bulshada, isagoo ka madaxbanaan loolanka siyaasadeed, dhexna u ah Xisbiyada ama ururada siyaasadeed ee Qaranka iyo bulshadaba.
3. Inuu u guto xilkiisa si waafaqsan Dastuurka iyo xeerarka dalka.
4. In uu ka qayb qaato difaaca dalka Xaaladdaha Dagaalka iyo xaaladdaha deg-dega ah isagoo gacan ka siinaya Ciidanka Qaranka si waafaqsan dastuurka JSL.

Qodobka 6aad 7aad? *(Ma cadda sababta lambarkan GW u beddelayn)*
Masuuliyadda Guud ee Ciidanka Booliska

1. Booliiska Somaliland waxaa loo dhisay in ay masuul ka ahaadaan:
B) Sugida amaanka Guddaha ee dhulka Jamhuuriyadda Somaliland
T) Ilaalinta Dastuurka iyo shuruuca Jamhuuriyadda Somaliland
J) Ciidanka boolisku marka uu gudanayo mas'uuliyadaha ku xusan farqadaha "B" iyo "T" ee Qodobkan waxaa loo raacaya sida ku xusan Qodobka 16aad ee Xeerkan.
X) Ma'suuliyadaha qodobkan iyo qodobbada kale ee xeerkan ama xeer kale ahi xil-gudashadooda ay ku saarayaan ciidanka booliska, looma macnaysan karo in ay ciidanka u banaynayaan ka hor-joogsiga muwaadiniinta adeegsiga xuquuqaha iyo xorriyadaha ay u dammaanad qaadeen Dastuurka iyo xeerarka kale ee dhaqan-galka ah ee dalka.

Qodobka 7aad
Xarumaha Hoggaaminta Ciidanka Booliska

Xarunta Dhexe ee Hogaaminta Ciidanka Boolisku waa Caasimada Jamhuuriyada Somaliland ee Hargeysa

Qodobka 8aad
Shakhsiyadda Qaanuuneed

1. Booliiska Somaliland wuxuu leeyahay shaqsiyadiisa qaanuuneed ee u gaarka ah,

isagoo yeelanaya magaciisa iyo astaantiisa u gaarka ah, si waafaqsan Xeerkan
2. Booliiska Somaliland wuxuu leeyahay madax banaaniisa maamul iyo maaliyadeed, gudashada shaqadiisana waa u madaxbanaan yahay.

Qodobka 9aad
Astaamaha Ciidanka Booliiska Somaliland

1. Astaanta ciidanka Booliisku waa madax goodir oo dulsaaran barkin hareeraha kaga wareegsan yihiin laba caleemood oo ku dhex jira midab Buluug ah.
2. Astaanta Ciidanka Booliisku waxay gaar u tahay Ciidanka Booliiska Somaliland oo keliya waana lama taabtaan.
3. Astaanta Ciidan Booliiska Somaliland waa in ay ka muuqataa direyskooda, shaambadahooda, aqoonsigooda iyo waxkasta oo u gaar ah Ciidanka.

Qodobka 10aad
Xuduudda Hawl-fulineed ee Ciidanka Booliska

Ciidanka Booliiska Somaliland wuxuu ka hawlgelayaa dhamaan xudduudihiisa dhuleed ee Jamhuuriyada Somaliland iyo Goob kasta oo kale oo sharciga Jamhuuriyada Somaliland ama sharciga Caalamiga ahi ogol yahay in ay ka hawlgalaan.

CUTUBKA 3AAD
HOGAAMINTA GUUD

Qoddobka 11aad 10aad? (Ma cadda sababta lambarkan GW u beddelleyn)
Awoodda Madaxweynaha ee Ciidanka

1. Madaxweynuhu waa Taliyaha Guud ee Ciiddamada JSL oo Ciiddankan Booliskuna ka mid yahay, sida waafaqsan **uu dhigayo Qodobka 90aad firqadiisa 4aad ee Dastoorka JSL.**
 2. Taliyaha Guud ee Ciiddanka Booliska & ku xigeenadiisa waxaa magacaabistooda & xilka qaadistoodaba leh Madaxweynaha JSL.
 3. Waxa kale oo awoodda Madaxweynaha ka mid ah hadba hawlaha kale ee Xeerkan & Xeerarka kale awood u siiyeen.
 4. Darajooyinka xidigle iyo wixii ka sareeya madaxweynaha ayaa digreeto Madaxweyne ku soo saaraya
- 2) Madaxweynuhu waxa uu awood u leeyahay magacaabidda iyo xilka qaadista Taliyaha Ciidanka Booliska iyo ku-xigeennadiisa marka uu la tashado Wasiirka sida uu dhigayo qodobka 90aad firqadiisa 3aad xarafka (d) ee Dastuurka JSL.
- 3) Waxa kale oo uu Madaxweynuhu ku leeyahay Ciidanka Booliiska Somaliland awoodaha ay ka mid yihiin:-
- b) Waxa uu bixiyaa darajooyinka ciidanka booliska ee Xidigle iyo wixii ka sareeya.
 - t) Waxa uu bixiyaa billad sharafeedyada iyo abaalmarinnada ay mutaystaan xubnaha ciidanka boolisku.
 - j) Waxa uu ciidanka booliska ku hoggaamiyaa siyaasadda guud ee xukuumadda.
- 4) Waxa kale uu fuliya hawlaha xeerkan iyo xeerarka kale ee ka soo baxa Golayaasha Xeer-dejintu ay awood u siiyaan.

**Qodobka 12aad 11aad? (Ma cadda sababta lambarkan GW u beddelayn)
Doorka Wasaaradda Arrimaha Gudaha ee Ciidanka**

- ~~1. Wasiirka Arrimaha Guduhu wuxuu kala talinayaa Madaxweynaha magacaabista & xil ka qaadista Taliyaha Ciidanka Booliska & Ku-xigeenadiisa isaga oo raacaya Xeerkan & Xeer-nidaamiyihiisa si waafaqsan Xeerkan~~
- ~~2. Soo-saarista Xeer-nidaamiyaha Xeerkan isaga oo la tashanaya taliyaha ciidanka iyo aqoonyahanada sharciga.~~
- ~~3. Qabyo tirka baahida agabka ciidanka Booliiska~~
- ~~4. Soo-saarista tilmaamo, hagayaal guud oo lagu fulinayo siyaasada Qaranka iyo qorshayaasha amaanka dalka la xidhiidha.~~
- ~~5. La-socodka xaaladda nabadgelyo iyo hubinta in ciidanku guud ahaan hawshoodii u gudanayaan si Xeerkan iyo Dastuurka waafaqsan.~~
- ~~6. Tayaynta ciidanka Booliiska ka dib marka uu taliyaha ciidanka la tashado.~~
- ~~7. Arrinta la xidhiidha Dalacaada Ciidanka Booliiska waxaa lala socodsiinayaa Wasiirka Arrimaha Gudaha.~~

Wasaaraddau waxay ciidanka booliska ku leedahay xilalkan iyo awoodahan hoos ku xusan:-

- 1. Horumarinta iyo kobcinta aqoonta Ciidanka Booliska Somaliland.**
- 2. Ka hawl-galidda in la daboolo baahida agabyada kala duwan ee Ciidanka Booliska**
- 3. Curinta xeerarka, siyaasadaha iyo istaratijiyadaha horumarinta Ciidanka Booliska iyo u gudbintooda Golaha Wasiirrada ah.**
- 4. Isku xidhka Ciidanka Booliska iyo ha'yadaha kale ee Xukuumadda,**
- 5. Ka shaqaynta sidii fursado waxbarasho dibadeed iyo kuwo gudaha ahba loogu heli lahaa Ciidanka Booliska.**
- 6. Soo saarista xeer-nidaamiyayaasha xeerkan iyo xeerarka kale ee Ciidanka Boolisku awood u siiyaan.**
- 7. Kormeeridda iyo dul kala socodka hawlaha ciidanka booliska Somaliland**
- 8. La socodka xaaladda nabadgelyo iyo hubinta in ciidanku guud ahaan hawshoodii u gudanayaan si waafaqsan xeerkan iyo Dastuurka JSL.**
- 9. Kala talinta Madaxweynaha magacaabista iyo xil ka qaadista Taliyaha iyo ku-xigeennadiisa.**
- 10. Fulinta hawlaha kale ee xeerkan Ama xeerarka kale ciidanka ee khuseeya.**
- 11. Uga-warbixinta Madaxweynaha iyo Golaha Wasiirrada xaaladda guud ee nabadgelyada dalka.**

**CUTUBKA 4AAD
QAAB-DHISMEEDKA CIIDANKA BOOLIISKA**

**Qodobka 13aad
Qaab-Dhismeedka**

1. Qaab-dhismeedka ciidanka booliiska Somaliland waxa uu ka kooban yahay;
 - B) Taliska ciidanka booliiska oo ka kooban
 - 1) Taliye
 - 2) Laba Taliye ku xigeen
 - 3) Hoggaano
 - T) Qaybo iyo Waaxo toos u hoostag Taliska.
 - J) Saldhigyo iyo Rugo

Qodobka 14aad
Awoodda Iyo Masuuliyada Taliyaha Ciidanka Booliiska

1. Sarkaalka taliyaha ciidanka booliiska loo magacaabayaa waa in uu
 - b) Leeyahay karti, aqoon akaademiga iyo waaya'aragnimo
 - t) Leeyahay awood hogaamineed oo uu ku hanan karo xilkaa loo igmaday
2. Taliyuhu waa masuulka ugu sareeya hogamaaminta iyo maamulka ciidanka booliiska.
3. Taliyaha ciidanka booliiska Somaliland isagoo dhowraya Xeerarka iyo Xeer-nidaamiyaha u degsan ciidanka booliiska, wuxuu awood u leeyahay: -
 - B. Horumarinta iyo isu xidhka shaqo iyo hawl-galinta ciidanka
 - T. Qorsheynta iyo Jaangoynta tirada ciidanka hadba sida baahida shaqo tahay
 - J. inuu wasiirka arrimaha Gudaha si joogto ah ula socodsiiyo Xaalada nabadgalyada guud ee dalka
 - X. Qabyo tirka iyo qalabeynta ciidanka sida gaadiidka, Isgaadhsiinta iwm iyo inuu hirgaliyo barro caafimaad oo ciidanka u gaar ah.
 - Kh. Abuurida nidaam guud oo la xidhiidha habka qorista booliiska iyo shaqaalaynta, aqoonta iyo tababarrada, labiska dirayska iyo qaadashada hubka, iwm
 - d. Abuurida xarumaha tababarada booliiska, kashaqaynta iyo fududaynta helitaanka tababarro aqooneed iyo xirfadeed ee dalka
 - r. Magacaabida guddi qiimeyneed.
 - s. Dalacaadda derajooyinka, wuxuu taliyaha ciidanku awood u leeyahay wixii ka hooseeya xidigle isagoo oo ku soo saaraya wareegto.

Qodobka 15aad
Shuruudaha looga Baahan yahay Taliyaha iyo taliye xigeenkiisa

Shuruuduhu lagu xulanaayo taliyaha ciidanka Booliiska Somaliland waa: -

- 1) Inuu yahay muwaadin Somaliland u dhashay
- 2) Inuu Muslim yahay kuna dhaqmo diinta islaamka.
- 3) Inuu jidh ahaan iyo caqli ahaan ba gudan karo xilkiisa.
- 4) Inuu yahay xilkas, akhlaaqdiisa iyo dhaqankiisuba toosan yihiin.
- 5) Inaanu ku dhicin xukun ciqaabeed oo kama danbays ah shanti sano ee u danbeeyay.
- 6) In uu leeyahay aqoon u dhiganta heer jamacadeed, amaba uu leeyahay khibrad ciidan oo ah ugu yaraan 15 sano.

