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The Preventive Detention and The Human Rights

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Every person ~~submissive~~ compelled to undergo any detention or imprisonment is to be treated with humanity and with respect of the dignity inherent to human being. (Pact of civil and political rights, art. 10).

In democratic Governments, the justice administration is ~~on~~ one of the essential functions of the state : its aim is to guarantee ~~the equity at the~~ equality in applying the law, and in solving conflicts between individuals, and to establish sanctions toward those who break the law. The accomplishment of this function must be realized according to substance (nominal) norms and pre-established procedures.

The Exercising of this function is a process that must be realized by several steps according to the formalities established by the Juridical system of the concerned country.

This Process is ~~set off~~ commenced when a person gets involved with Government because ~~a~~ of his behavior ~~that~~ which is against an individual's interest or against the society's interest, generally. If the harm resulting from this behavior concerns an individual, the restoring of rights of the offended person or the damage caused to his goods.

If on contrary, the harm has been done to the society, ~~this~~ the society and the Government must work together to take necessary measures to restore its rights, to identify ~~the~~ those responsible, and to determine the sanctions according to the law and the established procedures.

It is in relationship established ~~between~~ within the state the behavior harmful to the society and a possible sanction established by law, that a question of human rights becomes a problem. Because the limit of the state authority is nothing other than the respect and the rights of the person. It is therefore the state's responsibility and its representatives to accomplish their duties concerning this matter.

The State is also responsible to inform the society about its rights, and to establish the law that guarantees the protection of the above rights.

The duty of the state is also to protect people's against the rights violation and to guarantee their personal security and the security of their goods. The people safety and the protection of the law are every human being's rights, and it is because of this state's responsibility is founded. In fact, the justice administration is away of protecting a person because the process is established in advance by the law. This assures the equality and a fair and equitable treatment from the beginning of the preventive detention procedure to the step of releasing the person or the accomplishment of the sentence in prison (Jail).

The justice administration has a is component of several steps that must be precised because each cach of them requires expert's attention.

From the knowledge of facts to the final sentence, several law enforcers must use authority against the defendant. In every lawsuit stage everybody has some rights that have to be protected by the justice until they are found guilty. The justice action is activated from the time authorities discover some facts considered as infractions that necessitate the law intervention. The responsible agent of doing the first step is the Gendarme.

Through the Gendarme, the state takes action to assure everybody's safety under its jurisdiction and protects them against the prejudice (discrimination) in front of the law.

Among its functions the Gendarme is responsible to bring the suspected's preventive detention. For this matter the Gendarme posses tools set up by the law that are efficient and that comply with individual's respect.

The Juridatial protection is based on being efficient in its application, and on being limited as long as individual's respect is concerned.

This Juriditial protection are nothing else the protection's means of human rights devoted to the short of human rights, which are also predicted for the essential guarantees for protecting individuals rights against the justice administration.

The knowledge of those guarantees and of all rights devoted in the chart of human rights by the Gendarmerie is also a guarantee to reach his goods by exercising his authority:

The purpose of this textbook is to make students be acquainted to some thinking on International human rights' legislation and to open his minds to the point he will be able to respect individuals rights while on duty, using the authority given to him by the law.

By accomplishing his authority, the Gendarme must also be a teacher because

he must give necessary information to the population and to the person submitted to the preventive detention, about the rights given to him by law, and the rights devoted in the code of human rights, and about specific tools concerning the justice administration.

The developed then start by a brief definition of the human being and his attributes, next we will present the chart of human rights including the rights devoted to it including the international tools relative to the gendarme's authority.

The Human being and his attributes

The human history appears to be like away toward the universal definition of essential attributes of the human Being. Considering the above statement, the human history is the foundation of human rights. These attributes are as following : the dignity, the equality, the freedom, and the responsibility. The dignity is the self respect, it is the feet of knowing simply as a human being. The dignity is a fundamental attribute of the person, it is universal and a part of any human being. It is an attribute that is a part of a person by the feet that it is innate to human race.

The recognition of somebody as belonging to human race oblige us to accept him as dignified being, universally. Because claiming my dignity implies the recognition of others dignity. Therefore if I have some self respect this should oblige me to recognize my interlocutor's dignity equally the someway I respect mine. This dignity let us recognize my dignity as a subject that has rights and obligations toward myself and others that have the same rights and obligation as me.

That is the recognition of the universality that leads us to accept the equality as an attribute of the human being. By this fact, the equality is the acceptation of others as my equal, and my interlocutor with whom I can share a project, and with whom I cans disagree, in away we must behave decently toward each other. The equality is an essential attribute of human being that get people to live together in the Universe. The communication makes us completely tortuners in life and in our projects. This contact is done freely because it is accomplished and conceived by the untimely and the individual consequence. The freedom is the possibility to choose the life style according to personal goods, individually or collectively without any constraint.

The freedom means that the person must meanage his future independently without anybody's influence. This gives the individual freedom of any human being. This means that the individual must be the author and the actor of his future, his projects and the realization of actions leading to the accomplishment of the above projects.

In the equality context, the freedom supposes to act without harming the freedom of others. Knowing somebody else as any equal and free being pushes us to

recognize him as well to act without constraint. The only limit to somebody's freedom is the fact of taking somebody's else freedom. This limit is defined by law. The law is the freedom, and it is the way of using it at the sometime. The law defines the limit and the possibility of exercising the freedom to the point everybody must give in harmony, having the law as the only constraint. This means accepting law as the only constraint. This means act freely but, keeping in mind the recognition of eventual consequences of own acts and of others without any constraint.

The human rights according to the International system

The International Charter of human rights

The attributes of the human being are the foundation of human rights and the fundamental freedoms. In fact, all rights and freedom recognized in the human right Charter are expression of these attributes.

For this reason, the article n° 1 of the universal declaration of human rights confirms : All human beings are born equal in with the same dignity and the same rights. They are endowed with reason and conscience, and must act toward each other as brothers.

The Charter of human rights is the set of tools concerning the rights and the fundamental freedoms; the guarantees of realizing those rights and the watchers organizations. It is composed of tools with different juridical statute; the universal declaration of human rights adopted and proclaimed by United Nations assembly on December 10, 1948 contains fundamental postulates that support the consideration of human beings as free and equal as for as the dignity and the rights are concerned. ~~I don~~ it doesn't have any juridical obligatory strength but it has unquestionable moral strength. It is universal because it guides all states for all matters regarding people's freedom and rights.

This strength comes from the content and the evidence of its principles, because it belongs to the human being's essence. All cultures ~~in~~ somehow have found their social relationships on the fundamental attributes of the human being. They give them different values and that is why they are inequality and discriminatory elements. But on universal point of view, it is difficult to ignore these mandates. The human rights Universal declaration's principles are recommendation addressed to all states with the purpose to invite them to accept these postulates as model to be followed by the state and the individuals in their mutual relationships. The acceptance of these recommendations allows states to build up a democratic system based on the Human Right's culture and fundamental rights, without ignoring a respectful authority exercised on the person and its attributes. Because the

recognition of human beings as equal in dignity and right doesn't deny the state authority to be played to them.

The authority must be understood in double meaning, first its is a determining factor, second it is an opening of the realization of individual and collective action. The simultaneous consideration of limits and the action realization's possibilities makes the state a teaching element for all social relationships and particularly between the individual and the state. This notion of authority carries on the principles of human rights and the fundamental freedom. It regulates the individual responsibility toward the state power, and how people must exercise their rights and their freedoms. The Charter includes also the Pact of economical rights, social and civil and political rights Pacts, adopted by United Nations assembly on December 16, 1966.

The first was effectif on January 3, 1976 and the second on March 23rd the same year. The pacts went into effect because they are different tools of the declaration. In fact, they are agreements made between several states that negotiated them for UN initiative. Once they are approved, the participants sign them, confirm them, and after this they become obligatory for the participant countries. The States which didn't create can accept the authority by adherence. The pacts have a juridical strength that makes them obligatory for the participant states. They don't have any authority for those which didn't confirm them. This conditions has the advantage of being payable because they contain commitments on behalf of states in order to carry on their mandates. Its obligatory strength makes state naughtily in case they don't respect it toward other states or following organisms if they exist. This advantage restricts its enforcement field and its universality because they must be played to participant states, this means those which confirmed them.

Finally, the charter is composed by two protocols of civil and Political Pact:
- The protocol concerning the possibility given to individuals to file a suit in front of Human Rights every time their rights are ridiculed; this protocol Committee was adopted by the General assembly of United Nations on December 16, 1966 and became effectif on march 23, 1976. This Protocol II aiming the elimination of death penalty, adopted by United Nations assembly on December 15/1989. It is not effectif yet because they are less than ten states which have confirmed it and dhered to it, according to its article n° 8.

Set of arrangements contained in the International Human Rights Charter

The Human Rights Charter contains the fundamental principles indicated in the art. n° 1, the rights and the fundamental freedom and the necessary guarantees for its

accomplishment. The established declaration, the universal expositions, and the Pacts develop and explicit those expositions for the states in order to ratify them and to adhere.

*The two pacts contain two common articles about the principle of free determination of people, and the equality between men and women for the benefit of all economical, socio-cultural, and civil*Political rights. The following is the exposition of the set of freedoms and fundamental freedoms devoted into the Charter.*

The Fundamental Freedoms

The freedom is the person's attribute and eventually, it belongs to him by its essence. Because the freedom is an attribute, the Charter makes it a right that anybody can claim anytime. For the same purpose, it is devoted into the article 3 of the declaration and the art.9 of civil and Political rights Pock. Enjoy freedom is inherent to human being, but it is an obligation that comes from a right that everybody must interpose, and comes from a right that everybody must interpose, and comes from a right that everybody must respect . The limit to somebody's freedom is the freedom and the dignity of 07 Hrs.

As a human 's attribute, the freedom arises as a unity referring itself to the person. As an exercise, it includes a variety that the charter defines like fundamental freedoms. They are :

The Consciousness freedom

The Consciousness is the human being's faculty of knowing his own reality, and to fridge according to his own criterion, the consciousness freedom is the capability of every person to act according to internal knowledge and to his capabilities to judge if the action matches fundamental principles of his consciousness and his morality. Nobody can be forced to act against his consciousness. The order coming a superior authority can never bring up any good reason encounter the conscious freedom because the taught, the opinion, the belief, the religion arise from the actions of a well founded consciousness. Art. 18 of the declaration is the same for the civil and Political rights Pact.

Freedom of thought, freedom of speech

These freedoms come from the human being faculty of thinking, expressing his ideas and opinions. They make it easier to develop the creativity, the imagination and the writing and verbal communication. From this set of freedom ensure the freedom of give and request information including the press freedom. Nobody can limit the exercising of freedom except in case of legitimate reasons of restoring the disturbed Public order. Art. 18 of declaration and art. 19 of civil and political rights.

The freedom of belief, of religion and of cult

It comes from the freedom of consciousness. It responds to the human being's

faculty to believe and to direct these believes according to self world's understanding. This set of freedom implies the freedom of having and adopting religion and the conviction of own choice; of expressing conviction publicly or privately, individually or collectively. These freedom can only be restricted by law when it is necessary to maintain the safety of public order or the public health; of the morality or the fundamental freedoms and others rights. Art.18 of the declaration and 19 of civil and Political rights.

Meetings and gathering's Freedom

This freedom is devoted into the declaration as freedom and into civil and Political rights pact as everybody's freedom for peaceful meeting and together with other people freely. The trade union freedom is on of several kind of ausciation. It is the prerogative of workers to associate to protect their interests. Art. 20 of the declaration and 21-22 of civil and Political Poct.

Other freedoms devoted by the Pact are addressed to the freedom of circulate as a right to circulate freely and to choose own residence in the state, including the freedom to leave any country and come back to his own country, art. 3 of the declaration, and the freedom of participating to cultural life art. 27 of the declaration. As it has been mentioned above, exercising freedoms established in the charter can only be restricted by law, when it is necessary to protect democratical societies safety, public order, to protect the health, the public morality or the nights and freedom of others.

It is also important to underline the disposition of art. 20 of civil and Political Pact that prohibits propagandas encouraging war, any call to national hatred, racial or religions, leading to the discrimination, to the hostility also a limitation that the law must set against freedom's practice, especially the freedom of speech, the freedom of opinion and information.

The Rights devoted in the International

Charter of Human Rights

The rights devoted by the charter assure the determination of the person,s protection in all scopes of life individually, socially, politically, and his relationship with the justice administration. These rights are composed by a set of civil, political economical, socio-cultural rights. During world's conference of human rights held in Vienna in 1993, this set was apposed to determining the interrelationship between the two pacts.

This set (unity) is composed by the following rights :

The right to life and to physical integnity, psychological and moral is inherent to the human being.Art. 3 of the declaration and art. 3 of civil and political rights. Pact is the starting points of all human rights. The recognition of these rights lead to the possibility

of exercising all other rights devoted by the International Charter of Human Rights. The right to life implies the preservation of the physical integrity psychological and moral.

To guarantee the right to life, the Charter establishes prohibitions concerning acts that are against enjoying life and its integrity. Therefore, the art. 6 of civil and political Pact interdicts the arbitrary deprivation of life, art.7 devoted to the prohibition of the torture and other offenses or cruel treatments, inhumane or degrading, and the art. 8 interdicts the slaves treat of any kind, the servitude and slavery hard labour, or obligatory and the art.9 establishes the prohibition of the arrestation of arbitrary detention. The same interdictions are devoted by the art. 4 - 5 and 9 of the declaration.

The person's safety is also a right that leads to the state's obligation to guarantee the security of the population through systems of efficient and respectful protection of the person. It is a right devoted by the art. 3 of the declaration and art.9 of civil and Political Pact. From this right comes the right of being protected by law. All people without exception are equally protected against discrimination from race, color, sex, language, religion, political opinion and against any other kind of opinion, national origin, social, financial situation, birth or any other condition. to meet this law requirement, the rift must prohibit strictly any discrimination. Therefore it has been established in the art. 7 of the declaration and 26 of civil and political right's Pact as following :

Every person has right to a nationality (citizenship) as it is established in the article 15 of the declaration. To better guarantee this right, the United Nations approved the convention (agreement) on the reduction of stateless cases. In the someway, according to article 6 of the declaration and art. 16 of civil and political rights pact, all people have right for the recognition of their juridical nationality. This right allows the individual to become a subject of rights and obligations in front of the law. A set of rights concerning the person represents the prerogatives of individuals to enjoy the intimacy, this means, according to the art. 12 of the declaration at 17 of civil and political rights pact, that the territory of the person's private life, his family, his residence, his mail, his honor and his reputation must be protected by the law. The right of asylum is also another prerogative of the individual when because of the harassment he got in his country he is obliged to expatriate himself.

According to articles 22, 24, 25 and 26 of the declaration and 7 paragraph of articles 9, 12 and 13 of

socio-cultural and economical rights Pact, people have also a right to education in order to guarantee the full opening out of the personality, of the dignity and of the respect of human rights, and of fundamental freedoms. The education must be obligatory and free at elementary school's level, general at high schools, and very accessible at superior level (College or

University). The right to health is also a social prerogative that all states member of economical rights Pact, and

socio-cultural must guarantee to every person and his family.

It also includes the possibility of adequate nutrition, clothes, shelter, medical care and the necessary social services. The maternity and children have right to a special assistance. In the same manes, all people have right to social security, to vacation and leisure. The rights to participation candidates an essential aspect of the democracy to day. It includes first of all the political participation devoted by the art 21 of declaration and 25 of civil and political Pacts. This right is composed by the individual faculty to participate in leadership of public matters. He has the right to vote and to be elected and to have access to public functions in equal conditions, the political participation is the fundamental political right in the democracy. Every person has right to participate to the cultural life, to enjoy arts and to participate to scientific progress of the society, according to postulates established in the art. 27 of the declaration and 15 of economical and socio-cultural Pact.

Finally, according to individual point of view, the declaration in its art. 28, it is established that every individual has rift to the social order, and internationly to the point that the rights and the freedoms my easily realized.

Rights Concerning the family

Concerning the family, the art. 16 of the declaration devotes the man right and the woman right without any restriction to the race, the religion or the nationality, to marry and to have a family from the nubile age, this means that from the time they are able to get married and have children. Spouses have the same rights for everything concerning the marriage, during the marriage and at during the divorce. They are ententled to free consent to conclude their marriage. The same article and the 10 of economical rights Pact, socio-cultural, focus on family, especially mothers before and after birth, on children and teen ages.

The same articles and the 24 of civil and Political rights Pact ask states to pay special attention to children. They must be protected against the exploitation by the job (work). According to this article, every child without exception has right to have the protecting measures required by minor condition, especially the fact of having a name and nationality. In order to facilitate ~~states losks~~ these rights, the United National General Assembly has adopted several International tools relative to the Child rights, such as the declaration of the children's rights, the convention carrying the same title and the set of minimum rules of the United Nations concerning the administration of the justice for minors (Beijing rules) and the

United Nations rules for the protection of minors deprived of freedom.

Every person has also a right to a decent life to assure his well being and for his family as well. This concerns the nutrition, the shelter, medical care, and the necessary social assistance. The States must take necessary measures to improve the production methods and the distribution of food, and to assure the right of self developant.

Labour rights

The declaration concerning its article 23 that every person has right to work, to the liberty to choose a job to fair decent work conditions, to the unemployment protection, to equal salary for equal job, to a fair and decent salary for self and the family, and to have a trade-union to better protect his interests. These prerogatives are developed as extended in the articles 6, 7, 8 and 9 of economical rights Pact, socio-cultural. In this Pact it is requested from states to take necessary measures to safeguard the labour right they must also take into consideration the orientation, and professional and technical training and the planning elaboration to assure economical development, social and cultural. The labour right is related to the principle of trade union freedom. Every person has right to forma and be affiliated to a trade-union of his choice.

The Justice administration right

The justice administration is the ~~culture~~ central pillar of human rights. ~~Its affiance~~ IT is the guarantee of enjoying all rights and particularly civil and political rights. The Goal BR the justice administration is to solve conflicts between individuals and to sanction the responsible of penal offenses. In the accomplishing its good the justice must prove its fairness, its impartiality and its objectivity.

Because of this all democratical regimes have the justice administration system, independent of others powers, and that have specific laws and procedures, established to guarantee the fundamental right of everybody being equal in front of the law. When an individual has to appear before the justice, he has rights and guarantees that are assured by a fair justice and founded on the principe of equality. All individuals without distinction have the equal right to be protected by law. And every person has a right to present his case and to be heard publicly and fairly by an independent an impartial court, either about his rights and obligations, either about any well founded penal accusation, directed against him, like it is stated in the article 10 of the declaration and the article 15.1 of political and civil rights pact. The publicity is a guarantee of impartiality, the behind doors can be realized partially or during the total proceedings or when the public interest or the justice request it for any case to protect minors.

In order to guarantee the impartiality, the fairness and the equality before the

law, the International Charter of Human Rights, devotes a set of principles and of guarantees that are considered as Juridical predictions, and that the judiciary authorities must carry on to guarantee the person's respect, his intergrity and dignity. Because the rights devoted in the Charter put together the fundamental attributes of all without descrimination coming from personal situation. They are two principles that are the bases of any judiary system :

- The preexisting legality, what it means is that nobody can be sentenced by actions or omissions nor submissive to a penalty if the offenses have not been previously described as penal infractions by a national or international law. Art. 11 of the declaration and 15 of civil and Political rights Pact.

- The presumption of innocence, this means that every person accused of committing a penal offence is presumed innocent until he is proved Guilty by law. Art. 11 of the declaration, and 14.2 of civil and Political rights Pact.

- Another Principle is double judgement for the same Penal infraction. This means that a person can be pursued or punished because of an infraction for which he has been acquired or condemned by the law and the existing procedures of his country Art. 14.7 of civil and political rights Pact.

The art. 14.3 of civil and Political rights Pact establishes the guarantees that constitute the minimum rules for the person's rights protection when accused of Penal infraction. He has the right to :

- Be informed of the nature and the motives of the accusation, in language that he is able to understand.

- Have time and necessary means for his defense

- Be judged in the shortest period of terms as possible

- Be present during proceedings and be able to defend himself or by his counsellor or by a free Government Lawyer

- Interrogate the witnesses of charge and present witnesses of discharge

- To be freely assisted by an interpreter during proceedings if he doesn't understand the language used

- Not be forced to witness against self

- Make examined the culpability declaration and the sentence by a superior authority according to the law

- Compensations when the penal sentence has been canceled because of judiciary mistake.

<u>Self development Right</u>

The Self development is the synthesis of all human rights as it has been described in the declaration of the self development right, approved by the United Nations

in December, 1986. In fact, the article 1st affirms that the self development right is an invocable human right which allows the human being to participate in economical growth, social, cultural and political, in which every person can enjoy all human rights and all fundamental freedoms.

The world conference of Human rights held in Vienna in 1993 reaffirmed this notion of self development and requested states and International and regional systems to take all necessary measures in order to eliminate obstacles that are opposed to the accomplishment of his right. The participation of the woman to the self development is a necessary condition to make this right universal.

The duty and the responsibility of the human being

as a subject of rights

As subject of the rights, the human being is also a subject of obligations toward himself and the community. The original obligation of every person is the self respect as a human being, the self consciousness as a subject and in rights. He also has the obligation to enjoy his rights and respect of others as equal in dignity and in rights. He also has the obligation to enjoy his rights and freedoms in respecting the rights and obligations of others at the sametime.

