

RWANDA NATIONAL POLICE

POLISI Y'U RWANDA



**STANDARD OPERATING PROCEDURE
FOR THE USE OF FORCE AND
FIREARMS**

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FOREWORD

Rwanda National Police is an organ responsible for the security of persons and property on the entire territory of the country, as stipulated in the Constitution of the Republic of Rwanda. It ensures compliance with the law and maintains public order throughout the country. Thus, the law entrusts the RNP with the powers to use force and firearms in order to fulfill its duties adequately.

The prerogatives to use force and firearms granted to the Police, come with subsequent obligations and responsibilities, particularly with regards to human rights, that may be affected by the exercise of these powers. It is in this line that the Rwanda National Police establishes the present Standard Operating Procedure (SOP) relating to the use of force and firearms, to enable police officers to professionally accomplish their duties while respecting the rights and freedoms of people.

This SOP will be very useful in providing police officers with the appropriate response to different situations encountered in the course of their challenging profession. It will also contribute to high quality service delivery and the safeguard of the rule of law.

I urge every Police officer in the Rwanda National Police to strictly comply with this directive.



Dan MUNYUZA

CG

Inspector General of Police

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GUIDING INSTRUMENTS FOR THE USE OF FORCE AND FIREARMS

1. The following are national and international legal instruments guiding the use of force and firearms:
 - a. The Constitution of the Republic of Rwanda of 2003 as amended in 2015 (Articles 12, 13, 14, 26 and 41);
 - b. The International Covenant on Civil and Political Rights of on 19 December 1966 (Article 6 and 7)
 - c. The Law N° 68/2018 of 30/08/2018 determining Offences and Penalties in General as amended to date (Article 86);
 - d. The Law N° 46/2010 of 14/12/2010 determining the Powers, Responsibilities, Organization and Functioning of the Rwanda National Police (Article 37, 38 and 39);
 - e. Law N° 56/2018 of 13/8/2018 relating to arms (Article 69);
 - f. The Universal Declaration of Human Rights of 10 December 1948;
 - g. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990);
 - h. United Nations Code of Conduct for Law Enforcement Officials of 17 December 1979.

PURPOSE

2. The purpose of this Standard Operating Procedure (SOP) is to establish guidelines and procedure for the use of force and firearms in Rwanda National Police.

SCOPE

3. This Standard Operating Procedure applies to all police officers of Rwanda National Police. It will be reviewed whenever deemed necessary.

POLICY

4. The Rwanda National Police recognizes and respects the value of human life and the right of people to be secure in their persons and property. Police officers shall make every effort to preserve the sanctity of human life in all situations. It is the policy of the Rwanda National Police that police officers shall endeavour to accomplish their duties without using force and that the use of force is justified only when it is necessary and other means failed or may not succeed.

5. Officers shall use the minimum amount of force that is reasonable, necessary, and proportional based on the totality of the circumstances confronting the officers in order to bring about a lawful objective. The application of deadly force is a measure of last resort, only to be employed when all other options have been exhausted or would be ineffective. The Rwanda National Police is strongly committed to ensuring accountability and transparency regarding use of force.

DEFINITION OF KEY CONCEPTS

6. Under these SOPs the following terms shall carry the following meaning:
- a. **Force.** Any physical means including touching a person, use of firearm or means of restraint, deployed against a person in order to achieve a law enforcement purpose, in particular to obtain compliance with an order.
 - b. **Use of Force.** The application of physical techniques, chemical agents or weapons to another person for law enforcement purpose. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.
 - c. **Deadly Force.** A type of force that involves either the high likelihood of causing death, or is used with the clear knowledge that it will lead to the loss of life.
 - d. **Non-deadly Force.** An amount of force that under normal circumstances might cause bodily harm but would not be expected to result in great bodily harm or death.
 - e. **Weapon.** Anything used, designed to be used or intended for use in causing death or injury to any person, or for the purpose of threatening or intimidating any person.
 - f. **Deadly-weapon.** A weapon whose purpose is to cause death or that when used as an instrument of offense is capable of causing death or sometimes serious bodily harm
 - g. **Non-deadly Weapon.** A weapon that is designed for the use of force without causing death.
 - h. **Firearms.** Barrelled weapon of any description from which any shot, bullet or missile can be discharged.
 - i. **Instruments of Restraint.** External mechanical devices such as handcuffs designed to restrict or immobilise the movement of a person's body, in whole or in part.
 - j. **Proportionality.** Proportionality means that the risk of harm faced by a person should correspond in degree to the seriousness of the public interest that is being served by the use of force.
 - k. **Necessity.** Means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

- l. **De-escalation.** Actions used by officers, when safe and feasible without compromising law-enforcement priorities, that seek to reduce the immediacy of the threat, minimize the likelihood of the need to use force during an incident, and increase the likelihood of gaining voluntary compliance from a subject.
- m. **Reasonable.** The reasonableness inquiry refers to whether officer's actions are "objectively reasonable" in light of the facts and circumstances confronting him or her, without regard to their underlying intent or motivation.
- n. **Reasonable Grounds.** Reasonable grounds are information or facts that give a trained police officer a reasonable basis to believe that the subject is likely to inflict serious bodily harm or cause death to him or to another person.
- o. **Serious Bodily Harm.** Bodily harm that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- p. **Warning Shot.** The intentional discharge of a firearm in an attempt to warn or frighten a suspect in some action or inaction.

PRINCIPLES GOVERNING THE USE OF FORCE


7. **General Principles.** The following general principles shall govern police officers in the use of force:
 - a. Any use of force must respond to the principle of legality, proportionality, necessity and accountability;
 - b. In all cases, police officers should seek to avoid the need to resort to the use of force; they should proactively seek to resolve any situation through other means than the use of force, such as persuasion, negotiation, and de-escalation. Therefore, they shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result;
 - c. Any police officer present and observing another police officer using force that is beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intercede to prevent the use of such force. Officers shall immediately report these observations to the superior commander.
8. **Use of Firearms.** Whenever the lawful use of firearms is unavoidable, a police officer shall exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved.

9. A firearm is considered as being used if the weapon is:
 - a. drawn from its holster;
 - b. pointed at another person;
 - c. discharged in any circumstances, including intentional or unintentional discharge;
 - d. fired at another person in self-defence or in defence of another, whether or not death or injury results.

 10. Firearms shall not be used 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 crime involving serious threat to life, to arrest a person presenting such a danger and resisting their authority, to prevent his or her escape, or to protect property and only when less extreme means are insufficient to achieve these objectives and on condition of proportionality.

 11. A police officer must justify each fired shot. The use of firearms shall be preceded by a verbal warning, where possible, and a warning shot to the offending person.

 12. **Use of Deadly Force.** An officer shall use the following criteria when making the decision to use deadly force:
 - a. **Ability.** The subject has the means to carry out his/her intent to cause death or great bodily harm;
 - b. **Opportunity.** The subject's action is imminent and the subject is in a position where he/she can carry out the act or threat;
 - c. **Intent.** The subject's firm resolve to commit an action which may result in serious bodily injury or death to a third person.

 13. Deadly force can only be used under the conditions of extreme necessity and when all lesser means have failed or cannot be reasonably employed. A police officer may use deadly force to:
 - a. defend him/herself against an imminent danger of death or serious bodily harm;
 - b. prevent the commission of a felony threatening the life of persons or likely to cause serious bodily harm;
 - c. deal with a person in possession of weapons causing threat to the life of persons or to be used in terrorism ;
 - d. apprehend a person or prevent the escape of a person using a weapon or who otherwise indicates that he or she poses a significant threat of death or serious bodily harm to the police officer or others unless apprehended without delay;
 - e. protect the property or infrastructure under his/her protection when other non-lethal means have failed and using proportional means.
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14. **Use of Force When Effecting Arrest.** Officers need not retreat or desist from efforts to make a lawful arrest because of the resistance or threatened resistance to the arrest. Prior to effecting an arrest, several factors are to be considered to decide on the necessary and proportionate force to be used:

- a. the charge(s) or allegation(s) against the individual;
- b. known characteristics of the individual;
- c. whether he or she is expected or known to resist arrest;
- d. whether he or she is expected to be armed;
- e. history of arrests or convictions, if any;
- f. nature of previous encounters with the police, particularly whether violent behaviour was displayed;
- g. the location of the anticipated arrest;
- h. whether other individuals are expected to be at the location of the arrest and the risk which may be posed by such individuals;
- i. measures to reduce the risk of harm to the individual, third parties, and police officers.

15. The lawful use of force and firearms during arrests must be a measure of last resort and limited to circumstances in which it is strictly necessary in order to carry out an arrest.

16. If the use of force is absolutely necessary, the level of force must be proportionate and the use of firearms must be strictly limited to the arrest of a person presenting an imminent threat of death or serious injury; to prevent the commission of a crime involving grave threat to life, and only when less extreme measures are insufficient to make the arrest.

17. Whenever an individual is arrested after use of force, record shall be made of his/her physical condition at the time of being brought into custody, noting any marks, bruises, other signs of injury observed or complained of by such a person.

AUTHORIZED WEAPONS AND INSTRUMENTS IN THE USE OF FORCE

18. The following weapons and instruments are authorised to be used by RNP police officers:

- a. Batons;
- b. shields;
- c. handcuffs;
- d. barriers;
- e. tear gas;

- f. water cannons;
- g. Tasers;
- h. rubber bullets;
- i. firearms.

USE OF FORCE PROHIBITIONS

19. Force should not be used:
- a. to retaliate;
 - b. against individuals who only verbally confront the officers, unless the vocalization impedes or may impede a legitimate law enforcement function, or contains specific threats to harm the officers or others;
 - c. to obtain any information, admission of fact or confession of guilt;
 - d. against vulnerable persons except in circumstances where the person's actions must be stopped to prevent self-injury or loss of life;
 - e. against individuals or groups based on discrimination of any kind;
 - f. against a restrained or handcuffed individual unless the force is necessary:
 - (1) to prevent imminent bodily harm to the officer or another person;
 - (2) to overcome active resistance;
 - (3) to move an individual who is passively resisting.
20. It is further prohibited to:
- a. use canine units for control or intimidation of detainees;
 - b. use neck holds unless deadly force is justified;
 - c. use intentional baton strikes to the head, face, groin, solar plexus, neck, kidneys, or spinal column;
 - d. strike a detainee when grasping or pushing him/her would achieve the desired result;
 - e. use force against a detainee offering no resistance;
 - f. restrain detainees to fixed objects not designed for restraint;
 - g. use force to gain compliance with an unlawful command;
 - h. engage in actions or tactics or making statements that escalate a situation such that the use of force becomes necessary;
 - i. use non-deadly weapons or deadly ammunitions at an individual in a crowded environment if, based upon the totality of the circumstances, the danger of hitting an innocent bystander outweigh the necessity and likelihood of stopping the individual;
 - j. use deadly force against any individual who is threatening suicide or self-injury when that individual is not posing a threat to anyone else;

- k. carry or use any weapon not authorized by the Rwanda National Police. Examples of unauthorized weapons include, but are not limited to: machete, knife, opportunity batons. However, folding pocket knives (with a blade of less than 10 centimetres) may be carried for utility purposes.