CUTUBKA 5AAD
WAAJIBAADDKA GUUD EE CIIDANKA BOOLIISKA

Qodobka 15aad (16aad?)

(Qodabakani ma wuxu noqonayaa kii 16aad ileen lama tirtirin?)

Wajibaadka Guud ee Ciidanka Booliska

Wajibaadka Guud ee ciidanka booliiska Somaliland waa: -

1. Illaalinta iyo sugida nabadgelyada dalka guddihiisa.
2. Badbaadinta iyo illaalinta nafta iyo hantida guud iyo ta gaar ahaaneed ee dadka.
3. Ilaalinta Xoriyaadka aasaasiga ah ee qofka.
4. Fulinta iyo ku dhaqanka shuruucda iyo xeerarka dalka u dejisan
5. Ka hortagga iyo baadhista denbiyada si waafaqsan Xeerarka dalka

6. Tiro-koobka iyo ururinta faldanbiyeedka sanad kasta.
7. Dabagalka iyo soo qabashada eedaysanyaasha iyo horgeyntooda maxkamadda.
8. Oogista dacwaddaha maxkamaddaha hortooda ay booliisku wakiil uga noqon karaan falkii iyo heerkii uu xeer ilaaliyaha guud u igmaddo.
9. Xidhiidhka iyo wadda shaqaynta Hay'adaha amniga ee kale.
10. Xidhiidhka booliiska caalamiga ah (Interpol) diblomaasiyiinta shisheeye ee dalka jooga.
11. Ilaalinta iyo sugidda nabad-gelyada
12. Ka qaybgalka hawlaha gurmadda hadii ay dhacaan duruufo lama filaan ah sida duufaanadda, dhulgariirka iwm.
13. Taageerada iyo xoojinta ciidanka qaranka haddii ay timaado xaalad dagaal.
14. Ilaalinta maamuuska iyo dhawrista xasaanadda iyo karaamadda shakhsinimo ee Golayaasha Qaranka.
15. Ilaalinta xarumaha hay'adaha dawladda, Sugida amniga madaxda sare ee xukuumada, xubnaha baarlamaanka, martida iyo dublamaasiyiinta wadamada shisheeye.
16. Isku dubaridka iyo kaydinta xogta denbiilayaasha iyo bixinta cadaynta dambi la'aanta.
17. Samaynta xog isweydaarsiyada iyadoo lala abuurayo xidhiidh iskaashi booliiska Wadamada aynu jaarka nahay.
18. Fulinta amaradda iyo go'aanada sharciga ah ee kazoo baxa Maxkamaddaha iyo Xeer Illaalinta.
19. Horgeynta markhaatiyada maxkamadaha ee dacwad oogista.
20. Qabashada alaabada kootarabaanka ah iyo u gudbinta hay'adaha cashuuraha.
21. Xaqiijinta ku dhaqanka xeerarka wado-marista gaadiidka iyo baadhista shilalka.
22. Ururinta, qiimaynta iyo ku baahinta hay'addaha ay khusayso denbiyada iyo shilalka guud ee dalka ka dhaca.
23. Fulinta awoodaha iyo waajibaadyada kale ee ay siiyeen Xeerarka kale ee dalku.

Qodobka 16aad (Mise 17aad?)
Awooddaha Ciidanka Booliiska

Ciidanka Booliisku wuxuu awood u leeyahay:

1. In ay qabtaan, xidhaan, iyagoo sharciga u raacaya cid kasta oo fal denbiyeed diyaarinaya, isku dayaya, amaba faraha kula jirta si waafaqsan xeerkan iyo xeerarka kale.
2. Xubnaha Ciidanka Booliisku waxay qaadan karaan hub marka ay fulinayaan hawl shaqadooda la xidhiidha.
3. Xubnaha Ciidanku waxay adeegsan karaan awood iyo xoog aan dhaafsiisnayn xadka xeerkan iyo xeerararka kale ee dalku u ogol yihiin.
4. Sida uu xusayo faqrada 3aad ee Qodobkan xubnaha ciidanku waxay adeegsan karaan awood hadii ay naf iyo maal ku nabadgelinayaan ama ay la ahaato xaalad u baahan inay is difacaan iyagoo raacaya Xeerkan.
5. Xubnaha Ciidanku markasta oo ay fulinayaan sharciga iyo Xeerarka dalka waa in ay ilaaliyaan xuquuqda qofka iyo anshax dhaqameedka suuban.
6. In ay ku horgeeyaan eedaysanayaasha Maxkamada horteeda muddo aan ka badnayn 48 saacadood gudohood.
7. Ciidanka Booliisku xabad nool uma adeegsan karaan dad aan hubeysnayn haday dhaqdona waxaa ka masuula cidda amarkaa bixisay.
8. Markasta oo ciidanka booliisku Hawl-gal fulinaayo sarkaalka Ciidanka wata oo keliya ayaa u xaq leh inuu la hadlo cidda hawsha lagu fulinayo.

9. Si xeerkan iyo xeerarka kale ee Dalka waafaqsan hadii hawlgalada ay Ciidanka Boolisku fullinayaan ay ku keento dadwaynaha dhibaato keentay dhimasho, dhaawac, iyo burbur maaliyadeed marka la hubiyo baaxada dhibaataadu inta ay leegtahay waxaa waajib ah in loo gudbiyo Xumuuda JSL, si loo siiyo magdhow ciddii ay dhibaataadu ku dhaaday.

1. In ay qabtaan, xidhaan, sharcigana hor keenaan cid kasta oo fal denbiyeed diyaarinaysa, isku dayaysa, amaba faraha kula jirta iyaga oo u raacaya si waafaqsan xeerkan iyo xeerarka habka ciqaabta ee dalka.

2. In ay baadhaan soona qabtaan cid kasta oo lagu tuhmo in ay abaabulayso ama qorshaynayso fal-danbiyeed ka dhan ah nabadgalyada dalka, nafta iyo maalka shacabka Somaliland iyo Dadka shisheeyaha ee dalka ku nool sharcigana ku hor geeyaan

3. Ciidanka Boolisku uma isticmaali karaan Rasaas nool dad aan hubaysnayn, hadii aanay nabad-galyada guud ee qaranka wax u dhimayn.

4. Ciidanka Boolisku waxa ay u isticmaali karaan awood ciidan cid kasta oo iska-caabin kala hortimaadda marka ay waajibaadkooda shaqo gudanayaan si waafaqsan xeerkan iyo xeerarka kale ee dalka;

5. Awoodda ciidan ee ku xusan faqrada 4aad ee qodobkan waxa ay Ciidanka Boolisku isticmaali karaan;

b) Marka ay lagama-maarmana tahay in ay ku badbaadinayaan ama ay ku ilaalinayaan nafaha iyo hantida shacabka ay ammaankooda mas'uulka ka yihiin, ama naftooda iyo hubkooda Ku badbaadinayaan.

t) Marka ay ka hortagayaan khatar deg deg ah oo dhimasho ama dhaawac culus ku keenaysa nafaha shacabka ama khatargalinaysa nafahooda.

j) Marka la qabanayo qof fal-danbiyeed culus ku eedaysan oo ka baxsanaya gacan-ku-haynta Booliska, ama ka baxsanaya xabsigii uu ku jiray.

x) Marka sifo sharci ah lagu baadhayo qof looga shakinsan yahay fal-danbiyeed culus oo qofkaasi iska-caabin xooggan kala hor-yimaaddo ciidanka ama isku dayay in uu baxsado.

6. Marka ay Ciidanka Booliisku isticmaalayaan awood ciidan waa inay isa sheegaan, si cadna u bixiyaan digniin ah in ay isticmaalayaan awood ciidan iyo hub.

7. Digniinta ku xusan farqadda 5aad ee qodobkan ma bixinayaan ciidanku haddii ay naftooda khatar galinayso, ama aanay ku habboonayn in ay digiinta bixiyaan.

8. Askari kasta oo boolis ah oo u isticmaalay awoodda ciidan si waafaqsan faqradda 4aad ee qodobkan waxa ku waajib ah:

b) Haddii isticmaalka awoodu ay keento dhimasho ama dhaawac, waa in uu siiyaa adeeg caafimaad oo deg-deg ah cidda dhibtu gaadhay, sida ugu dhakhsaha badan u geeyaa goobta caafimaad ee ugu dhaw.

t) In uu warbixinta dhacdadaas sida ugu dhakhsaha badan ugu gudbiyaa sarkaalka ka sarreeya.

9. Ciidanka Boolisku marka ay gudanayaan waajibaadkiisa shaqo ee ku xusan qodobkan waa in ay ilaaliyaan xuquuqda qofka ee ku xusan dastuurka, xeerkan iyo xeerarka kale ee khuseeya.

10. Markasta oo Ciidanka Booliisku Hawl-gal fulinaayo sarkaalka Ciidanka wata oo keliya ayaa u xaq leh inuu la hadlo cidda hawsha lagu fulinayo;

11. Si xeerkan iyo xeerarka kale ee Dalka waafaqsan hadii hawlgallada ay Ciidanka Boolisku fullinayaan ay ku keento dadwaynaha khasaare naf iyo maalba leh, marka baadhista la sugo waxa loo gudbinayaa Wasaaradda, si loo

siiyo magdhow ku habboon dhibanaha.

Qodobka 17aad (Mise 18aad?)
Xil-Gudashada Xubnaha Ciidanka Booliiska

- ~~1. Xubinkasta oo booliis ahi waa in ay haysataa kaadhka aqoonsiga (ID card), taysaro iyo Number ku muujisan direyskooda.~~
- ~~2. Xubinkasta oo ciidanka booliiska ka tirsan oo qabanaysa shaqo waa in waajibkeeda iyo awooddeeduba cayiman yahay.~~
- ~~3. Waa in Hadal/qoraal loogu sheegaa hawsha ay u xilsaaran tahay, waajibaadkeeda iyo awoodeeda, isla markaana lagu tababaraa.~~
- ~~4. Nooca tababarka, xarumaha tababarka, xiligiisa iyo wixii la xidhiidha waxa lagu xusayaa Xeer nidaamiyaha.~~
- ~~5. Sarkaalka u dira hawl aan Sharciga waafaqsanayn xubin ama koox ciidanka booliiska ka mid ah, isagaa ka masuul ah wax kasta oo khalad ama gef ama khasaare ka yimaada hawlgalkaa.~~

- 1. Si loo ilaaliyo xil-gudashada ciidanka Booliska, xubin kasta oo ka tirsan ciidanku waa in ay leedahay kaadhka aqoonsiga ee ciidanka iyo dirayskii ciidanka oo uu ku muujisan yahay lanbar u gaar ah xubin kasta.**
- 2. Xubin kasta oo ciidanka booliska ahi, waxay waajibaadkeeda u gudanaysaa si waafaqsan Dastuurka, xeerkan iyo xeerarka kale ee dalka.**
- 3. Waa in Hadal/qoraal loogu sheegaa hawsha ay u xilsaaran tahay, waajibaadkeeda iyo awoodeeda, isla markaana lagu tababaraa.**
- 4. Tababarrada ciidanka Booliiska iyo noocyadooda ee la siinayo xubnaha ciidanka waxa lagu faah-faahin doonaa Xeer nidaamiye uu soo saaro Wasiirku.**
- 5. Waajibaadyada shaqo ee xubin ama koox loo dirayaa waa in ay ahaadaan kuwo sharci ah, isla markaana ku salaysan Dastuurka, Xeerkan iyo xeerarka kale ee khuseeya hawlaha ciidanka booliska.**

CUTUBKA 6AAD
SHAQADA IYO ARRIMAHA CIIDANKA

Qodobka 18aad (Mise 19aad?)
Shaqada Joogtada ah

Waxaa loo aqoonsanayaa in si joogto ah shaqada booliiska ugu jirto xubin kasta oo si rasmi ah loogu qaatay ciidanka booliiska oo:

- a) Shaqada ku jirta
- b) Fasax ku maqan
- c) Shaqada laga hakiyay.