The individual responsibility is also a fundamental attribute of the person as it has been stated in the article n° of the declaration, when it prescribes the human being as endowed of reason and conscience and that he must behave toward others with brotherhood manner. The universal declaration of human rights has devoted the article 29 especially menatn to define the limit of the individual responsibility toward the community. The solidarity is the obligation that the declaration uses to talk about brotherhood. According the cited article, the only limits of exercising rights and enjoying freedoms are those established by the law, exclusively to assure the recognition and the respect of rights and freedoms of others and in order to fulfil the morality obligation, of the public order and the well being of all. This exercising rights and freedoms can not be against principles and goals of United Nations.

The art. 30 devotes also a limit to dispositions established in the declaration according to which, no state, group or individual can interpret the principles contained in the declaration as rights to conduct activities harmful to the rights and freedoms cited in the declaration. It is a very important concept to define the freedom exercise in democratical society, and particularly, exercising the freedom of speech, of opinion and conscience.

International tools concerning the treatment of people in

Detention or in Jail

The Universal declaration of Human Rights and civil and Political rights Pacts, contain disposition concerning every person's rights and his safety. (D art.3 P art. 9), equal protection of the law, and the equal protection against any discrimination that could violate the rights contained in the decaltio (D art. part. 26), jurisdictions against the acts violating the fundamental rights that belong to him. These principles determine one of the state's goal, but it is the obligation of all authorities to watch the safety of all persons and their goods. In carrying out this duty they must take necessary measures, about the legislation and the administration to guarantee the protection and the enjoyment of all, of all human rights and fundamental freedoms.

From the state's perspective the rights above mentioned become authorities functions, defined by law and accomplished according the regulations established to guarantee the equality of all toward protection benefit of the person and his goods. Consequently this function is not a graceful concession that the state gives to individuals, it is the accomplishment of an obligation that comes from fundamental rights of the person and commitments accepted by states because of the moral force and usual of the declaration and the ratification or adherence to civil and Political Pact.

We have also affirmed that the declaration and the civil and political Pact devoted the prohibition of torture and other penalties or Cruel treatments, inhumane or dignading (D art 5, Part &) and the prohibition of arbitrary detention, (D. art 9 part. 9). Every authority that have the faculty to make detention, or responsible of surveilling penitentiary establishments must follow his dispositions because they are guarantees that protect the physical integnity, psychological and moral of persons submitted to any kind of detention or imprisonment. ~~The~~ torture ~~of~~ the individual doesn't have to be ~~digne~~ outlawed in ~~order not to be tortured~~ because the torture is composed of mistake toward the person and it is degrading in order to get information or confession from the person. Every treatment or charge that tears up the dignity is against the person's rights. The Gendarmes are the state's agents, responsible of protecting people their goods, assuring the order in which all individuals must enjoy their rights and freedoms, help people in danger and obey the law. The Gendarme's authority must apply within the respect's scope of the human being because it comes out his functions, and that he is the closest state's representive of the population, therefore because of his contact the community sees him as the state.

To perform their functions (duties) the Gendarme has means planed by law that allow him to carry on his duties with the respect of human rights. They are the Judicial protection. They show limits of the authority representative's action concerning executives, and they are guarantees of respect for individual's rights. The Juridical predictions are

procedures established by law or regulations of the national legislation, but they exist in the human rights Charter. They are the guarantees devoted in the art 9, 19 and 11 of civil and Political rights Pact, they are:

- No body can be deprivated of his freedom unless it is for good reason and in conformity with the procedure prescribed by law.

- Every individual if arrested, must be informed and notified, about why he is arrested, quickly and at the terms of his arrestation

- He must have a hearing by the Judge and be sentenced within a reasonable terms or be discharged

- He has "the hoebas corpus" right to appeal for the court to decide his detention legally or to order his discharge

- He has right to compensation in case of arrestation of illegal detention:

- Every person deprivated of freedom must be treated with human manner and with the respect of his dignity inherent to any human being. The accused persons must be separated from the sentenced and be submitted to a regime appropriate to their condition

- The young must be separated from the duties and their case must be decided as quickly as possible

- The young delinquents must be submitted to a regime appropriate to their age and to their legal status

- The essential goal of a penitentiary regime is to facilitate the amendment and the social placement of prisoners

- Nobody can be put in jail because he is not capable of paying his debts

Specific tools relative to prisoners treatment

Concerning the prisoners treatment there is an international and obligatory tool : That is the convention against the TORTURE and other penalties or cruel treatments inhuman or degrading, adopted by the General assembly of United Nations on December 10, 1987. Others are principles and rules composing recommendations to States in order to improve their penitentiary systems and the conditions of detained people or those in jail. Among those tools there are those that concern adults and those that concern minors.

Concerning minors, we can cite the set of minimum rules for the prisoners treatment, adopted by the 1st congress of United Nations for the crime prevention and the delesiquants treatment in 1955, and approved by the ECONOMICAL AND SOCIAL Committee - ECOSOC in May 1977. There are a set of principles protecting all persons submitted to any kind of detention or imprisonment, adopted by the General Assembly of United Nations on December 14, 1990.

The convention against the torture and other penalties or cruel treatments, inhuman or degrading constitute the set of dispositions on which the states commit themselves to eliminate the physical pain psychological and moral, inflicted to an individual in order to intimidate him by using his authority. It defines the torture as "Any act by which a pain or a sharp suffering, physical or mental are intentionally inflicted to a person in order to get from him or from any other person some kind of information or confessions, to punish him for an act committed by him or by another person, to intimidate him or to make pressure on him or on any other person, or for any other good reason to inflict such pain or such sufferings by the state's agent or by any other person acting on the behalf of the Government of by its instigation or with its constant intentionally or tacitus.

The member states commit themselves to take all necessary legislative, administrative and Judiciary measures to eliminate the torture on the whole territory of self Jurisdiction. The interdiction of torture must be total, it can not be accepted under any reason nor because of special circumstances such as a war or political instability. The order form can not be invoked as an excuse. The states must define the tortures the attempt of torture and any act of participating to the torquire, like a penal infraction, judged and sentences by the competent authorities. They must carry on systematic surveillance on rules, instructions, methods and interrogatory practices, and on the dispositions concerning the custody and the treatment of arrested people, prisoners or imprisoned in order to avoid the torture. They also must take sure that there is an education and a training of all the civilian and military personnel, states's agents and other peoples working as guards, the interrogatory or the treatment of any arrested person. It is the something for all acts constituent of penalties or cruel treatments, inhuman or degrading. Any declaration established by the torture means can never be called upon as an evidence in a procedure. It can only be used as evidence against the person accused of committing torture acts.

The convention set up a committee against the torture composed of ten experts, with high standard of morality and possessing a known competence in the human rights domain. The member states must send reports to committee every four years about the measures taken in order to show the following up to the convention's agreement. When the Committee receives a true information that the torture is being practiced in a state, it must invite the above state to cooperate to well analyze the information. It can order confidential inquest and write can urgent report, it can also visit the concerned state and invite the state to cooperate for respecting the agreement of the convention. The minimum rules for the treatment of prisoners, the set of principles for the protection of all persons submitted to any kind of detention or of imprisonment, and the fundamental principles relative to prisoners,

treatment, constitute a set of tools that contain principles of persons treatment who are in detention situation or imprisonment for protecting the person and his freedom, and to offer them decent conditions of life in the detention buildings as well.

They are principles applicable to all, impartially without any distinction of race, color, sex, language, religion, political opinion, or any other kind of opinion, of racial origin, national, birth wealth, or any other situation. A fundamental Principle is that every person in detention or in prison must be treated with humanity and with the respect of the dignity inherent to the human bring. All the prisoners and condemned must continue to enjoy their rights as humans and fundamental freedoms, except the conditions set up for their incarceration. The measures of arrestation, of detention or Imprisonment are only applied in the conformity with the law and by competent authorities. All the guarantees devoted in the human rights Charter are developed in the three international tools. Every detained person must have information and explanation concerning his rights and how he can claim them. He has a right to be visited, if asked he must be placed in the detention close to his residence.

Regarding administrative point of view, these tools devote the obligation to have register of prisoners with their identities, the reason of detention, the competent authority present by the time of admission and of discharge, and the order of detention. As it has been confirmed in the human rights Charter, it is necessary to separate adult male prisoners from females, the young must be separated from adults, the prisoner separated from condemned, those sentenced for penal infractions. All Buildings for prisoners and condemned must be kept clean, with lights and must be equipped with both rooms not far from their rooms and they must be clean and decent. All Building must be kept clean and in good condition.

Concerning the prisoner, it is necessary to assure to the prisoners and condemned, a personal hygiene, clothes and clean bedding, adequate nutrition, exercising room, a clinic, storage of their goods and objects, a library, a church, a way of receiving information about the penitentiary regime, away of complaining, with his family, his lawyer and the diplomatic agents, consular of his country, the information to his family in case of sickens or accident, death or information to his closest relatives, or about his transfer. Every transfer of the prisoner must be realized within decent conditions of his integnity. For every duty, the employees must be carefully selected because his integnity, humanity, fitness and capability rely on the good management of the penitentiary. The employees must have the possibility to improve their knowledge. They must be expert in psychology, psychiatry, social services instructors and technical instructors.

The minimum rules contain also some recommendations for different categories of Prisoners, especially for the condemned because of debts and the incarcerated people without being accused. For condemned people, the treatment must foccuss on giving them some incentives to rehabilitate themselves in order to live in the society respecting the law, give them the necessary training to provide for their needs and encourage them to have some self respect and responsibility to themselves and to the society.

These rules and principles are recommendations made by the United Nations assembly to consolidate a good penitentiary system according to the residence concept of the sentence that determines every person, even when he is in detention in jail. He is a human being equal in dignity and rights to others. But it is evident that.

REPUBLIQUE RWANDAISE
MINISTERE DE LA DEFENSE
GENDARMERIE NATIONALE
E G E N A RUHENGERI

Ruhengeri,le 07/04/1995

Au Directeur des études/EGENA.

Monsieur le Directeur,

Objet: Etat d'exécution des travaux
de réparation de l'EGENA.

Nous avons l'honneur de vous présenter notre Rapport sur l'état d'avancement des travaux de réparation de notre école.

Comme vous le verrez en annexe ci-joint, sur l'ensemble des travaux à effectuer, ceux qui ont déjà été exécutés ont été fait convenablement en général sauf quelques cas que nous préciserons dans ce Rapport.

Par ailleurs,si le travail déjà réalisé est assez suffisant,ce qui reste à faire est également considérable.

Nous vous presentons ainsi ce Rapport pour porter à votre connaissance l'état actuel d'exécution des travaux afin que vous sachiez ce qui est déjà fait et ce qui reste encore à faire.

Espérant que ce Rapport vous permettra de poursuivre jusqu'au bout,votre aide en faveur de notre école,nous vous prions,Monsieur le Directeur des études,de bien vouloir agréer l'expression de notre profond gratitude.

ANNEXE: RAPPORT SUR L'ETAT D'EXECUTION DES TRAVAUX DE RAPARATION DE L'ECENA.

Ce Rapport se porte sur la refection de plusieurs batiments que nous regroupons en trois blocs: le Bloc des classes, le Bloc des Bureaux et celui des dortoirs. Pour chacun de ces bâtiment nous précisons ce qui a déjà été fait, ce qui reste à faire et éventuellement ce qui a été mal fait.

A. BLOC DES CLASSES

Ce bloc comprend deux Blocs: - bloc A (Classes A1, A2; et A3)
- bloc B (classes B1, B2 et B3)

I. BLOC A

1) Classe A1: ce qui a été fait: Néant
ce qui reste à faire: - 2 tubes à placer
- 1 Serrure de la Porte
- Peinture.

2) Classe A2: ce qui a été fait: 1 vitre pour la fenêtre.
ce qui reste à faire: 2 tubes
- 1 serrure
- Peinture

3) Classe A3: - ce qui a été fait: - Rien
- ce qui reste à faire: - Un carreau du plafond à placer
- Trois tuiles à remplacer
- 1 serrure/porte
- 2 tubes
- Peinture.

Barza des classes A: - A faire: - 3 tubes dont 1 extérieur
- Peinture.

4) Classe B1: - ce qui a été fait: - 2 vitres (1/porte, 1 sur la fenêtre).
- à faire: - Refaire tout le tôit et tout le plafond.
- 1 serrure
- 1 tube
- Peinture

5) Classe B2: ce qui a été fait: - 4 vitre
ce qui est à faire: - Presque tout le tôit et plafond
- 1 serrure
- Peinture

6) Classe B3: ce qui a été fait: - 1 vitre.
ce qui est à faire: - 1 carreau du plafond à remplacer
1 serrure
4 tubes
Peinture

Couloir ou Barza classe B :
ce qui reste à faire: - 3 tubes dont 1 extérieur
- 3 Carreaux du plafond
- 3 tuiles à remplacer
- Peinture.

B. BLOC DES BUREAUX.

1) Salle de Dactylo:- ce qui a été fait: - Un vitre/fenêtre
- ce qui est à faire:- 2 vitres/fenêtre
- Peinture.

2) Bureau Admin.:Ce qui est à faire: - 1 tube
- 1 interrupteur
- 6 vitres/fenêtre (à remplacer)
- 1 serrure
- Peinture

3) Bureau Cmdt: ce qui a été fait: - 3 vitres (portes et fenêtres)
- 1 serrure
ce qui reste à faire: - 1 vitre/fenêtre
- 1 tube
- 1 ampoule
- 2 serrures
- 2 carreaux plafond
- 2 tuiles
- Peinture

4) Bureau 2/C/COMDT: ce qui a été fait: - 1 tube
- Un vitre/fenêtre
- 1 serrure
ce qui reste à faire: - 4 carreaux plafond cassés
- Peinture

5) Secretariat: Ce qui est à faire: - 1 carreau plafond
- Peinture

6) Salle des prof. : ce qui a été fait: - 1 vitre/fenêtre
ce qui reste à faire: - 1 carreau plafond cassé
- 1 vitre porte
- 1 tube extérieur
- Peinture.

7) Salle MINUAR: A faire: - 2 carreaux plafond
- 1 tuile

8) Couloir ou Barsa du Bloc des Bureaux.

Ce qui est à faire: - 6 carreaux plafond à remplacer
- 6 tuiles
- Peinture

C. BLOC DES DORTOIRS

1) Dortoir A1: ce qui est déjà fait: - 4 tubes
ce qui reste à faire: - 2 vitres
- Peinture

2) Dortoir A2: ce qui est déjà fait: - 4 tubes
ce qui reste à faire: - 2 vitres cassés
- 1 prise
- Peinture

3) Dortoir A3: ce qui a été fait: - 4 tubes
ce qui reste à faire: - 4 vitres/fenêtres
- 1 vitre/porte et Peinture.

4) Dortoir B1: Ce qui a été fait: - 4 tubes
Ce qui reste à faire: - 4 vitres/fenêtre
- 1 vitre/porte
- Peinture

5) Dortoir B2: Ce qui est à faire: - 4 tubes
- 5 tuiles cassées
- 3 vitres/ fenêtres

6) Dortoir B3 wts : Ce qui est à faire: 10 tuiles
- 4 tubes
- 3 vitres (porte et fenêtres).

7 Dortoir B3 bis: Ce qui est à faire: - 4 tubes
- 2 tuiles
- 2 vitres/fenêtre

8) Douches: Ce qui a été fait: - Réparation de 12 douches
Ce qui reste à faire:- Refaire les canaux d'évacuation obstrués (bouchés)
- Peinture

9) Les Abreuvoirs extérieurs.

Ont été réparés mais les vannes utilisées ne sont pas solides,il serait mi
mieux de les remplacer par d'autres plus convenables.

10) Aux alentours du cam.

Ici, se manifeste le besoin d'y instaler "les LAMPES DE SECURITE "
Ce sont des lampes qui se trouvent àchaque coin du camp; etant actuellement endomagées , ça s'avère necessaire de les remplacer par d'autres .

ADMINISTRATIVE POLICE

COURSE N° 1

INSTRUCTOR : Chief Commissioner : N'Golo Ouattara

Course Description

Upon examining of the various duties of the police and gendarmes, we realize that they are quite numerous and that they all aim towards one end: law enforcement in the cities and countryside. Thus, generally speaking, the job of the police is to maintain law and order and to assure that citizens of the same nation follow the laws established in the public interest so that everyone may live in peace.

1°) INTRODUCTION TO ADMINISTRATIVE POLICE

The duties of the administrative police are as follows:

- maintaining and, if necessary, enforcing public order and peace across the national territory.

- Preventing infractions and accidents

It is unquestionably true
It goes without saying that the field of administrative police is quite vast, placing significant emphasis on prevention with supression playing a secondary role.

2° PREVENTION :

Does law enforcement imply that police and gendarmes intervene only when there is lawlessness? No. Should police and gendarmes leave their stations and barracks only when notified of an infraction? Of course not.

Law enforcement consists primarily of avoiding lawlessness through preventive measures so that peace, tranquility and security may prevail. It is preferable to try to deter thieves and reckless drivers rather than leaving them to their trade.

Prevention is the primary role of the uniformed police officer whose mere presence in the public forum serves to discourage potential law breakers.

A gendarme posted high on one side or near a dangerous turn will prompt motorists to slow down. A pick-pocket in a marketplace will hesitate if he sees the cap of a law enforcer in the area.

Thus the very function of the police (to maintain order and security) is defined by his duty to prevent infractions of the law.

3° THE FIELD OF ADMINISTRATIVE POLICE

The field of administrative policing is quite vast. Law enforcement and security in the cities and countryside entails the following:

- Safety and order in the streets and public places. The potential for lawlessness and possible trouble lead administrative authorities to take preventive measures such as regulating public demonstrations

- Concerns for order in the state justifies adopting systems to register and identify nationals and internationals (for example by issuing identification cards, resident permits, passports, etc)

- The security of individuals and their property warrants the regulation of arms and munitions; it also consists of preventing accidents of all types caused by automobile traffic, the mentally ill, stray animals, etc

- Tranquility is also linked to activities which do not directly threaten public order as such but can nonetheless be a nuisance to third parties : disturbance of the peace at night is one example.

4° THE ADMINISTRATIVE POLICE SYSTEM

a) **The Authorities of Administrative Police:**

- National authority : The government; particularly the Ministry of Interior
- Regional authority : prefects and sub-prefects
- Local authority : Bourgmestres

b) **Auxiliaries of Administrative police**

- Armed forces : the gendarmerie and the army who in principle will participate in law enforcement only at the request of the administrative police authorities.
- Local police : who act upon the orders of the Bourgmestre.

c) **Mode of Intervention**

The authorities of the administrative police operate as follows:

- via arrests and regulations
- adoption of preventive measures
- requisition support of the armed forces in law enforcement and public order and possibly in re-establishing law and order.

A few examples of Administrative Police work:

(1) Minister of Interior is concerned about problems in the certain parts of the country:

Until order is restored, he decides to prohibit assemblies and parades in public roads.

The gendarmerie thus conducts surveillance and prevents all violations of this interdiction.

(2) Two gendarmes on duty encounter a individual displaying public drunkenness. This individual may cause an accident. To prevent such an accident, the gendarmes apprehend the intoxicated individual and incarcerate him for a maximum period of 12 hours.

Ouatara N'GOLO
Instructor

Translator:
GASIZA Ruchinya

Administrative Police

Arms and Munitions

Delivery of Arms and Munitions

1) Definition of Arms

The delivery of arms and minution is regulated by a law of November 21/1994. First of all, it is interesting to facilitate the Comprehension, by starting with some definitions.

a) Sophisticated arms

They are hunting personal defence guns, charging by the cylinder head.

b) The arms (à feu detraite)

They are arms using flints or piston, and generally every arm charging by the gule (mouth).

c) The Firing arms of Defence

They are pistols and revolvers of a Calibre less than 8 mm including the arms of 9 mm calibre with shoot canon.

d) The Firing arms for hunting

They are all arms that do not belong to the above category.

Public Warehouse of Arms

State warehouse, under the exclusive guardiance of Custom's administrator.

2) Regulations

The Import, the depot in the Public warehouses and the state powder Kegs, the withdrawal from those Buildings, the transport, the trade, the detention, the precarious hand over, the sale of firing sophisticated arms and their detached parts are first subjected to the authorization of the minister of interior or the executive that he delegates for that purpose.

Only people on military duties can seize the Firing arms for war. In any case the president of the State can give a special authorization for the above seizure. On the other hand, the minister of Interior can go against this legal provision, when because of circounstances, he sees it necessary to take special measures, especially to saufeguard the public peace, the defence of the territory or the personal defence.

- The minister of Interior has the ability to anytime order the inventory of all firing arms and munitions including their detached parts; regardless if these arm and munitions are to be sold for personal use,
- The possession, for any reason, of fireng arm, other than the one required and assigned to army forces is subjected to an authorization; this authorization is backed up by a permit of possessing an arm.

The holder of a holding arm Permit, can be requested by competent agents to justify anytime the possession of the arm mentioned on his permit. Every holder of holding arm Permit who leaves Rwanda, for good or for a duration of more than 2 months must prove either the export of arms by a permit, either their sale to a permitted buyer, either deposit in arms public warehouse or at the prefecture of his residence area, before crossing the border.

The permit to manufacture, to import, to buy or to hold a sophisticated firing arm is only given for personal use.

The permit to manufacture, to import, to buy or to hold a sophisticated firing arm is only given for personal use.

The transit of fireng arms and munitions across the

country is subject to previous authorization from Minister of Interior who will judge the good purpose of the transit demand.

Are not submitted to these conditions, the firing arms of defence and of hunting held by travellers or tourists.

Case of Ban

The import, the transport, the trade or the holding arms can be baned in some districts of the territory but by the Minister of Interior decision since he is the one able to analyze the situation.