SUBJECT RESISTANCE AND LEVELS OF OFFICERS' RESPONSE

21. **Types of subject resistance.** In his/her daily work, a police officer may expect the following types of resistance from the subject:

- a. **Passive Resistance.** The subject verbally or physically refuses to comply with an officer's lawful command causing the officer to use physical contact to establish control (e.g. refusing to leave an area and not obeying a lawful order).
- b. **Active Resistance.** Behaviours which physically counteract an officer's control efforts and which create a risk of bodily harm to the officer, subject or other persons.
- c. **Aggressive (Assaultive) Resistance.** Direct actions or conduct that may generate bodily harm; physical pain or injury, illness or any impairment of physical condition to the officer or others.
- d. **Aggravated Resistance.** The subject makes hostile attacking movements with or without a weapon that create reasonable grounds to believe that the subject intends to cause, and has the capability of causing, death or great bodily harm to the officer or others.

22. **Level of Response (Use of Force Continuum)**

- a. **Officer Presence.** Officer's presence in uniform with nonthreatening attitude deters crime and defuses the situation.
- b. **Communication.** The officer is expected to issue calm, non-threatening commands like giving suggestions, advice, repetitive commands coupled with facial expressions, stance, eye contact and sometimes short commands such as "stop", "don't move" in an attempt to gain compliance.
- c. **Empty Hand Control (Physical Control).** The officer uses bodily force to gain control of a situation. This might be through soft techniques or hard technique to retrain an individual.
- d. **Non-deadly Force Methods.** The officer uses non-deadly force instruments to gain control of a situation such as baton, chemical sprays, Taser, Tear Gas, etc.
- e. **Deadly Force.** Deadly force is used only when there are reasonable grounds to believe that the subject of such force poses an imminent danger of death or grievous bodily harm to the officer or to another person.

23. The level of compliance or resistance exhibited by a subject determines the level of control used by the officer. Police officers shall respond with a level of force appropriate to the situation at hand, as shown in the table below:

SUBJECT RESISTANCE AND LEVELS OF OFFICER'S RESPONSE

ACTIONS	OFFICER'S RESPONSE
No resistance. The subject is offering no resistance or threat	Officer's presence in uniform with non-threatening attitude
Passive resistance. The subject verbally or physically refuses to comply with an officer's lawful command (e.g. refusing to leave an area and not obeying a lawful order).	<p>Communication.</p> <ul style="list-style-type: none"> The officer issues calm, non-threatening commands like giving suggestions, advice, repetitive commands coupled with facial expressions, stance, eye contact and sometimes short commands such as "stop", "don't move" in an attempt to gain compliance. Assistance from other officers
Active resistance. Behaviours which physically counteract an officer's control efforts and which create a risk of bodily harm to the officer, subject or other persons.	Empty hand control techniques. The officer uses bodily force to gain control of a situation. This might be through soft techniques or hard technique to retrain an individual.
Aggressive resistance. Direct actions or conduct that may generate bodily harm; physical pain or injury, illness or any impairment of physical condition to the officer or others.	Non-deadly force Methods. The officer uses non-deadly force instruments to gain control of a situation such as baton, chemical sprays, Taser, Tear Gas, etc.
Aggravated resistance. The subject makes hostile attacking movements with or without a weapon that create reasonable grounds to believe that the subject intends to cause, and has the capability of causing, death or great bodily harm to the officer or others (e.g. uses weapons against the officer, attempts to disarm the officer, has a life-threatening weapon)	Deadly Force. Deadly force is used only when there are reasonable grounds to believe that the subject of such force poses an imminent danger of death or grievous bodily harm to the officer or to another person.

FACTORS FOR DETERMINING PROPORTIONALITY AND REASONABLENESS

24. In determining whether or not to apply any level of force, and in evaluating whether a police officer has used appropriate force, a number of factors should be taken into consideration: These include, but are not limited to:

a. Subject Factors

- (1) Seriousness of the crime committed;
- (2) Size, and weight of the subject;
- (3) Apparent physical ability of the individual;
- (4) Weapons possessed by or available to the subject;
- (5) Known history of violence;
- (6) Medical condition, mental state and influence of alcohol or drugs;
- (7) Number of subjects present who are involved or who may become involved.

b. Situational Factors

- (1) Size, physical ability and officer's defensive skills;
- (2) Number of officers present or available;
- (3) Presence of innocent or potential victims in the area;
- (4) Weapons or restraint devices available to the officer;
- (5) Whether the subject can be captured later;
- (6) Environmental factors;
- (7) Whether evidence is likely to be destroyed.

c. Other Factors

- (1) Legal requirements
- (2) Rwanda National Police policy.

USE OF FORCE IN HANDLING DETAINEES

25. **General Guidelines.** The following are general guidelines in the handling of detainees:

- a. Police officers, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened;

- b. Police officers shall attempt to gain a detainee's willing cooperation before using force;
- c. police officers shall not use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger to the life of the officer or others;
- d. Any force employed against a detainee must immediately cease when the person detained is no longer resisting.

26. Police officers shall not use deadly force against an individual who is fleeing or attempting to escape unless:

- a. There are reasonable grounds to believe that the individual has committed or is in the process of committing a felony involving the infliction or threatened infliction of death or serious physical injury;
- b. If permitted to flee or escape, the individual would pose a significant threat of death or serious physical injury to the officer(s) or others if not apprehended;
- c. The officer(s) have identified themselves as police officer(s), have stated the intention to use deadly force, and have given the individual a reasonable opportunity to comply with lawful orders and directions, if time, safety, and the totality of the circumstances permit.

27. When feasible, the officer(s) shall give verbal warnings and fire a warning shot prior to the use of deadly force.

28. Disciplinary sanctions or restrictions on detainees must never amount to torture, cruelty, inhuman or degrading treatment or punishment. Force should never be used for the purpose of punishment. The following practices are prohibited and may amount to torture or cruel or degrading treatment:

- a. placement of a detainee in a dark or constantly lit cell;
- b. corporal punishment;
- c. the reduction of detainee's diet or drinking water;
- d. collective punishment;
- e. use of chains, irons and other instruments of restraint which are inherently degrading or painful.

29. In situations of large-scale violent disorder in detention facilities, de-escalation must be the preferred mode of action, and a distinction made between those detainees who are engaged in violence and those who are not. Interventions by authorities must seek to minimize loss of life, injury or damage, and firearms may only be used to protect against such threats.

30. **Restraint.** Restraint shall be guided by the following principles:
- a. Where detainees are moving from one place to another they will be under restraint;
 - b. Instruments of restraint are to be used only when no lesser form of control would be effective to address the risks posed by unrestricted movement;
 - c. Instruments of restraint shall be used only as a precaution against escape during transfer; for medical reasons, when directed by the medical officer; or to prevent self-injury, injury to others, or property damage;
 - d. Restraints shall be applied for the least amount of time necessary to achieve the desired behavioural objectives;
 - e. The method of restraint shall be the least intrusive that is necessary and reasonably available to control the detainee's movement, based on the level and nature of the risks posed;
 - f. Restraint equipment or devices should not be used on a detainee's neck or face, or in any manner that restricts blood circulation or obstructs the detainee's airways (e.g., mouth, nose, neck, oesophagus);
 - g. Instruments of restraint shall be used only for the time period required, and they are to be removed as soon as possible after the risks posed by unrestricted movement are no longer present;
 - h. Use of handcuffs during a detainee's transfer is permissible as a precaution against escape but shall be removed when the detainee appears before judicial or administrative authority unless such a detainee may cause a serious threat to life if not restrained.
31. **Restraint on Pregnant Women.** A pregnant woman or woman in post-delivery recuperation shall not be restrained except in extraordinary circumstances that render restraint absolutely necessary. These are cases where:
- a. a medical officer has directed the use of restraint for medical reasons;
 - b. credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself or others;
 - c. reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.
32. This prohibition of restraint on pregnant women applies to all pregnant women in the custody, whether during transport, in a detention facility, or at an outside medical facility.
33. **Medical Attention In Case of Use Of Force.** Where a detainee enters custody with visible injuries (whether arising from the arrest or not), complains of illness or pain, falls unconscious, or appears to be mentally ill, the officer in charge of the custody shall ensure that medical attention and care are provided, as soon

as practicable, to the detainee. The status of the detainee should be recorded as soon as noticed.

34. If a situation arises involving a detainee with special needs i.e. detainees with physical, intellectual, and developmental disabilities and detainees with a mental health condition that may impair their ability to understand the situation; the appropriate medical or mental health staff shall be consulted prior to the use of force unless waiting for such intervention would defeat the law enforcement purpose.

USE OF FORCE IN THE MANAGEMENT OF CROWDS

35. Everyone has the right to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Constitution of the Republic of Rwanda. Police officers shall disperse any unlawful assembly.

36. In the dispersal of assemblies that are unlawful but non-violent, police officers shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

37. Police officers are encouraged to use, where possible, conflict prevention, mediation or other effective dispute resolution mechanisms to resolve conflicts.

38. In cases where physical obstacles are deployed in a protest or assembly, an attempt should be made to negotiate or de-escalate the situation before seeking to remove any debris or barriers.

39. In the dispersal of violent assemblies, firearms may be used only as a last resort, if other means are not practicable in the circumstances, where it is required in instances of self-defence, or defence of another, against an imminent threat of death or serious injury.

40. Deadly or non-deadly weapons, where the laws allows their use, should not be fired randomly at an assembly, but must be aimed exclusively at the persons engaged in violence, and only when other methods have failed to stop the violence. Such weapons should be aimed at the lower part of the body so as to minimize the risk of serious injury.

41. Devices with indiscriminate effects and a high potential of harm, such as tear gas and water cannons, may only be used in situations for the purpose of dispersing a violent assembly, and only when all other means have failed to contain the violence.



42. Officers shall take reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to bystanders, victims, hostages, and other involved civilians, as well as other officers and emergency personnel.
43. In cases of planned assemblies, arrangements are to be made for medical assistance to be in close proximity.
44. Police officers should be equipped with loud speakers to issue the commands to the assembly. Clear audible warnings must be issued prior to use of chemical irritants and participants must be given sufficient time to leave the area, except in cases where delay would create an immediate risk of death or serious injury to the police officers or any other person, or when giving such a warning is impossible in the circumstances.
45. When feasible, and when doing so would not increase the danger to officers or others, officers shall issue a verbal warning to the individual prior to using force.
46. The following acts are prohibited for police officers during assemblies:
- a. discharging cartridges with chemical irritants directly at a person;
 - b. use of automatic firearms;
 - c. firing live ammunition in the direction of assemblies;
 - d. mass arrests (without an offence being committed by each arrested individual);
 - e. provocation of participants;
 - f. use of force against trapped individuals.

SAFETY AND SECURITY OF POLICE OFFICERS ON DUTY

47. In any use of force operation, the safety and security of police officers should be a priority.
48. The right to self-defence is fully recognized to police officers under any circumstance. Nothing in this SOP shall prevent an officer from utilizing unauthorized weapons, any weapon of opportunity or any readily available object as a defensive weapon in circumstances or situations where the actions of an assailant could result in injury or death and that the use of the object is reasonable, proportional and necessary.