Qodobka 19aad (Mise 20aad?)
Dhammaadka Shaqada Xubnaha Ciidanka

1. Shaqada xubnaha ciidanka boolisku waxay dhamaanaysaa haddii ay dhacdo mid ama wax ka badan sabahan soo socda: -
 - B. Geeri ku timaada xubinta booliiska.
 - T. Haduu ama Haday gaadho da'da hawlgabka isagoo shaqada sii hayn karo haddii loo arko lagamarmaan
 - J. Haddii dhakhtar caddeeyo in aanu hawsha gudan karin.

X. Haddii uu is-casisho oo isla markaana laga aqbalo, waana in ay ahaataa qoraal rasmiya.

KH. Haddii shaqada lagaga eryo sifo sharciga waafaqsan

D. Haddii uu ku dhaco xukun maxkamadeed oo kama dambays ah.

Qodobka 20aad *(Mise 21aad?)*

Diwaanka Guud ee Ciidanka

1. Xubin kasta oo ka tirsan ciidanka booliiska waxay yeelanaysaa fayl u gaar ah oo loo sameeyo maalinta la qoro shaqada, iyadoo dhacdo kasta oo noloshiisa ama nolosheeda ciidanimo la xidhiidha lagu kaydino, sida noocyada shaqo ee uu qabtay, tababarada uu qaatay, waxbarashada uu helay, dalacaada, xilka, abaal-marinta, anshax marinta, bedelka, hoos u dhigida, denbiyada uu galay, fasaxyada iyo dhacdo kasta oo kale oo ay tahay in la kaydiyo, iyadoo faylkaasi yeelanayo lambarka ciidan ee la siiyay maalintii la qoray.

2. Qaabka loo xafidayo, cida awoodda u leh wax ka bedelkiisa iyo habka lagu ogolaan karo eegistiisa ama nuqul ka heliisa waxaa lagu nidaaminayaa Xeer- nidaamiyayaasha ciidanka booliiska Somaliland oo uu Wasiirka Arimaha Guduhu soo saarayo

Qodobka 21aad *(Mise 22aad?)*

Derajada iyo Dirreyska

1. Derajada iyo dirreyska ciidanka booliiska waxa lagu soo saarayaa Xeer nidaamiye gaar ah.

2. Xubnaha Ciidanka Booliiska waxay u kala amar qaadanayaan sida ay u kala derejo sareeyaan.

3. Haddii laba qof oo Ciidanka Booliiska ka tirsani isku darajo noqdaan waxay u fullaysaa kala amar- qaadashooda sida ay derejada ugu kala hor qaateen, haddii ay mar wada qaateena sida uu magacooddu uu ugu soo kala horeeyo liistadda.

Qodobka 22aad *(Mise 23aad?)*

Fasaxyada Shaqada

Fasaxyada xubnaha booliiska, noocyada fasaxa, hab- raaca fasax bixinta iyo cidda awoodda u leh ogolaanshaha fasax kasta, waxaa lagu sheegayaa Xeer- nidaamiyaha xeerkanii jidaynayo.

Qodobks 23aad *(Mise 24aad?)*

Mushaharada & Gunooyinka

Xubin kasta oo ciidanka booliiska ahi:-

1. Waxay yeelanaysaa mushahar go'an.

2. Waxay yeelan kartaa gunno.

3. Heerarka mushaharka iyo gunnooyinka waxa lagu soo saarayaa xeer madaxweyne marka uu la tashado haya'ddaha ay khusayso

4. In la siiyo mushahar u dhigma shaqada uu hayo.

5. Wuxuu kaloo mutaysan karaa gunno waxaana lagu faah-faahinayaa xeer- nidaamiyaha ciidanka booliiska Somaliland.

Qodobka 24aad *(Mise 25aad?)*

Abaal Marinta Xubnaha Ciidanka Booliska

1. Xubnaha ciidanka booliska waxaa la siin karaa abaal- gudyadan soo Socda iyagoo qoraal ah faylkiisana loo galinayo: -
 - b. Amaan caad ah
 - t. Abaal gud caad lacageed
 - a. Amaan gole jog
 - x. Abaalgud qiimayn hawleed
 - Kh. Bilad sharaf ama bilad geesi
 - d. Dalacaad abaal marin gaar ahaaneed
 - r. Fasax abaalgud.
2. Farqada 1aad ee qodobkan abaal-gudyadaas cidda bixinaysa iyo qaabka loo bixinayo abaalmarinta waxaa lagu Xusayaa xeer nidaamiyaha uu xeerkani jidaynayo.

Qodobka 25aad (Mise 26aad?)

Dhimashadda, Dhaawaca iyo Naafada Xubnaha Ciidanka Booliiska

1. Xubinta ka mid ah booliiska ee lagu dilo isagoo waajibaadkiisa ciidan gudanaya ama lagu dilo aargoosi ka dhashay waajibaadkiisa ciidan ee uu gudanayey waxaa magtiisa ama magteeda bixinaya dawlada, waxaana la horgaynayaa cadaalada
2. Xubinta Ciiddanka Booliiska ee lagu dilo hawl-gal sharciga waafaqsan waxaa dhibane ka ah Qaranka JSL, oo ay waajib ku tahay inuu bixiyo magtiisa ama dhaawaciisaba. Ciddii falkaas gaysatayna meel kastaba ha tagtee qaranka ayaa ka goosanaya, soona qabsanaya, sharcigana hor keenaya.
3. Xubin kasta oo booliis ah oo lagu dhaawaco ama ku dhaawacanta ama ku naafawda ama waxyeelo soo gaadho iyadoo waajibaad Ciidan gudanaysa wuxuu ama waxay dawlada xaq ugu leeyahay daawayntiisa iyo xannaanayntiisaba.
4. Naafada iyo dhaawaca xubnaha booliiska waxaa lagu nidaamiyaa xeer-nidaamiyaha ciidanka booliiska Somaliland

Qodobka 26aad (Mise 27aad?)

Hawlgelinta Ciidanka

Xubin kasta oo Ciiddanka Booliiska ka tirsan waxaa loo bedeli karaa goob aan ahayn goobtii uu shaqada ka hayay ama shaqo ka duwan shaqadii uu hayay oo la xidhiidha waajibaadka Ciiddanka Booliiska si waafaqsan xeerkan.

Qodobka 27aad (Mise 28aad?)

Qiimeynta Shaqada xubnaha ciidanka

Qof kasta oo ciidanka booliiska ka tirsan, wax qabadkiisa, kartidiisa, asluubtiisa, daacadnimadiisa iyo hawl-karnimadiisa waxaa si joogta ah loogu samaynayaa qiimayn, iyadoo hab-raaca qiimaynta, ka go'aan qaadashada qiimaynta, iyo masuuliyiinta qiimaynta u xilsaaran lagu faahfaahin doona Xeer-nidaamiyaha.

Qodobka 28aad (Mise 29aad?)

Dhaarta xubnaha Ciidanka

Xubin kasta oo ciidanka booliiska Somaliland loo qaato marka shaqada la qorayo waa in la mariyaa dhaartan dastuuriga ah ee ku xusan qodobka 129aad ee Dastuurka

qaranka una dhigan sidan

"WAXAAN ILAAHAY UGU DHAARTAY IN AAN U NOQONAYO DAACAD DIINTA ISLAAMKA, DALKAYGA SOMALILAND, DADKIISANA KU MAAMULAYO SINNAAN IYO CADDAAALAD INTA AAN XILKA HAYO".

CUTUBKA 7AAD
ASLUUBTA & ANSHAX-MARINTA

Qodobka 29aad (Mise 30aad?)
Hab-dhaqanka Asluubeedka ee Ciidanka

1. Ciidanka Booliisku waa in uu yeeshaa hab-dhaqanka asluubeed, kaas oo laga rabo xubin kasta oo ciidanka booliiska ka tirsan.
2. Hab-dhaqanka asluubeed ee faqrada 1aad ee qodobkani xustay waxaa lagu faah-faahinayaa Xeer- nidaamiyaha ciidanka booliiska.

Qodobka 30aad (Mise 31aad?)
Waxyaabaha Ka Reeban Xubnaha Ciiddanka Booliiska

Xubnaha ciidanka booliska waxaa ka reeban:

1. In aanay dan gaar u ah u adeegsan awoodooda iyo haybadooda booliisnimo.
2. In ay qabtaan shaqo kale oo ka duwan tan ciidanka inta ay ciidanka ka tirsan yihiin.
3. In aanay kala hor-iman hub ciidamada kale ee Qaranka, ciidanka booliiska dhexdiisa ama dadka rayidka ah, marka laga reebo xaaladaha sharcigu u ogolaaday.
4. Inay xubin ka noqdaan xisbi siyaasadeed ama urur Siyaasadeed.
5. Inay bixiyaan xog ama ka waranto xaalad ciidanku la kulmay ama xubintaasi la kulantay.
6. In ay aqbalaan hadiyad ama wixii lagu sharfo haday tahay mid si toos ah lagu siiyey ama cid kale loo soo mariyey.
7. Inay iscasilaadeeda soo gudbiso iyada oo lagu jiro xaalad dagaal, xaalad degdeg ah ama baadhisi ku socoto.

Qodobka 31aad (Mise 32aad?)
Talaabooyinka Anshax marineed

1. Waxaa banaan in xubinta ciidanka booliiska ee lagu helo gef ka dhan ah xeerkan lagu qaado mid ka mid ah anshax-marinahan:
 - b) Digniin qoraala faylkiisana loo galiyo
 - t) Mushahar ka goyn aan ka badnayan afar dalool oo meel mushaharka xubinta muddo aan ka badnayn laba bilood qoraala faylkiisana loo galiyo.
 - j) Guno ka joojin muddo aan ka badnayn saddex bilood qoraala faylkiisana loo galiyo.
 - x) Dalacaad ka reebis muddo aan ka badnayn sanad xilliguu mutaystay qoraala faylkiisana loo galiyo..
 - Kh) Xadhigasluubeed aan ka badnayn 42 maalmood.
 - D) Cida awoodda u leh anshax marinta waxa lagu qeexi doonaa xeer-nidaamiyaha Xeerkan.

Qodob 32aad (Mise 33aad?)
Anshax Marinta Dambiyadda Cigaabta

1. Xubin kasta oo booliiska ka tirsan ee gasha fal dambiyeed ka dhan Xeerkan iyada ayaa ka masuul ah waxaan lagu ciqaabayaa si waafaqsan qodobka Qodobka 34aad ee xeerkan.
 2. Masuul kasta oo amra in ciqaabaha anshaxmarineed ee ku xusan Qodobka 34aad waa in la diwaangeliyo xaashida dambiyada ciidanka booliiska nuqul ka mid ahna la siiyo guddida cabashooyinka iyo guddida cabashooyinka ka dhanka ah booliiska.
 3. Talaabooyinka anshax marineed si xeerkan waafaqsan waa in lagu soo saaro Xeer nidaamiye gaar ah.
 4. Taliyaha ciidanku wuxuu awood u leeyahay in uu u yeedho dhagaystana xubinta booliiska ee lagu soo eedayay faldambiyeed is difaaciisa (power to summon) waana in uu ku dhaariyo dhaarta ku xusan qodobka 30aad ee Xeerkan kana qabto wixii cadaymo qoraal ah ee uu haysto.
 5. Xubinta Booliiska ee u hogaansami wayda farqada 4aad ee qodobkan diida ama ku guul daraysta in muddadaa loo qabtay inuu ku iman waayo ama diida inuu bixiyo cadayn afeed ama qoraal waxaa lagu qaadayaa fal dambiyeedyada anshax marinta ee ku xusan qodobka 34aad ee xeerkan.
 6. Xubin kasta oo booliis ah oo u adeegsada haybadiisa booliisnimo si ka baxsan anshaxa suuban iibiya ama dayaca hub noocyadiisa oo dhan ama la safta koox gaar ah waxaa lagu qaadayaa fal ciqaabeed ka dhan.
- 1) Xubin kasta oo ka tirsan ciidanka booliska oo lagu soo eedeeyo fal-dambiyeed ciqaab ah waxa la hor-geynayaa maxkamadda awoodda u leh, habka garqaadistana waxa loo raacayaa xeerarka habka ciqaabta iyo xeerka ciqaabta guud.
 - 2) Fal-dambiyeedyada ciqaabta ah ee ku xusan farqada 1aad ee qodobkan waxa awood garsoor u leh maxkamadda Ciidamada si waafaqsan qodobka 104aad firqadiisa 1aad ee dastuurka JSL.