The holding arm is baned:

In Public places such as : markets, banks, bars and generally during demonstrations and gatherings of persons except by the order of agents for ordered service.

Besides, it is baned to :

To transport (carry) charged arms, shoot with arms to less than one Km from the town.

Authorization's Beneficiaries

Can be beneficiary of the authorization. People who present sufficient evidence do not measure them and do not give them precariously, abandon them or sell them illegal to others.

Travellers and tourists who can prove (justify) by a national legal document to hold the arms that they are carrying.

These arms must appear on the traveller's visa.

Permit Validity

The permits of holding arms are renewed yearly. The annual tax is a 100F for the personal permit of holding arm (1000 Fr by arm) and 20 Fr for exposed arms by gunsmiths for repair.

The persons who, either for their own benefit or the benefit of others are authorized to trade firing sophisticated

arms and their munitions pay a yearly tax with an amount not excluding 5000 Fr. The authorization to sale these arms must be renewed every year.

Suspension

The authorization to manufacture, to import or to hold a fireng arm can be suspended or revoked because of measure, of Prevention, attempt to the state security, or to the public peace, of intimidation (threat) to other persons.

In this case, the arm can be temporarily seized to be sold at public auction.

Arms Control

The disappearance of an arm for any reason, must be reported within 3 days period after it has disappeared, to Burgomaster or to competence administrative authority.

For people holding sophisticated fireng arms for their duties the notice must be made to the immediate authority supervising him.

Besides these arms, they are three categories which are not prescribed by the law of November 21, 1964 but that have been regulated by the decree of June 10, 1921 applicable to Rwanda, explained by a decree of June 10, 1929 - including the reeling of July 16, 1933.

These texts talk about poisoned arms and baned arms.

Decree-Law of March 2, 1921 concerning poisoned arms

It is prohibited (to natives of Congo or to bordering colonies) to manufacture, to hold or to carry lances, javelins, arrows or poisoned pickets.

Baned Arms

The ruling of July 1933, made executory in Rwanda by the Rwanda-Urundi ruling of August 21, 1933, stipulates:

- No body can hold not especially manufacture, repair, advertise for sell, give, distribute, transport baned arms or keep them in storage.

The import of these arms is also prohibited. They are known

as baned arms: the daggers (poignards), knives with dagger shape, Bayonets swordstick "Knives à cran d'arrêt".

OUATARA N'GOLO
INSTRUCTOR

Translator:
GASIZA Ruchinya NGABO

Rate of Flow of Alcoholic Beverages

The rate of flow of alcoholic beverages is regulated by a law of march 13, 1970 modified by a statutory order Nº 20/78 of 8/14/1978. That text gives certain definition of beverages.

- Distilled beverages: These beverages contain distilled alcohol
- Fermented beverages: These beverages contain exclusively fermented alcohol without taking into consideration small quantities of distilled alcohol added to it, to essure the preservation.

REGULATION

- The importation, the manufacturing, the installation the detention, the transfer, the sale and the purchase of distilling equipments are first submitted to the minister of finances or his delegate for authorization (approval)
- The importation, the sale and the delivery to public places or accessible to the public and to private circles of alcoholic beverages, distilled or fermented, are only authorized under-cover of the following licenses:

1) License Type A

The license of importer and wholesaler which confers the right to import and to sale all alcoholic beverages, under the condition that the sale be made by bottle or container that have their original closing.

In any case, the consumption can not be authorized

immediately.

2) License Type B

License of retailer which confers exclusively the right to sale all alcoholic beverages under the condition that the sale be made also by bottle or container that have their original closing. The immediate consumption can not be allowed.

3) License Type C

License of Retailer which confers the right to sale only fermented alcoholic beverages with one condition that the sale be made also by bottle or container having their original closing. The immediate consumption can never be allowed.

4) License Type D

License of retailer of fermented alcoholic beverages that confers the right to retail for the consumption of all alcoholic beverages, distilled or fermented.

6) License Type E

License of retail of alcoholic beverages, conferring the right to retail for the consumption of fermented alcoholic beverages only.

The Retail of beverages that are produced customarily is not submitted to this license.

6) License Type F

License conferring the right that is given by license Type D, this means that somebody who retails all alcoholic beverages but for a short period of time. The time of a Fair, of a fancy fair, of a Bazaar, of an exposition or

of a similar event. Its validity can never be more than 30 days.

7) License Type G

License for private circle that confers the right to debit all alcoholic beverages for the consumption in that circle.

Are authorized without a license :

- The importation of mass wines
- The delivery of alcoholic beverages to the masses and couteenes inside military camps of Gendarmerie and the National Police.

The Price of licenses is set as following:

License Type A.....30,000F
License Type B.....25,000F
License Type C..... 7,000
License Type D.....15,000
License Type E..... 4,000
License Type F..... 1,000
License Type G.....20,000

The license is personal and is established under the name of the importator or the seller.

SANCTIONS

The importation, the sale or the delivery of alcoholic beverages without license or with a license that doesn't correspond to the operation carried out, the communication of erroneous information in the demand of license, the importation, the manufacture, the installation, the detention, the transfer, the sale and the purchase of distilling other infractions related to this law, are punished with a fine from 1,000 to 30,000 Fr. If the offender has

delivered alcoholic beverages without a license related to the operation carried out.

The following are qualified to Prosecute the offerders to this law, the burgomasters within their districts, all officers of the judiciary Police, the inspectors of customs in the whole territory, and the customs employees within the competence of the office in which they are appointed.

TROUBLES TO THE PUBLIC ORDER

1) Definition

The Crowd is an assembly of people on a public Roadway, able to cause trouble to the public peace (well being) and refuse to disperse after the authorities warning.

2) Conditions

To Form a crowd, it is necessary:

a) That the gathering of people be illegal. It will be for instance, the case of a prohibited demonstration or not declared, or of an authorized procession but that modifies the imposed course or that doesn't dislocate at the predicted area.

A public meeting without an office or with a defunced office where serious violence is happening.

An Armed assembly on a public roadway or simply a spontaneous crowd able to disturb the public's well being. (peace)

b) When the warning has been done by qualified authorities (Prefects, burgomasters - C.B. Gendarmerie) or any other O.P.J.

The summons to be legal, must be of a certain form and ceremonial

3) Different forms of CROWD

a) Armed Crowd:

The crowd is called armed, if among the group, one or several persons are carrying visible or hidden weapons.

b) Non armed crowd:

None of individuals is carrying a weapon.

4) Form & Ceremonial Summons

The authority in charge to disperse the crowd must wear a sash that has national colours or the badges showing his function or just must wear uniform.

The Summons varies according to whether the crowd is armed or not armed.

a) Summon in case of an armed crowd

The authority does two summons by a drum sound or by the bugle call (clavier).....
Before that formality the arrival of the authority must be announced. If the crowd persists, the force must be used.

b) Summon in case of non armed crowd

The authority first exhorts (urges) the crowd to disperse. In case of failure, three summons preceded by each of a new drum sound, or a bugle call.....

Summon Formula

"Obedience of the law, we want good citizens to withdraw, we are going to use Force"

5) Sanctions

The ruling (order) of Rwanda - Urundi of 01/31/1959 states:
When there are some reasons to believe that the public order may be disturbed, the territorial administrator will, by a posted public notice in principal passages, prohibit it in a town (Built up area) or in any location pointed out by the Governor of the Province, the Crowds composed of more than 5 persons.

Any body who will contravene this interdiction will be

punished to imprisonnement of 7 days maximum, and of a fine of 5 to 50 Fr or of one of these two sentences only.

The Demonstrations

In the rubric of demonstration, we regroup: the processions, the march, the gatherings, the meetings.

1) The processions, march and gatherings are supposed to be a displacement on public roadway, other than meetings are were obtained from the authority. In any case on several cases, this declaration is exempted from going to the public roadway when locally authorized.

The demonstration on public roadway can be prohibited by the minister of Interior, the Burgomaster, or any other authorities, if they judge the public order may be disturbed.

Sanctions

Banned demonstrations

It can be an offerce for against participants of parking ticket for :

- Infraction to the decree of banning
- Refusal to circulate
- Stone throwing or other objects against houses and buildings
- Throwing objects on people
- Fight, violence,.... (voie de fait)
- Willfully damage to personal property

  * The crimes and offences that they personally commit (rebellion, offences, physical assaults)

  It can also be recorded against organizers.
- Incomplete declaration, made up to mislead demonstration's conditions.

To apply for a certificate to demonstrate from the authorities, before the declaration or after the banning.

Non Declared Demonstration

For Participants, no sanction is prescribed (predicted), but certain crimes can be prefered against them, misdemeanors and parking tickets that they have committed personally.

For Organizers, they are punished to the same way as in case of the organization of banned demonstration.

A banned demonstration and not declared consistitutes a crowd and because of this, it can be dispersed by force.

Non Declared Demonstration

2) The meetings

Definition:

A meeting is a temporal crowd of persons in a given area for a precise goal.
They distinguish two kind of meetings

- Private meetings
- Public meetings

- Private meetings

The access to these meetings are strictly reserved to people having personal invitation or individual card requested at the entrance.

- Public meetings

I) the access to these meetings is free and open to everybody - these are :

* The meetings organized in public places or others (cinema, during a concession,... are generally free but certain countries request for a declaration or a certificate of authorization.

They can be extended up after 23 hours. An office of 3 members must be formed to maintain the order in case of an incident.
The entrance Right, and the selection of a seat is planed for

an executive representing the Government.

3) Carrying a visible or a hidden weapon or a dangerous instrument for the public security, during a meeting or a demonstration on public roadway is a serious offense.
By weapon, it means, all machines, all instruments or shop utensils, sharp or blunt.
It is distinguished:

<u>The Offensive Weapons</u> : Guns, revolvers, pistols, daggers, la lances, machetes or coupe-coupe.

<u>The Ordinary Weapons</u> :

They are regular objects regular objects rerouted from their usual destination and that occasionally can be used as weapons (Pocket knives, scissors, batons, stones, chovels, pick axes, hammers....)

<u>Advantage of Distinction</u>

The advantage of distinction is noticed establishing the evidence.

Somebody who holds a weapon by destination i.e a rerouted from their usual use, is only reputable when his intention of using it as a weapon is confirmed.

When the Gendarmerie has enough information, allowing him to think that strikers have hidden weapons, the immediate palpation of participants is illegitimate and has to discover and eliminate the carriers of weapons. No authorization can justify the carrying of weapon during a meeting of a manifestation.

Translator :
GASIZA Ruchinga

Travelling documents

I. National Passports

- No Rwandese citizen, above 14 years old, should travel from the Republic on territory without carrying a national Passport or another travelling document, issued by the minister of Interior or his delegate.
- Abroad, this issuance is carried out by diplomatic agents or Rwandese counsolors or other nations responsible of protecting Rwandese interests in the considered country.

The Rwandese Passport is solely personal and must necessarily carry the following information, concerning the holder.

- Last name and First name (Surname and Christian name)
- Nationality
- Date and Place of Birth
- Profession
- Residence

It should also carry the description, the photograph (Picture) and the signature of the holder.

If the holder is illiterate, the signature is replaced by the right thumb print; the demand of passport must indicate the country or countries where the applicant wishes to travel.

This demand must be backed up by a certificate of good standing morals and civics, delivered by the Burgomaster of the area or of the applicant's residence.

The application forms for passports demanded abroad, in embassies or from consular should be supported by a police clearance certificate or if this document doesn't exist in

this country where the Passport is requested, should be supported by any other document able to replace it.

If the household is concerned, each member of the family must send his application separately, the husband's passport is therefore distinct from the wife's. It is the samething for children who are over 14 years of age.

Children under 14 years are then, registered in their parent's passports with pictures supporting their identities. These are the Father, the mother or the guardian who is accompaning them.

The registration of Children under 14 years is free.

Validity of national Passport

The validity of Rwandese national Passport has a maximum of 5 years. But it can be extended.

Delivery of national Passport to replace traveller's Documents

1) The prefect is competent to (issue) passports of rwandese who regularly reside in their Prefecture.
2) The Chief of Immigration and Immigration division is competent for all Rwandese regardless of their legal residence.

II."The Laisser-Passer" (The Permit to cross)

The Permission to cross (Laisser-Passer) is also a traveller's document instituted between a group of countries that maintain privileged relationship, exempt from all formalities concerning transBorder traffic.

Therefore Rwandese citizens, wishing to go to ZAIRE, TANZANIA, UGANDA, BURUNDI can demand and obtain " A laisser-Passer" replacing a Passport.

Those who wish to travel from Rwanda to other countries besides the four border's countries must absolutely have a national Passport.

Diplomatic and service's Passports

a) Diplomatic Passport

Because of the mission or their nature of representativeness, the diplomatic passport generally assures the protection to the holders. (Diplomatic agents)

Have right to diplomatic Passport :

1) The President of the Republic (state) and the members of Government, the President of National Assembly, the President of Supreme court, the Vice-President of the Republic and the Vice-President of the national assembly.
2) The Ambassadors
3) The diplomatic agents, executives or careered consular agents, and careered chancellors on duty including their spouses + their children minors and not yet married.

Have right to a diplomatic Passport for a duration of their mission, abroad:

The Chiefs of extraordinary missions abroad:

- The higher * executives, from the rank of general Director, appointed to services related to exterior's relations in their attributions
- The military attached to Rwandese diplomatic missions, abroad.
- The advisers and technical agents attached to the above diplomatic missions

The diplomatic Passport is valid for a maximum period of 5 years.

THE PASSPORT SERVICE

The Passport service assures the holder to be treated with courtesy because of his mission.

It is issued to civilian and military staff who can not obtain a diplomatic passport, including their children who are not yet married.

The Immigration and Requirements for Foreigners to enter and to Stay

I. Elementary knowledge about Foreigners

Are considered like foreigners, all individuals who do not have Rwandese citizenship, either because they are foreigners, or they don't have any known citizenship.

II. Requirements to Enter

To enter Rwanda, every foreigner must have:
- A passport with visas given by Rwandese Embassy or by a diplomatic authority or a competent counselor, from the departure country.
Inside Rwanda, the visas are issued by the Minister of Interior or his delegates.
- A police Clearance record or if the legislation of original country doesn't provide for the issuance of such document, a certificate of good standing morals or of non condemnation to a sentence, privative of freedom; or it can be any document expressing the same meaning
- The medical cerficates carrying immunization, according to international agreement.
The Minister of Interior can exempt these formalities to a certain category of persons such as the crew members of airpost.
For Rwandese, they are admitted to enter the country without using a formality.
- A national Passport or any similar document
- Medical certificate of Immunization
The same privileges are given to foreigners with permanent residence in Rwanda.

Different Types of Visas

There are five types of visas

I. THE TRANSIT VISA

This visa concerns people who have their airplane ticket, going to a destination different from Rwanda, and either during their departure, either during their way back, are obliged simply to transit in Rwandese territory for a strict time, necessary to accomplish their journey.

In any case, are exempt of this visa, people who are travelling by plane, and are obliged to make a stop in Rwandese territory, for example:

- The passengers using the same plane at their arrival and at their departure on Rwandese aerodrome
- The passengers obliged to wait for one or several days on Rwandese Aerodrome, the first coming plane assuring the connection to their destination.
- The travelling visa, corresponding to an authorization of stay,

covering a period of time from eight days to six months. It is given to tourists, Business peoples, or usually to foreigners who travel to Rwanda for a limited time and without willing to establish an ordinary residence.

3. The Temporal Visa : It is an authorization to stay, covering a period of time from 6 months to two years. It is given to people coming to Rwanda, with an anticipate Rwandese Government agreement, for technical assistance, and their mission is planed (predicted) for a period of time equal or less than 2 years.

4) The Visa of settlement (Establishment) : It gives an authorization to stay for unspecified period of time. It is an authorization to establish one self in Rwanda. In this case, any demand of visa to settle must precise the kind of activity

(business) the applicant want to conduct, the exact description of the location where he wants to establish himself, including the nature, the amount of resources or means of survival that he posseses.

The Postulate must also record by writing the amount of money as a guarantee with the possibility that he could fail and become the charge of the Public assistance.

5) The Diplomatic Visa

It is issued to diplomatic authorities accredited To Rwandese Government and to members of diplomatic mission.

Immigration Control

At his arrival in the territory of Rwandese Republic the Immigrant must see the immigration officer. The immigration officer must check if the immigrant is not undesirable and if eventually he is not allowed to enter or reside in Rwanda.

Is considered as undesirable, every person who can not plead as Rwandese citizen, and who falls in one of these following categories:

- Doesn't have the documents required by law and relative to conditions and formalities to enter and stay;
- Can not prove regular and sufficient means for his survival, especially if he has to practice prostitution or the procuring or if he has a handicap that will prevent him from living decently;
- Depends on a prostitute or on a procurer
- Has been deported from Rwanda by law
- Is under pursuits or has been condemned in Rwanda or abroad for an infraction prescribed the extradition's treats except in case when the sentence imposed is a sentence of fine of Privative sentence of right corresponding or less than two months'
- Is a traveller or an undesirable resident by decree of the

minister of Interior
- Is not in full possession of his mental faculties
- Has a contagious sickness and if it is determined by ministerial decree
- Practices economical or professional activity that will harm Rwandese interests
- Would act as a spy or would practice other manoeuvre that can affect the interior or exterior of the Republic Security
- Would disturb the public order
- His usual behavior will affect people's morals.

On the other hand will be considered as undesirable,

a) Anybody who entered Rwanda, establishes himself or tries to settle himself without authorization as it has been stated above.

b) Anybody having a traveller's document that he can not prorogue by the foreign authority of his residing country

c) Anybody who entered in Rwanda with a temporal permit carrying a traveller's visa or a temporal visa and who doesn't want to leave the country at the expiration date of the above permit + visas

d) Anybody admitted in Rwanda according to the Law without a previous agreement from the Minister of Interior, and practices some activity other than the activity for which he was given the authorization.

OUTARA N'GOLO
Instructor

GASIZA Ruchinya
Translator

Alcohol * Beverages Control

The danger that have caused alcoholic beverages, has urged governments to regulate alcoholic beverages, and eventually limit the quantity of their production.

Therefore, before opening a restaurant, in case of a transfer or mutation of the owner, the manager of alcohol beverages store it is a requirement to ask an authorization from the ministry of Interior, his delegate, the prefect or the burgomaster.

It is the samething for a restaurant selling or not selling alcoholic beverages during meals.

The suppliers must be of good standing morality (good behavior), and must have a very clean police record. Besides they must be citizens of the place where they want to be established.

It is prohibited for suppliers of beverages :

- To serve alcohol to people who are abviously drunk
- To welcome people who are in state of being drunk
- To serve drink, alcoholic beverages and liquor to minors under the age of 18 years
- To serve alcohol to minors under 18 years old, to the point they get drunk
- To accept clients after selling hours. (Closing time)
- To hire young girls under 18 years of age in places where they sell alcoholic Beverages, unless if they are members of the Family (or if they belong to the family)

Every person selling alcohol must put, at the view

of the public the text explaining the policy regulations on alcoholic beverages and their unit prices (selling prices)

* Gendarmes and police officers can never enter places where they sell alcoholic beverages, except if they are authorized to inspect on infraction or for the following reasons:
- Default of opening permit (authorization)
- They intervene in case of fights between customers, or in case of night time noise (noise polution)
- Opening or closing during illegal hours, these hours are decided by a decree coming from the prefect or the burgomaster in their respective administrative districts.
- Investigation, when a person is drunk on a public roadway and just has come out of a place where they sell alcoholic beverages.

UNITED NATIONS UNAMIR - MINUAR

Administrative Police
Instructor - OUATTARA N'GOLO
Translator - GASIZA Ruchinya

6/ The Accidents

Homicides - Involuntary knocks and wounds

Being always in contact of the road users, the gendarmes notice always accidents that have caused death and wounds to others.

Therefore, it is very important that every agent of the public security knows what concern homicides and involuntary knocks and wounds, so that they know how to handle the situation if these facts happen.

Component elements of homicide and involuntary knocks and wounds

There are three elements :

1) A material fact that caused death or wounds
2) A mistake attributable to the author, that has for cause, clumsiness, negligence, inattention, unobservation of rules (regulations)
3) The Relationship of cause and effect between the homicide and the wounds. The fauty must be of the suffered predguged.

Action to take in case of traffic accidents

- To inform the Brigade is Permanence. Tor Notify the hospital ambulance, or the District's one if there is any wounded person.
- To go quickly to the place of accidents with necessary personnel and under the supervision of an OPJ or an officer of Permanence.
- To assure the first aid treatments and evacuate wounded people
- To assure order, by organizing a traffic regulation service
- To Record names and addresses of witnesses
- To note the following observations
    * The State of place (area)
    * The vehicles
    * The traces
    * The victims
    * The witnesses
    * The Drivers

When back at the brigade, write the intervention in the front desk register.

The OPJ or the officer of permanence must have already written his report to the commandant of the Brigade.

The Commandant of the brigade sends an explanation to the state Prosecutor, to the prefect or to his vice, and the burgomaster stating particularly:
- Date and time of accident
- Exact - Place
- Nature of the accident - Physical (death + Wound) material
- Vehicles involved in accident

- Victims identities - Place of evacuation
- Arrangements made

To support the report sent by the OPJ or the officers of Permanence, the commandant of the Brigade establishes a procedure including:

- The accident report
- The minute about the accident report
- The Map of the area and the photographs (pictures)
- The Statements of drivers and victims
- The statements of witnesses
- The reports about legal medical tests, regarding the victims and techniques used on vehicles

The author of the accident must be watched during the auditions, naturally, he will be deferred only after the state prosecutor's decision.

The Driver's permit (license) will be seized after giving a receipt to the holder.