49. Police officers frequently employ force to affect an arrest and ensure public safety. It is not intended that a suspect ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation.

50. Nothing in this SOP should be interpreted to mean that a police officer is required to engage in hand to hand combat (with all its risks) before resorting to the use of force that will more quickly, humanely and safely bring an arrestee under physical control.

51. Police officers must use appropriate force and need not retreat or desist when physical force is necessary to affect an arrest, prevent an escape, gain compliance or overcome resistance.

OFFICERS' RESPONSIBILITIES AFTER USE OF FORCE INCIDENT

52. Responsibilities of the Officer Involved in the Use of Force. An officer involved in the use of force whether in non-deadly or deadly force incident shall have the following responsibilities:

- a. obtain or administer first aid when safely possible;
- b. immediately summon medical treatment in case of injury
- c. notify his/her immediate superior;
- d. provide a detailed description of actions taken and the details of the incident for documentation;
- e. secure the scene and request sufficient back-up force if necessary;
- f. remain at the scene (unless injured) until the support arrives.

53. **The Superior's Responsibilities.** The superior must:

- a. respond promptly, transparently and effectively to incidents of abuse whenever they occur, in order to avoid them developing into customs and patterns that will be hard to change;
- b. treat victims of crime and of law enforcement violence, with respect;
- c. interview all witnesses to the incident including witness officers;
- d. facilitate and support lawful investigation and oversight;
- e. notify the chain of command;
- f. ensure the security and integrity of the scene;
- g. obtain a statement from the subject;
- h. ensure that relatives or close friends of the injured person are notified at the earliest opportunity;
- i. make an evaluation of the incident;
- j. provide psychological support and counseling to the involved officer;
- k. defuse of community tension.

COMMAND RESPONSIBILITY

54. With respect to the use of force and firearms, the commander has the following general responsibilities:
- a. ensure close supervision, coaching and counselling of staff are in place;
 - b. identify psychological or social problems of their staff that may affect their mental well-being and health;
 - c. ensure proper planning of operations;
 - d. brief police officers under their command before undertaking any task assigned to them.
55. All operations involving use of force must be properly and meticulously planned to avoid, as far as possible, the instantaneous decision making which can lead to fatal use of force.
56. Plans must be written where possible, provide for responses to reasonably foreseeable actions. Operations must be planned and controlled so as to minimize, to the greatest extent possible, the need to resort to the use of force or potentially deadly force.
57. Operation must:
- a. have a legitimate aim;
 - b. be lawful;
 - c. be proportionate;
 - d. be justified;
 - e. be the least intrusive or damaging to the rights of individuals.
58. The commander will be held accountable for:
- a. poor planning and preparation of the operation;
 - b. issuing unclear, misleading or unlawful orders to the staff;
 - c. failure to issue briefing prior to staff deployment;
 - d. failure to command and control the operation in a manner that takes all precautions to ensure that police officers are not exposed to unnecessary risks of violent confrontations;
 - e. failure to assess the social and psychological factors that are likely to expose the police officers to the use of force;
 - f. failure to take all measures in their power to detect, prevent, suppress or report the use of force if they knew, or should have known, through the

proper discharge of their duties, that police officers under their command are, or may be resorting, or have resorted, to the unlawful use of force;

g. obstructing or misleading the investigation of the judicial organs or the oversight body.

59. Obedience to superior orders shall be no defence if the police officer knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it. In any case, responsibility also rests on the superiors who gave the unlawful orders.

REPORTING USE OF FORCE INCIDENTS AND ADMINISTRATIVE REVIEW

60. **Reporting Incident.** A police officer involved in shooting incidents whether involving death or serious injuries or not, must immediately report it to his/her superior. The latter shall make a detailed report and submit it to the chain of command for administrative review and further action. A copy of the report shall be sent to the Department of Intelligence for administrative investigation.

61. **Administrative Investigation.** An administrative investigation shall take place in case of:

- a. accidental or intentional use of deadly force by an officer, whether or not injury or death occurs;
- b. all incidents involving the intentional discharge of a firearm;
- c. all incidents resulting in great bodily harm or death to a person by an officers use of force;
- d. a complaint received from a citizen alleging that an officer used excessive force resulting in injury to a person.

62. The administrative investigation shall:

- a. establish the full facts of the incident;
- b. ensure that culpable and discreditable conduct is uncovered;
- c. assess whether rules, policies or procedures were breached;
- d. identify and remedy the unprofessional practices, where necessary;
- e. initiate disciplinary procedures in case of unreasonable use of force.

63. The administrative investigation will be independent, objective and impartial. The administrative report shall be submitted to the Inspector General within 5 days.

64. The scope of the investigation must include all the surrounding circumstances of any death or injury, particularly the events prior, during and after the incident. This will include: operational plans, briefings, command and control, and interviews with all personnel involved.

65. In determining whether an officer's use of force is reasonable in a particular case, it is necessary to evaluate the facts and circumstances confronting the officer at the time force was administered.

66. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its determination must embody an allowance for the fact that police officers are often forced to make split second decisions about the amount of force necessary in a particular situation.

67. The totality of circumstances includes consideration of the subject's form of resistance, all reasonably perceived factors that may have an effect on the situation, and the response options available to the officer.

68. **Cooperation with Judicial Organs.** The administrative investigation shall not affect the conduct of criminal investigations by competent judicial organs. Police officers shall cooperate with the judicial organs to facilitate investigations.

TRAINING ON THE USE OF FORCE

69. Prior to enrolment for basic training, all new recruits must undergo a proper vetting with a view to ensuring that those with prior involvement in human rights violations and/or connections to criminal activities are excluded from consideration.

70. Selection criteria should include the moral integrity of the candidate and his or her psychological stability and ability to react appropriately to stressful situations.

71. All police officers shall receive training on the use of force prior to their deployment. Training on the use of force must be part and parcel of the curricula of all police training schools and shall include among other subjects:

- a. legal framework on the use of force, firearms and deadly force;
- b. ethics and the permissible rights and freedoms of citizens;
- c. de-escalation strategies, negotiation and mediation tactics;
- d. use of alternative non-deadly weapons and equipment;
- e. self-defense and physical and empty hand techniques to control aggressive persons;

- f. communication, risk assessment, decision making and peaceful resolution of conflicts;
- g. first aid training at the basic level;
- h. use of Force Continuum;
- i. understanding the dynamics of crowd behavior;
- j. instinctive shooting and deliberate aimed shooting.

72. Training of police officers must be based on realistic scenarios, acquainting them with the wide range of situations and challenges they may encounter in their daily practice. Such training must be continually evaluated as to its effectiveness in ensuring Rwanda National Police is staffed with professional police officers who meet the high standards required.

73. Schools must regularly review their training programmes in light of previous incidents and refresher courses shall be organised on annual basis to sharpen the officers. These trainings must be documented in the officers' records.

DRAFTING LANGUAGE

74. The drafting language of this SOP is English.

Done at Kigali on 14 January 2021



Dan MUNYUZA

CG

Inspector General of Police

**AMABWIRIZA NGENGAMIKORERE
YEREKEYE IKORESHA RY'IMBARAGA
N'IMBUNDA**

IJAMBO RY'IBANZE

Polisi y'u Rwanda ni urwego rushinzwe kurinda umutekano w'abantu n'ibintu mu gihugu cyose, nkuko biteganyijwe n' Itegeko Nshinga rya Repubulika y'u Rwanda. Polisi igenzura ko amategeko yubahirizwa kandi ibungabunga umutekano imbere mu gihugu. Niyo mpavu amategeko yahaye Polisi y'u Rwanda ububasha bwo gukoresha imbaraga n'imbunda ngo ishobore gukora imirimo yayo neza.

Ububasha bwo gukoresha imbaraga n'imbunda bwahawe Polisi, bugendana n'ibisabwa bigomba kubahirizwa ndetse n'inshingano, by'umwihariko ku birebana n'uburenganzira bwa muntu ubwo bubasha bushobora guhungabanya. Ni muri urwo rwego Polisi y'u Rwanda ishyizeho aya Amabwiriza Ngengamikorere yerekeye Ikoreshwa ry'Imbaraga n'Imbunda, azafasha abapolisi gukora akazi kabo kinyamwuga kandi bubahiriza uburenganzira n'ubwisanzure by'abantu.

Aya amabwiriza ngengamikorere azaba ingira kamaro mu kwereka abapolisi ibisubizo bikwiriye kubyo bahura nabyo mu mwuga wabo utoroshye wo kwubahiriza amategeko. Azafasha na none mu gutanga serivisi inoze ndetse no kurinda ihame ryo kugendera ku mategeko.

Ndasaba buri mupolisi wese wo muri Polisi y'u Rwanda kubahiriza aya amabwiriza ngengamikorere.



Dan MUNYUZA

CG

Umuyobozi Mukuru wa Polisi

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AMATEGEKO ASHINGIRWAHO MW' IKORESHWA RY'IMBARAGA N'IMBUNDA

1. Amategeko y'u Rwanda n'andi mpuzamahanga ashingirwaho mw'ikoreshwa ry'imbaraga n'imbunda ni aya akurikira:
 - a. Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 nk'uko ryavuguruwe mu 2015 (Ingingo ya 12, iya 13, iya 14, iya 26 n'iya 41);
 - b. Amasezerano mpuzamahanga yerekeye uburenganzira mbonezamubano n'ubwa politiki yo ku wa 19 Ukuboza 1966 (Ingingo ya 6 n'iya 7);
 - c. Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryavuguruwe kugeza ubu (Ingingo ya 86);
 - d. Itegeko N°46/2010 ryo ku wa 14/12/2010 rigena ububasha, inshingano, imitunganyirize n'imikorere bya Polisi y'u Rwanda (Ingingo ya 37, iya 38 n'iya 39);
 - e. Itegeko N° 56/2018 ryo ku wa 13/8/2018 ryerekeye intwari (Ingingo ya 69);
 - f. Itangazo Mpuzamahanga ry'Uburenganzira bwa Muntu ryo ku wa 10 Ukuboza 1948;
 - g. Amahame y'Ibanze y'Umuryango w'Abibumbye yerekeye Ikoreshwa ry'Imbaraga n'Imbunda bikorwa n'Abashinzwe Iyubahirizwa ry'Amategeko (1990).
 - h. Amategeko Ngengamyitwarire y'Umuryango w'Abibumbye agenga Abashinzwe Iyubahirizwa ry'Amategeko yo ku wa 17 Ukuboza 1979.

ICYO AYA MABWIRIZA AGAMIJE

2. Aya mabwiriza ngengamikorere agamije gushyiraho imirongo ngenderwaho n'uburyo bw'imikorere agenga ikoreshwa ry'imbaraga n'imbunda muri Polisi y'u Rwanda.

ABAREBWA N'AYA MABWIRIZA

3. Aya mabwiriza ngengamikorere areba abapolisi bose ba Polisi y'u Rwanda. Ashobora kuvugururwa igihe cyose bibaye ngombwa.