Qodobka 33aad (Mise 34aad?)

Reebanaanta iyo Anshaxmarinta Dambiyadda ka dhanka ah Bani Aadamada

Waxaa ka reeban xubnaha ciidanka booliska:

1. Ma banaana fal dambiyeed kasta oo ka dhan ah baniaadanmimada sida jidh-dilka, Maskax ka dil iyo dhamaan faldambiyeedyada ku sifooba.
2. Xubin kasta oo booliis ah ee ku kacda faldambiyeedyada ku xusan faqrada 1aad ee qodobkan isaga ayaa ka masuul ah.
3. Xubin kasta oo booliis ah oo ku sifawda farqada 1aad ee qodobkan waxaa lagu ciqaabayaa xadhig gaadhaya 5 ilaa 10 sanno.

CUTUBKA 8AAD
CABBASHADA KA DHANKA AH CIIDDANKA
BOOLIISKA

Qoddobka 34aad (GW waa uu tiriray)

Cabbashada ka dhanka ah Ciidanka Booliiska

1. Cabashooyinka ka dhanka ah Ciidanka Booliiska Somaliland waxa looga cabanayaa Taliyaha awoodda u leh iyadoo lagu hagaajinaayo xafiisyada dabagalka iyo cabashooyinka Booliiska Somaliland (Internal Control/complaint Unit).
2. Hadii cabashadu uu waxba ka qaban waayo Booliisku ama cidii cabanaysey ay ku qanci weydo jawaabta waxaa cidda dacwooneysa cabashadeeda usoo gudbinaysaa guddi madaxbanaan oo layidhaahdo guddiga madaxa banaan ee cabashooyinka ka dhanka ah ciidanka Booliiska (independent police complain commission), Gudiddaas oo ka kooban:

- a. Xubin Guddida nabadgelyada iyo Difaaca ee Golaha Guurtida (Gudd)
- b. Xubin Guddida Arimaha Guddaha ee Golaha Wakiilada
- c. Xubin Wasaarada Arimaha Guddaha (Xoghaye)
- d. Xubin Sarkaal Booliiska ka tirsan/Khabiir booliis
- e. 2 Xubnood Qareeno madax banaan oo aqoon u leh Shuruucda Dalka
- f. Xubin Guddida Xuquuqal insaanka ah.

3. Cabashooyinka ka dhanka ah Ciidanka Booliiska ee Gobolada iyo Degmooyinka waxaa loo gudbinayaa guddi Heer Gobol iyo heer Degmo oo lagu magacaabay Xeer Nidaamiye uu soo saarayo Wasiirka Arimaha Gudaha marka uu dhaqangalo Xeerkan kadib muddo sadex (3) bilood gudahood ah waxaana ogeysiin la siinayaa guddoomiyaha gobolka (Badhasaabka gobolka) ay cabashadu khusayso.

Qodobka 354aad

(Wuxuu GW ka dhigay Qod. 34aad, laakin malaa hadda waa kan 35aad)

**Magacaabista Guddida Cabashooyinka ka dhanka ah
Ciidanka Booliiska ee Heer Qaran
Xafiiska Dabagalka iyo Cabashooyinka Dadweynaha**

Guddida Cabashooyinka waxaa loo soo xulayaa:-

1. Xubinta Guddida Nabad Gelyada iyo Difaaca ee Golaha Guurtida waxa soo magacaabaya Gudoomiyaha Golaha Guurtida.
2. Xubinta Guddida Arrimaha Guddaha Iyo Difaaca ee Golaha Wakiilada waxa soo magacaabaya Gudoomiyaha Golaha Wakiilada.
3. Xubinta Wasaarada Arrimaha Guddaha waxa so magacaabaya Wasiirka Wasaarada Arrimaha Guddaha.
4. Xubinta Xuquuqda Aadamaha waxa soo magacaabaya Gudoomiyaha Hay'adda Xuquuqa Aadamaha ee Qaranka JSL.
5. Xubinta Sarkaalka Sare ah ee Booliiska waxa soo magacaabaya Taliyaha Ciidanka Booliiska.
6. Labada xubnood ee Qareenada waxa so magacaabaya Ururka Qareenada JSL.

1. Xeerkani waxa uu aas-aasayaa Guddida Dabagalka iyo Cabashooyinka Dadweynaha ee heer Gobol iyo Guddida Cabashooyinka ka dhanka ah Ciidanka Booliiska oo noqonaya heer Qaran.
2. Guddida Dabagalka iyo Cabashooyinka Dadweynaha heer gobol waxay ka koobnaanayaan 3 xubnood oo kala ah.
 - b) Taliyaha Qaybta Heer Gobol
 - t) Xoghayaha Fulinta Gobolka
 - j) Iyo Sarkaalka ka tirsan Qaybta Gobolka.
3. Guddida Dabagalka iyo Cabashooyinka Dadweynuhu waxa ay awood u leeyihiin:
 - b) In ay qabtaan, baadhaan isla markaana dhagaystaan cabashooyinka ka dhanka ah xubnaha Ciidanka Booliiska;
 - t) In ay u yeedhaan xubinta ama xubnaha Ciidanka ee cabashada laga soo gudbiyay;
 - j) In ay go'aan ka gaadhaan cabashada loo soo gudbiyay mudo 10 cisho ah.

Qodobka 365aad (Malaa hadda waa kan 36aad)

**Awoodda Guddida Cabashada Ka dhanka ah
Xubnaha Ciidanka Booliiska**

Awoodaha Guddidu waa:-

- ~~1. Inay soo baadhaan markay helaan cabasho ka dhan ah Xubnin ama koox ka mid ah Ciidanka Booliiska waxaanay qaadayaan talaabooyinkan~~
- ~~b. Inay u yeedhaan dhinacyada (power to summon)~~
- ~~c. Inay dhegeystaan dacwada dhinacyadda~~
- ~~2. Waxay u xil saaran yihiin in ay talaabo ka qaadaan denbiyada ka dhanka ah xuquuqda aasaasiga ah ee Bani'aadanimo ee ku xusan xubinta 3aad ee Dastuurka~~
- ~~3. Inay go'aan ka soo saaraan dambiyada ku xusan farqada 2aad ee qodobkan go'aankooduna waxa uu ku ansaxayaa (2/3) tirada xubnaha cod bixinta leh~~
- ~~4. Muddada Xilkoodu waa saddex Sanadood.~~
- ~~5. Inay go'aankooda u gudbiyaan Xeer ilaalinta Guud si ay ugu soo oogto Dacwad xubintii booliiska ahayd ee fal denbiyeedka gashay.~~
- ~~6. Xeer Ilaalyaha Guud waa in uu muddo todoba cisho gudahood ah ku oogaa dacwada.~~
- ~~7. Gudidda kulankooda ugu horeeya waa inay samaystaan Xeer nidaamiye u gaara oo hawshooda qeexaaya, waxaanay xafiis ku yeelanayaan xarunta Wasaarada Arimaha Gudaha.~~
- ~~8. Cabashooyinka ka dhanka ah Ciidanka Booliiska ee Gobolada iyo Degmooyinka waxaa loo gudbinayaa guddi Heer Gobol iyo heer Degmo oo lagu magacaabayo Xeer Nidaamiye uu soo saarayo Wasiirka Arimaha Gudaha marka uu dhaqangalo Xeerkan kadib muddo sadex (3) bilood gudahood ah waxaana ogeysiin la siiinayaa guddoomiyaha gobolka (Badhasaabka gobolka) ay cabashadu khusayso.~~
- 1) Cabashooyinka ka dhanka ah Ciidanka Booliiska Somaliland waxa marka hore loo gudbinayaa xafiisyada dabagalka iyo cabashooyinka Dadweynaha ee heer Gobol.**
- 2) Xafiiska dabagalka iyo cabashooyinka dadweynaha ee heer Gobol marka uu helo cabashada waxa ku waajib ah in uu darso isla markaana go'aan ka soo saaro.**
- 3) Haddii lagu qanci waayo go'aanka Xafiiska dabagalka iyo cabashooyinka dadweynaha ee heer gobol, waxa cabashada go'aankaasi loo gudbinayaa Taliyaha ciidanka. Kaasi oo cabashadaas darsaya go'aanna ka soo saaraysa.**
- 4) Taliyaha Ciidanka waxa waajib ku ah marka uu helo go'aanka Gudidda heer Gobol iyo cabashada xarafka (3) waa inuu go'aan ka gaadho mudo 10 cisho ah, haddii lagu qanci waayo ama uu xalin kari waayo cabashadaas taliyaha ciidanku wuxuu u gudbinayaa Gudidda Cabashooyinka Ciidanka ka dhanka ah ee heer Qaran.**
- 5) Guddida cabashooyinka heer qaran waxay ka kooban yihiin 5 xubnood oo kala ah:**
 - b. Xubin Guddida nabadgelyada iyo Difaaca ee Golaha Guurtida (Guddoomiye)**
 - t. Xubin Guddida Arimaha Guddaha ee Golaha Wakiillada**
 - j. Xubin Wasaarada Arimaha Guddaha (Xoghaye)**
 - x. Xubin Sarkaal Booliska ka tirsan/Khabiir booliis**
 - Kh. Xubin Komishanka Xuquuqda Adamaha ee Qaranka JSL.**
- 6) Awoodaha Guddida Inay soo baadhaan markay helaan cabasho ka dhan ah Xubin ama koox ka mid ah Ciidanka Booliska waxayna qaadayaan talaabooyinkan**
 - b. Inay u yeedhaan dhinacyada (power to summon)**
 - t. Inay dhegeystaan dacwadda dhinacyada**
- 7) Inay go'aan ka soo saaraan dambiyada ku xusan farqadda 8aad ee qodobkan go'aankooduna waxa uu ku ansaxayaa (1/3) tirada xubnaha cod bixinta leh**

Inay go'aankooda u gudbiyaan Xeer-ilaaliyaha Maxkamadda Ciidammada si ay ugu soo oogto Dacwad xubintii Booliska ahayd ee fal denbiyeedka gashay.

8) Xeer-ilaaliyaha Maxkamadda Ciidammada waa in uu muddo toddoba cisho gudahood ah ku oogaa dacwadda, Isaga oo ku horgaynaaya maxkamadda awoodda u leh.