Particular cautions to take

The lugages of Pedestrians, bicycles riders, and automobile's drivers etc... will be kept at the police station's storage after an inventory is made by the officer in charge.

Gasiza Ruchinya
TRANSLATOR

Funeral operations

To assure the respect of dead people, to safeguard the freedom of believes, to reserve eventually, the rights to the justice, and to protect people against all contagiousness in the interest of Public salubrity (healthiness), the operations following people's death are seriously regulated.

Funeral operations mean the operation related to :

- Inhumation (burial)
- Exhumation (excavation)
- Transport of bodies

1) The inhumations

Before inhumation, certain formalities are required:

a) Declaration of death: The declaration of death is done by a relative of the deceased or any other person processing the most complete information about his identity.

b) Inhumation Permit

No inhumation can be done without permit issued by the administrative police authorities. This permit can not be issued:

- Inless than 24 hours after death except in case of emergency
- In case of suspicious death

2) Exhumations

- They are three kinds

- The exhumations ordered by Judiciary authorities in case of suspicious death
- The exhumations ordered by administrative authorities for public salubrity
- The exhumations requested by the family and authorities by administrative authority

Type of statement of Putting a body in coffin

Statement

The year, one thousand nine hundred eighty ..... and the .....We .....
Commandant of Gendarmerie of brigade of the city of .....
Officer of Judiciary Police;
Auxiliary to the State Prosecutor considering (the law or ministerial decree) of..... Considering the decree n°.....
in date of .....of Mr. Burgomaster of.....

We are conveyed this day to.....at.....hours to assist to put in coffin the body of Mr. ..... deceased the..... at .....

In our presence, the body has been put in a coffin made in fir closed itself inside a Coffin of ..... made of Sheets of..... millimeters of thickness that were strongly joined together.

The bottom of the coffin, carrying the body, has been filled out of a layer (coat) of ..... centimeters with a mixture of disinfectant composed by sawdust of wood, of coal powder and Iron sulphate in equal quantities. The body has been entirely covered by the same pulverulent mixture.

The above Coffin, has been then placed in a coffin

made in Oak with the sides of.....centimeters of thickness are fixed with screws. Three, frets in Iron have been tightly put together with a nut on the coffin.

The precautions prescribed by.... of ..... being then observed, we have put at each extremity of the coffin a style of sealing wax, having the seal of our brigade. The body has been then conveyed to the local depository where it has been layed down, waiting its transport to .....(or) in .....

This statement must be sent to Mr. the.....

TRANSPORT OF BODIES (Putting in coffin)

As a general rule, the body meant to be put in special coffins, hermetic, with the particular criterion of strength and thickness according to different regulations.
The types of coffins are as follows:
- Coffin made with sheets of zine
- Coffin made of reinforced concrete
- Coffin fit out with lead (Plomb)

In any adopted system, the hermetic coffin must be adjusted in a way that it can not move, in a coffin made of wood with the sides maintained by frets in iron screwed.

In coffin in Zinc or in reinforced concrete, a disinfectant mixture made of equal quantities of Cool powder or of sawdust of wood and iron sulphate pulverized, must cover the body with a mean thickness of several millimeters.

When the death is caused by a contagious sickness, the transport can be allowed only after a certain length of time, the body must in this case immediately be buried.

The Commandant of the Gendarmerie's brigade, for all operations that require his presence, must be sure that measures prescribed by regulations, have been

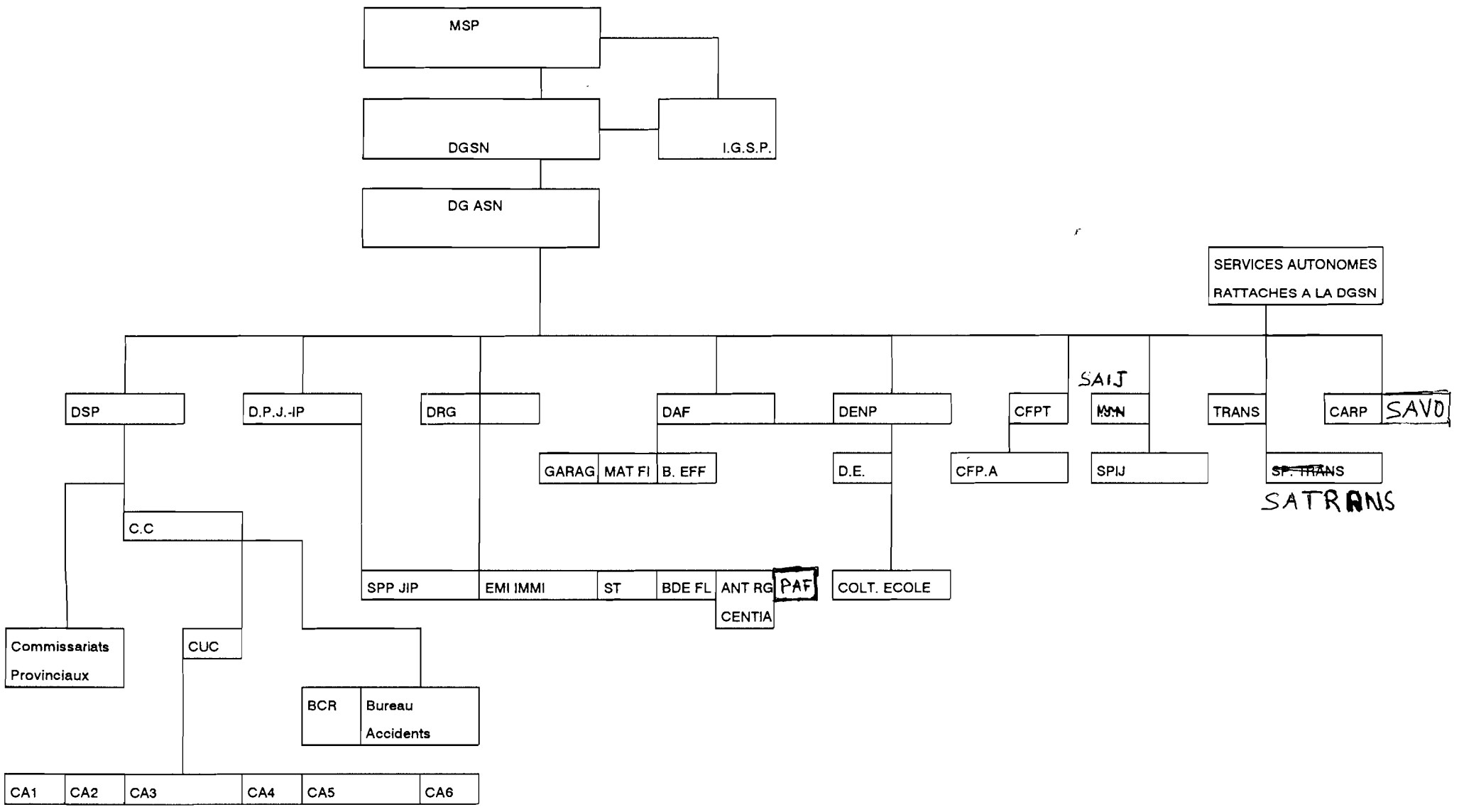
complied with.

He then, sends the Operations minutes (statement). In case of transport, he puts the seal on coffin during departure.

The original copy of the statement is given:
- Either, to a member of the family accompaning the coffin
- Either to the carrier, responsible to take the body to the place, sometimes it can be or foreign country where the body will be inhumed for good.

A copy is given to administrative authority of the Place of destination.

(ORGANIGAME DE LA SURETE NATIONALE DU TCHAD)



UNITED NATIONS NATIONS UNIES
ASSISTANCE MISSION FOR RWANDA MISSION POUR L'ASSISTANCE AU RWANDA
UNAMIR - MINUAR
CIVPOL HQ

LEGENDES ET COMMENTAIRES

. *MSP - MINISTERE DE LA SECURITE PUBLIQUE*

Est placé sous l'autorité d'un Ministre, le Ministre de la sécurité publique est chargé de la sécurité Intérieure du pays. Toutes les forces de la première (sûreté Nationale) et deuxième catégories (Gendarmerie Nationale) surtout les Brigades urbaines de gendarmerie et le commandement de la garde Nationale et nomade sont placées sous l'autorité du Ministre de la sécurité PUBLIQUE et ceci dans le cadre essentiellement de M.O.P.

. *DGSN - DIRECTION GENERALE DE LA SECURITE NATIONALE*

La Direction générale de la sûreté Nationale, placée sous l'autorité directe du MINISTERE de la sécurité Publique. Elle est commandée par un Administrateur civil ayant rang du D.G. dans l'administration civile -le DGSN est assisté d'un Adjoint (Commissaire Divisionnaire de Police) qui a également rang du Directeur Général Adjoint - la mission dévolue à la SURETE Nationale est de protéger les personnes et leurs biens sur toute l'étendue du territoire nationale - le Directeur Général de la sûreté Nationale à sous son autorité cinq (5) Directions (Direction de la Sécurité Publique (DSP) - Direction de l Police Judiciaire et Interpol (DPJ.IP), Direction de Renseignements Généraux (DRG) - Direction des affaires Administratives et Financières (DAF) et enfin la Direction de l'Ecole Nationale de Police. (D.E.N.P)

. *C.F.P.T - COMMANDEMENT DES FORCES DE POLICE EN TENUE*

Le commandant des Forces de Police en tenue et son Adjoint sont des colonels de Police et placés directement sous l'autorité du Directeur Général de la SN. Ils ont rang respectivement du Directeur et Directeur Adjoint de l'Administration civile. Comme les cinq autres Directions, le commandement des Forces de Police en tenue a une compétence Nationale. Il nomme le personnel en tenue et prépare en même temps les avancements de ce dernier.

S.A.I.J. Service autonome d'identification judiciaire .

S.A.I.J. - IDENTIFICATION JUDICIAIRE NATIONALE

L'Identification Judiciaire Nationale est un service autonome commandée par un commissaire principal de Police qui a rang de Chef de service. Il est placé directement sous l'autorité du Directeur Général de la sûreté Nationale.

. *Service des Transmissions - SATRANS*

C'est un service autonome et commandé par un capitaine de Police et assiste d'un adjoint. Ils sont placés sous l'autorité directeur du Directeur Général de la SN et ont rang de Chef de service et chef de service adjoint.

. *C.A.R.P - Compagnie d'action rapide de Police*

La compagnie d'action rapide de Police, compte tenu de la mission qui lui est assignée, elle constitue la deuxième catégorie de Forces de la SN. Elle est commandée par un LT. Colonel de Police qui a rang de chef de service. Il rend compte quotidiennement au Directeur Général de la SN.

. *I.G.S.P - INSPECTION GENERALE DES SERVICES DE POLICE*

Commandée par un commissaire Divisionnaire de Police, l'Inspection générale des services de Police est placée sous l'autorité directe du Ministre de la sécurité publique. Elle est chargée de suivre l'état d'esprit des personnels de Police et de veiller à la bonne marche des services. L'inspecteur Général des services de Police a rang du Directeur Général et entretien des bons rapports avec le Directeur Général de la SN.

. *C.C - Commissariat central de Police*

Tous les commissariats centraux de Police du TCHAD sont placés directement sous l'autorité du Directeur de la Sécurité Publique. Les commissaires centraux de Police ont rang des chefs de service.

. *C.U.C - Compagnie de corps urbain*

La compagnie de corps urbain est placée sous la direction des commissaires centraux de Police pour emploi. Le commandant de corps urbain est un commandant de Police ou capitaine de Police qui a rang de chef de service. Le personnel essentiellement en tenue est mis à sa disposition pour le Maintien de l'ordre Public.

~~*du commandant de corps urbain ou un commandant de police ou un capitaine de police qui a rang de chef de service. Le personnel essentiellement en tenue est a la disposition du commandant de corps urbain pour le Maintien de l'ordre Public.*~~

. *B.C.R. - Brigade de circulation routière*

La Brigade de circulation routière est commandée par un capitaine de Police qui a rang de chef de service. Ce dernier est placé sous l'autorité directe du commissaire central de Police pour emploi.

. *Bureau des accidents*

Appelé communément Brigade des constats, est placé lui aussi sous l'autorité du commissaire central de Police pour emploi. Il est commandé par un capitaine de Police qui a rang de Chef de service.

. *Emi - Immigration*

C'est un service qui est placé sous l'autorité du Directeur de Renseignements Généraux et Commandé par un commissaire de Police, Chef de service. Il comprend :

1. - Service de délivrance des passeports

2. - Service de délivrance des Laissez - Passer

3. - Service des exploitations des étrangers

4. - Service des archives

. *S.T. Surveillance du territoire*

Les chefs de surveillance du territoire sont chargés de rechercher les informations, de les recouper et d'en informer le gouvernement en vue d'agir à temps. Ils sont tous placés sous la direction du Directeur de Renseignements Généraux à qui il rend compte.

. *ANT - RG - Antennes de renseignements Généraux*

Le Chef des antennes de renseignements Généraux est un commissaire de Police placé sous la direction du Directeur de renseignements Généraux à qui il rend compte des activités de son service. Il a rang de chef de service.

. *Le garage de la SN - Le garage de la sûreté Nationale*

Le garage de la sûreté Nationale est un service qui s'occupe du matériel roulant, le chef de service est placé sous l'autorité du Directeur des Affaires administrative et financière.

. *SCE FINANCES ET MATERIEL - Service des finances et matériel*

Ce service s'occupe de tout le matériel de la sûreté Nationale, de leur état et des carburants mis à la disposition de la SN le chef de service rend compte de ses activités au DAF.

. *B. EFF. Bureau effectif*

Le bureau effectif est chargé de la mise en jour la liste effective des personnels (civil et tenue) de la sûreté Nationale - le chef de service rend compte au DAF.

. ***D.E** - Direction des Etudes*

Le Directeur des Etudes de l'Ecole Nationale de Police est chargé de la diffusion des matières, de suivre l'évolution des cours dispensés par les instructeurs et concevoir l'emploi de temps. Il a rang de chef de service central et est placé sous la direction du Directeur de l'Ecole Nationale de Police.

. *CDT Ecole - Le Commandement de l'Ecole*

Le commandant de l'Ecole Nationale de Police est un capitaine de Police ou commandant de Police. Il est chargé des instructions militaires de la discipline et du magasin

d'habillement de l'Ecole. Il a rang de chef de service adjoint central et est placé directement sous l'autorité du Directeur de l'Ecole Nationale de Police.

N.B. : Il est à préciser que tous les commissariats provinciaux de police, les secteurs de surveillance du territoire sont placés respectivement sous l'autorité des Directeurs de la sécurité Publique et de renseignements Généraux ~~les services de Police Judiciaire tandis que les [illegible]~~

. Les corps urbains provinciaux : sont placés sous l'autorité du Directeur de la sécurité Publique et du commandant des Forces de Police en tenue.

. Les six (6) commissariats d'arrondissements de Police de Ndjamena : Ils sont placés sous le commandement du commissaire central de Police pour la ville de Ndjamena. Les commissaires de Police d'arrondissements ont rang des chefs de service.

P.A.F : Police de l'air et des frontières

S.A.V.O : Service autonome des voyages officiels.

CE ZANGA BERTHE

SCE EN BRIGADE

2ème LEÇON

LE COMMANDANT DE BRIGADE

Le Commandant en Brigade (C.B) a une fonction essentielle dans l'armé :

- **Il est le Chef responsable**, à l'échelon d'exécution, de la plupart des missions incombant à la gendarmerie;
- Il est amené à prendre parfois d'importantes **initiatives et graves responsabilités**, en matière Judiciaire notamment, loin de son Commandant de Compagnie, il doit, à l'intérieur de son unité exercer **totalement** son rôle de **Commandant d'unité et de chef de Service.**

I. QUALITE A EXIGER D'UN COMMANDANT DE BRIGADE

- **Qualités morales** : donner l'exemple dans sa vie professionnelle et privée.

- **Qualités intellectuelles** : être en contact avec les autorités ayant une culture générale le plus souvent supérieure à la sienne. Etre l'instructeur de son personnel et l'organisateur de son Unité.

- **Qualités professionnelles** : Responsable de sa circonscription guide et conseiller de son personnel, doit connaître à fond son métier.

- **Qualités physiques :** doit être toujours disponible et par tous les temps pour aller en tous lieux. Pour toute affaire de quelque importance, il doit se déplacer personnellement

II. LES RESPONSABILITES DU COMMANDANT DE BRIGADE

a) **Dans les limites de sa Circonscription, le Cdt de Brigade est responsable de l'exécution de toutes les missions de l'armé d'initiative :**

- Surveillance, exploration et maintien du bon ordre dans sa circonscription;
- Recherche et diffusion du Renseignement **sous la surveillance et le contrôle du Cdt de Cie**

* Police Judiciaire

* Police administrative

* Police militaire

* Vie intérieure de l'armé

- instruction
- tenue
- discipline
- administration de la brigade
- entretien du Casernement
- entretien de l'armement et du matériel
- problèmes de mobilisation de ses auxiliaires

b) **Le Service du Commandant de Brigade**

En ce qui concerne le service, l'activité du Commandant de Brigade est triple :

- il commande le service
- il participe à l'exécution du service
- il contrôle le service de son personnel

C'est une activité très complète et qui constitue en tout. D'où nécessité pour le CB d'avoir une "tête bien faite" et des qualités d'organisation et de travail.

III. MOYENS DONT DISPOSE LE COMMANDANT DE BRIGADE

a) **Personnel**

1) **Les gradés** : Il ne s'en trouve que dans les brigade importantes. Il peut y avoir un ou plusieurs gradés qui sont chargés :

- de diriger certains services et enquêtes
- d'assurer des fonctions et des liaison
- d'effectuer des travaux particuliers de secrétariat
- de diriger des séances d'Instruction.

Le plus ancien dans le grade le plus élevé après le CB le remplace et commande par intérim en son absence.

2) **Le gendarme adjoint**

Dans les Brigades où n'existe pas de gradé en sans ordre un gendarme est désigné en qualité d'adjoint au CB. La désignation est faite par le chef de Corps sous proposition du Cdt de Cie et après avis du Cdt de groupement parmi les gendarmes ayant dans

l'ordre de priorité la qualité de :

- gendarme inscrit au tableau d'avancement

- officier de police judiciaire

- gendarmes le plus ancien en service

Dans ce dernier cas la désignation n'a aucun caractère d'obligation et portera sur le gendarme le plus apte à assumer les fonctions d'adjoint au CB

Le gendarme adjoint seconde le chef de Poste et prend le commandement "par intérim" pendant son absence dans ce dernier cas, il exerce normalement et sans restriction l'autorité du CB y compris les contrôles. S'il est en service avec un autre gendarme même plus ancien, il est chef du patrouille.

3) **Les autres gendarmes de la brigade**

Le CB a toute latitude pour les utiliser au mieux des intérêts du service et dans le cadre des règlements.

Les gendarmes d'une même brigade sont subordonnés les uns aux autres selon l'ordre suivant :

- gendarme adjoint au CB

- gendarme inscrits au tableau d'avancement

- gendarmes candidats à l'avancement non inscrits au I.A

- gendarmes OPJ habilités

INSTRUCTEUR MAJOR ZANGA BERTHE

SCE EN BRIGADE Nº3

PRINCIPES GENERAUX DE L'EXECUTION DU SERVICE

L'action de la gendarmerie et son efficacité reposent avant tout sur deux constantes :

- la connaissance parfaite des gens et des lieux
- la rapidité de son intervention en cas d'urgence.

1. LA CONNAISSANCE DES GENS ET DES LIEUX

L'aspect du service qui vise à l'exécution des missions essentielles de l'armé créatives de sécurité, demande beaucoup de temps et ne peut se faire qu'à pied ou avec un moyen de locomotion peu rapide, passant partout et permettant une bonne observation en marche ainsi que des arrêts instantanés et aussi fréquents qu'il est nécessaire.

Si l'on veut que la gendarmerie conserve le "contact" avec la population il est indispensable que le "dialogue" soit possible en dehors des interventions de répression.
Le service de l'armé et spécialement de la gendarmerie départementale oblige en permanence d'avoir le souci des relations publiques.

2. LA RAPIDITE DE L'INTERVENTION

Il n'est pas concevable aujourd'hui que les gendarmes arrivent les derniers sur les lieux où leur intervention est "urgente et nécessaire".C'est le cas, en particulier, lorsqu'il s'agit d'affaires portant atteinte à la vie humaine (accidents corporels, crimes, secours) ou aboutissant à la recherche et à la poursuite d'individus dangereux (crime, délits)
Dans ce cas, l'emploi de moyens modernes et rapides de transport et d'intervention est nécessaire (véhicules automobiles adaptés, vedettes, hélicoptères). N'oublions pas en effet que :

- la gendarmerie est **un service public au service du public**
- les retards sont l'objet parfois de critiques acerbes de particuliers ou de journalistes à l'affût du détail insolite, surtout si ce détail met en cause l'autorité ou ses représentants.

LES ACTIVITES CONSTITUANT LE SERVICE DE LA GENDARMERIE

Au terme de la loi de Germinal An VI. et du décret du 20 Mai 1903, le service de la gendarmerie se divise :

- en service ordinaire

- et service extraordinaire

Le service ordinaire : Est celui qui s'opère journellement d'initiative et sans intervention des autorités étrangère à la gendarmerie.

