



Islamic Republic of Afghanistan
Ministry of Justice

P O L I C E L A W

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Table of Contents

Chapter One: General Provisions

<u>Article</u>	<u>Title</u>	<u>Page</u>
Article One	The Basis.....	1
Article Two	Terminologies.....	1
Article Three	Organisation	2

Chapter Two: The Police Duties and Area of Operation

Article Four	Operational Relations	3
Article Five	Duties and Obligations.....	3
Article Six	Area of Operation	5
Article Seven	Operation beyond Specified Area.....	5
Article Eight	Temporary Assignment.....	5

Chapter Three: The Police Action

Article Nine	Resort to Action	6
Article Ten	Notice and Warning	6
Article Eleven	<u>Stopping Persons to Determine Identity</u>	7
Article Twelve	Instructions to Vacate a Site	7
Article Thirteen	Call and Summon	7
Article Fourteen	Financial Sanction	8
Article Fifteen	Detention of Persons	8

<u>Article</u>	<u>Title</u>	<u>Page</u>
Article Sixteen	Body Searching of Persons	9
Article Seventeen	Searching of Things.....	9
Article Eighteen	Search of Domicile	10
Article Nineteen	Keeping of Items/Goods	10
Article Twenty	Use of Force	11
Article Twenty-one	Applying the Means of Force	11
Article Twenty-two	Announcing the Use of Weapons	13
Article Twenty-three	Use of Weapons against Children	13
Article Twenty-four	Use of Weapons against a Group of People.....	13

Chapter Four: Miscellaneous Provisions

Article Twenty-five	Duration of Detention.....	14
Article Twenty-six	Calling for Assistance	14
Article Twenty-seven	Non-interference in the Police Business.....	14
Article Twenty-eight	Curfew	14
Article Twenty-nine	Found Property	15
Article Thirty	Confidentiality	16
Article Thirty-one	Prohibition of Trade and Misuse of Power	16
Article Thirty-two	Regulation	16
Article Thirty-three	Prosecution.....	17
Article Thirty-four	Promulgation	17

P O L I C E L A W

Chapter One General Provisions

The Basis

Article One:

This law has been enacted on the basis of the provisions of Article 56, Article 75 (3) and Article 134 of the Constitution of Afghanistan to govern the duties and powers of the police in order to ensure the public order and security.

Terminologies

Article Two

The following terminologies shall be interpreted as follows:

The police: include police officer, *saatenman* [non-commissioned police officer] and *saatonkai* [policeman] who are employed by and operate within the organisation of the Ministry of Interior to ensure the public order and security according to the provisions of the law.

Public order: means social tranquillity ensured by the police according to the provisions of the law.

Public security: is a situation in which the state legal system and public freedom, human dignity, physical and material safety are protected.

Danger: is a situation in which the public order and security are threatened by disrupting events.

Measures: are actions taken by the police to ensure the public order and security in accordance with the provisions of the law.

Legitimacy of action: an action taken by the police to ensure public order and security in normal cases shall be considered legitimate if the following conditions are met:

It should be

1. is legal.
2. proportionate to the state of danger.
3. is necessary.

The police actions: are measures and steps taken by the police, based on the estimation of the legitimacy of the action, to execute legal objectives.

Public locations: are highways, public parks, gardens, river banks, river beds, public bridges, pedestrian areas, yards, streets, roads, lanes, open or blind alley ways or any open field or similar areas that everyone is entitled to have access to.

Organisation

Article Three

The police shall constitute part of the organisation of the Ministry of Interior, operating in the form of contingents and units in the capital, provinces and districts.

The Ministry of Interior can develop or diminish the police force within its organisation in accordance with the provisions of the law as required by the circumstances and exigencies in the country.

Chapter Two

The Police Duties and Areas of Operation

Operational Relations

Article Four

The police shall perform their duties under the leadership of the Minister of Interior in the capital, and under the guidance of the governors and district chiefs in the provinces and districts respectively.

The border police and highway security police shall perform their duties under the leadership of the Minister of Interior both in the capital and provinces.