Qoddobka 376aad (Malaa hadda waa kan 37aad)
Cabbashada Ciidanka Booliska

- 1) Haddii ~~qof~~ **xubin** ama koox Ciidanka Booliska ka tirsani ay ka cabbanayaan Madaxdooda ama ay dhibaato kale la soo deristo, waxay codsigooga u gudbinayaan Taliyaha Ciidanka ay ka tirsan yihiin.
- 2) Haddii uu Taliyuhu wax ka qaban waayo cabbashadaasi waxay u gudbinayaan Taliyaha ~~Gudd~~ ee Ciidanka Booliska.
- 3) Haddii Taliyaha ~~Gudd~~ ee Ciidanku uu cabbashadaasi waxba ka qaban waayo waxay u gudbinayaan Wasiirka ~~Wasaarada Arimaha Gudaha~~.
- 4) **Wasiirku marka uu helo cabbashadaas xubinta ama xubnaha waa in uu darsaa go'aanna ka soo saaraa.**

CUTUBKA 9AAD
HANTIDA, QALABKA, HUBKA & MIISAANIYADDA

Qodobka 38aad (lambaradav Cutibkani hadda waa sax bey ila yihiin?)
Diiwaangelinta Hantida Ciidanka Booliiska

1. Ciidanka booliisku wuxuu yeelanayaa hanti guurta iyo ma guurto ah oo uu u adeegsanayo gudashada waajibaadkiisa, waana hanti qaran, cidina dan gaar ah uma isticmaali karto.
2. Dhammaan hantida ma guurtada ah ee ciidanka booliiska waa la diiwaangelinayaa.
3. Taliyaha ciidanka booliisku wuxuu dejinayaa hab- raacyo maamul (Administrative procedures) oo si gaar-gaar ah loogu maamulo hantida ciidanka.

Qodobka 39aad
Daryeelka hantida iyo qalabka Booliiska

Xubin kasta oo ciidanka ka mid ah waxa ku waajib ah ilaalinta, dayactirka iyo daryeelka hantida iyo qalabka ciidanka booliiska ee uu mas'uulka ka yahay.

Qodobka 40aad
Hubka & Rasaasta

Hubka Dawlada ayaa iska leh, qoryaha iyo rasaasta lagu qarameeyo xubnaha ciidankana, waxay ka mid noqonayaan hubka ciidaanka, dibna looguma celinaayo xubinta ciidanka ka tagta ama laga eryo ama hawlgab noqota ama geeriyoota.

Qodobka 41aad
Miisaaniyadda ciidanka Booliiska

1. Dhaqaalaha ciidanka booliisku wuxuu ka iman karaa:

- a) Xaddiga miisaaniyada Qaranka looga qoondeeyay Booliiska
 - b) Kaalmo xukuumada dhexe ku kabto
 - c) Kaalmo D/hoose ku kabaan
 - d) Qormada ganaaxyada sharcigu uga qoondeeyay.
2. Maaliyada booliiska waxaa lagu maamulayaa hab waafaqsan Xeerarka xisaabaadka dawlada, xeer- nidaamyada booliiska iyo hab-raaca maamul ee xeerkan lagu sheegay.
3. Taliyaha booliiska iyo saraakiisha uu u igmadaa waxay masuul ka yihiin ilaalinta, kormeerka, dabagalka habsami u maamulka maaliyada booliiska.

Qodobka 42aad
Hanti Dhawrka Xisaabaadka Ciidanka

Taliyaha ciidanka booliisku wuxuu abuurayaa hanti- dhawr gudaha ah (Internal Auditor) oo ciidanka gaar u ah oo ka kooban saraakiil aqoon dheer iyo waaya'aragnimo u leh xisaabaadka oo si waqtiile ah ama mar kasta oo loo baahdo shaqayn kara.

Qodobka 43aad
Qaadhaanka Ciidanka Booliiska

Ciidanka Booliisku waxuu samaysan karaa sanduuq dhaqaale oo ku yimaada qaadhaanka ciidanka booliiska dhexdooda, waxaana qeexi doonna xeer-nidaamiyaha.

CUTUBKA 10AAD
MASUULIYADA GUUD & MASUULIYAD GAARKA AH

Qodboka 44aad (GW waxay ka dhigeen 43aad ee mindhaa welli kii 44aad?)
Masuuliyadda Denbiga iyo Ciqaabtiisa

1. Xubnaha ciidanka booliisku waxay masuul ka noqonayaan denbiyada ay sida badheedhka ah uga galaan Qaranka, waxaana loo raacayo xeerarka ciidamada iyo xeerka ciqaabta guud.
2. Denbiyada ay sida badheedhka **ciidamadu** uga galaan dadweynaha waxaa loo gudbinayaa maxkamadaha caadiga ah (Civilian courts), waxaana loo raacayaa Xeerka ciqaabta guud **awood u leh oo loo gudbinayaa Maxkamada Ciidamada Qaranka, si waafaqsan Qodobka 104aad firqaddiisa 1aad ee dastuurka JSL.**
3. Haddii uu taliyaha qaybtu ~~waxadu~~ u arko in aan falka xubintu gaadhsiisnayn in maxkamad lagu horgeeyo ama uu maxkamad u gudbinta ku waafaqi waydo taliyaha ciidanka, xubinta waxa lagu anshax marinayaa si waafaqsan Xeerka Anshaxa **Booliska.**
4. Xubnaha ciidanka **Booliska** loo raaci maayo fal kasta oo ay ku galaan isticmaalka awoodda ~~xeerku bixiyey~~ **xeerarku jideeyay oo la xidhiidha** gudasho waajib is difaac, xaalad baahiyeed sharci u adeegsi hub si waafaqsan qodobada 33, 34, 35 & 36aad Xeerka Ciqaabta Guud.

Qodobka 45aad (Mindhaa weli waa Qod. 45aad?)
Masuuliyad Madaniga ah

1. Xubinta ciidanka booliiska looma raacyo masuuliyad madani ah ama magdhaw ka dhashay fal ay ku gashay iyadoo sharciga ilaalinaysa gudanaysa hawsheeda ciidan si waafaqsan sharciga.
2. Dawlada ayaa masuul ka noqonaysa magdhawga madani ee ka yimaada:

- b. Falka xubinta ciidanka booliisku ku gasho amar sarkaal awood u leh
- t. Falka xubinta ciidanku ku gasho iyadoo shaqadeeda gudanaysa kama' ama taxadir daro.
- J. Magdhawga ama cawil celinta ka dhalata denbi ciqaab ah oo xubin ciidan ku gashay iyadoo shaqadeeda gudanaysa
- X. Fal kasta oo kale oo sharciga madanigu magdhawgeeda ku waajibinayo dawlada
3. Qof kasta oo weerar ama hub kala hor yimaada ama hub ama xoog isku hortaaga ciidanka booliiska oo si sharciga waafaqsan u fulinaya amar ama hawl gal sharci ah, wuxuu masuul ka noqonayaa, khasaaraha naf ama maal ah ee soo gaadhay qofkaa ama cid sadexaad ama ciidanka hawsha fulinaya, marka falka waxyeelada gaystay uu lahaa qofkaasi ama ciidanka booliiska oo falka u sameeyay si waafaqsan Qodobada 33, 34, 35 & 36aad Xeerka ciqaabta guud.
4. Xaaladaha lagu sheegay faqrada 3aad ee qodobkan waa in baadhis madaxbanaan lagu sameeyo, si loo xaqiijiyo cida masuuliyada qaadaysa.
5. Baadhista Madaxbanaan ee lagu sheegay faqrada 4aad ee qodobkan, waxaa samayn kara ~~Guddi madaxbanaan ee cabashooyinka ka dhanka ah booliiska (independent Compliant Commission)~~ **Guddida Dabagalka iyo Cabashooyinka Dadweynaha ee ku xusan Cutubka 8aad ee Xeerkan.**
6. Ciidanka booliisku masuul kama noqon karo dhibta soo gaadhay qof si sharci ah loo hayay ama loo qabanayay falka ay xubinta booliiska ahi ku gaysato ka hortag baxsasho ama joojin baxsi, hadii uu adeegsanayo qofku hub lamid ah ka uu booliisku sito, marka xubinta booliisku si taxadir leh u dhaqantay.

CUTUBKA 11AAD
WADA SHAQAYNTA CIIDANKA IYO MAAMULADA GOBOLADA

Qodobka 46aad
Wada shaqaynta Xidhiidhka Ciidanka Booliska iyo Maamulada Gobollada & Degmooyinka

1. ~~Fadhiga~~ **Talisyada** Ciidanka Booliiska ee Gobollada waxay qabanayaan hawlaha la xidhiidha xoojinta nidaamka iyo sugidda nabadgelyada **gobolka**.
2. Ciidanka Booliiska waxa Gobollada uga Wakiil ah ~~Taliyaha~~ **Taliyeyaasha** qaybaha, oo isku xidhaya dhammaan laamaha ciidanka booliiska ee heer Gobol, isla markaana xidhiidhinaya Ciidanka Booliiska iyo maamulka gobolka iyo hay'adaha iyo laamaha kale ee xukuumada **heer gobol**.
3. ~~Taliyaha~~ **Taliyeyaasha** qaybaha **Booliska** ee Gobolada ~~waxay~~ **waxay arrimaha nabadgelyada kala wada shaqaynayaan** la leeyahay ~~Guddoomiye Degmo (District Commissioneer)~~, **Guddoomiyaasha Gobolada**. ~~ciidammada iyo hay'adaha kale ee qaranka.~~
4. **Haddii ay dhacdo xaalado nabadgelyo-darro oo saameeya laba degmo ama ka badan ee isla hal Gobol, waxa agaasinka hawsha Booliiska ka mas'uul noqonaya wareegaya Taliyaha Qaybta Booliiska ee Gobolkaas, isagoo ka amar qaadanya Guddoomiyaha Gobolka, lana socodsiiyaya Taliyaha Ciidanka Booliska.**
5. **Guddoomiyaha Gobolada waxay qaybaha ciidamada booliiska ee Goboladooda ka caawinayaan wax kasta oo suuragal ah oo ay hawshooda ku fulin karaan.**
6. **Haddii Degmooyinka hawsha nabadgelyada laga qabanayaa ku yaaliin laba Gobol ama wax ka badan waxa awoodda hawlgelinta Ciidanka Booliiska la wareegaya taliyaha ciidanka, isaga oo la socodsiiyaya Wasiirka Arrimaha Gudaha.**

7. Degmo kasta waxay lahaanaysaa saldhig ama saldhigyo booliis, ciidanka ka tirsan saldhigga booliiska ayaa maamulka degmada kala shaqaynaya xoojinta nidaamka iyo suggida ammaanka.
8. Ciidanka booliiska ee Degmo kasta waxay D/hoose kala shaqaynayaan cashuur ururinta iyo arrimaha kale ay maamulada Degmooyinku gacan siin ka dalbadaan ee sharciga waafaqsan.
9. Gudoomiyayaasha Golayaasha Deeganka ee Degmooyinka waxay saldhigyadda Booliska ee degmooyinka ka taageerayaan baahiyaha aasaasiga ah sida biyaha, laydka iwm ee awoodooda dhaqaale ka baxsan.
10. Haddii ay dhacdo in dembiile ka baxsado meesha uu dembiga ku galay, una gudbo degmo kale, soo qabashadiisu waa waajib saaran fadhiga booliiska ugu dhow, sidoo kale booliiska Degmada uu dembiga ku galay waa raacdaysan karaan si loo soo qabto; waxase shardi ah inay la socodsiiyaan Booliiska degmada ay ka hawlgelayaan.
11. Wada shaqaynta Ciidanka Booliiska iyo maamullada gobollada iyo degmooyinka eek u xusan qodobada saree e Xeerkani, waxba uma dhimayso, wada shaqaynta iyo waajibaadyada dhinacyada ee lagu sheegay Xeerka Anshaxa Ilaalinta Nabadgalyada ee Xeer Lr 51, Xeerka Waddo-marista, Xeerka Socdaalka iyo xeerarka kale ee dalka.