Le service extraordinaire : Est celui dont l'exécution n'a lieu qu'en vertu d'ordres ou de réquisitions.
A côté de cette distinction traditionnelle toujours valable mais quelque peu discrète, on considère aussi que le service de la gendarmerie se subdivise en deux catégories majeures :

Les services à l'extérieur

Les services à la caserne

INSTRUCTEUR MAJOR BERTHE

SCE EN BRIGADE Nº4

LES SERVICES A L'EXTERIEUR

Les services à l'extérieur, qui constituent l'activité normale de la Brigade, ont pour but d'assurer :

- la surveillance de la circonscription,
- l'exécution du service spécial : enquêtes judiciaires, administratives, police sur la route.

Une distinction est introduite dans les services à l'extérieur, en fonction de la part d'initiative dont dispose le commandant de Brigade:

- Services d'initiative
- Services imposés
- Services mixtes
- Services divers

A/LES SERVICES D'INITIATIVE

1. **Définition**

Les services de surveillance de la circonscription sont commandés à l'initiative totale du commandant de brigade qui dispose :

- du choix du moment (répartition dans le temps)
- et des lieux (répartition dans l'espace) et peut en conséquence, choisir les ordres spéciaux pour confier à son personnel des missions adaptées.

Ces services ne comportent ni enquête, ni remise de pièce, ni aucune autre astreinte et sont consacrés à l'exploration détaillée à allure lente de la circonscription.

2. **Procédés d'exécution**

Ces services s'effectuent sous deux formes

- les visites de communes

- les patrouilles

a) Les visites de communes (Art. 52 du Sce Intérieur)

1) <u>Buts</u> : Les visites des communes ont pour but d'assurer :

- L'exploration méthodique et détaillée de la circonscription;

- La recherche et la constatation des infractions;

- la recherche du renseignement;

- L'exécution des ordres spéciaux.

Il est évident que ces buts ne peuvent être atteints que si le personnel dispose de tout le temps nécessaire (durée : entre 11 et 6 heures)

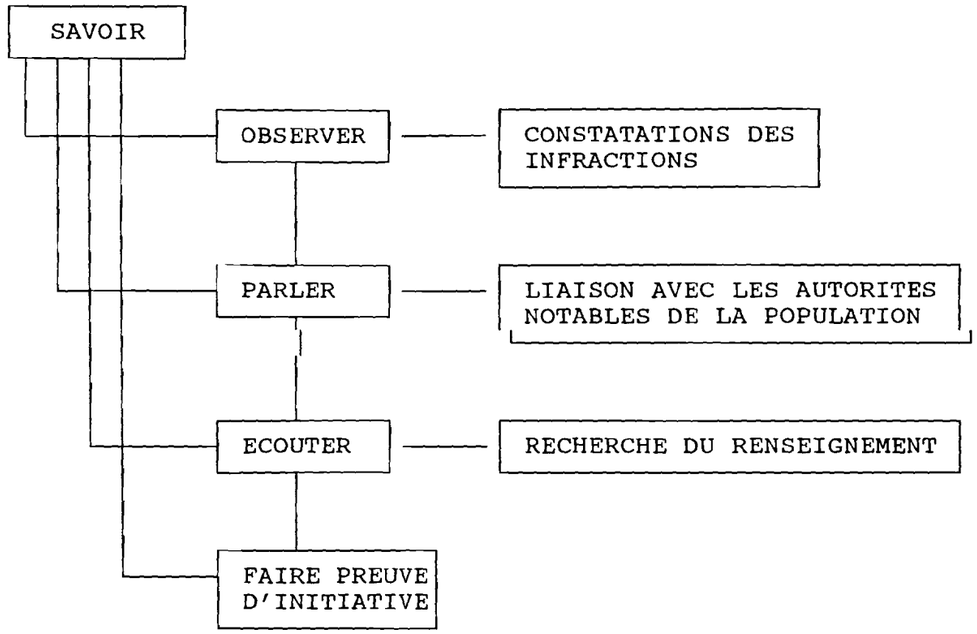
2) <u>Exécution du Service</u>

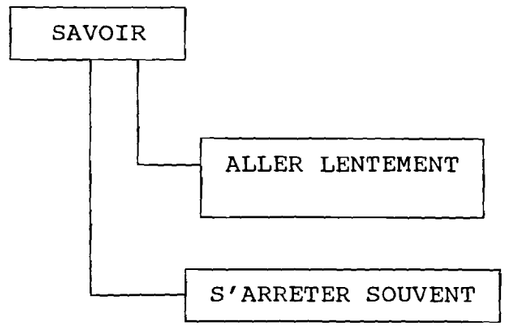
Les visites des communes se font à l'allure lente c'est une condition sans lequel :

- Il n'est pas possible d'explorer et de surveiller efficacement le territoire

- On peut pas parvenir à connaître à fond, les gens et les choses de la circonscription.

Au cours de ce services, pour exercer correctement leur métier, les gendarmes doivent surtout :


SAVOIR
OBSERVER
CONSTATATIONS DES INFRACTIONS
PARLER
LIAISON AVEC LES AUTORITES NOTABLES DE LA POPULATION
ECOUTER
RECHERCHE DU RENSEIGNEMENT
FAIRE PREUVE D'INITIATIVE


SAVOIR
ALLER LENTEMENT
S'ARRETER SOUVENT

SAVOIR

OBSERVER LA PLUS GRANDE CORRECTION DANS LEUR TENUE, LEUR LANGAGE ET LEUR ATTITUDE PARTICULIEREMENT LORS DES CONTACTS AVEC LES AUTORITES ET LA POPULATIONS

ROLE DES GENDARMES EN COURS DE SERVICE

Il est simple :

Il découle de la stricte observation des 5 principes suivants :

(1) **Entrer en conversation avec les gens rencontrés**

Leur demander s'ils n'ont rien appris qui puisse intéresser la gendarmerie or tent interéssé la gendarmerie

SAVOIR DONC ECOUTER

(2) **Entrer en liaison avec les autorités locales**

(Maire, Adjoint, Conseillers municipaux)

Avec qui il est nécessaire, chaque fois de faire un tour d'horizon dans tous les domaines et qui réservent toujours le meilleur accueil.

(3) **Voir les fonctionnaires et agents communaux**

qui sont génialement de très utiles agents de renseignements et des amis sincères de la gendarmerie.

(4) **Explorer méthodiquement les lieux soulignés sur le bulletin de service.**

Ce qui signifie qu'il faut s'arrêter et prendre de nombreux contacts avec les gens en somme faire une véritable petite enquête sur tous les points intéressant les lieux.

- Constatation des infractions

- Liaison avec les autorités notable et la population

- Recherche du renseignement

(observer, parler, écouter, faire preuve d'initiative)

Exemples:

Y-a-t-il du braconnage de pêche ou de chasse ?

Y-a-t-il de nouveau résidents ?

Les gens se plaignent -ils de quelque chose ?

Y-a-t-il des enfants malheureux ?

Rien d'anormal ne doit échapper aux gendarmes
exploitent immédiatement le renseignement recueilli (initiative)
si cela est nécessaire et préférable le notent pour rendre compte
en fin de service au CB.

(5) **Enfin exécuter les autres spéciaux du bulletin de service**

Les ordres spéciaux ne sont pas l'unique but de la visite de commune. Ce ne sont que des missions particulières exécutées à l'occasion du service externe.

Savoir Faire preuve d'initiative

Les gendarmes ne doivent pas hésiter, en cas de besoin à réclamer du renfort à la Brigade ou à modifier leur itinéraire pour aller constater un fait.

3) **Compte rendu d'exécution**

Dès la rentrée à la brigade, le gendarme Chef de Patrouille :

- Porte sur le bulletin de service l'heure de rentrée et les kilomètres parcourus;

- Complète en accord avec son camarade de service, les deux exemplaires du bulletin, en indiquant, en regard de chaque ordre spécial et dans la colonne réservée à cet effet, le compte rendu d'exécution succinct mais explicite.
  Enfin il remet au CB en l'accompagnant s'il y a lieu de toutes précisions orales utiles et en rendant compte des renseignements de touts ordre recueillis (mise à jour du dossier de circonscription)

INSTRUCTEUR MAJOR ZANGA BERTHE

SCE EN BRIGADE Nº5

B/ **LES PATROUILLES**

But :

- Exercer **de jour** comme **de nuit**, de manière systématique en fonction des renseignements recueilli ou à rechercher, une surveillance particulière en certains points de la circonscription ou sur des itinéraires déterminés;

- assurer la surveillance nocturne de la circonscription.

Exécution du service :

Leur durée et leur fréquence sont fixées par le CB en fonction de leur objet et de la nature de la surveillance à exercer. Cependant chaque commune doit être vue, de nuit, au moins une fois par mois. Les patrouilles de nuit, au moins une fois par mois. Les patrouilles de nuit sont effectuées, au maximum, par deux militaires et si les si les effectifs le permettent par 3 ou 4 pour étendre et intensifier la surveillance.
Leur objet étant de recueillir des renseignements déterminés ou d'exercer une surveillance particulière, leur durée est généralement moindre que celles des visites de communes.

Rôle des Gendarmes

Comme pour la visite de communes la patrouille se fait à allure lente mais comme le personnel ne prend pas un contact systématique avec la population et les autorités, sa durée est plus brève.
Les patrouilles de nuit visent spécialement des surveillances particulières (débits de boissons, bal, maison habitées par des suspects) permettent la prise de contact avec certaines personnes (employés de gare, boulangers)
La traversée à pied des lieux où l'on veut exercer une surveillance discrète s'impose de nuit.

C) **Les Services imposés**

1) **Définition :**

Ce sont les services:

- exécutés en vertu d'ordres des chefs de l'armée (services spéciaux de police de la route, surveillance de points sensibles, barrages, etc..)

  exécutés sur demande des autorités, enquête judiciaires, administratives, réquisitions.

résultant d'événement imprévus : incendie, crimes délits, accidents, secours, etc.....

Ces événements imprévus qui requièrent l'intervention de la gendarmerie sont parfois mineurs mais souvent graves et tragiques. Ils exigent toujours une intervention rapide qui doit être efficace. Ils imposent au CB en choix immédiat, une prise de décision très rapide pour faire agir sur le champ les moyens en personnel et matériel disponibles ou récupérables.
Ces événements perturbent l'activité de l'unité et leur répétition devient parfois insupportable dans certaines brigade particulièrement exposées.

2) **Modalités d'exécution**

Ce sont des services spécialement commandés par le CB qui ne peut en la matière exercer son initiative

D) **Les Services mixtes**

Définition : Les services mixtes comportent une part la surveillance limitée par des obligations plus ou moins importantes (remise de pièces, enquêtes...) ayant bien sus des répercussion sur la répartition :

- dans l'espace : nécessite d'envoyer le personnel dans les lieux où les enquêtes doivent être exécutées; le CB n'est plus libre de choisir le point d'application du service.

- dans le temps : nécessite de trouver les intéressés chez eux, hors des jours et heures de travail ouvrables.

Ce sont donc des services qui comportent à la fois une part de service d'initiative et une part de service imposé.

Modalités d'exécution

Sont exécutés dans les conditions prévue à la fois pour les services d'initiative et les services imposés. Si l'initiative du CB est restreinte celle des personnels en service peut et doit se manifester longuement.

E) **Les Services divers**

But : Les services divers ont pour but l'exécution de la mission n'entrant pas dans l'activité normale de la brigade ou **dépassant le cadre de la circonscription de celle-ci**

Nature :

- Déplacements (visites médicales, séance d'instruction à la compagnie, au groupement, réunion de CB ou de candidats divers à la compagnie)

- Escortes (ambulances, fonds, personnalités)

- Extraction de détenus;

- Participation à des services d'ordre (circonscription de la brigade ou extérieur, P.G.R.M, etc

- Transfèrements (Voir cours PJ).

- Tribunaux (Police à l'intérieur au moment des audiences)

- Transports de justice (reconstitutions diverses)

F) **Caractères Communs au Service à l'extérieur**

Exceptés les services divers qui font l'objet d'instructions particulièrement tous les services à l'extérieur présentent des caractéristiques communes.

1) **Répartition du service**

Entre les gendarmes

Le nombre et la durée des services à l'extérieur que doit effectuer par mois chaque militaire de la Brigade dépendent essentiellement:

- des caractéristiques propre à l'unité et de la circonscription (population groupée ou dispersée, terrain plat ou accidenté, effectif de l'unité)

- des charges diverses qui incombent à l'unité et à son personnel (Brigade de chef lieu, nombreux transfèrement....)

- des fonctions particulières exercées par certains militaires.

Dans l'espace par commune

Dans ce domaine aussi une très large **confiance** est faite au CB pour qu'il assure la surveillance la plus efficace possible avec les moyens dont il dispose et compte tenu de ses charges.

Chaque commune de la circonscription doit cependant être visitée 2 fois par mois au minimum de jour (visite de commune) et une fois de nuit (patrouille)

Dans le temps

Les heures de surveillance doivent être réparties sur toutes les heures de la journée et de la nuit.

Il faut éviter une périodicité trop régulière des services, savoir varier les itinéraires pour créer un certain "effet de surprise" Il faut également doser le service selon l'importance des communes.

2) **Commandement**

C'est le gradé ensuite le gendarme venant le premier dans l'ordre de subordination des gendarmes de l'unité qui assure le commandement du service externe. Au départ du personnel le chef de poste lui donne toutes les indications verbales

complémentaires utiles et répond aux questions qui pourraient lui être posées.

3) **Effectifs**

En principe les gendarmes marchent pas deux pour respecter en cas de nécessité le principe suivant :

"Force doit rester à la loi"

De même sauf nécessité absolue, les gendarmes ne doivent jamais se séparer. Il peut y avoir plus de deux gendarmes.
Pour les missions simples et rapides (remise de pièces) a seul gendarme peut être employé.

4) **Moyens**

De locomotion (Pour mémoire)

Armement (Pour mémoire)

Documents à emporter

- **Bulletin de service**
- pièces diverses à remettre au concernant les enquêtes
- mémento du gendarme
- mémento des infractions à la Police de la route
- carnet timbre - amende
- carnet de déclaration

Matériel à emporter

Éventuellement, lorsque les nécessités du service l'imposent :

- la mallette de constatations, comportant notamment l'appareil de photo,
- Une machine à écrire (Commission rogatoire par ex.
- Un repos froid si le service est prévu de longue durée.

Tenue

Doit être strictement la même pour tout le personnel participant au service.
Est inspectée au départ par le CB.

Ne pas fumer au cours des interventions, police de la route, poste fixe, etc...

Une terme brillante renforce le prestige de l'armé " relations publiques" (C'est sur l'attitude et la tenue qu'un homme est d'abord jugé.)

Conclusion

Les visites de communes constituent la base du service des brigades, c'est par elle que sera réalisée l'exploration méthodique du territoire, c'est au cour de leur exécution que le personnel pourra se livrer à fond à la recherche du renseignement. C'est enfin grâce à elle que les gendarmes connaîtront parfaitement les choses et les gens de leur circonscription. Mais ce services n'atteindront vraiment leur but que s'ils sont exécutés par un **personnel connaissant bien son métier et sachant faire preuve d'initiative**

Complétée par les patrouilles de jour et de nuit, elle permettent d'affirmer en tous lieux et en tout temps la présence de la gendarmerie. Même au cours de l'exécution des services imposés par les chefs ou les événements il importe d'insister sur l'esprit d'initiative du gendarme.

Grâce à l'emploi judicieux de ces différents services, les CB sont en mesure d'atteindre, en dépit des faibles effectifs dont ils disposent, les buts fixés à l'armé.

RÉPUBLIQUE RWANDAISE
MINISTERE DE LA DEFENSE
GENDARMERIE NATIONALE
E G E N A RU HENGERI

Ruhengeri,le 04/04/1995

A Monsieur le Directeur des études/EGENA

Objet: Réquisition

Monsieur le Directeur,

Nous avons l'honneur de vous dire qu'en déhors des travaux de refection déjà effectués et ceux en cours,il existe encore d'autres bâtiments dont la réparation est indispensable pour la bonne marche de notre école. Après évaluation,nous vous présentons ainsi les besoins en reparation pour chacun de ces différents bâtiments:

I.REFECTOIRE ET DORTOIRS (4 Salles au total):

Installation électrique:

- 4 tubes par salle soit 16 tubes au total
- 50 m de fil électrique
- Révision du compteur électrique du bloc.
- 3 serrures pour les portes
- Environ 20 m^2 de vitres pour portes et fenêtres
- 100 tuiles à remplacer.

II. SALLE DE PROJECTION

a) Installation électrique:

- 10 lampes (reglettes + tubes)

b) 5 serrures pour les portes.
c) Environ 20 m^2 de vitres pour portes et fenêtres
d) 10 tuiles à remplacer
e) Peinture de la salle.

III. CANTINE ET CLASSES DE RESERVE

1) Salle 11

a) Electricité: -4 tubes
- 2 prises électriques

b) 1 serrure pour la porte.

2) Salle 12

a) Electricité:-4 tubes
-2 prises électriques

3) Salle 13

a) Electricité: - 2 tubes
- 2 prises électriques

b) 1 serrure pour la porte

4) Salle 14

a) Toiture: - 20 tuiles à remplacer
b) Electricité: - 4 tubes
c) Reparation du plafond en beton
d) 1 serrure pour la porte
e) 5 m^2 de vitres.

5) Salle 16

a) Installation électrique: 2 tubes
b) 2 serrures pour les portes
c) 10 m^2 de vitres à remplacer
d) Réparation du pavement.

6) Salle 17 (Cantine)

a) Installation électrique: 2 tubes
b) 1 serrure pour la porte
c) 5 m^2 de vitres.

7) Salle 18

a) Installation électrique: 4 tubes
b) 4 serrures pour les portes
c) 20 m^2 de vitres pour portes et fenêtres
d) Peinture de la Salle.

IV. LA CUISINE

- 1 robinet à reparer
- Installation électrique complète avec 4 tubes
- 16 vitres pour les fenêtres
- 06 tuiles à remplacer.

V. LE MAGASIN (Store):(Bloc 1 et 2).

STORE 1:

- Réparation pavement
- Installation électrique complète avec 4 tubes
- 1 serrure de la porte
- 5 vitres (fenêtres et porte).

STORE 2

- Installation électrique complète avec 4 tubes
- 1 serrure pour la porte
- 20 vitres pour fenêtres et porte.

VI. DORTOIR POUR MAIN D'ŒUVRE

- Installation électrique complète avec 4 tubes
- 11 vitres pour fenêtres et portes
- 01 tuile à remplacer.

VII. B A R Z A

a) Electricité: 8 tubes

b) Peinture.

Voici en gros,Monsieur le Directeur des études, les besoins urgents en ce qui concerne la refection des bâtiments,et nous vous remercions d'avance pour l'aide que nous attendons à cet effet.

Veuillez agréer Monsieur le Directeur des études,l'expression de notre gratitude.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

TRAINING-RUHENGERI

De: Directeur des Etudes
à l'EGENA-Ruhengeri.

Date: 14 novembre 1995.

A: Capt. Robert Clément &
Capt. Baumstark

Info: CIVPOL Commissioner
Chef Division Instruction

Objet: Demande d'explications

1. En date du 05 novembre 1995, Instructeurs à l'EGENA, vous vous êtes permis d'introduire une demande d'octroi de quatre (4) motocyclettes auprès du Chef de Transport à la MINUAR; et cela, sans en informer préalablement le Directeur des Etudes.

2. Il est par ailleurs surprenant d'apprendre que votre demande a été faite au nom de l'EGENA alors qu'aucun des responsables de cette institution n'est au courant de vos démarches.

3. Au regard de ce qui précède, vous êtes priés, dans un délai de 48 heures à compter de la réception de la présente, de me fournir vos explications.

Le Directeur des Etudes à l'EGENA,

Lt. Colonel BAKANDI Gabriel.

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UNAMIR - MINUAR

TRAINING-RUHENGERI

A: CIVPOL Commissioner

De: Directeur des Etudes à l'EGENA
Lt. Col. BAKANDI Gabriel.

Date: 30 octobre 1995.

Info: CPTO

Objet: Demande de matériel didactique et de fournitures de bureau

En prévision des séances de pratique qui commencent la semaine prochaine et des examens qui interviendront prochainement, j'ai l'honneur de porter à votre connaissance que la Direction des Etudes a un besoin urgent des matériels et fournitures ci-après:

1. Matériels didactiques pour les disciplines suivantes:

   . Le maintien de l'ordre
   . La circulation routière
   . La police scientifique

2. Fournitures de bureau:

   . 60 rames de papier duplicateur
   . 30 paquets de bics bleus
   . 15 paquets de bics noirs
   . 5 paquets de bics rouges
   . 4 toners pour les imprimantes (HP DESKJET 500)
   . 3 paquets d'encre pour la photocopieuse
   . 3 paquets de crayons
   . 50 gommes
   . 20 bateaux de colle
   . 2 agraffeuses géantes
   . 2 paquets d'agraffes géantes
   . 5 perforateurs grand format
   .

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UNAMIR - MINUAR

A: CPTO **Date**: 30/10/1995.

De: Major BAKANDI Gabriel
Directeur des Etudes
à l'EGENA-Ruhengeri.

Info: CIVPOL Commissioner

Objet: Version anglaise de "MAINTIEN DE L'ORDRE

J'ai l'honneur de venir par la présente porter à votre connaissance que depuis plus de deux mois environ, la Direction des Etudes a informé le "TRAINING BRANCH" de l'absence totale de la version anglaise du syllabus de MAINTIEN DE L'ORDRE, notamment pour les leçons n°6 et n°12. Nous constatons malheuresement que jusqu'à ce jour aucune suite n'a été donnée.

Au moment où la plupart des Instructeurs ont terminé la partie théorique de leur programme et vont bientôt procéder à la pratique, la classe anglophone risque fort d'accuser un retard d'autant plus déplorable qu'il n'était pas inévitable.