UMURONGO NGENDERWAHO

4. Polisi y'u Rwanda izirikana kandi ikubaha agaciro k'ubuzima bwa muntu n'uburenganzira bw'abaturage kugira ngo bagire umutekano hamwe n'ibyo batanze. Abapolisi bagomba gukora ibishoboka byose mu kubungabunga ubusugire bw'ubuzima bwa muntu mu bihe byose. Umurongo ngenderwaho wa

Polisi y'u Rwanda ni uko abapolisi bagomba gukora uko bashoboye kose bakuzuzanya inshingano zabo badakoresheje imbaraga ndetse ko ikoreshwa ry'imbaraga ryemerwa gusa iyo biri ngombwa ko zikoreshwa kandi ubundi buryo bukaba bwananiranye cyangwa butatuma ikigenderewe kigerwaho.

5. Abapolisi bagomba gukoresha imbaraga nke zishoboka, zishyize mu gaciro, ziri ngombwa, kandi ziri mu rugero hakurikijwe ibirimo kuba kugira ngo bagere ku ntego ishingiye ku mategeko. Gukoresha imbaraga zica ni icyemezo gifatwa nyuma y'ibindi byose mu gihe ubundi buryo bwose bwagerajwe ntibugere ku ntego cyangwa bukaba budashobora gutuma hagerwa ku kigamijwe. Ku birebana no gukoresha imbaraga, Polisi y'u Rwanda ikomeye ku ihame ryo gukoresha uko bikwiye imbaraga no kwemera ko abapolisi batabyubahirije babibazwa kandi byose bigakorwa mu buryo buciye mu mucyo.

IBISOBANURO BY'AMAGAMBO

6. Muri aya mabwiriza ngengamikorere, amagambo akurikira asobanura:

a. **Imbaraga.** Uburyo ubwo aribwo bwose bushingiye ku ngufu z'umubiri nko gukora ku muntu, gukoresha intwaro, gukoresha uburyo bubuza umuntu gukoresha imbaraga ze z'umubiri uko abishaka, bukoreshajwe ku muntu kubera impamvu zishingiye kw'iyubahirizwa ry'amategeko, by'umwihariko hagamije gushyirisha mu bikorwa amabwiriza.

b. **Ikoreshwa ry'imbaraga.** Gukoresha ubuhanga bushingiye ku ngufu z'umubiri, ibinyabutabire cyangwa intwaro ku wundi muntu kubera impamvu zishingiye kw'iyubahirizwa ry'amategeko. Ntibyitwa gukoresha imbaraga mu gihe umuntu ubwe yemeye gusakwa, kujyanwa, kwambikwa amapingu cyangwa gufungwa.

c. **Imbaraga zica.** Ubwoko bw'imbaraga zishobora gutera urupfu cyangwa zikoreshwa bizwi neza ko zica gutuma habaho gutakaza ubuzima.

d. Imbaraga zitica: Ingano y'imbaraga iyo zikoreshajwe mu bihe bisanzwe zishobora gutera gukomereka k'umubiri ariko ntizibe zatera gukomereka bikaje cyangwa urupfu.

e. **Intwaro.** Ikintu cyose gikoreshwa, cyakorewe cyangwa cyateganyirijwe gukoreshwa mu kwica cyangwa gukomeretsa umuntu, cyangwa kigakoreshwa mu gukanga cyangwa gutera ubwoba umuntu.

f. **Intwaro zica.** Intwaro zagenewe kwica cyangwa mu gihe zikoreshajwe nk'ibirwanisho zikaba zatera urupfu cyangwa zigakomeretsa umubiri mu buryo bukabije.

g. **Intwaro zitica.** Intwaro izo arizo zose zagenewe kwitabazwa mu gihe hakoreshwa imbaraga ariko zidashobora kwica.

- h. **Imbunda.** Intwara iyo ariyo yose ifite umunwa ishobora kurasa isasu cyangwa misire.
- i. **Ibikoresho byifashishwa mu kubuza umuntu gukoresha imbaraga ze z'umubiri uko abishaka.** Ibikoresho byitwazwa nk'amapingu byakorewe guhagarika cyangwa kubuza umubiri w'umuntu wose cyangwa ibice byawo kuva mu byimbo.
- j. **Kugena urugero rw'imbaraga.** Kugena urugero rw'imbaraga bisobanura ko ingaruka zigera ku muntu zigomba kungana n'igipimo cy'uburemere bw'inyungu rusange ikoresheya ry'imbaraga rigamije guharanira.
- k. **Kuba ngombwa.** Kuba ngombwa bivuze ko nta bundi buryo bushoboka bwashyirahwe ikoresheya ry'imbaraga kandi ko ingano y'imbaraga zakoreshejwe zishyize mu gaciro kugira ngo hagerwe ku ntego ikurikije amategeko yari igambiriwe.
- l. **Kugabanya ubukana bw'ikibazo.** Uburyo bukoreshwa n'abapolisi, igihe bwizewe kandi bushoboka badatandukiriye inshingano y'ibanze y'iyubahirizwa ry'amategeko, bugamije gukumira ingorane zajyaga kuba, kugabanya ibyajyaga gutuma biba ngombwa gukoresha imbaraga mu kibazo cyabaye kandi bikaba byanatera umuntu kubahiriza ibyo asabwa ku bushake bwe.
- m. **Kuba ikintu gishyize mu gaciro.** Ubucukumbuzi bugenzura niba igikorwa gishyize mu gaciro bureba niba ibyakozwe n'umupolisi bigaragarira buri wese ko bishyize mu gaciro hashingiwe ku byabaye, hatitawe ku mugambi cyangwa icyabimuteye.
- n. **Impamvu zishize mu gaciro.** Impamvu zishize mu gaciro ni amakuru cyangwa ibikorwa biha umupolisi wahuguwe ishingiro ryo gutekereza ko umuntu ashobora kumukomeretsa ku mubiri bikagije cyangwa kumwica cyangwa akabikorera abandi.
- o. **Kubabaza umubiri bikomeye.** Kubabaza umubiri gushobora gutera urupfu, ububabare bukabije bw'umubiri, guhinduka kw'isura bigaragara kandi by'igihe kirekire, gutakaza cyangwa kumugara by'igihe igice cy'umubiri, urugingo cyangwa ubwenge.
- p. **Kurasa bigamije kuburira.** Kurasa isasu hagamijwe kuburira cyangwa gukanga ukekwa icyaha igihe hari icyo arimo gukora adakwiye kugikora cyangwa atari gukora icyo yagakwiye gukora.

AMAHAME AGENGA IKORESHWA RY'IMBARAGA

7. **Amahame rusange.** Amahame rusange akurikira agenga abapolisi mu ikoresheya ry'imbaraga:
- a. Ikoreshwa ry'imbaraga iryo ari ryo ryose rigomba gushingira ku mategeko, hagakoreshwa imbaraga ziri mu rugero, za ngombwa kandi uwazikoresheje akaba ashobora kubibazwa.

- b. Buri gihe, abapolisi bagomba kwirinda gukoresha imbaraga. Bagomba gushaka uko bakemura ikibazo icyo aricyo cyose hakoreshejwe ubundi buryo budasaba imbaraga, nko gufasha umuntu guhindura imyumvire, kumvikana no kugabanya ubukana bw'ikibazo. Ku bw'ibyo, bagomba gukoresha uko bishoboka kose uburyo budahutaza ubuzima bw'abantu mbere yo gukoresha imbaraga n'imbunda. Imbaraga n'imbunda bikoreshejwe gusa igihe ubundi buryo bwananiranye cyangwa butizewe ko bwagera ku kigamijwe.
- c. Umupolisi wese uri kumwe n'undi kandi akaba abona mugenzi we akoresha imbaraga z'umurenge, iyo bishoboka kandi nta ngaruka kuri we, agomba kubimubaza. Abapolisi bagomba guhitaho baha umuyobozi ubakuriye raporo y'ibyo babonye.

8. **Ikoreshwa ry'imbunda.** Igihe cyose bibaye ngombwa ko imbunda zikoreshwa mu buryo bwemewe n'amategeko, umupolisi agomba kwifata mu gukoresha imbaraga kandi agakora ibijyanye n'uburemere bw'icyaha n'intego igamijwe kugerwaho mu iyubahirizwa ry'amategeko.

9. Imbunda ifatwa nk'ikoreshejwe mu gihe:

- a. ikuwe mu bubiko bwayo iyo yambawe;
- b. itunzwe undi muntu;
- c. irashishijwe mu bihe ibyo ari byo byose, bigambiriwe cyangwa bitagambiriwe;
- d. irashishijwe umuntu mu rwego rwo kwitabara cyangwa gutabara undi muntu, byatera cyangwa ntibitere urupfu cyangwa ibikomere.

10. Imbunda ntizigomba gukoreshwa ku bantu uretse mu rwego rwo kwitabara cyangwa gutabara abandi icyago kibugarije gishobora gutera urupfu cyangwa ibikomere bikomeye, mu gukumira icyaha gikomeye kandi gishyira ubuzima bw'abantu mu kaga, gufata umuntu uri guteza ingorane nk'izo kandi akaba yanga gukora ibyo ategetswe, kumubaza gucika, cyangwa kurinda umutungo, kandi mu gihe gusa uburyo bworoheje budahagije mu kugera ku ntego, hapfa gusa gukoreshwa imbaraga ziri mu rugero.

11. Umupolisi agomba gusobanura impamvu ya buri sasu ryarashwe. Ikoreshwa ry'imbunda rigomba kubanzirizwa no kwihanangiriza mu mvugo aho bishoboka, no kurasa bigamije kuburira.

12. **Ikoreshwa ry'imbaraga zica:** Umupolisi agomba kugendera kuri ibi bikurikira mu gufata icyemezo cyo gukoresha imbaraga zica:

- a. **Ubushobozi.** Kuba umuntu afite ubushobozi bwo gusohozza umugambi we wo kwica cyangwa gukomeretsa umubiri bikabije.
- b. **Uburyo.** Kuba umuntu ari hafi gukora igikorwa agambiriye ndetse ari mu mwanya watuma abasha gukora icyo igikorwa cyateza ingorane.

c. **Umugambi.** icyemezo umuntu yafashe cyo gukora igikorwa gishobora gutera undi muntu gukomereka bikomeye cyangwa urupfu.

13. Imbaraga zica zishobora gukoreshwa gusa igihe zikenewe cyane kandi uburyo bwose bworoheje bukaba ntacyo bwashoboye kugeraho cyangwa bukaba budashobora gukoreshwa. Umupolisi ashobora gukoresha imbaraga zica mu gihe cyo:

- a. kwitabara mu byago bimwugarije bishobora gutera urupfu cyangwa gukomeretsa umubiri bikomeye;
- b. kuburizamo ikorwa ry'icyaha cy'ubugome gishyira ubuzima bw'abantu mu kaga cyangwa gishobora gutera gukomereka k'umubiri gukomeye;
- c. guhangana n'umuntu witwaje intwari zashyira ubuzima bw'abantu mu kaga cyangwa azikoresha mu iterabwoba;
- d. gufata umuntu witwaje intwari cyangwa kumubuza gucika cyangwa bigaragara ko yateza ibyago by'urupfu cyangwa gukomeretsa umubiri bikomeye ku mupolisi cyangwa abandi aramutse adafashwe bwangu;
- e. kurinda umutungo cyangwa ibikorwa remezo ashinzwe kurinda mu gihe ubundi buryo butica ntacyo bwashoboye kugeraho kandi yakoresheje imbaraga ziri mu rugero.