**CUTUBKA 12AAD
QODOBADA GABA-GABADA**

**Qodobka 47aad
Amarada & Tilmaamaha (Tallooyin) Joogtada ah.**

Taliyaha ciidanka booliisku wuxuu awood u leeyahay markii waqti la joogaba inuu soo saaro

- a) Awaamiir joogto ah oo la xidhiidha hagaag u socodsiinta arrimaha uu dhigayo Xeerka iyo xeer nidaamiyihu
- b) fasaxyada, shaqo qoris, mushaharka, beddelka, shaqo ka saarid, tababarrada,
- c) ogolaanshaha isticmaalka hubka iyo rasaasta
- d) u dhamaystirka lebiska iyo qalabka xubnaha ciidanka
- e) wadashaqaynta booliiska iyo hay'adaha kale ee dawlada
- f) Wixii awaamiir ah ee sharciga waafaqsan ee fududaynaya hawlaha ciidanka ama kartida iyo anshaxa hagaagsan ee ciidanka ama arrimo kasta oo la xidhiidha arrimaha kor ku xusan.

**Qodobka 48aad
Kormeerka dhaqangelinta & dhamaystirka Xeerkan**

Kormeerka dhaqangelinta Xeerkan iyo dhamaystirka xeerarka, iyadoo la soo saarayo xeer-nidaamyada, hagayaasha, hab-raacyada iyo xafiisyada uu dhisayo, waxaa masuul ka ah Wasiirka Wasaaradda Arrimaha Gudaha.

**Qodboka 49aad
Awoodda Maamul ee Xeerka**

Wasiirka Wasaaradda Arrimaha Gudahu isagoo kala tashanaya Taliyaha ciidanka booliiska, wuxuu soo saarayaa Xeer-nidaamiye aan ka hor-imanayn Xeerkan oo uu

xeerkan ku dhaqangelinayo kuna faahfaahinayo, ugu badnaan sanad gudihii oo ka bilaabanta maalinta Xeerku dhaqangalo.

Qodobka 50aad
Tirtirid

Waxaa la tirtiray ama la laalay xeer kasta oo xeerkan ka hor-imanaya.

Qodobka 51aad
Dhaqangalka Xeerka

Xeerkani wuxuu dhaqangelayaa marka Golayaasha Xeer- dejintu ansixiyaan Madaxwaynuhuna saxeexo.

C/risaaq Siciid Ayaanle
Xoghayaha Guud ee Golaha Wakiilada JSL

Baashe Maxamed Faarax
Gudoomiyaha Golaha Wakiilada JSL

OTHER CURRENT SOMALILAND POLICE FORCE LAWS
(in chronological order)

Re-structuring of the Revenue Protection Force (Tributary Force) Presidential Circular No. 222-184/082018

The Revenue Force are transferred to the Police Force.with effect from the date of the Circular

Ref: JSL/XM/WM/222-184/082018

28/08/2018

Wareegto Madaxweyne

Dib-u-habaynta Ciidanka Ilaalada Cashuuraha (Turbataariyada)

Markaan Arkay: Qodobka 90aad ee Dastuurka Jamhuuriyadda Somaliland;

Markaan Arkay: Ahmiyadda Ciidanka Ilaalada Cashuuruhu u Leeyihiin Kobcinta Dhaqaalaha iyo Dar-dar-galinta Dakhli Uruurinta Dalka;

Markaan Xaqiiqsaday: Muhiimadda Dib-u-habaynta Ciidanka Ilaalada Cashuuruhu u leeyihiin Qaranka;

Markaan Helay: Talo-soo-jeedinta Wasaaradaha iyo Hay'adaha Dawladda ee ay khusayso;

Waxaan Go'aamiyey:

- In laga bilaabo taariikhda maanta dib u habayn lagu sameeyo Ciidanka Ilaalada Cashuuraha (Turbataariyada), kuwaas oo noqon doona qayb ka tirsan Ciidanka Booliska Jamhuuriyadda Somaliland, isla markaana hoos tagi doona Taliska Guud ee Ciidanka Booliska.
- In Taliyaha Ciidanka Boolisku isku-beddel ku sameeyo Ciidanka Ilaalada Cashuuraha lixdii biloodba hal mar, isla markaana la siiyo tababar ku saabsan nidaamka ilaalinta cashuuraha, tacriifadaha badeecadaha, wada-shaqaynta maamulka goobta cashuur-qabashada iyo asluubta la-dhaqanka cashuur bixiyaha.
- In Ciidanka Ilaalada Cashuuraha laga dhigo kuwo leh ugu yaraan aqoon dugsi sare iyo ammaano dhab ah, laguna soo xulo karti iyo hufnaan.

ALLAA MAHAD LEH

Muuse Biixi Cabdi
Madaxweynaha Jamhuuriyadda Somaliland

**Establishment of the National Fire Brigade
Decree of the President No. 0403/072014 dated 5 July 2014**

As set out under Article 1 of the Decree, the Fire Brigade shall have its own legal personality, headquarters in the capital and branches (and stations) in the regions, but shall come administratively and financially under the Police Command. The Commander and the Deputy Commander of the Fire Brigade, shall, according to the Decree, be appointed by the Commandant of the Police Force, on the advice of the Minister of Internal Affairs. The Brigade shall be structured in line with the police structure..

There is, as yet, no law dealing with fire prevention and control, and the last such law that I can trace is the Somaliland Protectorate (and State of Somaliland) was the (short -only 6 sections- and very dated) Fire Prevention Ordinance No. 9 of 26 June 1936 (as amended in 1955). No such fire laws, as far as I am aware, have been passed during the Somali Republic era, and it was only in some major towns that there were fire engines manned by police officers.

REPUBLIC OF SOMALILAND

THE PRESIDENT

JSL/M/XERM/249-2619/072014

DATE 05/07/14

**XEER MADAXWEYNE Lr: 0403/072014
Aasaasidda Ciidanka Dab-Demiska Qaranka**

Madaxweynaha Jamhuuriyadda Somaliland

- Markuu arkay:** Qodobka 76aad ee Xeerka is-maamulka Gobollada iyo Degmooyinka Xeer Lr.23/2007;
- Markuu arkay:** Khatarta baaxadda leh uu dalka iyo dadka ku hayo dabku;
- Markuu arkay:** In ay daruuri tahay in la helo cid masuuliyadi si gaar ah uga saran tahay la dagaalanka dabka;
- Markuu garawaaqsaday:** In loo baahan-yahay cid si gaar ah ugu xilsaaran la dagaalanka dabka, ka tala-bixinta iyo isku duwidda hawlaha a tacaalidda dabka;
- Markuu hubsaday:** In Qaranku u baahan-yahay cid si gaar ah ugu xilsaaran la dagaalanka dabka, ka tala-bixinta iyo isku duwidda hawlaha la xidhiidha la dagaalanka iyo ka hortagga dabka;
- Markuu six eel dheer:** Ula tashaday dadwaynaha iyo laamaha dawladeed ee ay khuseyso;

Wuxuu soo saaray:

Qodobka 1aad: Aasaas Dab-damiska

Waxa halkan lagu Aasaasay Ciidanka Dab-Demiska Qaranka oo leh Qofnimo Qaanuuneed, xaruntiisuna tahay Caasimadda Jamhuuriyadda Somaliland, laamana ka furan kara Gobollada dalka, kaas oo hoos imanaya Ciidanka Booliiska oo ku le awoodaha kala ah:

1. Helidda warbixinada shaqada, maaliyadda, qiimaynta la socodka siyaasadda, halbeegyada iyo tilmaamaha guud ee Xukuumadda, baabi'inta ku xad-gudubka maamulka iyo awoodda iyo u gudbinta Xukuumadda Dhexe odoraska Miisaaniyadda.
2. Awoodda kala hormarinta qorshayaasha oo mudnaanta lagu kala siinayo qorshayaasha.

Qodobka 2aad Ujeedada Dab-damiska

Ujeedada Dab-demisku waa inuu ka badbaadiyo bulshada kahtarta dabka.

Qodobka 3aad Xilka iyo Waajibaadka

Xilka iyo waajibaadka Ciidanku waa:

1. Dejinta qorshayaal iyo cilmi-baadhisaha lagama-maarmaanka u ah horumarinta ujeedooyinka iyo hababka ka hortagga iyo xakamaynta dabka, iyada oo loo eegayohorumarinta xaga wersheda iyo dhismaha.
2. Si degdeg ah uga jawaabidda marka ay dhacaan Shilalka dabku si loo yareeyo khasaarahooda xaga Nafta iyo Maalkaba iyada oo lala xidhiidhayo hay'adaha kale ee ay khusayso.
3. Fulinta iyo dabagalka qorshayaasha iyo hababka gaarka u ah hawlaha dab-demiska iyo badbaadinta dadka iyo hantida.
4. Fulinta iyo dabagalka qorshayaasha iyo hababka gaarka u ah hawlaha dab-demiska iyo badbaadinta.
5. Fidinta wacyi-gelina ka hortaga khataraha dabka iyo shilalka iyada oo loo marayo warbaahinta si loo xaqiijiyo ujeedooyinka ka hortagga dabka.
6. Dejinta, rakibaadda iyo dayactirka hab-tilmaama (fire alarm) marka dab kaco iyo qalab lagu damiyo dabka.
7. Diyaargaraynta iyo fulinta talaabo kasta oo kale oo looga golleeyahay xaqiijinta ka hortagga dabka iyo suulinta dhibaataadiisa.

Qodobka 4aad Awoodaha Dab-damiska

1. In ay galaan goobaha dabku ka kaco iyaga oo dhawraya xurmada hoyga.
2. In ay la wareegaan hantida guurtada ah e lagama maarmaanka u noqota xakamaynta dabka.
3. Ka saarida dadka ku xeeran goobta/goobaha dabku ka kaco.
4. Hagidda hawlaha gurmada iyo badbaadinta ee lagula tacaalayo dabka.

Qodobka 5aad Qaab-dhismeedka Ciidanka Dab-damiska

Qaab-dhismeedka Ciidanka Dab-damiska waxa loo raacaya habka Ciidanka Booliiska Jamhuuriyadda Somaliland.

Qodobka 6aad Xilka iyo Waajibaadka Taliyaha Ciidanka Dab-damiska

Xilka iyo waajibaadka ciidanka dab-damisku waa:

1. Hogaaminta, Ciidanka iyo hawlaha gurmada Dab-damiska.
2. Dejinta iyo horumarinta halbeegyada lagama-maarmaanka u ah ka kortagga iyo la dagaalanka Dab-damiska.

3. Dejinta qorshayaal lagu kobcinayo, isla markaana kor loogu qaadayo aqoonta iyo xirfadaha lagula dagaalamo dabka.
4. U gudbinta hay'adaha ay khusayso warbixinta iyo talooyin la xidhiidha khatarta dabka e dadka soo foodsaari karta.
5. Diyaargaraynta miisaniyada Ciidanka dab-damiska iyo u gudbinta Hay'adaha ay khusayso.

Qodobka 7aad Xilka iyo Waajibaadka Taliyaha Ku-xigeenka Ciidanka Dab-damiska

Xilka iyo waajibaadka Taliye Ku-xigeenka waa:

1. Ka gacsiinta taliyaha Ciidanka Dab-damsika gudashada Xilkiisa.
2. Hogaaminta waaxda ama waaxaha uu u xilsaaro hogaamintooda.
3. Qabashada xilkiisa marka uu maqan yahay ama uu sabab kale u gudankari waayo xilkiisa.

Qodobka 8aad Hogaamada Ciidanka

Qaybaha ay ka koobnaanayaan Hogaamada Ciidanka, xilka iyo waajibaadkooda waxaa qeexata Taliyaha Ciidanka Booliiska.

Qodobka 9aad Magacaabista Taliyaha iyo Taliye Ku-xigeenka Ciidanka Dab-damiska

Taliyaha iyo Taliye Ku-xigeenka Ciidanka Dab-damiska waxaa soo magacaabaya Taliyaha Ciidanka Booliiska marka uu la tashado Wasiirka Wasaaradda Arrimaha Gudaha.