Nous vous prions de bien vouloir réserver à la présente une suite appropriée.

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ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

A: CPTO

De: Directeur des Etudes à l'EGENA
Lt. Col. BAKANDI Gabriel.

Date: 26 octobre 1995.

Info: CIVPOL Commissioner

Objet: Elaboration de l'emploi du temps conforme à la semaine type

1. Faisant suite à votre memo datée du 23 octobre 1995 relative à l'élaboration de l'emploi du temps conforme à la semaine type, notamment en ce qui concerne la période du 23 au 28 octobre 1995, j'ai l'honneur de porter à votre connaissance que ledit emploi du temps a été confectionné de commun accord avec la Partie Rwandaise et suivant le tableau ci-après:

HEURE	LUNDI	MARDI	MERCREDI	JEUDI	VENDREDI	SAMEDI
8 A 12 HEURE	FPT CIVPOL	FPT CIVPOL	FPT CIVPOL	FPT CIVPOL	PARTIE RWANDAISE	PARTIE RWANDAISE
APRES - MIDI						
14 A 16 HEURE	FPT CIVPOL	PARTIE RWANDA	FPT CIVPOL	PARTIE RWANDAISE	CONTROLE DES CONNAISSANCE CIVPOL	LIBRE
TOTAL HEURE CIVPOL	6 HEURES	4 HEURES	6 HEURES	4 HEURES		

N.B. FPT = FORMATION TECHNIQUE PROFESSIONNELLE.

2. Le tableau précédent montre bien que la formation technique professionnelle dispensée par les instructeurs de CIVPOL s'étale sur exactement 20 heures/semaine; au lieu de 19 heures/semaine comme mentionné dans votre memo précité.

3. Vous pourriez vérifier vous-même que l'emploi du temps de la semaine du 23 au 28 octobre 1995 est conforme à ce tableau.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

A: CPTO

De: Directeur des Etudes à l'EGENA
Lt. Col. BAKANDI Gabriel.

T. BAKANDI

Date: 26 octobre 1995.

Info: CIVPOL Commissioner

Objet: Elaboration de l'emploi du temps conforme à la semaine type

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8 A 12 HEURE	FPT CIVPOL	FPT CIVPOL	FPT CIVPOL	FPT CIVPOL	PARTIE RWANDAISE	PARTIE RWANDAISE
APRES - MIDI						
14 A 16 HEURE	FPT CIVPOL	PARTIE RWANDA	FPT CIVPOL	PARTIE RWANDAISE	CONTROLE DES CONNAISSANCE CIVPOL	LIBRE
TOTAL HEURE CIVPOL	6 HEURES	4 HEURES	6 HEURES	4 HEURES		

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UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

TRAINING-RUHENGERI

A: CIVPOL Commissioner

Date : 05/10/95

De: Major BAKANDI Gabriel
Directeur des Etudes
à l'EGENA - Ruhengeri

Info: CPTO

Objet: Besoins en Matériel à l'EGENA-Ruhengeri

	NOM	QUANTITE
1.	Motorolla	22
2.	Ordinateur	1
3.	Photocopieuse	1
4.	Matériels didactiques:	
	Vidéo	6
	Diapositive	4
5.	Chaises	18
	Chaises pour secrétaires	2 (swivelling and rolling chair with arms)
6.	Répartiteur du courrier (tray)	8
7.	Desk organiser	4
8.	Téléphone	1
9.	Fax	1

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NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

TRAINING - RUHENGERI

To: CIVPOL Commissioner

Date : 28/9/95

From: Major Bakandi Gabriel
Directeur des Etudes
à l'EGENA - Ruhengeri.

Info: CPTO

Subject : P.V. de la réunion pédagogique du 21/09/1995.

J'ai l'honneur de vous transmettre en annexe de la présente copie du procès-verbal de la réunion pédagogique tenue à l'Ecole de la Gendarmerie Nationale de Ruhengeri ce Jeudi 21 Septembre 1995.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

TRAINING - RUHENGERI

A: CPTO

De: Major BAKANDI Gabriel
Directeur des Etudes
EGENA - Ruhengeri.

Date: 27 Septembre 1995.

Info: CIVPOL Commissioner

Sujet : Remise des Fiches d'instruction

Suite à votre note réf. KN/MV/002/95 du 21 Septembre 1995, j'ai l'honneur de vous informer qu'à ce jour 7 instructeurs ont déjà remis leurs fiches d'instruction.

Pour ce qui est de KAYIJUKA de la Partie Rwandaise, il ne s'est pas présenté à l'Ecole au cours de cette semaine pour pouvoir remettre les fiches demandées.

Quant au Capitaine IBRAHIM, il dit avoir exposé son cas au Commandant OMAR Mohamoud lors de sa visite en date du 24 Septembre 1995 à l'EGENA.

Les fiches d'instruction disponibles sont expédiées par le même courrier.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

TRAINING - RUHENGERI

BORDEREAU D'ENVOI N° 2./DE/2/EGENA/9./95

A:

1. Major DODO P.A. Leçon n°6 Boissons Alcooliques Semaine 11 Sept. — 16 Sept. 1995
2. Capt. Diaouga A. M.O. Leçon n°6 Opérations de dégagement Semaine du 11 Sept. — 16 Sept. 1995
3. Cpl. Ngueta Médard Circulation Routière Leçon n° Règles Générales applicable à tous les usagers
4. Cpt Abdallah Othman Circulat° Routière Leçon n° 8 Règles Générales applicable à tous les usagers
5. Lt. Mahmat Ahmat Leçon n° 4 Traitement de RG + Leçon n°5 Doc. exploitation & Transmission
6. BIZIMUNGU Christophe D.P.S. (Droit Pénal Spécial) Tout le syllabus.
7.
8.
9.
10.

Major BAKANDI Gabriel
Directeur des Etudes.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

UNAMIR - MINUAR

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

PROGRAMME DETAILLE DE FORMATION

ACCELEREE DE CENT (100) ELEVES GENDARMES

COLONEL DIARRA

A. FORMATION THEORIQUE **114 HEURES**

B. FORMATION PRATIQUE **30 HEURES**

I. CONNAISSANCE DE LA GENDARMERIE 104 Heures

1. Histoire de la création de la gendarmerie: DU SENECHAL AU GENDARME.

2. Les missions de la Gendarmerie Nationale.

3. Les unités constitutives de la Gendarmerie: Deux Gendarmeries.

4. Les formations organiques de la Gendarmerie: structures - missions.

5. L'organigramme de la Gendarmerie Nationale.

II. SERVICE EN BRIGADE — 8 Heures

1. Présentation d'une brigade type de Gendarmerie Territoriale.
2. le commandant de Brigade.
3. Rôle des Gendarmes: O.P.J et A.P.J
4. Les outils de travail du Gendarme
5. La désignation de service.
6. Les missions à la Brigade / SERVICE INTERNE / SERVICE EXTERNE.
   a) Le service Interne: - la propreté des locaux.
      - la répartition quotidienne du service
      - l'exécution des missions, auditions, préparation des procès-verbaux, le service permanent, la surveillance des détenus.
      - la police administrative.
   b) Le Service Externe: - la visite des communes,villages, hameaux.
      - l'escorte des prisonniers.
      - l'exécution des mandats de justice: perquisitions, les constatations, les mandats d'amener, les mandats d'extraction, audition dans le cadre de commissions rogatoires.
      - Recherche des renseignements.
      - Service d'ordre
7. Exercices Pratiques

III. LA GENDARMERIE MOBILE ET LE MAINTIEN DE L'ORDRE — 8 Heures

1. Le maintien de l'ordre : définition et but - Législation.
2. Missions de la Gendarmerie Mobile en maintien de l'ordre.
3. L'intervention des Forces de l'ordre : condition et procédures - déroulement.
4. Les différentes formations pour le M.O. : les barrages.
5. Le M.O. devant une foule hostile.
6. Le M.O. en zone rurale.
7. Le M.O. en zone urbaine.
8. Le M.O. devant une foule calme
9. Exercices pratiques: Nomenclature des outils et équipements des Forces de l'ordre. Mise en oeuvre des mouvements.

IV. RENSEIGNEMENTS GENERAUX — 10 Heures

1. Généralités.
2. Définition et missions des RG.
3. Moyens des RG.
   - Humains
   - Techniques
4. Méthodologie des RG.
   a) - L'observation directe. (Documentation, source ouvertes)
   b) - Recueil par voie indirecte.
      - L'Informateur
      - Les procédés techniques: surveillance et filature
   c) - Traitement de l'information.
      - Transmission
      - Centralisation
      - Tri.
      - Analyse
      - Exploitation.
   d) - Types de documents des RG
      - La note d'information.
      - La note de synthèse ou d'analyse.
      - Enquêtes administratives.
      - Classification des RG.
5. Protection des RG.
6. Associations et Partis Politiques.
7. Notion sur le sondage d'opinion et les modes de scrutin.

V. POLICE ADMINISTRATIVE — 5 Heures

1. Définition
2. Domaine de la Police Administrative.
   - les armes et munitions
   - le régime des boissons alcoolisées
   - la police de l'immigration

VI. POLICE SCIENTIFIQUE — 5 Heures

1. Identité judiciaire
2. Documentation Judiciaire
3. Balistique
4. Anthropométrie
5. Dactyloscopie
6. Graphologie

VII. PROCEDURE PENALE — 5 Heures

1. La Police Judiciaire
2. L'Enquête de Police
3. Le procès-verbal : définition et organisation.

VIII. CIRCULATION ROUTIERE — 8 Heures

1. GENERALITES
2. LE CODE DE LA ROUTE

a) Les règles de conduite

- Les mesures de sécurité
- Les routes
- La signalisation
- Panneaux
- feux
- Lignes

b) Les Transports

- Les types de transport
- Les catégories de véhicule
- Les différentes catégories du permis de conduire

3. LES INFRACTIONS AU CODE DE LA ROUTE

- Le non respect des règles de conduire
- la conduite sans permis de conduire
- la conduite en état d'ébriété
- L'excès de vitesse
- Le délit de fuite

4. LES ACCIDENTS DE LA CIRCULATION: Les constats

- Accidents avec dégâts matériels
- Accidents avec blessés et dégâts matériels
- Accidents mortels

5. LES SANCTIONS AUX INFRACTIONS DU CODE DE LA ROUTE

- La contravention routière ou de simple police
- La conduite en fourrière
- Le retrait temporaire du permis de conduire
- Le retrait définitif du permis de conduire
- La procédure judiciaire en matière d'accident de circulation
- Procédure civile
- Procédure pénale

6. LA REGULATION

IX. DROIT PENAL SPECIAL — 20 Heures

- Généralités sur le Droit Pénal Spécial
- La rébellion - opposition à l'autorité légitime
- Crimes et délits contre les personnes
- Les homicides: -volontaires -involontaires
- Coups et blessures: -volontaires -involontaires -empoisonnement
- Violences et voies de faits -avortement -infanticide
- Outrage à la pudeur
- La prostitution
- Crimes et délits contre les biens
- Vols
- Escroquerie
- Abus de confiance
- Etude comparative : abus de confiance -vol -escroquerie
- Le recel des biens, de personnes

X. DROIT PENAL GENERAL — 20 Heures

- Notions générales sur le Droit Pénal Général
- L'infraction: éléments constitutifs -classification
- La tentative punissable
- La complicité
- La responsabilité pénale
- Les faits justificatifs: ordre de la loi -le commandement de l'autorité légitime -le consentement de la victime
- Les causes de non imputabilité: la démence et la contrainte
- Les circonstances atténuantes -les excuses
- Les légitimes défenses -les cas privilégiés de légitime défense
- Les circonstances aggravantes
- Les causes d'effacement des peines (amnistie - réhabilitation)
- Les causes d'extinction des peines
- La prescription

XI. PROCEDURE PENALE

20 Heures

- Le code de procédure pénale (CPP) -Définition
- La faute: faute civile -faute pénale -action civile -action publique
- La Police Judiciaire: objet -personnels (OPJ -APJ)
- Le Ministère Public
- Le juge d'instruction
- La défense
- Les mandats de justice
- Le Procureur Général
- Le Procureur de la République
- Les voies de recours: l'appel -la cassation
- Le jugement par défaut -l'opposition -les ordres de jugement.

B. FORMATION PRATIQUE **30 HEURES**

I. Service en Brigade — 12 Heures

1. Présentation d'une Brigade type de gendarmerie Territoriale
2. Journée de travail dans une Brigade.
   a) - Répartition quotidienne du travail
      - Rôle du Commandant de Brigade
      - Rôle des gendarmes.
   b) Les tâches permanentes.
      - La propreté des locaux.
      - La désignation de service
      - La surveillance des détenus
   c) Les tâches non permanentes.
      - Visite des communes, villages, hameaux
      - missions de police judiciaire : transport sur les lieux, constatations, perquisitions saisies, mise sous scellé, arrestations, auditions, interrogatoires, garde à vue, conduite au parquet.
      - Exécution des mandats de justice : mandat d'arrêt, mandat d'amener, mandat d'extraction, commission rogatoire.
3. Les outils de travail du gendarme : la mallette de l'OPJ

II. Le Maintien d'ordre — 10 Heures

1. Les différentes formations
    a) - Barrages fixes
        - Barrages fermés
        - Barrages filtrant
    b) Barrages mobiles : Méthodes d'évacuation
        - mouvement en tiroir
        - mouvement en éventail
        - mouvement en épi

2. Dispersion d'une foule hostile
    - sommations
    - charge
    - capture de manifestants

III. La Circulation Routière — 8 Heures

1. Circulation -
    a) - Règles élémentaires de conduite.
        - Mouvement: croisement, dépassement, changement de direction.
        - Arrêt
        - Stationnement
    b) Véhicules
        - Les différents feux
        - Les appareils avertisseurs sonores
        - Les appareils rétroviseurs
2. Le feu tricolore : Vert, Jaune, Rouge
3. La régulation
    - les signaux de base
    - les signaux de mise en mouvement des véhicules (Accélérer, Ralentir)
    - les signaux d'arrêt des véhicules
4. Les injonctions du gendarme
    - tenue
    - attitude face à l'usager
    - langage correct à observer
5. Constat d'accident

UNITED NATIONS
ASSISTANCE MISSION POR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

De: Lt. Col. BAKANDI Gabriel
Directeur des Etudes
à l'EGENA-Ruhengeri

Date: 05 décembre 1995.

A: CIVPOL Commissioner

Info: Chef Division Instruction

Objet: Rapport de synthèse du déroulement des épreuves de fin de stage des élèves gendarmes, EGENA deuxième promotion: Session du 27 novembre au 02 décembre 1995.

1. SITUATION GENERALE:

a. Nombre des élèves inscrits: 517
b. Nombre des élèves présents: 517
c. Nombre des élèves absents: 0
d. Nombre des élèves malades: 0

REMARQUE:

Comme les rapports journaliers l'ont fait ressortir, il y a eu parfois des absences dues à la maladie et une supension à la suite de la tricherie. Pour cette dernière raison, le coupable se voyait sanctionné par un zéro. Cela s'est passé en Maintien de l'Ordre, en Police Judiciaire et en Service en Brigade.

2. Surveillance des épreuves du 27 novembre au 02 décembre 1995.

a. Du 27 au 29 novembre 1995:

- 13 Instructeurs CIVPOL en poste dont un malade (Capt. Lungu Africa)
- 2 Instructeurs absents (Capt. Abdallah Osman et Lt. Abdoulhakim)
- 1 Instructeur en CTO: Cpt. Robert-Clément

b. Du 30 novembre au 02 décembre 1995:

- 15 Instructeurs CIVPOL en poste dont un malade (Capt. Lungu Africa)
- 1 Instructeur en CTO: Cpt. Robert-Clément

3.Déroulement des épreuves

A l'exception de l'examen d'Histoire - Géographie qui se déroulera le 06 décembre 1995 à cause de l'indispobilité du sujet, tous les autres se sont déroulés d'une façon satisfaisante.

4. Prière accuser réception.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

De: Lt. Col. BAKANDI Gabriel **Date:** 04 décembre 1995.
Directeur des Etudes
à l'EGENA-Ruhengeri

A: CIVPOL Commissioner **Réf.**: votre memo n°117/95 du 16/11/95

Info: Chef Division Instruction

Objet: Suivi des véhicules de la MINUAR affectés au personnel administratif de l'EGENA.

Conformément à vos instructions contenues dans votre memo cité en référence, j'ai l'honneur de porter à votre connaissance que les trois véhicules, à savoir:

1. Camion UNAMIR 3814
2. Toyota Landcruiser 620
3. Toyota pick-up 704

se trouvent tous au garage de la MINUAR à Kigali pour entretien.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

De: Lt. Col. BAKANDI Gabriel
Directeur des Etudes
à l'EGENA-Ruhengeri

Date: 01 décembre 1995.

A: CIVPOL Commissioner

Info: Chef Division Instruction

Objet: Compte rendu du déroulement des épreuves de la journée du 01/12/95: CIRCULATION ROUTIERE & RENSEIGNEMENTS GENERAUX

1. SITUATION GENERALE:

a. Nombre des élèves inscrits: 517
b. Nombre des élèves présents: 517
c. Nombre des élèves absents: 0
d. Nombre des élèves malades: 0

REMARQUE:

Les deux examens en question se sont déroulés sans incident digne de mention.

2. SURVEILLANCE DES EPREUVES DE VENDREDI LE 01/12/1995

- 15 Instructeurs CIVPOL en poste dont un malade (Capt. Lungu Africa)
- 1 Instructeur en CTO: Cpt. Robert-Clément

3. Prière accuser réception.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

A: Chef de Division Instruction **Date**: 01 Décembre 1995.

De: Lt. Col. Bakandi G.
Directeur des Etudes
EGENA-Ruhengeri

Info: CIVPOL Commissioner

Objet: Demande d'autorisation d'un voyage d'étude.

J'ai l'honneur de venir par la présente vous demander de bien vouloir autoriser le Major Dodo, cadres et élèves de l'EGENA qui ont suivi le stage sur les stupéfiants du 09 au 17 novembre 1995, d'effectuer un voyage d'étude à l'Aéroport International de Kanombe (Kigali), en date du 07 au 08 décembre 1995.

Afin de pouvoir mettre en pratique certaines notions vues au cours du stage, cette visite est vivement souhaitée par tous les intéressés dont liste est ci-jointe.

Prière accuser réception.

UNITED NATIONS NATIONS UNIES
ASSISTANCE MISSION FOR RWANDA MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

De: Lt. Col. BAKANDI Gabriel **Date**: 30 novembre 1995.
Directeur des Etudes
à l'EGENA-Ruhengeri

A: CIVPOL Commissioner

Info: Chef Division Instruction

Objet: Compte rendu du déroulement des épreuves de la journée du 30/11/95: DROIT PENAL GENERAL & POLICE ADMINISTRATIVE

1. SITUATION GENERALE:

a. Nombre des élèves inscrits: 517
b. Nombre des élèves présents: 517
c. Nombre des élèves absents: 0
d. Nombre des élèves malades: 0

REMARQUE:

- Les deux examens en question se sont déroulés sans incident digne de mention.

2. SURVEILLANCE DES EPREUVES DE JEUDI LE 30/11/1995

- 15 Instructeurs CIVPOL en poste dont un malade (Capt. Lungu Africa)
- 1 Instructeur en CTO: Cpt. Robert-Clément

3. Prière accuser réception.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

De: Lt. Col. BAKANDI Gabriel **Date**: 30 novembre 1995.
Directeur des Etudes
à l'EGENA-Ruhengeri

A: CIVPOL Commissioner

Info: Chef Division Instruction

Objet: Compte rendu du déroulement des épreuves de la journée du 29/11/95: PROCEDURE PENALE - POLICE SCIENTIFIQUE

1. SITUATION GENERALE:

a. Nombre des élèves inscrits: 517
b. Nombre des élèves présents: 513
c. Nombre des élèves absents: 2
d. Nombre des élèves malades: 2

REMARQUE:

- Un zéro a été attribué par le Capitaine Baumstark à l'élève gendarme MUDAHERANWA Léonard de la classe A3, pour avoir été surpris entrain de tricher en "procédure pénale".

- D'autres élèves ont aussi été sanctionnés par un zéro pour la même faute mais cette fois en "police scientifique". Il s'agit de: Karenzi Joseph et Rwagitare Jean Claude.

2. SURVEILLANCE DES EPREUVES DE MARDI LE 29/11/1995

- 13 Instructeurs CIVPOL en poste dont un malade (Capt. Lungu Africa)
- 1 Instructeur en CTO: Cpt. Robert-Clément
- 2 instructeurs absents: Capt. Abdallah Osman et Lt. Abdoulhakim

3. Prière accuser réception.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

De: Lt. Col. BAKANDI Gabriel **Date:** 29 novembre 1995.
Directeur des Etudes
à l'EGENA-Ruhengeri

A: Major Ruhetamacumu Eugène (Commandant EGENA)
Instructeurs EGENA (Tous)

Info: CIVPOL Commissioner
Chef Division Instruction

Objet: A/S délibération des examens de fin de stage

Sont désignés membres du comité de délibération des examens de fin de stage des élèves-gendarmes de l'EGENA, deuxième promotion, session du 27 novembre au 02 décembre 1995, les personnes dont les noms sont repris ci-après:

1. Président: Lt. Col. Bakandi Gabriel (Directeur des Etudes)
2. V/Président: Major Ruhetamacumu Eugène (Commandant EGENA)
3. Rapporteur: Capt. Robert Clément (Assistant du Directeur des Etudes)
4. Membres:

- Major Dia Abdou (Instructeur CIVPOL)
- Major Dodo Kadri (Instructeur CIVPOL)
- Major Mvula R.B. (Instructeur CIVPOL)
- Capt. Baumastark Frank (Instructeur CIVPOL)
- Capt. Ibrahim Mohamadou (Instructeur CIVPOL)
- Mr. Kayijuka Ngabo (Instructeur de la Partie Rwandaise)
- Mlle Kate (Human Rights)
- Mr. Marcel (Human Rights)

Les intéressés sont priés de bien vouloir prendre part à la réunion qui aura lieu le 05/12/95 à 8 heures et demie dans la salle habituelle de réunion de l'EGENA.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

De: Lt. Col. BAKANDI Gabriel — **Date**: 29 novembre 1995.
Directeur des Etudes
à l'EGENA-Ruhengeri

T. Bakandi

A: Chef Division Instruction ✓

Info: CIVPOL Commissioner ✓

Objet: Stage sur les stupéfiants

J'ai l'honneur de venir par la présente vous informer qu'un stage sur les stupéfiants a été organisé à l'EGENA par le Major Dodo Kadri du 09 au 17 novembre 1995 à l'intention des cadres et élèves-gendarmes dont la liste est ci-jointe.