14. **Ikoreshwa ry'imbaraga igihe cyo gufata umuntu.** Iyo abapolisi bagiye gufata umuntu mu buryo bukurikije amategeko akanga gufatwa, ntibagomba gusubira inyuma cyangwa kureka kumufata. Mbere yo gufata umuntu, hari ibintu byinshi bigomba kwitabwaho mu gufata umwanzuro ku ngufu zikenewe kandi zikwiranye n'ikigenderewe:

- a. ibyo umuntu akurikiranweho cyangwa aregwa;
- b. imyitwarire y'umuntu izwi;
- c. kuba yitezweho cyangwa azwiho kwanga gufatwa;
- d. kuba yitezweho kuba afite intwari;
- e. kuba yarigeze gufatwa cyangwa guhamwa n'ibyaha, niba byarabayeho;
- f. imyifatire ye igihe yahuye na Polisi mbere, by'umwihariko niba yaragize urugomo;
- g. aho umuntu agomba gufatirwa;
- h. kuba hari abandi bantu bashobora kuba bari ahafatirwa umuntu, n'ibibazo bishobora guterwa n'abo bantu;
- i. ingamba zo kugabanya ibyago byo gukomereka k'ufatwa, kw'abandi bashobora kuba bahari n'ukw'abapolisi.

15. Gukoresha imbaraga n'imbunda mu buryo bwemewe n'amategeko mu gihe cyo gufata abakurikiranweho ibyaha bigomba kuba uburyo bwitabazwa nyuma y'ubundi bwose, kandi bugakoreshwa gusa mu biri ngombwa ko uwo muntu afatwa.

16. Iyo bibaye ngombwa gukoresha imbaraga, hakoreshwa imbaraga ziri mu rugero kandi imbunda igakoreshwa gusa mu gufata umuntu ugaragaza ko agiye guteza amakuba yavamo urupfu cyangwa gukomeretsa umubiri bikomeye; mu gukumira ikorwa ry'icyaha gikomeye cyashyira ubuzima bw'abantu mu kaga, ibi kandi biba mu gihe uburyo byoroheje butashoboraga kugera ku ntego yo gufata umuntu.

17. Iyo umuntu afashwe nyuma y'uko hakoreshwe imbaraga, hakorwa raporo y'uko ubuzima bwe buhagaze akigezwa ahafungirwa abantu, hakagaragazwa ibikomere, ibisebe, ibindi byerekana gukomereka byagaragaye cyangwa we ubwe agaragaza.

INTWARO N'IBIKORESHO BYEMEWE MU IKORESHWA RY'IMBARAGA

18. Intwari n'ibikoresho bikurikira byemerewe gukoreshwa n'abapolisi ba Polisi y'u Rwanda:

- a. indembo;
- b. ingabo;
- c. amapingu;
- d. bariyeri;
- e. ibyuka biryana mu maso;
- f. imodoka zimisha amazi mu bantu;
- g. ibirashisho bica umuntu intege;
- h. amasasu akoze muri plasitiki;
- i. imbunda.

IBIBUJIJWE MU IKORESHWA RY'IMBARAGA

19. Imbaraga ntizigomba gukoreshwa:

- a. mu kwihorera;
- b. ku bantu bahanganye n'abapolisi mu mvugo gusa, uretse igihe iyo imvugo ibangamira cyangwa ishobora kubangamira umurimo wemewe ujyanye n'iyubahirizwa ry'amategeko, cyangwa yumvikanamo amagambo y'iterabwoba adasanzwe aganisha ku kugirira nabi abapolisi cyangwa abandi bantu;
- c. mu gushaka amakuru ayo ari yo yose, guhatira umuntu kwemera ibyabaye cyangwa kwemera icyaha;
- d. ku bantu b'abanyantenge nke, uretse igihe ibikorwa byabo bigomba guhagarikwa ngo hirindwe ko bakwikomeretsa cyangwa bagatakaza ubuzima;

- e. ku bantu cyangwa amatsinda hashingiwe ku ivangura iryo ari ryo ryose;
- f. ku muntu wafashwe cyangwa wambitswe amapingu keretse igihe imbaraga ari ngombwa:
 - (1) mu gukumira igikorwa gikomeretsa umubiri kigiye gukorerwa umupolisi cyangwa undi muntu;
 - (2) mu kuganza umuntu ufite amahane akomeye;
 - (3) mu kujyana umuntu wanga gukora ibyo ategutwe ariko adahangana.

20. Birabujijwe kandi:

- a. kwifashisha imbwa zikoreshwa mu kazi ka polisi mu gutuma imfungwa zubahiriza ibyo zisabwa cyangwa hagamijwe kuzitera ubwoba;
- b. kuniga umuntu keretse mu bihe amategeko yemera gukoresha imbaraga zica;
- c. gukubita umuntu indembo ku bushake mu mutwe, mu maso, mu kiziba cy'inda, mu nda, mu ijosi, mu mpyiko cyangwa ku ruti rw'umugongo;
- d. gukubita imfungwa igihe kuyifatisha amaboko cyangwa kuyisunika byashoboraga gutanga igisubizo cyifuzwa;
- e. gukoresha imbaraga ku mfungwa itakurwanya;
- f. gufungira imfungwa ku bikoreho bifashe ahantu bitakorewe gufungirwaho abantu;
- g. gukoresha imbaraga kugira ngo umuntu yubahirize ibyo asabwe bidakurikije amategeko;
- h. Gukora ibikorwa, gukoresha uburyo cyangwa imvugo byongera ubukana bw'ikibazo ku buryo bituma biba ngombwa gukoresha imbaraga;
- i. Gukoresha intwari zitica cyangwa amasasu yica ku muntu uri mu kivunge, mu gihe ubona ko ibyago byo kurasa undi muntu aribyo byinshi kurusha kuba ari ngombwa gufata ukurikiranywe cyangwa kuba yafatwa.
- j. gukoresha imbaraga zica ku muntu wese ukangisha kwiyahura cyangwa kwikomeretsa igihe uwo muntu nta byago yatera abandi bantu;
- k. kwitwaza cyangwa gukoresha intwari iyo ari yo yose itemewe na Polisi y'u Rwanda. Ingero z'intwari zitemewe zirimo: umupanga, icyuma, inkoni ibonetse yose. icyakora, ibyuma bihinwa bikabikwa mu mufuka (bigira igice gikata kitarengeje santimetero 10) bishobora kwitwazwa ngo byifashishwe mu buryo butandukanye.

IKIGERO CY'IMBARAGA ZIKORESHWA N'UMUPOLISI IYO UMUNTU YANZE KUMVIRA

21. **Ibyiciro byo kwanga kumvira.** Mu kazi ke ka buri muni, umupolisi akwiye kwitega guhura n'abantu bashobora kwanga kumvira mu buryo bukurikira:

a. **Kwanga kumvira ariko nta guhangana.** Umuntu wanze kumvira mu buryo bw'imvugo cyangwa ibikorwa ibyo asabwe n'umupolisi bikurikije amategeko, byatera umupolisi gukoresha imbaraga z'umubiri kugira ngo atume umuntu akora ibyo asabwa (urugero: kwanga kuva ahantu no kwanga kumvira ibyo asabwe bikurikije n'amategeko).

b. **Kwanga kumvira biherekejwe n'ibikorwa byo guhangana.** Imyitwarire irimo guhangana n'umupolisi hakoreshejwe imbaraga z'umubiri bikaba byatera ingaruka zo gukomereka k'umupolisi, k'uwo muntu cyangwa abandi bantu.

c. **Kurwanya umupolisi.** Ibikorwa cyangwa imyitwarire byeruye byakwangiza umubiri, byatera ububabare cyangwa gukomereka, uburwayi cyangwa ubumuga ku mupolisi cyangwa abandi bantu.

d. **Kurwanya umupolisi bishobora kumuviramo urupfu cyangwa gukomereka bikomeye.** Umuntu ukora ibikorwa by'urugomo bigamije kurwana akoresheje cyangwa adakoresheje intwari, biha ishingiro umupolisi ryo gutekereza ko uwo muntu agamije kandi afite ubushobozi bwo kwica cyangwa gukomeretsa bikomeye umupolisi cyangwa abandi bantu.

22. **Ikigero cy'imbaraga zikoreshwa n'umupolisi**

a. **Kugaragara k'umupolisi.** Kuboneka k'umupolisi yambaye imyenda ya polisi kandi adafite imyitwarire itera ubwoba bica intege ikorwa ry'icyaha ndetse bigahosha ikibazo.

b. **Gutanga ubutumwa.** Umupolisi agomba gutanga amabwiriza arimo ituze ndetse atarimo iterabwoba, nko gutanga ibitekerezo, inama, amabwiriza asubirwamo bijyana no kugaragaza mu maso icyo ashaka, uburyo ahagararamo, kureba uwo abwira mu maso ndetse rimwe na rimwe agakoresha amabwiriza magufi nka "hagarara", "wiva aho uri" agerageza gutuma umuntu amwumvira.

c. **Gukoresha imbaraga z'umubiri ku muntu kugira ngo akore ibyo asabwa.** Umupolisi akoresha imbaraga kugira ngo umuntu yubahirize ibyo asabwa gukora. Ibi bishobora gukorwa hifashishijwe ubuhanga bworoheje n'ubukomeye bwo gufata umuntu.

d. **Gukoresha imbaraga zitica.** Umupolisi akoresha ibikoresho by'imbaraga zitica kugira ngo umuntu yubahirize ibyo asabwa gukora; nk'indembo, ibinyabutabire bimishwa, ibirashisho bica abantu intege, ibyuka biryana mu maso, n'ibindi.

e. **Gukoresha imbaraga zica.** Imbaraga zica zikoreshwa gusa iyo hari impamvu zikomeye zitera kumva ko umuntu ashobora kwica cyangwa gukomeretsa bikomeye umupolisi cyangwa undi muntu.