Allaa Mahad Leh,

Axmed Maxamed Silanyo
Madaxweynaha Jamhuuriyadda Somaliland

**Establishment of the Police Force Oil Protection Unit
Decree of the President No. 0409/092014**

**REPUBLIC OF SOMALILAND
THE PRESIDENT**

JSL/M/XERM/249-2800/092014

27/09/14

XEER MADAXWEYNE Lr:0409/092014

**Aasaasidda Waaxda Ilaadda Sahaminta iyo Soo-saarista
Shidaalka ee Ciidanka Booliiska**

Madaxweynaha Jamhuuriyadda Somaliland

- Markuu Arkay: Qodobada 123aad iyo 124aad ee Dastuurka Jamhuuriyadda Somaliland oo lagu aasaasay Saddexda Ciidan Qaran;
- Markuu Arkay: Farqadda 4aad ee Qodobka 90aad ee Dastuurka Jamhuuriyadda Somaliland oo qoraya in Madaxweynuhu yahay Taliyaha Guud ee Ciidammada Qaranka;
- Markuu Arkay: Xeerka Nabadgelyada iyo Anshaxa Guud Xeer Lr.51/2011
- Markuu Arkay: Faqradda 4aad ee Qodobka 12aad ee Dastuurka Jamhuuriyada Somaliland oo sheegaya in khayraadka Dabiiciga ah ee Dalka ay mas'uul ka tahay Dawladda Dhexe.
- Markuu Arkay: Dedaaladda Xukuumaddu ugu jirto daah-furka khayraadka debiiciga ah iyo ka faa'iidaydiga khayraadka debiiciga ah iyo ilaalintiisa;
- Markuu Arkay: Baahidda loo qabo xoojinta Amniga Goobaha iyo cid kasta oo ku hawlan Sahaminta iyo Soo-saarista Khayraadka Dabiiciga ah ee Dalka;

Wuxuu Go'aansaday

Aasaasidda Waaxda Ilaalada Sahaminta iyo Soo-saarista Shidaalka (Oil Protection Unit) oo laga soo xulayo Ciidammada Milateriga iyo Booliiska, kana tirsanaan doona Ciidanka Booliiska oo hoos yimaada Wasaaradda Arrimaha Gudaha (Line Ministry), Xubnaha iyo qaab-dhismeedkiisana uu jaan-goyn doono Taliyaha Ciidanka Boolisku marka uu la tashado Wasiirka Wasaaradda Arrimaha Gudaha iyo Wasiirka Wasaaradda Gaashaandhigga.

Allaa Mahad Leh,

Axmed Maxamed Silanyo
Madaxweynaha Jamhuuriyadda Somaliland

1995 Somaliland Police Regulations
(Regulations No. RSLP/D-1.131/95)

The Regulations, which are in Somali, consist of 88 Articles and cover all aspects of the police force establishment, structure and ranks, recruitment, condition of service, discipline etc. The Regulations include provisions similar to both the 1972 Police Law and the 1974 Police Regulations(see Chapter 3 for English language texts of these two 1970s legislation), but replaced both of them.

A photocopy of the 1995 Regulations is available at the webpage on Somaliland Police Law (<http://www.somalilandlaw.com/police law .html>), but it was not possible for us to re-type the copy for inclusion in this volume. I have, therefore, included in thtable below the Arrangements of the Regulations in Somali and in English. The 88 Articles are grouped into 14 Parts dealing with

XEER NIDAAMIYAHA CIIDANKA BOOLIISKA SOMALILAND
XEER MADAXWEYNE LAM: RSLP/D-1.131/95

TUSMADA XEERNIDAAMIYAHA	ARRANGEMENTS OF THE REGULATIONS
AARAAR	PREAMBLE
QAYBTA 1aad ERAY BIXINTA IYO DHISMAHA	PART 1 DEFINITIONS AND STRUCTURE
Qodobka 1 (Erey bixin)	Article 1 Definitions
Qodobka 2 Dhismaha Ciidanka Booliiska	Article 2 Structure of the Somaliland Police
QAYBTA 2aad	PART 2
Qodobka 3 Taliyaha Ciidanka iyo Taliye Xiqeenka	Article 3 Force Commandant and Deputy
Qodobka 4 Maqaamka Xubnaha Ciidanka (Status)	Article 4 Status of the members of the Force
Qodobka 5 Saraakiisha Ciidanka Boliiska	Article 5 Police Force Officers
Qodobka 6 Kormeerayaasha Ciidanka	Article 6 Force Inspectors
Qodobka 7 Saraakiil Xiqeenka	Article 7 Sub officers
Qodobka 8 Askarta Ciidanka Boliiska	Article 8 Police Force Constables
Qodobka 9 Waajibaadka Ciidanka Boliiska	Article 9 Duties of the Police Force
Qodobka 10 Hawlaha la shaqeynta hay'adaha Garsoorka iyo Xeer ilaalinta	Article 10 Working with judicial and procuracy organs
Qodobka 11 Waajibaadka Hawsha gaar ahaaneed	Article 11 Special duties
Qodobka 12 Xidhiidhka Goballada, Degmooyinka iyo Hay'adaha kale ee Dawladda	Article 12 Liaison with the regions, districts and other governmental bodies
Qodobka 13 Duqa Magaalada	Article 13 Town Mayors
QAYBTA 3aad QAAB-DHISMEEDKA CIIDANKA BOLIISKA	PART 3 STRUCTURE OF THE POLICE FORCE
	Article 14 Force structure <i>system</i>
	Article 15 Powers of the Minister of Interior
	Article 16 Power of the Force

Qobodka 14 Hanaanka Dhismaha Ciidanka	Commandant
Qobodka 15 Awoodaha Wasiirka Arrimaha Gudaha	Article 17 Power of the Deputy
Qobodka 16 Awooda Taliyaha Ciidanka	Article 18 The joint working of the Police at national and local levels
Qobodka 17 Awooda Taliye Xigeenka	Article 19 Seniority
Qobodka 18 Wada shaqeynta Booliiska heer qaran iyo deegaan	Article 20 Rank insignia
Qobodka 19 Kala horreynta	Article 21 Uniform and equipment
Qobodka 20 Calaamada darajada	PART 4 FORCE AFFAIRS
Qobodka 21 Labiska iyo Qalabka	Article 22 Salaries
Qaybta 4aad ARRIMAHA CIIDANKA	Article 23 Force files
Qobodka 22 Mushaharka	Article 24 Oath
Qobodka 23 Galka Ciidanka	Article 25 Manner of taking the oath
Qobodka 24 Dhaarta	Article 26 Seniority
Qobodka 25 Qaabka Dhaarta	Article 27 Seniority in rank
Qobodka 26 Kala horeyn	Article 28 Temporary recruitment
Qobodka 27 Mudnaanta kala horeynta darajada	PART 5 SERVICE ISSUES
Qobodka 28 Qorista ku meel gaadh	Article 29 Force Recruitment
QAYBTA 5AAD XAALADDA SHAQADA	Article 30 Selection of members
Qobodka 29 Qorista Ciidanka	Article 31 Recruit (Cadet) officers
Qobodka 30 Xulashada Xubnaha	Article 32 Final examination
Qobodka 31 Layli Sarkaal	Article 33 Appointment of an officer to a rank
Qobodka 32 Imtixaanka u dambeeya	Article 34 Seniority of appointment to officer
Qobodka 33 U magacaabid derejo Sarkaal	Article 35 Retired officers
Qobodka 34 Kala horeynta u magacaabid Sarkaal	Article 36 Officers transferred from other Forces
Qobodka 35 Saraakiisha hawlgabka ah	Article 37 Permanent service
Qobodka 36 Saraakiisha laga soo wareejiyo Ciidamada kale	Article 38 Active service
Qobodka 37 Shaqada Joogtada ah	Article 39 Absence on leave
Qobodka 38 Hawlgalo shaqo	Article 40 Suspension from service
Qobodka 39 Ku maqnaanshaha fasaxo	Article 41 Effect of court judgment on disciplinary proceedings
Qobodka 40 Laalida shaqo	Article 42 Cessation of permanent service
Qobodka 41 Raadka Asluubeed ee ka yimaada Xukun Maxkamadeed	Article 45 Retired members
Qobodka 42 Ka joojin shaqada joogtada ah	PART 6 PROMOTION
Qobodka 43 Xubnaha Hawlgalka? (Hawlgabka)	Article 44 Qualification for Promotion
Qaybta 6aad Dalacaada	Article 45 Types of promotion
Qobodka 44 U qalanka Dalacaadeed (Qualification for Promotion)	Article 46 Promotion on seniority
Qobodka 45 Noocyada dalacaada	Article 47 Promotion
Qobodka 46 Dalacaada la xidhiidha mudnaanta	Article 48 Promotion on special merit
Qobodka 47 Dalacaada abaalmarinta	Article 49 Seniority roll
Qobodka 48 Dalacaadda mutaysiga gaar	Article 50 Evaluation Committee
	Article 51 Promotion evaluation
	PART 7 Leave, salary and status of members

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Qobodka 49 Liiska Mudnaanta
Qobodka 50 Guddiga Qiimaynta
Qobodka 51 Qiimaynta Dalacaada

Qaybta 7aad Fasaxa, Mushaharka iyo Xaaladaha Xubnaha

Qobodka 52 Mushahaaroyinka
Qobodka 53 Mushahar-dhimis iyo ka-jaris
Qobodka 54 Raadka uu ku reebaayo fasax ku maqnaanshaha hawlgabka iyo xaqa
Qobodka 55 Dhimasho, naafo, dhaawac iyo bukaan
Qobodka 56 Fasax caadi ah
Qobodka 57 Damaanad-bixinta xubnaha ku sugan waxbarasho dibadeed
Qobodka 58 Ururidda fasaxa
Qobodka 59 Dhaafidda muddada fasaxa
Qobodka 60 Awood-bixinta fasaxa
Qobodka 61 Waajibka saran xubnaha fasaxa
Qobodka 62 Diiwaan gelinta fasaxa
Qobodka 63 Caddaynta shaqo ka-bixidda

Qaybta 8aad ASLUUBTA

Qobodka 64 Xeerkan iyo Xeerarka kale
Qobodka 65 Habka loo qaado gef asluubeedka
Qobodka 66 Waajibka ku qaadista gef Asluubeed
Qobodka 67 Talaabooyinka Xadhigga
Qobodka 68 Mushaharka oo laga jaraayo daynta, Magdhowga khasaaraha iyo waxyeelooyinka
Qobodka 69 Ganaaxu wuxuu ka go'ayaa mushaharka

Qaybta 9aad Awoodaha & Habka

Qobodka 70 Awooda
Qobodka 71 Qaabka dhagaysiga dacwadaha gefefka asluubta
Qobodka 72 Awooda Taliyaha Ciidanka ee la xidhiidha wax ka bedelidda Ciqaabta

Qaybta 10aad Gefefka Asluubeed

Qobodka 73 Offences

Qaybta 11aad Ciqaabaha & Racfaanka

Qobodka 74 Ciqaabta & Racfaanka
Qobodka 75 Saaridda Ciqaabta

Article 52 Salaries
Article 53 Salary reduction and deduction
Article 54 Effect of absence on leave on pension and gratuity
Article 55 Death, disability, injuries and sickness
Article 56 Ordinary leave
Article 57 Bond by members attending courses abroad
Article 58 Leave accumulation
Article 59 Overstaying the leave period
Article 60 Grant of leave authority
Article 61 Obligations of members on leave
Article 62 Recording of leave
Article 63 Discharge certificate