A cette fin, je vous demanderais de bien vouloir préparer des certificats sanctionnant la fin dudit stage.

Prière d'accuser réception.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

De: Lt. Col. Bakandi Gabriel **Date**: 28 novembre 1995.
Directeur des Etudes
à l'EGENA-Ruhengeri T. Bakandi

A: CIVPOL Commissioner V

Info: Chef Division Instruction

Objet: Compte rendu du déroulement des épreuves de la journée du 27/11/95 : MAINTIEN DE L'ORDRE - DROITS DE L'HOMME

1. SITUATION GENERALE:

a. Nombre des élèves inscrits: 517
b. Nombre des élèves présents: 513
c. Nombre des élèves absents: 2
d. Nombre des élèves malades: 2

REMARQUE:

Il est à remarquer que l'élève gendarme RUTAGOMWA Gilbert de la classe A1 a été surpris entrain de tricher en M.O. par le surveillant de ladite classe, le Major Dodo Kadri. Pour cette raison, il a été suspendu du reste des épreuves et mis en prison par les autorités de l'Ecole.

2. SURVEILLANCE DES EPREUVES DU LUNDI 27.11.1995

- 13 instructeurs CIVPOL en poste
- 1 instructeur en CTO (Cpt. Robert Clément)
- 2 instructeurs absents (Cpt. Abdallah Osman et Lt. Abdoulhakim)

3. Pour des raisons qui leur sont propres, le Capt. Abdallah Osman et le Lt. Abdoulhakim n'ont pas assuré la surveillance des épreuves du lundi 27 novembre 1995. La Direction des Etudes considère que les deux officiers ont délibérément failli à leurs devoirs en refusant d'être présents à l'EGENA en date du 27/11/1995.

4. Pour éviter que pareille inconduite constitue un mauvais précédent pour les autres instructeurs, des sanctions appropriées devraient être prises à l'encontre des intéressés.

5. Prière accuser réception.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

De: Lt. Col. Bakandi Gabriel
Directeur des Etudes
à l'EGENA-Ruhengeri

Date: 16 novembre 1995.

A: CIVPOL Commissioner

Info: Chef Division Instruction

Référence: Votre memo n°169/95 du 10 novembre 1995

Suite à votre memo cité en référence, j'ai l'honneur de vous transmettre ci-jointes les copies des réponses fournies par les capitaines Robert Clément et Frank Baumstark aux demandes d'explications leur adressées en date du 14 novembre 1995.

From : capt. R. Clément

Ruhengeri, 15.11.1995

To : Lt-Col. G. Bakandi
Director of EGENA

Object: Answer to your request from 14.11.1995

1. The request for 4 motorcyles was established for the reasons explained in it.

2. As Assistant Director Studies of EGENA, it is not a problem that this request was made in the name of the school. In this way, one of the responsible of the school was informed about this request. This one was addressed to the Commissionner who is responsible to accept or refuse it.

3. For security reasons, due to the lack of transportation and other equipment for the teachers in Ruhengeri, it is a normal and moral responsibility that somebody try to provide them with any kind of transportation, so that they would have a possibility to move in case of emergency.

4. Regards.

From: Capt. F. Baumstark

Date: 15-11-95

To: Lt.Cl. Bakandi

Subject: Answer to your request, dated 14-11-95

1. Capt. Robert Clement is the assistant Director Studies of EGENA. Therefore he's also responsible for the training. With this request we wanted to help **all** the instructors and students. In fact, Capt. Clement is able to make a request in the name of the EGENA. Capt. Clement offered me to sign too, because we both thought, we could help **all** with our request.
   Beside that Colonel Diarra, who's responsible for the whole CIVPOL was informed.

2. At this date, we wanted to inform also you, but you were not present at the EGENA.

3. Because we take our job very serious we didn't want to waste time, cause the practical week was in progress.

4. The other reason is the security problem. In times of increasing security-problems (mine and grenade explosions) around Ruhengeri, it is important to have a chance to escape in case of an emergency.

5. As a director of a school you should also take care of the health and security of your personnel and you should appreciate that your colleagues are having the sense of personnel-initiative and a team-spirit.

6. Regards.

Captain Frank Baumstark, German CIVPOL,
instructor at EGENA

III. **LA GENDARMERIE MOBILE ET LE MAINTIEN DE L'ORDRE.** 8 Heures

1. Le maintien de l'ordre = définition et but - Legislation.

2. Missions de la Gendarmerie Mobile en maintien de l'ordre.

3. L'intervention des Forces de l'ordre = Condition et procédures déroulement.

4. Les différentes formations pour le M.O = Les barrages.

5. Le M.O devant une foule hostile.

6. Le M.O en zone rurale.

7. Le M.O en zone urbaine.

8. Le M.O devant une foule calme.

9. Exercises pratiques : Nomenclature des outils et équipements des Forces de l'ordre. Mise en oeuvre des mouvements.

IV. RENSEIGNEMENTS GENERAUX 10 Heures

1. GENERALITES.
2. Définition et missions des Rg.
3. Moyens des Rg.
   - Humains
   - Techniques
4. Méthodologie des Rg.
   a) - L'Observation directe. (Documentation, Source ouvertes)
   b) - Recueil par voie indirecte.
      - L'Informateur.
      - Les procédés techniques : Surveillance et filature
   c) - Traitement de l'information.
      - Transmission
      - Centralisation.
      - Tri.
      - Analyse.
      - Exploitation.
   d) - Types de documents des Rg
      - La note d'information.
      - La note de synthèse ou d'analyse.
      - Enqêtes administratives.
   e) - Classification des Rg.
5. Protection des Rg.
6. Associations et Partis Politiques.
7. Notion sur le sondage d'opinion et les modes de scrutin.

V. POLICE ADMINISTRATIVE

5 Heures

1. DEFINITION

2. DOMAINE DE LA POLICE ADMINISTRATIVE.

- LES ARMES ET MUNITIONS.

- LE REGIME DES BOISSONS ALCOOLISEES.

- LA POLICE DE L'IMMIGRATION.

VI.POLICE SCIENTIFIQUE 5 Heures

1. IDENTITE JUDICIAIRE.

2. DOCUMENTATION JUDICIAIRE.

3. BALLISTIQUE.

4. ANTHROPOMETRIE.

5. DACTYLOSCOPIE.

6. GRAPHOLOGIE.

VII. PROCEDURE PENALE

1° LA POLICE JUDICIAIRE.

2° L'ENQUETE DE POLICE.

3° LE PROCES PENAL= Définitions et Organisation.

VIII. CIRCULATION ROUTIERE. 8 Heures

1. GENERALITES

2. Le Code de la Route.

   a) Les règles de conduite.

      - Les mesures de securité.
      - Les routes.
      - La signalisation.
      - Panneaux.
      - Feux.
      - Lignes.

   b) Les Transports

      - Les Types de Transport.
      - Les catégories de véhicules.
      - Les différentes catégories du permis de conduire.

3. Les infractions au code de la route.

      - Le nom respect des règles de conduite.
      - La conduite sans permis de conduire.
      - La Conduite en état débriété.
      - L'excès de vitesse.
      - Le délit de fuite.

4. Les accidents de la circulation = Les Constats

   - Accidents avec dégàts materiels.
   - Accidents avec blessés et dégàt materiels.
   - Accidents mortels.

5. - Les sanctions aux infractions du code de la route.

   - La Contravention routière ou de simple police.
   - La Conduite en fourière.
   - Le Retrait temporaire du permis de conduire.
   - Le Retrait définitif du Permis de conduire.
   - La Procèdure judiciaire en matière d'accident de circulation.
   - Procèdure civile
   - Procèdure penale

6. LA REGULATION

UNITED NATIONS NATIONS UNIES

ASSISTANCE MISSION FOR RWANDA — MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

CIVPOL HQ

TRAINING BRANCH

TO: Directeur des Etudes de l'EGENA Date: 21/11/95
A

From: CPTO
De

Subject: Fiches Pédagogiques
Objet

Bordereau d'envoi n° 8

N°	Désignation de Pièce	Nombre	Observations
1	Fourtier D'Ordre N°8	550Copies	Les Services d'ordre
2	R. G. N° 8	550 C.	Exploitation des in- formations.
3	C. R. N° 19	550 C	Certificat d'Assur- ance.
4	Police judiciaire N° 14	550C	L'Instructeur de la police judici- aire.
5	Police Administrative N°8	550C	Contrôle de l'immi- gration
6	C. R N° 18	550 C	L'Immatriculation

Commandant de la Division Instruction
Le Major KONE Mamadou

UNITED NATIONS NATIONS UNIES

ASSISTANCE MISSION FOR RWANDA — MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

CIVPOL HQ

TRAINING BRANCH

TO: Directeur des Etudes de l'EGENO · Date: 3/11/95
A

From: C.P.T.O
De

FRANÇAIS

Subject: Fiches Pédagogiques
Objet

Bordereau d'envoi n° 9

N°	Désignation de Pièce	Nombre	Observations
1	Police Scientifique N° 14	550	les Armes et la balistique
2	Service en Brigade N° 14	550	Le Cahier de service.

Commandant de la Division Instruction
Le Major KONE Mamadou

UNITED NATION NATIONS UNIES

ASSISTANCE MISSION FOR RWANDA — MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

CIVPOL HQ

TRAINING BRANCH

TO/A: Directeur des Etudes de l'EGENA Date: 31.01.95

From/De: CPTO

Subject/Objet: Fiches Pédagogiques

ANGLAIS

Bordereau d'envoi n° 10

N°	Désignation de Pièce	Nombre	Observations
1	MORAL QUALITIES:		
	N° 1	60 C	
	N° 2	60 C	
	N° 3	60 C	
	N° 4	60 C	
	N° 5	60 C	
	N° 6.	60 C	
2	MAINTENANCE OF ORDER		
	N° 12	60 C	Arrest in Case of maintenance of order.

Commandant de la Division Instruction
Le Major KONE Mamadou

UNITED NATIONS NATIONS UNIES

ASSISTANCE MISSION FOR RWANDA MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

CIVPOL HQ

TRAINING BRANCH

TO: DIRECTEUR DES ETUDES EGNA **Date:**.....
A

From: C.P TO
De

Subject: FICHES PEDAGOGIQUES.
Objet

Bordereau d'envoi n° 004

N°	Désignation de Pièce	Nombre	Observations
1	R.C. N° 14	550 Copies	Français
2	R.C. N° 12	4	4 4

Commandant de la Division Instruction
Le Major KONE Mamadou

EGENA RUHENGERI

DECEMBER 1994 - MAY 1995

COURSE :

SCIENTIFIC POLICE

INSTRUCTOR: Mr OUATTARA N'GOLO

UNAMIR - CIVPOL

SCIENTIFIC POLICE PROGRAMME

COURSE'S SCHEDULE:13 HOURS

INSTRUCTOR : Ouattara Ngolo, senior commissioner UNAMIR - CIVPOL

COURSE'S CONTENTS :

Generalities:

I. Introduction:]
II. Technic police] 2 hours
III. Scientific police]
IV. Evidence]
A.Testimony]
B.Confession of Defence] 2 hours
C. Material Evidence]
V.Persons's identification]
A.Anthropometric description] hours
B.Descriptive particulars: photography]
VI. Places's state]
A.Search of places' state modifications]
B.Photography]
C.Sketch of places's state] 4 hours
D.Places's investigation]
E.sampling and survey]
F.Places's description]
VII.Dactyloscopy]
A.Digital sketches] 2 hours
B.Dactyloscopic principles of identification]
VIII.Weapons - Ballistics]
A.Findings of an investigation] 3 hours
B.sampling - execution]
C.Exploitation]

OUATTARA N'GOLO
INSTRUCTOR -UNAMIR - CIVPOL
LESSON OF 22nd and 23rd /08/1994

Scientific police smattering

Introduction

It is not possible to talk about scientific police without appraising technic police in case both notions are quite together.
They are also interesting in case of the crime investigation.
In fact, a long time ago, the crime investigation has followed a specific number of pragmatic rules where the research of evidence was executed, in most cases, in an empiric manner; where the testimony and the confession of defence were the requirement of culpability evidences.

The fragility of human testimony, the confession of defence sometimes questioned, the astuteness of some delinquents had reminded the police-man to run to the science to get new arms and fight efficaciously the delinquency in constant evolution.
In that case, two orientations appear :
- the domain of Technic Police
- the domain of Scientific police.

I.Technic police.

It is a science of criminal statement and investigation of a delinquent.
It brings simple methods of investigation.
It offer easy use materials to every police-man.
It doesn't believe in set rules but , according to the experience and savoir-faire,it must constantly be adapted to new conditions.
Technic police is within the competence of the police-man at the scene of a crime.

II.Scientific police

It is an applied science which completes technic police.
It brings about procedures extremely detailed and materials very complex.
It is called laboratory police or the domain of police-man .

III.The evidence

To arrive to a logic result of the penal trial, which simply means the condemnation of the sin respondent,it is within the competence of the justice to show first of all the evidence of his culpability.
In such case, there are three ways:
-The testimony
-The confession of defence

-The material evidence.

1) The testimony or testimonial evidence

It is the verbal or written relation of facts shown by the witness with sensorial impressing (eye sight - sense of hearing - sense of smell) . But, human testimony is sometimes garbled by incompleteness of voluntary or involuntary miscellaneous sources .
- The faulty sensorial perception : erroneous sight, fugacity of perception , bad conditions of visualization ...
- Intellectual capacity of the witness : difficulty to some witnesses to explain orally a sensorial impression -poorness of vocabulary.
- Reliability of the memory : visual or aural memory is imperfect; in most cases, it holds only the mainstream acts (forgetting of particulars, colours vagueness, names distortion....
- Subjective influence proper to the witness sympathy (feeling);
- The witness can work on his own advantage (taking proceedings against an innocent person to clear himself of the sin...)
- Out of a passion: (love - hate - vanity)
- Out of sympathies or antipathies
- By joint liability (membership of social group, family relationship, patriotism)
- Subjective influence proper to the physical state of the witness : mental diseased, the senile aged)

2) The confession of defence

The confession of defence has, for long, been considered as the queen of evidence.
Nowadays, the confession of defence is not necessary to justify a condemnation but it is not also sufficient because it can at any time be retracted, therefore, it must be helped by other elements of evidence .

3) Material evidence or evidence indication

Much better than the confession of defence and human testimony, the material evidence offers an insurance of objectivity. In most cases, the trespass author let behind him characteristic traces of his presence or his action at the places. These traces then become mute and faithful witness,which represent the richest source of material evidences.
It is exactly there that the domain of technic police action is defined with the following purposes:

- to research , to state , to sample , to refer traces and signs which give evidence of criminal activity or the passage of the author as far as he is not identified yet.
- when the author is recognised; to identify that person .

IV. THE IDENTIFICATION

The identification is the research of the true identity of a person.
The identity is the whole distinctive physical characters which define the personality of a person at any time of his life.

If it is possible to the police services to detect , by searching in the registers of births, marriages, and deaths or by accuracy of his statement, a person who attributes himself a false identity ; it is contrary very difficult in most cases to test an encroachment of the true identity .

There raise inconveniences both to the public security and to the security of whom the identity card has been encroached upon (for example, they can pass judgement to the first offender, an habitual criminal - an inscription in a criminal record for false condemnations of whom the identity card has been usurped ...)
It has been consequently originated an identity called criminal and penal record which allows, for some :

- to recognize without error persons already known as malefactors ;
- to find out persons sued for crimes, for indictable offence and not been arrested yet .

It is understandable to know that every person is different from others by a whole physical characters. So, the identification consists of bringing together qualitatively and quantitatively specifications proper to a person and to himself only in order to detect him rigorously at all his life time; these morphological characters are subjects of anthropometry and dactyloscopy .

1) ANTHROPOMETRY

A) ANTHROPOMETRIC DESCRIPTION OR BERTILLON SYSTEM

It is a system of criminals identification implemented starting from 1882 by Alphonse Bertillon. It consist of ;
- to isolate a person from his habitual characters which should be rigorously tight and specific. These characters are tight together when in constancy of skeleton and from a certain age ; in diversity of the skeleton size and to the facility and the precision with which some of them can be raised.
At the beginning, this description was based on eleven bony measures so as the length and width of the head, length of the middle finger and little finger, length of the left leg , length of the height etc...
Those measures were also ordered in three classifications:small, medium and large sizes and this, according to the contour line of their statistic break-down to have in each group the same persons's manpower.
For example, the length of the head varies from 160 to 230 millimetres to form a group of the following break-down:

- small size : up to 184 mm
- medium size : from 185 to 190 mm
- large size : more than 191 mm

But the anthropometric description has inconveniences due to more less important fluctuations of bony's measures (variable in the growth, inconstant even at adults) ; due to instrumental or individual errors which can raise so as the resemblance of two persons , even the same measures at two different people like identical twins. It results of the

anthropometric description to be only large but not absolute resemblance probability.

Bertillon did not ignore those inconveniences because he had added to this description other elements to achieve that identity certainty (spoken excerpt and particular marks). Nowadays , the anthropometric description is in actual fact surrendered.

b) DESCRIPTIVE PARTICULARS OR SPEAKING PORTRAIT

* Object:

Descriptive particulars aim the exercise of such a person description starting from the classification of physical characteristic details which eliminates the mention of auxiliary elements of minor importance.

* METHOD :

The method consists of:
- dividing the body and essentially the face or elementary parts;
- observing all the distinctive characters of his elementary parts
- describing his distinguishing characters.

The gendarmerie staff of all Police and Army departments is interested in examining descriptive particulars.
- The observations already made are written down on a special form which joins the individual allocated record .

This form is called " DESCRIPTIVE FORM " and here are two modal patterns:

DESCRIPTIVE FORM -CO-AUTHOR - ACCESSORY

(please encircle to each rubric applied qualifiers of the person concerned)

Sex: Size:

corpulency : slender - medium-sized -stout

face: * shape : plump - level-headed - oval
* characteristic: - in top - diamond-shaped - in pyramid
- long - wide - asymmetrical

forehead : * tilt: - receding - plump - projecting
* height: - little - medium - sized - large

chin: * tilt : - receding - medium-sized - projecting
* characteristic: - nutcracker - dimpling - pointed
- level-headed - twofold.

hairs: * colour : black - blond -red - grey-haired - white-haired
* characteristic : abundant - fuzzy - complete baldness

DESCRIPTIVE FORM CO-AUTHOR -ACCESSORY

(please encircle to each rubric applied qualifiers of the person concerned)

SEX Size:

Corpulence: slender - medium-sized - stout

Face: * shape : plump - level-headed - oval
* characteristic : in spinning-top - diamond-shaped - in pyramid - long - wide - asymmetrical
Forehead: * tilt : receding - plump - projecting
* height: little - medium-sized - large

Chin : * tilt : receding - medium-sized - projecting
* characteristic : nutcracker - dimpling -pointed -level-headed -twofold

Hairs : * colour :black -blond -red -grey-haired -white-haired
* characteristic : abundant - fuzzy - complete baldness - partial baldness - frontal baldness - shaven baldness.

Moustache: has - doesn't have

Beard : has - clean-shaven

Eyes : * colour : chestnut-dark, pale chestnut, blue - grey - yellow -green.
* characteristic: deep-set - salient - one eyed man - blind - albino - wear glasses

Eyebrows : * shape : rectilinear - curved
* position : up -down
* implantation: with shaggy eyebrows - widely spaced

Noise : * back : rectilinear - concave - hooked
* characteristic : flat - wide - slender - deflected.

Ear : * size : large - small
* characteristic : tight ear - widely spaced - fondue lobe -

sperate lobe.

Mouth : * size : large - small
* lips : thin - thick

Arrangement of the teeth: ordered - disordered - far between -protruding teeth - false teeth - silvered - golden - absent teeth.

Particular signs : scar - tattoos - amputation - malformation -stammering- limping (precise the state, the size, the direction , localization).

THE ANTHROPOMETRIC PHOTOGRAPHY

After defining description particulars, Bertillon thought to join to the descriptive forms a photograph of a malefactor and had managed to codify the classification of the anthropometric portrait according to certain rules:
The anthropometric photo is not an art portrait, but it is a reproduction as exact as possible of characteristic details of the face.
As the descriptive particulars, the anthropometric photography will first of all reproduce face's particulars, because it is the only part of an openly body and which gives the maximum information on individual characters.
The attitude photograph is destine to fix a figure , a general aspect of the person.