23. Ikigero cyo kumvira cyangwa kwanga kumvira amabwiriza nicyo gishingirwago mu kugena imbaraga zikoreshwa n'umupolisi. Abapolisi bagomba gukoresha imbaraga ziri mu rugero, nk'uko bigaragazwa mu mbonerahamwe ikurikira:



IBIKORWA BY'UMUNTU N'UKO UMUPOLISI ABYIFATAMO

IBIKORWA BY'UMUNTU	UKO UMUPOLISI ABYIFATAMO
<p>Umuntu wumvira ibyo ategetswe. Umuntu wubahiriza ibyo asabwe adahanganye cyangwa ngo akoreshe ibikangisho</p>	<p>Kuboneka k'umupolisi yambaye imyambaro ya Polisi kandi yitwaye mu buryo budatera ubwoba abamubona</p>
<p>Kwanga kumvira ariko nta guhangana. Umuntu wanze kumvira mu buryo bw'imvugo cyangwa ibikorwa ibyo asabwe n'umupolisi mu buryo bukurikije amategeko, byatera umupolisi gukoresha imbaraga z'umubiri kugira ngo atume umuntu akore ibyo asabwa gukora (urugero: kwanga kuva ahantu no kwanga kumvira ibyo asabwe bikurikije n'amategeko).</p>	<p>Gutanga ubutumwa. Umupolisi agomba gutanga amabwiriza arimo ituze ndetse atarimo iterabwoba, nko gutanga ibitekerezo, inama, amabwiriza asubirwamo bijyana no kugaragaza mu maso icyo ashaka, uburyo ahagararamo, kureba uwo abwira mu maso ndetse rimwe na rimwe agakoresha amabwiriza magufi nka "hagarara", "wiva aho uri" agerageza gutuma umuntu amwumvira.</p> <ul style="list-style-type: none"> Gusaba ubufasha bw'abandi bapolisi
<p>Kwanga kumvira biherekejwe n'ibikorwa byo guhangana. Imyitwarire irimo guhangana n'umupolisi hakoreshejwe imbaraga z'umubiri bikaba byatera ingaruka zo gukomereka gukomereka k'umupolisi, k'uwo muntu cyangwa abandi bantu (urugero: Gusunika umupolisi)</p>	<p>Gukoresha imbaraga z'umubiri ku muntu kugira ngo akore ibyo asabwa. Umupolisi akoresha imbaraga kugira ngo umuntu yubahirize ibyo asabwa gukora. Ibi bishobora gukorwa hifashishijwe ubuhanga bworoheje n'ubukomeye bwo gufata umuntu</p>
<p>Kurwanya umupolisi. Ibikorwa cyangwa imyitwarire byeruye byakwangiza umubiri, byatera ububabare cyangwa gukomereka, uburwayi cyangwa ubumuga bw'umubiri ku mupolisi cyangwa abandi bantu.</p>	<p>Gukoresha imbaraga zitica. Umupolisi akoresha ibikoresho by'imbaraga zitica kugira ngo umuntu yubahirize ibyo asabwa gukora; nk'indembo, ibinyabutabire bimishwa, ibirashisho bica abantu intege, ibyuka biryana mu maso, n'ibindi.</p>
<p>Kurwanya umupolisi bishobora kumviramo urupfu cyangwa gukomereka bikomeye. Umuntu ukora ibikorwa by'urugomo bigamije kurwana akoresheje cyangwa adakoresheje intwari, bituma umupolisi acyeka ku buryo bwumvikana ko uwo muntu agamije kandi afite ubushobozi bwo kwica cyangwa gukomeretsa bikomeye umupolisi cyangwa abandi bantu</p>	<p>Gukoresha imbaraga zica. Imbaraga zica zikoreshwa gusa iyo hari impamvu zikomeye zitera kumva ko umuntu ashobora kwica cyangwa gukomeretsa bikomeye umupolisi cyangwa undi muntu.</p>

IBISHINGIRWAHO MU KUGENA IMBARAGA ZIRI MU RUGERO KANDI ZISHYIZE MU GACIRO

24. Mu kugena niba ari ngombwa gukoresha urugero runaka rw'imbaraga no gusesengura niba umupolisi yakoresheje imbaraga zikwiye, hari ibigomba gushingirwaho: Bimwe mu bishingirwaho ni ibi bikurikira:

a. **Ibifitanye isano n'umuntu ugomba gukoreshwaho imbaraga.**

- (1) uburemere bw'icyaha cyakozwe;
- (2) uko uwo muntu angana;
- (3) ubushobozi bw'umubiri uwo muntu agaragaza;
- (4) intwaro uwo muntu yitwaje cyangwa ashobora kubona bimworoheye;
- (5) urugomo ruzwi uwo umuntu yaba yarakoze;
- (6) uko ubuzima bwe buhagaze, ubuzima bwo mu mutwe no kuba yanyoye inzoga cyangwa ibiyobyabwenge;
- (7) umubare w'abantu bahari barebwa cyangwa bashobora kwinjira mu kibazo.

b. **Ibifitanye isano n'uko ibintu bimeze**

- (1) Ingano, ubushobozi n'ubuhanga by'umupolisi mu kwirinda;
- (2) Umubare w'abapolisi bahari;
- (3) Kuba hari inzirakarengane cyangwa abashobora kubigiriramo ingaruka;
- (4) Intwaro cyangwa ibikoresho umupolisi ashobora kwifashisha mu kubuza umuntu gukoresha imbaraga ze z'umubiri uko ahatse;
- (5) Kuba umuntu ashobora gufatwa nyuma yaho;
- (6) Impamvu zishingiye kubimukikije;
- (7) Kuba ibimenyetso bishobora kwangirika.

c. **Ibindi bishingirwaho**

- (1) Ibyo amategeko ateganya;
- (2) Umurongo ngenderwaho wa Polisi y'Igihugu.

IKORESHWA RY'IMBARAGA MU GUCUNGA IMFUNGWA

25. **Amabwiriza rusange.** gucunga imfungwa bigenwa n'amabwiriza rusange akurikira:

- a. Abapolisi, mu mibanire yabo n'abantu bafunzwe, ntibagomba gukoresha imbaraga uretse gusa igihe biri ngombwa mu rwego rwo kugarura umutekano n'ituze ndetse n' igihe hari umutekano w'umuntu ubangamiwe;

- b. Mbere yo gukoresha imbaraga abapolisi bagomba kugerageza uko bashoboye kugira ngo imfungwa zubahirize ibyo zisabwa ku bushake;
- c. Abapolisi ntibagomba gukoresha imbunda, uretse igihe birinda cyangwa barinda abandi urupfu cyangwa gukomereka bikomeye, cyangwa igihe ari ngombwa gukumira itoroka ry'umuntu ufunzwe ushobora gushyira mu kaga ubuzima bw'umupolisi cyangwa abandi bantu;
- d. Imbaraga zose zikoreshwa ku mfungwa zigomba guhita zihagarikwa igihe ufunzwe atagitara amahane.

26. Abapolisi ntibagomba gukoresha imbaraga zica ku muntu uhunga cyangwa ugerageza gutoroka uretse:

- a. Igihe hari impamvu zikomeye zitera gutekereza ko umuntu yakoze cyangwa ari gukora icyaha cy'ubugome cyatera cyangwa kigamije gutera urupfu cyangwa gukomeretsa umubiri bikomeye;
- b. Igihe uwo muntu aramutse ahunze cyangwa agatoroka ashobora guteza urupfu cyangwa gukomeretsa umubiri bikomeye ku mupolisi cyangwa abandi bantu abaye adafashwe;
- c. Iyo abapolisi babanje kwigaragaza nk'abapolisi bakagaragaza ko bari bukoresha imbaraga zica kandi bakaba bahaye umuntu igihe cyo kubahiriza amabwiriza bahawe mu buryo bwemewe n'amategeko iyo igihe, umutekano ndetse n'imiterere y'ikibazo bibibemerera.

27. Igihe bishoboka, abapolisi bagomba kuburira umuntu mu magambo no kurasa isasu riburira mbere yo gukoresha imbaraga zica.

28. Ibihano cyangwa ibyemezo bifatirwa imfungwa kubera imyitwarire idahwitse ntibigomba na rimwe gutangwa mu buryo bw'iyicarubozo, bw'ubugome, butari ubwa kimuntu cyangwa butesha agaciro. Imbaraga ntizigomba na rimwe gukoreshwa hagamijwe guhana. Ibikorwa bikurikira birabujijwe ndetse bishobora gufatwa nk'iyicarubozo, ubugome cyangwa gufata umuntu mu buryo bumutesha agaciro:

- a. gushyira imfungwa mu cyumba kijimye cyangwa gihora gicaniwe amatara;
- b. ibihano bibabaza umubiri;
- c. kugabanyiriza imfungwa ifunguro cyangwa amazi yo kunywa;
- d. guha abantu ibihano mu kivunge;
- e. gukoresha iminyururu, ibyuma cyangwa ibindi bikoresho bikoreshwa mu kubuza umuntu gukoresha imbaraga ze z'umubiri uko abishaka bitesha agaciro cyangwa bibabaza umubiri.

29. Mu gihe imvururu z'urugomo rwo ku rwego rwo hejuru zibereye ahafungirwa abantu, hagomba gushyirwa imbere uburyo bwo kugabanya ubukana bw'ikibazo no gutandukanya imfungwa zishoye mu mvururu n'izitazishoyemo. Ubuyobozi

bugomba gukora uko bushoboye mu kugabanya umubare w'abantu batakaza ubuzima, inkomere cyangwa ibyangirika kandi imbunda zigakoreshwa gusa mu kwirinda ibyo byago.

30. **Kubuza umuntu gukoresha imbaraga ze z'umubiri uko abishaka.**

Kubuza umuntu gukoresha imbaraga ze z'umubiri uko abishakabigomba kugendera ku mahame akurikira:

- a. igihe imfungwa ziva ahantu zijya ahandi zikoreshwaho uburyo buzibuza gukoresha imbaraga z'umubiri uko zibishaka;
- b. ibikoresho bibuza umuntu gukoresha imbaraga ze z'umubiri uko abishaka bigomba gukoreshwa gusa igihe nta bundi buryo bworoheje bwo kugenzura umuntu mu gihe atabujijwe gukoresha imbaraga ze z'umubiri;
- c. ibikoresho bibuza umuntu gukoresha imbaraga ze z'umubiri uko abishaka bigomba gukoreshwa gusa nk'uburyo bwo gukumira itoroka igihe imfungwa zivanwa ahantu zijyanwa ahandi, ku mpamvu zishingiye ku buzima, iyo bisabwe n'umuganga cyangwa mu kurinda umufungwa kwikomeretsa, gukomeretsa abandi cyangwa kwangiza ibintu;
- d. kubuza umuntu gukoresha imbaraga ze z'umubiri uko abishaka bigomba gukorwa mu gihe gito cyane gishoboka kugira ngo hagerwe ku myitwarire ikwiye;
- e. uburyo bwo kubuza imfungwa gukoresha imbaraga z'umubiri uko zibishaka bugomba kuba uburyo bubangamira umuntu byoroheje bishoboka, buri ngombwa kandi bwumvikana mu kugenzura ubwinyagamburiro bw'imfungwa, hagendewe ku rwego n'imiterere y'ibyago ashobora guteza;
- f. ibikoresho bibuza umuntu gukoresha imbaraga ze z'umubiri uko abishaka ntibigomba gukoreshwa mu ijosi cyangwa mu maso h'imfungwa, cyangwa mu buryo ubwo ari bwo bwose bubuza amaraso kugenda cyangwa bugafunga imyanya y'ubuhumekero y'imfungwa (urugero: umunwa, izuru, ijosi, umuhogo);
- g. ibikoresho bibuza umuntu gukoresha imbaraga ze z'umubiri uko abishaka bigomba gukoreshwa gusa mu gihe bisabwa, kandi bigomba gukurwaho byihuse igihe cyose impungenge ziterwa no kuba atabujijwe gukoresha imbaraga ze z'umubiri uko abishaka zitakiriho;
- h. gukoresha amapingu igihe imfungwa zivanwa ahantu zijyanwa ahandi biremewe mu gukumira gutoroka ariko agomba gukurwa ku mfungwa igihe iri imbere y'urwego rw'ubutabera cyangwa rw'ubuyobozi, uretse igihe iyo mfungwa yaba ishobora guteza ingorane zikomeye igihe yaba itabujijwe gukoresha imbaraga ze z'umubiri uko ibishaka.