PART 8 DISCIPLINE

Article 64 *The Regulations and the provisions of other laws*
Article 65 Conduct of disciplinary proceedings
Article 66 Obligation to take disciplinary action
Article 67 Restrictive measures
Article 68 Recovery of debt, compensations for damages or loss from salary
Article 69 Fines to be deducted from salary

PART 9 COMPETENCE AND PROCEDURE

Article 70 Competence
Article 71 Procedure for hearing disciplinary offences
Article 72 Power of the Commandant to modify penalties imposed

PART 10 DISCIPLINARY OFFENCES

Article 73 Offences

PART 11 PENALTIES AND APPEALS

Article 74 Penalties and appeals
Article 75 Imposition of penalty
Article 76 Additional powers of the Commandant
Article 77 Appeals
Article 78 Submission of the Appeal

PART 12 POLICE SERVICE AWARDS

Article 79 Recognition for special merit of

Qobodka 76 Awoodaha kale ee Taliyaha	service
Qobodka 77 Racfaan	Article 80 <i>Awards which may be given</i>
Qobodka 78 Gudbinta Racfaanka	Article 81 <i>Publication of Rewards</i>
Qaybta 12aad Abaalmarinnada hawlaha Booliiska	PART 13 POLICE WELFARE
Qobodka 79 Aqoonsiga Mutaysi gaar ahaaneed ee shaqo	Article 82 <i>Establishment of Police Welfare Fund</i>
Qobodka 80 Abaalgudyada la bixjn_karo	Article 83 <i>Commandant's approval of payments from the Welfare Fund</i>
Qobodka 81 Faafinta abaalmarinta	
Qeybta 13aad Xannanada Booliiska	PART 14 FINAL PROVISIONS OF THESE REGULATIONS
Qobodka 82 Samaynta Sanduuqa Xannanada Boliiska	Article 84 <i>Standing Orders</i>
Qobodka 83 Ogolaanshaha Taliyaha lacaq ka-bixiinta sanduuqa Xannanada Booliiska	Article 85 <i>Repeal of previous provisions</i>
Qeybta 14aad Qodobada dhammaystirka Xeerkan	Article 86 <i>Action taken previously</i>
Qobodka 84 Amarada jooqtada ah	Article 87 <i>Provisional suspension of promotion</i>
Qobodka 85 Tirtiridda Sharciyadii Hore	Article 88 <i>Coming into force</i>
Qobodka 86 Tallaabooyinkii la qaaday	
Qobodka 87 Laalista dalacaadda si ku meel qaad ah	
Qobodka 88 Dhaqangalka Xeerka	

POLICE FORCE STRUCTURE LAW No. 54/1994 (As amended)

**XEERKA DHISMAHA CIIDANKA BOOLISKA
SHARCI LAM. 54/1994**

(Iyo Wax ka beddelkiisi ku soo baxay [Xeerk Lr. 7 ee 27 Noofambar 1995](#), kuna qorna [Xeerk M/weyne Lr. 07/995 ee 4 Sebtabar 1995](#))

MADAXWEYNAHA JAMHUURIYADDA SOMALIAND

MARKUU ARKAY: Axdiga Qaranka Qodobkiisa 17aad; Xubintiisa 3aad; Xarafka (B); oo ka hadlaya xilka Xukuumadda ka saran hirgelinta Nabadgelyada iyo ammaanka Gudaha iyo ka difaaca dalka weerarada shisheeye;

MARKUU ARKAY: Axdiga Qaranka Qodibkiisa 17aad; Xubintiisa 3aad; Xarafka (R) oo tilmaamaya xilka xukuumadda ka saran abuurista Ciidan Nadabgelyo iyo jahaynta Maliishiyada;

MARKUU DERSAY: Axdiga Nabadgelyada ee Beelaha S/Land Qodikiisa 9aad; xubintiisa 3aad oo ka hadlaya in Gobol walba samaysto Ciidan Boolis oo saldhig u noqon kara Boliiska Qaranka;

MARKUU EEGAY: Axdiga Qaranka Qodobkiisa 14aad; Xarafka 7aad; oo tilmamaya in Madaxweynahu yahay Taliyaha Guud ee Ciidamada Qaranka;

MARKUU KA BAARAAN DEGAY: Qod. 21aad ee Axdiga Qaranka; oo tilmamaya Mabda'a baahinta Maamulka ee Goboladda iyo degmooyinka Dalka;

MARKUU DHEGEYSTAY: Soo jeedintii Wasiirka Arrimaha Gudaha;

MARKUU TIXGELIYAY: Guddoonka Golaha Wasiirada

wuxuu soo saaray shracigan soo socda:

Qodobka 1aad (Dhismaha)

1. Si waafaqsan sharciaga waxaa la ogolaaday Dhismaha Ciidanka Boliiska Jamhuuriyadda S/Land oo hoos yimaada Wasaaradda Arrimaha Gudaha, kana kooban:

B) Ciidanka Boliiska her Qaran

~~T) iyo Ciidanka Boliiska heer deegaan.~~

(Xeerk Lr. 7/95 ee 27/11/1995 (kuna qorna Xeerk Madaxweyne Lr. 07/995 ee 4 Sebtabar 1995 – JSL/M/XERM/249-7/995) ayaa Qodabadiisan ku saabsanayeen qarameenta Ciidanka Booliska ee heer deegaan:

Qodobka 1aad: Ciidanka Booliiska heer deegaan ee ku xusan Sharciga Dhismaha Ciidanka Booliiska iyo Xeerk-nidaamiyihiisa, waxa laga dhigey xubno ka tirsan Ciidanka Booliiska Qaranka.

Qodobka 2aad(B): Waxa la baabi'yey Qod 1aad, xubintiisa 1aad, xarafka (T).

Qodobka 5aad: Qodob kasta oo tilmaamaya ciidanka booliska deegaanka oo aan baa'intiisa iyo wax ka bedekiisa lagu sheegin qodobada kor ky xusan (ee Xeerk Lr. 7/95, waxaa la waafajinayaa Ciidanka Booliska Qaranka.)

2. Ciidanka Boliiska heer qaran wuxuu u qaybmaa:
 - B) Laanta Baadhista Dembiyada (CID)
 - T) Laanta Socdaalka (Immigration)
 - J) Laanta Ururinta Wararaka ee Gaarka ah (Special Branch)
 - X) Ciidanka Birmadka (Emergency Force)
 - Kh) Qaybaha
3. ~~Ciidanka Boliiska heer Deegaan waa saldhigyada Degmooyinka.~~ *(Waxa baabi'iyey Qodobka 2aad, Xubinta (T) ee Xeer Lr. 7/95 ee 27/11/1995.)*
4. Fadhiga Taliska Guud waa Caasimadda JSL.

Qodobka 2aad (Hoggaaminta)

1. Hoggaaminta sare ee Ciidanka waa:
 - B) Taliyaha Ciidanka Boliiska iyo
 - T) Taliye ku xigeenka Ciidanka Boliiska.
2. Taliyaha Ciidanka Boliiska waxa lagu magacaabayaa Xeer Madaxweyne iyadoo uu soo jeediyey Wasiirka arrimaha Guduhu.
3. Taliye Xigaenka Ciidanka Boliiska waxaa lagu maagacaabayaa xeer-Madaxweyne iyadoo uu sidaas soo jeediyey Wasiirka Arrimaha Gudaha oo la tashaday Taliyaha Ciidanka Boliiska.

Qodobka 3aad (Ciidanka)

- Ciidanka waxaa lagu aasaasayaa xubno laga xushay Muwaadiniinta S/Land a kala ah:
- B) Mujaahidiinta & Muwaadiniinta
 - T) Dadka aqoonta u leh Cilmiga Boliiska
 - J) Aqoonyahanka.

Qodobka 4aad (Jaangoynta Ciidanka)

Soo jeedinta tirada Ciidanka Boliiska ee ~~heer qaran iyo heer deegaan~~ *Qaranka* waxa iska leh Wasiirka Arrimaha Gudaha waxaana u ogolaanaya Golaha Wasiirada. *(Waxaa sidaas u bedellay Qodobka 3(B) ee Xeer Lr. 7/95 ee 27/11/1995.)*

Qodobka 5aad (Xilka iyo Waajibka)

1. Ka sakow waajibaadka ay saarayaan Shuruucda Dalka, xilka Ciidanka Boliisku waa ilaalinta iyo suggidda Nabadgelyada Jamhuuriyadda S/Land.
2. ~~Ciidanka Boliiska deegaanka waxaa xilkiisa u dheer ilaalinta cashuuraha Dawladaha Hoose.~~ *(Waxa baabi'iyey Qodobka 2aad, Xubinta (J) ee Xeer Lr. 7/95 ee 27/11/1995.)*

Qodobka 6aad

~~Ciidanka Boliiska Deegaanku wuxuu hoos tegayaa duqa Magaalada ee Degmo kasta. Deegaan waliba wuxuu masu'ul ka yahay taakuleynta Boliiskiisa.~~ *(Waxa baabi'iyey Qodobka 2aad, Xubinta (X) ee Xeer Lr. 7/95 ee 27/11/1995.)*

Qodobka 7aad (Baaxadaa Awooda)

1. Ciidanka Boliiska heer qaran wuxuu ka hawl gali karaa dhamaan xadka JSL.

~~2. Ciidanka Boliiska heer Deegaan wuxuu ka hawlgeli karaa xadka degmadiisa, xaaladaha uu xeer nidaamiyuhu tilmaami doono mooyaane.~~
(Waxa baabi'iyey Qodobka 2aad, Xubinta (KH) ee Xeer Lr. 7/95 ee 27/11/1995.)

Qodobka 8aad (Xeer nidaamiye)

1. Qaabdhismeedka iyo arrimaha Ciidanka waxa lagu soo saarayaa Xeer nidaamiye uu soo jeediyo Wasiirka Arrimaha Gudaha.²¹³
2. Xeer nidaamiyaha waxa ogolaansho looqa rabaa Madaxweynaha Jamhuuriyadda Somaliland isagoo la tashaday Golaha Wasiirada.

Qodobke 9aad (Qaabka wada shaqaynta)

~~Qaabka wada shaqaynta Ciidanka Boliiska heer qaran iyo deegaan ee gobolada iyo Degmooyinka waxaa lagu tilmaamayaa Xeer nidaamiyaha waa mid toos ah.~~
(Waxaa sidaas u bedellay Qodobka 3(T) ee Xeer Lr. 7/95 ee 27/11/1995.)

Qodobka 10aad (Baabi'iinta Sharci)

Waxaa la baabi'yey Xeer kasta oo ka soo horjeeda qaab-dhismeedka Ciidanka, sidoo kale Qodob kasta oo aan la socon karin Xeerkan ee xeer kasta.

Qodobka 11aad (Dhagangal)

Xeerkani wuxuu dhaqangelyaa maalinta ku xigta baahintiisa laguna soo saaro Faafinta Rasmiga ah ee JSL.

(Maxamad Ibraahim Cigaal)
MADAXWEYNAHA JSL

3rd November, 1994

²¹³ [Xeer-nidaamiyahii oo ka kooban 88 Qodob](#) (oo Af Ingiiisiga Police Regulations) waxa lagu soo saaray Xeer Madaxweyne Lr. RSLP/D-1.131/95) waxaana saxeexay Madaxweyne M H I Egal iyo Wasiirka Arrimaha Gudaha oo ahaa Muuse Biixi Cabdi.

Xeer-nidaamiyaha (XN) waxaa isna dhowr qodob ka bedellay [Qodobka 4 aad ee Xeer Lr. 7/95 ee 27/11/1995](#), kuwaas oo ay ka saaray meelaha ay ku jiray Ciidanka Booliska heer deegaan. Qodobada XN ee wax lag beddellay waxay yihiin Qod. 2(3); Qod. 13 iyo Qod. 14.