DESCRIPTIVE PARTICULARS

CHIN

Receding Medium-sized projecting

CHARACTERISTICS

nutcracker dimpling pointed

-level-headed twofold

HAIRS

abundant fuzzy complete baldness

partial baldness frontal baldness shaven baldness

NOISE

rectilinear concave convex hooked

FOREHEAD

receding plump projecting

FOREHEAD HEIGHT

little	medium -sized	large

FACE

plump	level-headed	oval
asymmetrical	long	large
in spinning-top	diamond-shaped	in pyramid

OUATTARA N'GOLO

CIVPOL

DACTYLOSCOPY

Dactyloscopy is an identification procedure by examining digital sketches.It is considered as the surest among all the actually identification procedures, because it practically offers no risk of error.

DACTYLOSCOPIC SKETCHES

Anatomically, the skin is essentially composed of two superposed layers: deep layers true skin and a superficial layer called epiderm. The deeply face of the epiderm and the true skin are perfectly blended and accurately reproduce all the skin coverings.

Papillae are tightly and completely fixed from the 4th month of the intra- uterine life. In the hand, the pores of the skin are typed on the ridge line of the cretes. The sweat runs out in micro tiny drops which, when settled on a sleek support, gives opportunities to the reconstitution of the finger-print. The meaning of the identification method by papillae cretes' s sketch holds down its essential qualities and which are at three:
- immutability - inalterability - individuality.

1°) IMMUTABILITY

The digital sketch of a person is made from his intra-uterine life. The child is born with his finger-prints. From his birth to his death (of a person) and the putrefaction, his sketches remain the same.

2°) INALTERABILITY

Digital sketches are made in the depth of the skin; they persist in it and develop as far as the skin is not impaired.

3°) INDIVIDUALITY

Digital sketches present an innumerable variety so that two people can not have the same finger-prints.
The number of characteristics are so various that to identify a person according to his ten fingers, one finger is largely sufficient.

DACTYLOSCOPIC IDENTIFICATION

Penal identification has a tendency to fix forever the identity of a person who is for the first time in the hands of judicial authorities. Then, every person put into prison or apprehended by judicial services or gendarmerie services is submitted to have an anthropometric record in which appears also and principally the statement of his ten finger-prints or the decade statement.
Decade statement is made on an appropriated form which seems a bit to have, according to the countries, different types: this form is called decade dossier.

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SENIOR COMMISSIONER

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PLACES'S STATE

A malefactor unknowingly leaves traces at the crime places. Reciprocally , they obtain on his person, his clothes, his weapons, his material, other information sometimes indiscernible but which justify his presence at the places, or his act.
They call places's state the result of the operations carried out to fix as exactly as possible the disposition of criminal places or indictable offence places as soon as they are committed, - to search and locate the traces or indications left by the infraction author at the crime or offence places. It is there important operations because there is necessary a close connection between the places's state and the crime author; even if this relation is not immediately established. The investigation result generally depends on, at a large part of the minute, the first legal opinion. Therefore, someone who makes those investigations must be in favourable conditions. But, the gendarmes or the policemen are rarely the first to be at the places. The crimes or the offenses are usually found by people who ignore the applicable decisions. So, the investigator must:

- intervene rapidly
- prohibit to all unconcerned people to the places
- not touch to any thing and prohibit to the people to touch any thing
- protect visible evidences (signs)
- bring nothing to the places which can modify the aspect
- be convinced that all the found signs should be out of imaginary testimony and assure the information and confirmation of the issued findings
- invest the infraction drama
- prohibit immediately to the places to any degradation or deterioration.
- summarily recognize immediate and neighbouring places (by a minimum of personnel)
- refer to the specialist personnel (of the unit, research police station personnel, criminal-index cabinet)
- minutely observe the places, element after element
- take the whole photographs and the whole details
- take the general survey and make the sketch of the places's state
- inspect the offended body (cadaver, vehicle etc...) in order to search suspicious traces and attach the author for dept.
- Investigate the immediate places (crime or violation proof, neighbouring places of the vehicle) for useful sampling charges (hairs on a body, hairs, blood, finger-prints); carefully label (classify) them and make all the necessary findings (for example the disorder which can indicate a search of a house, a struggle against the victim and one or many crime authors).

- observe the neighbouring places (search of access ways and take a notice on its position, its entrance, its measures) and finally detect its indications (traces of breaking, of steps, of tyres...)

Particular operations:

to all investigators :
- deduct the first findings of the investigation, the nature of the offence (person's criminal attempt, immoral offence, property outrage ...)
- determine the crime process (ex. : to know how the murder was committed by the murderer to the victim, with which weapon, struck down - cutting edge - pointed or perforative.
That will lead the investigators to guide their researches.

COMPLEX OF PLACE'S S STATE

1.THE PHOTOGRAPHY

- To determine the places's state they use the technic of photography. In fact, the literal description of the places's state is sometimes powerless in his totality and remains with eventual errors.
Contradictory, the photography of those same places offers an exact vision and when done it cannot stand putting a loss at the emplacement of a thing, a trace, a murder .
The description is in part abstract but the photography is lens, objective, offers full particulars, specific and long-lasting.

The photography will concern the whole and the details, it means that it will allow to offer successively images of external aspect of the crime, nearest places, the victim' s batteries, indication (spot, traces , weapons, etc...). For the whole view, the triangular principle allows at the minimum view, to discover a maximum of the surface. It consists of taking photographs of the places in its three opposed directions.
For detailed views, the photographs of the places fix a large plan of indications which would have first of all been marked with a chalk to well materialise the places.
Those indications can be :
- Subjects: weapons, riffle bullet, tubular casing, tools etc... for which a prospective photography fixing details will be sufficient without matter of real measures.
- Traces : footsteps, house-breaking, pneumatic tubes etc...
In that case, it is absolutely necessary to precise his true measure.

PLACES'S STATE SKETCH

Whatever the interest may be, the photography is not sufficient because it fix a part of the whole and brings no notion of measure. The plan corresponds contrary to the whole and allows to find out the necessary measure. More again, it fixes what directly concerns the subjects and necessary their comprehension or their clarification.
It is a dimensional sketch which represents in most cases a grounded projection,

sometimes an evidence section or rise of the evidence. It indicates the places's state, its access position and its entrance direction, the emplacement and chattels glutting, the victim position, indications according to the released point.

PLACES'S INVESTIGATION

It is a methodic investigation, minutely and deeply, chosen to concentrically avert the researches in order to discover the way followed by the author; which way must be followed in reverse direction in safeguarding first of all and sampling all the found indications.

The second method consists of the opposite of the above method, of guiding investigations by following the author 's way from his beginning point to the place of the offended body by each time considering neighbouring places of his way.

In both cases, it is extremely important to be careful in order not to destroy the existing indications in most cases, hardly tangible.
The places's investigation must be the domain which engages the judicial police-officer who carries out the investigation.

III.SAMPLING AND STATEMENT

The sampling and the statement are necessary because the hereafter laboratory examination will, with elements of comparison, be needed.

Some of those comparison elements about the victim exist on confiscated things (for example blood signs on the clothes). Sometimes contrary, they can disappear and it is important to sample them on the victim before he is buried and before the putrefaction returns the sampling difficult or even impossible.

Then systematically, when the identification of the victim is difficult or when the person is unknown, you might carry out the survey of the victim's digital sketch in order to identify him according to the card record file on his/her ten fingers this, when it is known by the gendarmerie services or more again, allows to abandon the victim's finger-prints found at the place and which offer no interest for further investigation.

IV.PLACES'S DESCRIPTION

It is a part of the minutes of the findings done by a judicial police officer.It is the last phase of the places 's investigation. The investigator writes down with precision all that he has seen, all that he has discovered, all that he does at the places. The complete places's description report is finally made at judicial police office. It a narrative composition which usefully completes the sketch and the photographs in what they are not distrainable: the colour, the smell, sensorial feelings. It adds the precision to some remarks.

The places's description goes from the general to the particular, from the far to the near,

for example they will first of all describe the house in which the crime has summarily been committed. Then after they will describe the room in which the victim was found.In fact, they will scrupulously describe the cadaver position, the disorder of the clothes, the nature, the shape, the position of his batteries.

In this case, nothing is useless and it is hopeful to have, when he has been buried, enough information instead of disinterring the body to verify a detail which escaped when the initial investigation was being done.

CHARACTERISTICS OF DIGITAL SKETCH

1 The Papillae

The sketchy face of the true skin is bristled up (covered) by a multitudinous of small processes called papillae. In some parts of the body (palms of hand, interior part of fingers, soles of the feet, those papillae instead of spreading themselves in disorder as many other parts of the body , they normally place themselves side by side to constitute papillae cretes separated by lines. (figure 1)

2.The papillae cretes

They make square lines, sinuous, curved, sometimes broken off, turned off, sometimes towards the nearest line but without an immediate criss-cross of lines and remaining parallel to each other. In the essential part, finger-prints are divided into three different systems of cretes: (figure 2)

- the basilar system or the basic zone
- the nuclear system or central zone
- the marginal system or peripheral zone

a) Basilar system

It is at the base of the finger-print, near the trunk exercise pleat : the cretes spread from the end of a finger to an other finger. They are sensibly parallel to the line which separates phalanxes.

b) Marginal system

It is made of cretes with strong curvatures from a side to an other of the finger-print crossing the crown. It encircles the central zone and rejoins itself to the parts of the basilar cretes.

c)The nuclear system

It holds the central part of the digital sketch. It is the most important zone for identification because it represents a sketch easily attachable to a well defined person.

Characteristic points :

Papillae cretes extend characteristic points with which the number and the topographic portion are very variable and offer to the finger-print his individuality.

The particulars of the digital sketch are as following:

- The middle of the figure

It is the starting point or the maximum curve of the lines in the zone neighbouring the middle of epiderm sketch :
(figure 3).
-The point represents the middle of the figure in each cases.

- The delta

It is a geometrical figure made by intersection of three lines or three cretes systems.

- Galton line

It is an imaginary line which ties together the middle of the figure and the delta.

- Deciding descriptive factors

If they examine the profile of the papillae cretes under a microscope, they find that they break off, intersect, fork in making sketches which take conventional names. The names like: the point, the island, the lake , the end of the lines, simple fork, double fork.

GALTON LINE

POINT SIMPLE FORK
END OF THE LINE

ISLAND

- 17-

DOUBLE FORK

LAKE

-18-

GROUP I GROUP II

GROUP III

GROUP IV GROUP V

-19-

FIG. 2

MARGINAL SYSTEM

NUCLEAR SYSTEM

BASILAR SYSTEM

FIG.3

MIDDLE OF THE FIGURE: The black point indicates the middle of the figure.

CLASSIFICATION OF FINGER-PRINTS

The summary examination of a digital sketch (nuclear system) allows to classify the finger-prints in six group according to the general shape of the sketch.

Group O : amputated finger
Group 1 : arches

The arches are, in principle, digital figures in which the marginal system is disconcerted to nuclear system .
It is identified by :
- absence of the delta
- absence of the middle of the figure.

Nevertheless they incorporate to that group the arches called lentiform which present a single delta fixed at the median axe of the sketch and which act as the basic to vertical cretes in opening out more or less with the top of the finger-print.

GROUP II : OPENED ARCHES TO THE LEFT

The arches to the left are characterised by :
- a central zone composed of a minimum of 2 arches or opened to the right
- a delta to the right
- a middle (centre) of the figure

GROUP III: OPENED ARCHES TO THE RIGHT

The arches to right are characterised by :
- a central zone composed of a minimum of 2 arches, opened to the left
- a delta to the left
- the middle of the figure

GROUP IV : THE WHORLS OR SIMPLE ARCHES

The whorls are characterised by :

- a central zone made of concentric cycles, oval cycles or spiral cycles winding as the direction of a hand watch hour or in reverse direction.
- two deltas
- a centre of the figure
- particular condition: they must be 4 minimum lines of cretes between the centre of the figure and the nearest delta.

GROUP VI : DOUBLE WHORLS OR DOUBLE ARCHES

The double arches are characterised by :
- a central zone which has two sorts of arches:
  a) an accented curve and coming unwound by giving to the sketch the aspect of an "S"
  b) superposed curves and separately growing one to the left, the other to the right.
- two opposite deltas

- two middles of the figure
- particular conditions: minimum two lines of the cretes must always separate the both middles of the figure.

AGREEMENT ON FINGER-PRINTS CLASSIFICATIONS

ESTABLISHMENT OF THE DIGITAL FORMULA

The digital formula is obtained by assigning to each finger-print delivered in natural order of fingers, a number corresponding to a group that it is owned. The digital formula is also called ten fingers formula because it concerns the ten fingers by beginning by the left hand.

LEFT HAND	little finger	O
	ring finger	A
	middle finger	M
	first finger	I
	thumb	P

RIGHT HAND	thumb	P
	first finger	I
	middle finger	M
	ring finger	A
	little finger	P

They assign the code of the digital classification group to each finger . The number of ten codes here obtained constitutes a digital formula, a characteristic of a person; It is the primary formula.

Example : O A M I P P I M A O
2 2 3 4 2 3 3 4 3 3

In application, they notice that very numerous people have the same digital identification and some formulas are so numerous that they had had , to clarify the classification file, to run to sub-groups which determine the second formula elaborated as it follows:
For each of the following six fingers and in this order:

LEFT HAND M

3.Inking up the finger

a) Be sure that the hands of the person are not dirty, dusty , close -sweaty. If this condition is not satisfied, to clean them with water and soap or with alcohol and wait until RIGHT HAND wet. I

b) to be on the left of the right of the subject and immobilise his hand.

c) to fold all needless fingers and stay with the finger to be inked.

d) to hold the finger to ink and hold it first, at the limit of the following phalanx and by the extremity of nail of the second, They coincide the concretes crossed by the Galton line and they attribute to each finger the coordinates obtained. I

e) to put the inked finger on the plate to print and make only one rotation which allows to fill the totality of internal surface of the ungual phalanxes(the top join of finger) .

4) Inking up ten fingers form :

O	A	M	I	P	P	I	M	A	O
12	12	13	14	12	13	13	14	13	primary formula
14	07	08	09	06	12				secondary formula

Bring the inked finger to the located place on the ten fingers form and make as it has been done above with a medium pressure, take off immediately the finger to escape from swinging. The image of digital sketch must be clear, not extremely clear, not very dark, the desired subject is to obtain a fine complete image and very contrast to be easily photographed.

Primary formula and secondary formula associated give the complete digital formula.

Particular case of a digital summary on a cadaver

STUDY OF CASES

OPERATOR'S TECHNIQUE OF DIGITAL SKETCH SUMMARY

Relax the fingers by massage of phalanges till the normal stretching of the hand.

Clean digital extremities with alcohol or with fuel.

Dry them carefully

Ink each finger (with a inking roll then) with a carton on which is fixed a sheet of paper, successively sample the fingerprints of each of the ten fingers.

- the ten fingers form (dactyloscopic)

To process to digital sketch summary the following operations must carefully be followed:

2. Cadaver in state of advanced putrefaction

1.Inking up the plate to be inked

With a scalpel, make circular bowels till the top height of ungual phalanx.

Pick up the epiderm as a finger of a glove and put it around the finger of the operator, then proceed to inking as on an active body.

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WEAPONS AND BALLISTICS

In criminal law, they call " weapon " every object, instrument, tool, which has been used in knocking and has caused injuries or death.
It is therefore necessary to differentiate the occasional weapons and weapons to intended purpose.

THE OCCASIONAL WEAPONS are improvised weapons, in most cases, found at the place. So, they are classified as follows :

- the bruising instruments : they cause contuses (power-hammer, stick, every hard instrument)

- shearing instruments : they cause wounds more or less deep by cutting tissues (knives, razor, broken glasses)

- sharp instruments : they cause injuries generally small but sometimes very deep (scissors, screwdriver ...)

The occasional weapons must be researched at the places where they are sometimes abandoned.

THE WEAPONS TO INTENDED PURPOSE : There are two types of weapons: the steel weapons and the firearms.

-The steel weapons : the steel weapons present less interest in technical police. The only findings which can offer interest to the investigator involve:

- the description of the battery which can provide the kind of the weapon that has been used to cause the injury.
- the origin of the weapon which can allow the orientations that guides investigators to a professional place or a well defined sector of activity.

-The firearms : they are classified as it follows:

- small firearms: they are hand weapons exclusively composed of pistols and revolvers .

- lengthy firearms: they are weapons used in a war (steel, rifle, sub-machine gun) and sporting arm.
- extraordinary firearms which generally consist of modified or converted weapons to practise real shot of mug (alarming pistol, supply weapons, ...)

1. FINDINGS OF AN INVESTIGATION

If in practice it is fluently to find a steel weapon at the crime places, it is not the same with a firearm which stays in most cases in belonging hand of the shooter. The discovery of a firearm characterise almost the suicide or an accident except the case of falsified homicide.

As it is difficult to carry out the evidence of one or other of those three cases, the findings of investigation will have to be extremely detailed and exact; in case the weapon is found or not at the places, it is necessary to proceed to the following operations:

1.Photographic summary

To take photos of :
- the weapon in his position when the investigators discovered it on their arrival
- the cases found on the floor in order to emerge their location in the piece.
- in each rifle or each impact left by the shot in manner to visualise the photograph of their exact location
- the battery/batteries on the victim (the whole view and detailed view of the impact on the body or the clothes).

2. Security measure

To be sure that, before all manipulation of the weapon, it presents no danger to the investigators.

3.Investigation and consequent sampling of epidermic track

Those tracks must be researched to the smooth part of the weapon: breech, trigger, cartridge clip.

4. Summary by sketch

To place on the sketch of places's state, the true position of the weapon, the cases, the rifles or the impacts in marking them geographically in the space.

An eventual rebuilding of a crime by magistrates must allow to replace each object to the exact position where it has been discovered.

5.Description

a) of the weapon: indicate more particularly:

- the position of the weapon in the hand of the victim (right or left)
- the direction of the weapon
- the position of the weapon
- the position of the safety catch
- presence or absence of a case

- presence or absence of a residue of combustion in the gun
- presence or absence of a clip or magazine of rifle
- number of cartridges in the magazine of rifle or in the clip
- existence of traces or epidermic tracks.

b) of cases

Indicate the emplacement where they are discovered, if they have abnormal traces due to the joint in the harness, their bore; all the numbered indications marked on the bottom (research of the munition origin)

c) of bullets or impacts

Describe the exact location by giving metrical or centimetrical sizes of the reference marks in all letters to avoid the eventual contestations.

d) of injuries batteries

Describe the shape, the position of each injury, indicate the presence or the absence of tattooing, its colour, its diameter.

Confiscation- seizure

In all criminal affairs with use of firearms, projectiles or residue of shot must obligatorily be confiscated in order to practice laboratory analyses and then be transmitted to the hand of the magistrate as pieces of conviction.

After fruitless investigation of epidermic tracks or sampling already done, the weapon is carefully packed up. The bullets and the cases are also delicately packed up by avoiding all contact with a thick body (use of cotton or water-skin).

The whole is sent to the department of technic police for a comparative investigation.

EXPLOITATION

The personnel of detachments of the gendarmerie is territorially competent to work on the bullets and tubular casings, to determine their origin, to clarify and take photographs of traces sometimes very fine and very numerous that had been produced at the moment of the shot. To the guiding of his investigation, the Criminal Investigation Department Officer can clarify the enquiries which outcome from an attentive examination of the position and the number of tubular casings found at the places.

VISUAL DEDUCTIONS (ANALYSIS)

1)The bore of the weapon

It is determined by the tubular casings and bullets found at the places. Exceptionally, the orifices can offer indications on the bore of the utilised weapon.The identification of the bore must not cause any problem to militaries of the gendarmerie at least in which concern usual bores .

For weapons with singular bore (6.35 , 7.65 , 38SP-11), the department of technical police has a well complete making up of samples of various munitions in the hand weapons.

2) The type of the utilised weapon

The presence or the absence of the case, the size of tubular casings can offer concise indication.
Whether it is a revolver (absence of cases) whether it is pistol (presence of cases).

3)The distance of the shooting

In most weapons, the gun-powder achieves its combustion at the end of the cannon to the atmosphere. This combustion leaves residues which can in some conditions settle around the opening orifice: this being the case they distinguish:

- shooting gallery point-touch :

The mouth of a cannon is in contact with clothes or the skin. In contact with clothes, the opening orifice presents lines divided into sections not yet burnt to a cinder. The combustion of gasses is made inside the tube opened by the bullet and the residues of combustion are forced back outside the wound, instigating (provoking) a black depot in cockade around opening orifice on interior size of the tissue. In contact with the skin, naked, they find no trace of the residue of combustion outside the punch. All the residues are accumulated inside the channel bored by the projectile.

- Shooting gallery point-blank :

It is a shooting at a short distance from 40 to 60 centimetres. The traces left by combustion are the same as on the clothes as on the naked skin .

The spray of the gun-powder has lightly spread at the departure of the cannon, they distinguish then the burn of clothes fibbers or of the skin. A depot of powder seeds incompletely consumed or not consumed had more or less deeply entered the clothes or the skin: it is the tattooing

An inky black halation encircles the entering orifice. Its diameter is promptly equal to the shooting distance. Its degree of colouring is reversely equal to the same distance.

- Far shooting gallery :

It is a shooting done at a distance over 60 centimetres. The projectile leaves a circled orifice smaller than its calibre. All around the orifice, appears a fine grey halation, made of dispose products which recover in generally the projectiles.
The grey halation is called the collarette (flange) of dusting.

Distinction between opening orifice and exit orifice

Every investigator must always try to make that distinction because that information allows to reconstitute the position of the offender according to the victim's.

The opening orifice is always smaller than the exit one.
The exit orifice is always larger than the opening orifice and its diameter is higher than the calibre of the projectile.