Duties and Obligations

Article Five

The police shall be obliged to execute the following duties:

1. ensure and maintain public order and security;
2. ensure individual and societal security and protect their legal rights and freedoms;
3. take preventive actions to stop crimes from happening;
4. timely discover the crimes and arrest the suspects and perpetrators according to the provisions of the law;
5. counter moral deviations, in moral social behaviour and actions that disturb public tranquillity;
6. protect the properties and assets of the public and private sector as well as those of the domestic and foreign and international institutions and organisations;

7. fight against the cultivation of poppies and marijuana, smuggling and drug trafficking, production, import and consumption of intoxicants, and for their prevention;
8. fight against organised crimes and terrorism according to the provisions of the law;
9. cooperate with administrative offices in executing their jobs within their competence according to the provisions of the law;
10. regulate road traffic according to the provisions of the law;
11. take steps and necessary measures to fight against unpredictable events and circumstances;
12. help and assist victims of unpredictable events and natural disasters, rescuing them and saving their properties;
13. take steps and measures necessary in a state of emergency in order to ensure public order and security according to the provisions of the law;
14. attract public cooperation in the preventative and *ad hoc* operations;
15. safeguard and watch the borders;
16. control persons in the incoming and outgoing checkpoints on borders and at international airports of Afghanistan according to the provisions of the law;
17. prevent smuggling of goods;
18. take appropriate and necessary measures during the occurrence of any movements on borders which are against the national sovereignty;
19. watch border traffic and control the corresponding documents;
20. maintain cooperation and contact with border police of the neighbouring nations in accordance with the international treaties;
21. maintain cooperation and contact with the police of the foreign countries in accordance with the rules of Interpol.

Area of Activity**Article Six**

The police shall perform its duties within their specified area of activity according to the provisions of the law.

Operation beyond Specified Area**Article Seven**

- (1) The police of one area can take action in another area if:
 1. they are asked by the police of another area for support;
 2. there exists no police in the given area;
 3. the arrest or persecution of a suspect, accused or criminal would require an urgent action;
 4. the police of the area are far from the place of the event and the suffered person asks for assistance;
 5. the court or the attorney decides so.
- (2) Should the police resort to action in a place other than their area of activity according to paragraph (1), items 2, 3 and 4 of this article, they are obliged to inform the responsible police of this area as soon as possible.

Temporary Assignment**Article Eight**

The local police can, at the proposal of the Security Commander and with the consent of the Governor, be assigned temporarily to another area.

The police units of one province can be temporarily assigned by the Minister of Interior to operate in another province.

Actions stipulated in Article Seven of this law are exceptional to the above.

Chapter Three

The Police Action

Resort to Action

Article Nine

In accordance with the provisions of the law and under given circumstances the police can resort to the following actions:

1. Notice and Warning
2. **Stopping Persons to Determine Identity**
3. Instructing people to leave a given area
4. Calling and summoning a person
5. Imposing financial sanctions
6. Detaining a person
7. Searching persons, goods and houses
8. Protecting properties

Notice and Warning

Article Ten

- (1) The police can issue a written or oral notice or notification to the inhabitants of an area to perform or avoid an action in order to protect public order and security.
- (2) The police can warn individuals or a group of people to apply the provision of paragraph (1) of this article and to implement the notices.
- (3) Individuals or groups who would not abide by the notices or warning of the police shall be prosecuted according to the provisions of the law.

Stopping Persons to determine identity**Article Eleven**

1. In normal cases, the police can stop and identify persons for following reasons:
 1. to repulse a danger and prevent a crime.
 2. to control customs documents on borders, ports and international airports of the country.
 3. to detect a crime and arrest the suspect / accused.
2. If a person fails to show the necessary documents proving his/her identity, the police can summon him/her to their corresponding police station.

Instruction to Vacate a Site**Article Twelve**

In normal cases, the police can instruct the people to vacate a site in the following circumstances:

1. to repulse a danger.
2. to prevent and detect criminal acts.
3. to enforce the provisions of the law.

Call and Summon**Article Thirteen**

- (1) in normal cases, the police can call and summon persons in the following circumstances:
 1. to detect a crime and find evidence about a certain case.
 2. to restore the rights of people in accordance with the law.
 3. to enforce the provisions of the law.
- (2) If a person does not appear at the legal request of the authorised persons or authorities, the police will act to call and bring him.

- (3) The professional, work, and other personal circumstances of individual to be summoned shall be considered while issuing a notice.