31. **Kubuza abagore batwite gukoresha imbaraga z'umubiri uko babishaka.**

Umugore utwite cyangwa umugore uri mu bihe byo gukira nyuma yo kwibaruka, ntagomba kubuzwa gukoresha imbaraga z'umubiri uko ashaka keretse mu bihe bidasanzwe. Ibi ni mu gihe:

- a. byasabwe n'umuganga ku mpamvu z'ubuzima;
- b. hari impamvu zizewe kandi zikomeye zituma habaho gutekereza ko ufunzwe ashobora kwigirira nabi cyangwa kugirira nabi abandi bantu;
- c. hari impamvu zumvikana zituma hatekerezwa ko imfungwa yahita itoroka, bikaba bitakwirindwa mubundi buryo.

32. Uko kubuzako imfungwa z'abagore batwite zibuzwa gukoresha imbaraga z'umubiri uko zishatse bireba abagore bose bafunzwe, haba mu gihe bakuwe ahantu bajyanwa ahandi, bari aho bafungwiye cyangwa mw'ivuriro hanze y'aho bafungwiye.

33. **Guhabwa ubuvuzi mu gihe hakoreshejwe imbaraga.** Igihe imfungwa yinjiye ahafungirwa abantu igaragaza ibikomere (byaba byatewe cyangwa bitatewe no gufatwa), itaka uburwayi cyangwa ububabare, itakaje ubwenge cyangwa igaragaza uburwayi bwo mu mutwe, umupolisi ushinzwe ahafungirwa abantu agomba gukora ku buryo yitabwaho akorerwa ubuvuzi vuba bishoboka. Uko ubuzima bw'imfungwa buhagaze bigomba kwandikwa igihe cyose hari ikigaragaye.

34. Igihe habaye ikibazo cy'imfungwa ikomeye ubufasha bwihariye, ni ukuvuga imfungwa zifite ubumuga bw'ingingo, ubushingiye ku bwenge, cyangwa ubwo yavukanye n'imfungwa zifite uburwayi bwo mu mutwe bushobora kugira ingaruka ku bushobozi bwo gusobanukirwa ibintu; abaganga cyangwa abashinzwe ubuzima bwo mu mutwe bagomba kugishwa inama mbere yo gukoresha imbaraga, uretse igihe gutegereza ubwo bufasha byabangamira iyubahirizwa ry'amategeko.

IKORESHWA RY'IMBARAGA MU KUGENZURA IMBAGA Y'ABANTU

35. Buri wese afite uburenganzira bwo kwitabira amakoraniro yemewe n'amategeko kandi akorwa mu mahoro, yubahirije amahame akubiye mu Itegeko Nshinga rya Repubulika y'u Rwanda. Abapolisi batatanyaga amakoraniro anyuranyije n'amategeko.

36. Mu gutatanyaga amakoraniro anyuranyije n'amategeko ariko atarimurugomo, abapolisi bagomba kwirinda gukoresha imbaraga, igihe bidashoboka bagakoresha izo mbaraga ku rugero ruto rukenewe.

37. Abapolisi bashishikarizwa aho bishoboka gukoresha uburyo bwo gukumira amakimbirane, kunga abantu cyangwa ubundi buryo bushobora guhosha intonganya mu gukemura amakimbirane.

38. Igihe hari ibyatambitswe mu nzira mu gihe cy'imyigaragambyo cyangwa amakoraniro y'abantu, hagomba kugeragezwa gukora ibiganiro na bo cyangwa guhosha imvururu mbere yo gushaka gukuraho ibyatambitswe mu nzira cyangwa za bariyeri.

39. Mu gutatanya abakoze amakoraniro arimo urugomo, imbunda zishobora gukoreshwa gusa nk'uburyo bwa nyuma, igihe ubundi buryo budashoboka bitewe n'uko byifashe, igihe zikenewe mu rwego rwo kwirwanaho cyangwa kurwana ku bandi, mu kwirinda ingorane zishobora gutera urupfu cyangwa gukomereka bikomeye.
40. Intwano zica cyangwa izitica, aho amategeko yemera ikoreshwa ryazo, ntizigomba kuraswa mu kivunge mu buryo budatoranya, ahubwo zigomba gutungwa by'umwihariko ku bantu bishoye mu mvururu, kandi igihe gusa ubundi buryo bwananiwe guhagarika imvururu. Intwano nk'izo zigomba gutungwa neza ku gice cy'umubiri cyo hasi kugira ngo hagabanywe ibyago byo gukomeretsa bikomeye.
41. Ibikoresho bigira ingaruka zidatoranya kandi bishobora kwangiza cyane, nk'ibyuka biryana mu maso n'imodoka zimisha amazi mu bantu, bishobora gukoreshwa gusa hagamijwe gutatanya abari mu mvururu, kandi igihe gusa ubundi buryo bwose bwananiwe guhosha imvururu.
42. Abapolisi bagomba gufata ibyemezo bikwiye bitewe n'uko ibintu byifashe, mbere no mu gihe cyo gukoresha imbaraga izo ari zo zose, kugira ngo hirindwe ingaruka zitari ngombwa zagera ku bantu bitambukira, inzirakarengane, abafashweho iminyago cyangwa abandi basivili babirimo, kimwe n'abandi bapolisi ndetse n'abashinzwe ubutabazi.
43. Mu gihe cy'amakoraniro y'abantu yateguwe, hagomba gukorwa ku buryo abatanga ubufasha mu by'ubuvuzi baba bari hafi.
44. Abapolisi bagomba kuba bitwaje indangururamajwi kugira ngo babone uko baha amabwiriza abantu bari mu makoraniro. Imbuzi zumvikana neza mu mvugo zigomba gutangwa mbere yo gukoresha ibinyabutabire biryana ndetse n'abari mu mvururu bagomba guhabwa igihe gihagije cyo kuva aho bari, uretse igihe gutinda bishobora guhita bitera urupfu cyangwa gukomereka bikomeye ku mupolisi cyangwa undi muntu, cyangwa igihe gutanga imbuzi nk'iyi bidashoboka muri ibyo bihe.
45. Igihe bishoboka kandi kubikora bikaba bitakongerera ibyago abapolisi cyangwa abandi bantu, abapolisi bagomba kuburira abantu mu magambo mbere yo gukoresha imbaraga.
46. Ibikorwa bikurikira birabujijwe ku bapolisi ahari amakoraniro y'abantu:
- a. kurasa ku muntu amasasu y'ibinyabutabire biryana;
 - b. ikoreshwa ry'imbunda zirasa amasasu y'urufaya;
 - c. kurasa amasasu nyayo mu cyerekezo cy'ahari amakoraniro y'abantu;

- d. gufata abantu mu buryo budatoranya (buri wese mu bafashwe adafite icyaha yakoze);
- e. gusembura abari mu makoraniro;
- f. gukoresha imbaraga ku bafatiwe mu mutego.

UBWIRINZI N'UMUTEKANO BY'ABAPOLISI BARI MU KAZI

47. Mu gikorwa cyose gikoreshwamo imbaraga, ubwirinzi n'umutekano by'abapolisi bihabwa agaciro gakomeye.

48. Uburenganzira bwo kwirwanaho ku bapolisi buremewe ku buryo busesuye mu bihe ibyo ari byo byose. Nta kintu na kimwe kiri muri aya mabwiriza ngengamikorere kibuzwa umupolisi gukoresha intwaro zitemewe, intwaro yose abonye hafi, cyangwa ikindi gikoresho cyakwifashishwa nk'intwaro y'ubwirinzi mu gihe ibikorwa by'umunyarugomo bishobora gutuma habaho gukomereka cyangwa urupfu kandi gukoresha icyo gikoresho bikaba bikwiye, biri mu rugero kandi ari ngombwa.

49. Abapolisi bakoresha imbaraga kenshi mu gufata umuntu no kubungabunga umutekano wa rubanda. Nta kivuga ko ukekweho icyaha yemererwa kuba uwa mbere mu gukoresha imbaraga kuko byamworohereza mu guhangana.

50. Nta na kimwe muri aya mabwiriza ngengamikorere kigomba kumvikana nk'aho umupolisi asabwa kwishora mu mirwano imbokoboko (n'ingorane zose zijyana na byo) mbere yo kwitabaza ikoreshwa ry'imbaraga zatumye umuntu afatwa mu buryo bwihuse, bwa kimuntu kandi butekanye.

51. Abapolisi bagomba gukoresha imbaraga zikwiye kandi ntibagomba gusubira inyuma cyangwa kureka gukora icyo bagendereye igihe gukoresha imbaraga biri ngombwa mu gufata umuntu, kwirinda kuba yacika, gutuma yemera gufatwa cyangwa kuganza amahane ye.

INSHINGANO Z'ABAPOLISI NYUMA Y'IKORESHWA RY'IMBARAGA

52. **Inshingano z'umupolisi wagize uruhare mu ikoreshwa ry'imbaraga.** Umupolisi wagize uruhare mw'ikoreshwa ry'imbaraga zica cyangwa zitica afitwe inshingano zikurikira:

- a. gusabira cyangwa gutanga ubutabazi bw'ibanze igihe bishobora gukorwa mu mutekano;

- b. guhita ahamagaza abaganga igihe habayeho gukomereka;
- c. kumenyesha umuyobozi umukuriye;
- d. gutanga ubusobanuro burambuye ku ngamba zafashwe n'amakuru arambuye ku gikorwa cyo gukoresha imbaraga kugira ngo bishyirwe muri dosiye;
- e. kugarura umutekano aho igikorwa cyo gukoresha imbaraga cyabereye no gusaba imbaraga z'ubufasha zihagije kuri bagenzi be igihe ari ngombwa;
- f. kuguma ahabereye ikoreshwa ry'imbaraga (uretse igihe yaba yakomeretse) kugeza igihe abaje kumufasha bamugezeho.

53. **Inshingano z'umukuriye.** Umukuriye agomba:

- a. guhita agira icyo akora ku bikorwa by'urugomo mu gihe bibaye, binyuze mu mucyo kandi mu buryo buboneye, mu rwego rwo kwirinda ko byaba umuco bikaba byagorana guhindura;
- b. gufataneza mucyubahiro abagizweho ingaruka n'icyaha n'abahohotewe n'abashinzwe iyubahirizwa ry'amategeko;
- c. kubaza abatangabuhamya bose babonye ibyabaye harimo n'abatangabuhamya b'abapolisi;
- d. kunganira no gufasha iperereza n'igenzura byemewe n'amategeko;
- e. kumenyesha inzego z'ubuyobozi zimukuriye;
- f. kugarura umutekano no kurinda ahabereye icyaha;
- g. Gukoresha inyandiko mvugo uwagize uruhare mw'ikoreshwa ry'imbaraga;
- h. gukora ku buryo abavandimwe n'inshuti za hafi z'uwakomeretse bamenyeshwa vuba bishoboka;
- i. gukora isuzuma ry'igikorwa cyakoreshejwemo imbaraga;
- j. gutanga ubufasha n'inama mu bijyanye n'ihungabana ku mupolisi wagize uruhare mw'ikoreshwa ry'imbaraga;
- k. guhosha ubukana bw'ikibazo mu baturage.