Financial Sanction

Article Fourteen

The road traffic police can as per respective regulations impose financial sanctions in the form of a cash fine on an offender if the offender's guilt and the emerging consequences are minor and prosecution does not concern public interest.

If the offender does not agree to the cash fine, offender can refer to the competent court. The decision by the court shall be final.

Detention

Article Fifteen

In normal cases, the police may detain a person in custody if:

1. his life or physical body is in danger and can not be protected otherwise; in this case the police is duty bound to resort to action within the time slot stipulated in paragraph (4) of this article to avoid the aforesaid danger as much as possible.
2. his identification is not possible otherwise.
3. he intends to commit suicide; in this case the police is duty bound to bring him/her to the nearest local hospital within the time stipulated in paragraph (4) of this article.
4. provided for by the law in other cases.

The period of detention can not be more than 72 hours.

The police must inform him of the reason and case as soon as the person is detained.

Search of Person**Article Sixteen**

1. In normal cases, the police can resort to body searching of a person if :
 1. he/she is arrested and held in custody according to the provision of article 15 of this law;
 2. there exist evidences proving that the arrested person possessed items to be saved or confiscated as stipulated in Article 19 of this law;
 3. he/she fails or does not want to present his/her identifying documents;
 4. there exist evidences proving that he/she possesses stuff or goods that will pose a danger or whose possession is illegal;
 5. the police is uncertain of the identity of the stopped person;
 6. provided for by the law in other cases.
2. The body searching of a woman shall take preformed by a policewoman or a female who is assigned by the police.

Search of Things**Article Seventeen**

In normal cases, the police can search things if:

1. things belong to a person who is held in detention according to Article 15 of this law;
2. the purpose is to identify the person that is held in custody or find things that are to be confiscated as per Article 15 and Article 19 of this law respectively;
3. provided for by the law in other cases.

Search of Domicile**Article Eighteen**

1. In normal cases, the police can enter into the domicile of a person and do searching if:
 - (1) the life of a person or persons inside a house is in danger;
 - (2) the purpose is to take a person into custody that is held in custody or to find things that are to be confiscated as per the provisions of this law, and there is evidence that the person or items in question are present in the domicile to be searched;
 - (3) provided for by law in other cases.
2. The search of domicile stipulated in paragraph (1) of this article can be carried out according to the methods and forms provided for by the law.

Keeping of Things**Article Nineteen**

- (4) The police shall keep things for the following purposes:
 1. to block an imminent danger threatening public order and security;
 2. to prevent acts of disturbing public order and security, provided that the prevention of such acts is not possible otherwise;
 3. to keep things belonging to a person held in custody according to Article 15 of this law to discover the truth;
 4. to implement the provisions of the law.
- (5) The police must observe the following steps while keeping the things mentioned in paragraph (1) of this article:
 4. notify the owner or holder of the reason of keeping these things unless the process of investigation is thereby affected. In this case an authenticated list of these items shall be handed over to the owner or holder;
 5. protect the kept things against probable damage.

- (6) If the kept things are spoiling fast and their holding would cause spoilage or deterioration, appropriate actions shall be taken according to the corresponding law.

Use of Force

Article Twenty

- (1) According to the provisions of the law and under the due circumstance the police can resort to the following means of force:
1. physical force;
 2. auxiliary means used in a physical force including police cars, water cannons, technical obstacles, handcuffs, police dogs and a variety of weapons (such as beating and lacerating weapons, fire arms and explosives).
- (2) While employing the means of force the police must take into consideration the degrees provided for in this law and, if possible, to use the lowest degree.

Applying Means of Force

Article Twenty-one

- (1) In normal cases the police may apply handcuffs to the person in front after giving notice in the following cases:
3. repulsing an attack against the police and other people;
 4. preventing the escape of the arrested person;
 5. preventing suicide;
 6. prevent the danger of a person trying to harm himself.
- (2) In normal cases the police may use weapons after given notice to the person in front in the following cases:

1. to prevent a felony or misdemeanour, provided that the application of other means of force stipulated in this law are not possible or effective;
 2. to identify or arrest a person or persons who try to escape, provided that:
 - he/she is committing a felony or misdemeanour;
 - he/she is accused of or convicted on felony or misdemeanour charges;
 - the police have convenience reasons to suspect him/her of felony;
 - he/she is suspected or accused of felony or misdemeanour and the order of arrest has already been issued by the office of the attorney general or the competent court;
 3. to prevent the intention of escape by the detainees or prisoners, provided that:
 - a prisoner or prisoners have obtained a weapon or another dangerous tool and do not surrender it despite repeated requests by the police;
 - the security of the prison is severely endangered due to the disturbances and tensions;
 4. public order and security are at stake;
 5. if the police intense is a legitimate defence.
- (3) In normal cases the police may use explosives after giving notice to the person in the following cases:
7. a person or persons use fire arms or explosives against the police;
 8. the use of fire arms against a person or persons in order to repulse their attack proved to be ineffective;
 9. the intention of the police is to launch an effective action to destroy things that could pose a threat to public security.

Announcing the Application of Force**Article Twenty-two**

- (1) The police must announce its decision of applying weapons or explosives against persons. In this case the announcement will be complete by warning them with a loud voice and firing three warning gunshots.
- (2) The weapons and explosives shall not be used if uninvolved persons could suffer from it.

Use of Weapon against Children**Article Twenty-three**

The police can not use fire arms and explosive devices against children.

Use of Weapon against a Group of People**Article Twenty-four**

The police can apply weapon or explosives against a group of people only if it resorted to offensive acts of disturbing the security by means of arms, and if the use of other means of force applied against them individually has proved ineffective. In this case it is imperative to first announce the use of weapon or explosives by giving at least three verbal warnings followed by three gunshot warnings and that this action should happen within the provisions of the law and be based on a sound decision.

Chapter Four

Miscellaneous Provisions

Duration of Detention

Article Twenty-five

In order to comprehensive detect the crime and the criminal, the police can hold an arrested suspect in custody for a period of up to 72 hours.

Calling for Assistance

Article Twenty-six

To protect the rights of the people the police must cooperate if:

1. a person asks for police cooperate and probably without the interference of the police may lose his right;
2. a person is unable to protect his/her right himself.

Non-interference in Police Duties

Article Twenty-seven

Governmental and non-governmental institutions shall not take actions that would interfere with the duties in this law unless officially authorised by the police. Special cases are not included in this order.

Curfew

Article Twenty-eight

In circumstances where the public order and security is endangered, the police may, through the provincial authority with the consent of the Ministry of Interior, impose a curfew in a specified region for a period of up to 48 hours. It may be extended to

another 48 hours if endorsed by the Office of the Attorney General and beyond this period the consent of the President is required.

Found Items

Article Twenty-nine

- (1) The police shall perform the following with respect to the found items and goods:
 3. save and register the found items/goods in the name and address of the person who found them;
 4. announce the type of found items in one of the mass media;
 5. if the owner is found, his/her identity and property shall be determined and the found items handed over to him/her upon the owner acknowledge the receipt;
 6. if the owner does not appear in six months after the announcement, the items shall, at the proposal of the police and by the decision of the authorised court, be put on action and the resulting revenue transferred to the income account of the state.

The Police personnel shall not take part in the auction of the found commodities.
- (2) As far as the resulting income (*mahasa*) from the sale of the items is concerned, the police shall observe the following points:
 1. deducting storage costs;
 2. paying 40% of the resulting money from the sale of the items to the person who found them.

Confidentiality**Article Thirty**

- (4) The police must keep confidential any information they have obtained for or during the performance of their job whose disclosure would damage the rights and dignity of the people or is detrimental to the public interest.
The disclosure of such information shall not be allowed unless in cases stipulated by law. A police officer shall not be entitled to disclose information even after he/she has left his job. In all the above cases, a discloser will be prosecuted according to the provisions of the law.
- (5) Police executives may give interviews to representatives of the mass media about the criminal events and actions taken by the police according to the provisions of the law.

Prohibition of Trade and Misuse of Power**Article Thirty-one**

- (1) The police personnel may not do trade business during the period of their occupation.
- (2) The police personnel may not use their professional power in performing their private business.

Regulation**Article Thirty-two**

The Ministry of Interior can draft and adopt a regulation to better enforce the provisions of this law.

Prosecution**Article Thirty-three**

Interference with the provision of this law shall result in judicial actions..

Promulgation**Article Thirty-four**

This law shall be promulgated after its publication in the Official Gazette following which the provisions of the previous police law published in the Official Gazette issue number 793 shall be abolished.



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