KUBAZWA INSHINGANO Z'UBUYOBOZI

54. Mu bijyanye no gukoresha imbaraga n'imbunda, umuyobozi afite inshingano rusange zikurikira:

- a. gushyiraho uburyo bwo gukurikiranira hafi abapolisi, kubahugura no kubagira inama;
- b. kugaragaza ibibazo bishingiye ku mitekerezereze n'imibanire by'abapolisi bishobora kugira ingaruka ku mitekerezereze n'ubuzima bwabo bwo mu mutwe;
- c. gukora ku buryo ibikorwa bya Polisi (operasiyo) bitegurwa neza;
- d. guha amabwiriza abapolisi abayobora mbere yo gutangira igikorwa bahawe gukora.

55. Ibikorwa byose bisaba gukoresha imbaraga bigomba gutegurwa mu buryo bukwiye kandi bwitondewe, kugira ngo hirindwe uko bishoboboka kose gufata ibyemezo bitunguranye byatuma habaho gukoresha imbaraga zica.
56. Gahunda z'ibikorwa bya Polisi zigomba kwandikwa igihe bishoboka kandi zikagaragaza mu buryo bwumvikana icyo abapolisi bakora iyo bahuye n'ibikorwa byitezwe kuba. Ibikorwa bya Polisi bigomba gutegurwa kandi bikagenzurwa, kugira ngo hagabanywe bishoboka ikoreshwa ry'imbaraga cyangwa se imbaraga zishobora kwica.
57. Ibikorwa bya Polisi bigomba:
- kugira intego ikurikije amategeko;
 - kuba bikurikije amategeko ubwabyo;
 - kuba biri ku rugero rw'ikigenderewe;
 - kuba bifite impamvu yemewe;
 - kuba biri ku rugero ruto mu kuvogera cyangwa guhungabanya uburenganzira bw'abantu.
58. Umuyobozi yirengera ibi bikurikira:
- imitegurire mibi y'igikorwa;
 - guha abapolisi amabwiriza adasobanutse neza, ayobya cyangwa adakurikije amategeko;
 - kudatanga amabwiriza mbere yo kohereza abapolisi mu kazi;
 - kutayobora no kutagenzura igikorwa cya Polisi afata ingamba zose za ngombwa kugira ngo abapolisi badahura n'ingorane zitari ngombwa zituma bagwa mu bushyamirane bukomeye;
 - kutagenzura mu buryo buboneye impamvu mbonezamubano na mbonezamatekerereze zishobora gutera abapolisi gukoresha imbaraga;
 - Kudafata ibyemezo byose biri mu bubasha bwe mu gutahura, gukumira, kuburizamo cyangwa gukora imenyekanisha kw'ikoreshwa ry'imbaraga mu gihe azi, cyangwa yagombaga kumenya, iyo akora akazi ke uko bikwiye, ko abapolisi ashinzwe kuyobora, barimo gukoresha, bashobora gukoroshya cyangwa bakoresheje imbaraga mu buryo bunyuranyije n'amategeko;
 - Kubangamira cyangwa kuyobya iperereza ry'inzego z'ubutabera cyangwa urwego rwa polisi rushinzwe igenzura ry'ahakoreshejwe imbaraga.
59. Gukurikiza amabwiriza yatanzwe n'abamukuriye ntibirengera umupolisi igihe yari azi neza ko ibwiriza ryo gukoresha imbaraga n'imbunda rishobora gutuma umuntu apfa cyangwa agakomereka bikomeye, ryatanzwe hadakurikijwe amategeko kandi akaba yari afite uburyo bwumvikana bwo kwanga kuryubahiriza. Uko byamera kose, abayobozi batanze amabwiriza anyuranyije n'amategeko nabo barabibazwa.

GUTANGA RAPORO KW'IKORESHWA RY'IMBARAGA, N'IPEREREZA RY'INZEGO ZA POLISI

60. **Gutanga raporo kw'ikoreshwa ry'imbaraga.** Umupolisi wagize uruhare mw'ikoreshwa ry'imbaraga zigatera urupfu cyangwa gukomereka cyangwa kurasa uko ari ko kose, agomba guhita abitangira raporo ku muyobozi we. Uyu na we akora raporo irambuye maze akayishyikiriza inzego z'ubuyobozi zimukuriye. Kopi ya raporo igomba koherezwa mu ishami rishinzwe iperereza kugira ngo hakorwe iperereza ry'inzego za Polisi.
61. **Iperereza ry'Inzego za Polisi.** Iperereza ry'inzego za Polisi rikorwa:
- igihe umupolisi yakoresheje imbaraga zica ku bw'impanuka cyangwa ku bushake, haba habayeho cyangwa hatabayeho urupfu cyangwa gukomereka;
 - iyo habaye kurashisha imbunda ku bushake;
 - iyo habaye gukomeretsa bikomeye cyangwa kwica umuntu biturutse ku mbaraga zakoreshejwe n'umupolisi;
 - iyo hari ikirego cyatanzwe n'umuturage aregera kuba umupolisi yakoresheje imbaraga z'umurengera bikaviramo umuntu gukomereka.
62. Iperereza ry'inzego za Polisi rigomba:
- kugaragaza ibimenyetso by'ibyabaye;
 - gukora ku buryo imyitwarire ihanirwa kandi idakwiye igaragazwa;
 - gusuzuma niba harabaye kunyuranya n'amabwiriza, imirongo ngenderwaho n'uburyo bw'imikorere;
 - kugaragaza no gukosora imikorere itari iya kinyamwuga, igihe biri ngombwa;
 - gutangiza ikurikiranwa ry'amakosa iyo habayeho gukoresha imbaraga bidakwiriye.
63. Iperereza rya Polisi rigomba kuba ryigenga, ridashingiye ku marangamutima kandi ritabogama. Raporo y'ubuyobozi igomba gushyikirizwa Umuyobozi wa Polisi mu gihe cy'iminsi itanu.
64. Mu bikorwaho iperereza hagomba kubamo ibintu byose bigaragaza uko urupfu cyangwa gukomereka byagenze, by'umwihariko ibikorwa byabaye mbere y'uko ikoreshwa ry'imbaraga riba, mu gihe ryabaga na nyuma yaho. Ibi birimo: inyandiko igaragaza uko ibikorwa bya Polisi byari biteguye, amabwiriza yatanzwe y'umuyobozi, uburyo bwari buriho bwo kuyobora no kugenzura abapolisi, no kubaza abapolisi bose bireba.

65. Kugira ngo hemezwe niba gukoresha imbaraga k'umupolisi kwari gufite ishingiro mu gihe hababye ikoreshwa ry'imbaraga, ni ngombwa kugenzura uko ibintu byagenze ubwo imbaraga zakoreshwaga.
66. Kugira ngo hagaragazwe ko ikoreshwa ry'imbaraga rishyize mu gaciro hashingirwa ku kuba umupolisi wese ushyira mu gaciro wari kuba ari aho byabereye ariko yari kubigenza kandi kubyemeza bigomba kutirengagiza ko inshuro nyinshi abapolisi basabwa gufata ibyemezo mu buryo bwihuse ku bijyanye n'imbaraga zikenewe iyo hari ikibazo runaka bahuye nacyo.
67. Mu bigize uko ibintu byagenze harimo gusuzuma uburyo kutumvira byakozwemo, impamvu zose zumvikana bigaragara ko zagize ingaruka ku byabaye n'amahitamo umupolisi yari afite y'uko yabyitwaramo.
68. **Gukorana n'inzego z'ubutabera.** Iperereza ry'ubuyobozi ntirigomba kubangamira imigendekere y'iperereza ry'ubugenzacyaha rikorwa n'inzego z'ubutabera zibifitiye ububasha. Abapolisi bagomba gukorana n'inzego z'ubutabera kugira ngo iperereza rigende neza..

AMAHUGURWA KW'IKORESHWA RY'IMBARAGA

69. Mbere yo kwinjira muri polisi, ababyifuza bose bagomba kubanza gukorerwa igenzura rikwiye kugira ngo ababa barigeze kugira uruhare rwo guhungabanya uburenganzira bwa muntu cyangwa hari ibyaha bihanwa n'amategeko bakoze, ntibemererwe.
70. Ibigenderwaho mu guhitamo abantu bigomba kubamo ubudakemwa bw'uwifuzwa kuba umupolisi, imitekerereze ihamye n'ubushobozi bwo kwitwara uko bikwiye mu bihe bitoroshye.
71. Abapolisi bose bagomba guhabwa amahugurwa kw'ikoreshwa ry'imbaraga mbere yo gutangira akazi. Amahugurwa ku ikoreshwa ry'imbaraga agomba kuba kuri gahunda y'amasomo yigishwa mu mashuri yose ya polisi kandi akaba akubiyemo aya amasomo akurikira:
- amategeko agenga ikoreshwa ry'imbaraga, imbunda n'imbaraga zica;
 - indangagaciro, uburenganzira n'ubwisanzure byemerewe abaturage;
 - uburyo bwo kugabanya ubukana bw'ikibazo, kugirana imishyikirano, no kunga abantu;
 - gukoresha intwari n'ibindi bikoresho bitica;
 - kwirwanaho n'uburyo bwo gukoresha amaboko masa mu guhangana n'abantu bateye amahane;
 - iherekanyamakuru, uburyo bwo gusesengura ingaruka z'ikibazo,

gufata ibyemezo no gukemura amakimbirane mu mahoro;

g. amahugurwa y'ubutabazi bw'ibanze ku rwego rw'ibanze;

h. ikigero cy'ikoreshwa ry'imbaraga;

i. gusobanukirwa imihindagurikire y'imyitwarire y'imbaga y'abantu;

j. kurasa bidasaba umwanya wo gushakisha intego no kurasa intego mu buryo bwitondewe.

72. Amahugurwa y'abapolisi agomba gushingira ku bintu bibaho, bibamenyereza ibihe n'ingorane bikomeye bashobora guhura na byo mu kazi kabo ka buri muni. Amahugurwa nk'ayo agomba guhora agenzurwa ku bijyanye n'umusaruro atanga kugira ngo hizerwe ko Polisi y'u Rwanda ifite abapolisi b'abanyamwuga bujuje ibisabwa byo ku rwego rwo hejuru.

73. Amashuri agomba guhora avugurura amasomo atanga yibanda ku bibazo byabaye kandi amasomo yo kongera gukarishya ubumenyi bw'abapolisi agomba kuba ngarukamwaka kugira ngo abapolisi barusheho kwiyungura ubumenyi. Kuba abapolisi barakoze aya mahugurwa bigomba gushyirwa mu madosiye yabo.

URURIMI AMABWIRIZA YATEGUWEMO

74. Aya mabwiriza yateguwe mu cyongereza.

Bikorewe i Kigali, ku wa 14 Mutarama 2021.



Dan MUNYUZA

CG

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