

**LAW  
REPUBLIC OF TAJIKISTAN**

**On police**

This law determines the concept of the police, the main directions and principles of operation, terms of reference, the place of the police in the system of public authorities, the structure, responsibilities and obligations, rights, procedures for recruitment, state guarantees of legal and social protection, as well as arrangements for financial, logistical support and oversight of the police performance.

**CHAPTER 1. GENERAL PROVISIONS**

**Article 1. Concept of police**

Police in the Republic of Tajikistan (hereinafter referred to as “the police”) is an integral part of the structure of internal affairs of the Republic of Tajikistan and shall protect human and citizen’s rights and freedoms, public order and safety, interests of the society and the state from illegal/criminal activities, shall ensure enforcement of measures of coercion, prevention, running preventive activities, investigation of crimes and taking actions to ensure their implementation within the powers prescribed by this Law and other regulatory legal acts of the Republic of Tajikistan.

**Article 2. Legislation/legal framework of the Republic of Tajikistan on police**

Legal framework of the Republic of Tajikistan on police shall be formed of the Constitution, this Law, other regulatory legal acts of the Republic of Tajikistan, as well as international legal acts recognized by Tajikistan.

**Article 3. Policing principles**

Activity of the police shall be based on the following principles:

- strict adherence to the rule of law and order;
- equality of all before the law;
- ensuring human rights and freedoms;
- independence;
- respect for and observance of human rights and freedoms, honor and dignity;
- social justice and humanism;
- ensuring official relations/interrelations;
- stealthiness, use of overt and covert methods and tools;
- unity of command and centralization of management;
- cooperation with the population in the fight against crime;
- transparency;
- non-partisanship.

#### **Article 4. Ensuring human rights and freedoms in the police activity**

1. The police shall protect the rights and freedoms of every person and citizen, regardless of his/her citizenship, place of residence, sex, nationality, race, language, religious beliefs, political views, education, social status or wealth.

2. Restriction of rights and freedoms shall be prohibited, except in cases envisaged by the legislative acts of the Republic of Tajikistan.

3. In cases of restricting human rights and freedoms, the police officer must explain to the person the grounds and the reasons behind such restrictions, as well as his/her rights and obligations arising from this situation.

4. Police officer shall inform/notify and secure the rights of detainees and persons taken into custody, produce a detention protocol, where necessary shall conduct forensic medical examination, report to relatives, the administration at the place of the detainees' work or study, and to the prosecutor of the persons' detention within 24 hours. If necessary, policeman shall take steps on providing first medical (pre-medical) care, as well as eliminate the danger threatening the life, health or property as a result of the arrest or detention of these persons.

5. Police has no right to collect, store, use and disseminate information about the person's private life without his/her consent, except in cases stipulated by the legislation of the Republic of Tajikistan.

6. Police shall be obliged to provide a possibility for a person to get acquainted with the materials that formed the basis for restricting his/her rights and freedoms in the order established by the legislation of the Republic of Tajikistan.

7. Actions of the police officer restricting human rights and freedoms must be stopped immediately if the restriction of these rights and freedoms is impossible.

8. Use of torture, violence and other ill treatment or degrading the honor and dignity of the individual by police officers shall be prohibited. Police officer shall not perform any act inflicting deliberate physical and mental harm to a citizen.

9. The action (or omission) of a police officer restricting the rights and legitimate interests of citizens, state bodies, public associations, religious or other organization may be complained about to a higher authority or official, the prosecutor or the court.

#### **Article 5. Participation of government bodies, public associations, enterprises, institutions, organizations and citizens in carrying out tasks of the police**

1. Government bodies, public associations, enterprises, institutions, organizations, citizens and officials shall be obliged to assist the police in carrying out its tasks, in particular, in the protection of public order and countering crime. Every police officer shall be responsible for maintaining the relationship between citizens and the police, except for specifics of the professional activity.

2. In order to protect public order and safety, restore confidence with the community/population and facilitate the work of the police, the police shall cooperate with the executive body of the local government and community. To this end, Boards of

public order shall be established in settlements by the local executive bodies of state government, self-government bodies of cities and villages, and local community groups.

3. Chairman of the local executive body of state government will head the Board of public order. Police representatives on the level of head of department, division or their deputies may enter the Board of public order. Neighborhood residents and other community members are also entitled to enter the Board of public order.

4. A post of inspector (of the department) on the protection of the rights of the child will be created within the Board of public order supervising the sphere of work with minors accountable to the deputy chairman of the local executive body of state government and the chief of education management entity. The post of the inspector (of the department) on the protection of the rights of the child will be funded from the local budget.

5. To identify and detect crimes, citizens can be involved in cooperation with the police with their consent on the basis of the principle of confidentiality in the order established by the legislation of the Republic of Tajikistan. Forced drawing citizens to cooperation with the police shall be prohibited.

6. Information about citizens who have provided or are providing confidential assistance to the police may be disclosed only with their written consent. If there is sufficient evidence on the existence of a threat to the aforesaid citizens in connection with their participation in the operational and investigation activity, as well as members of their families or their close relatives, the police shall be obliged to take necessary steps to protect the life, health, honor and dignity, as well as the property of the aforementioned persons, identify sources of threat and draw the perpetrators to responsibility.

#### **Article 6. Involvement of other law enforcement officers and military personnel to performing police tasks**

1. Other police officers, including non-staff workers, cadets and students of educational institutions, military servicemen of internal troops of the Ministry of Internal Affairs of the Republic of Tajikistan, as well as soldiers and employees of other ministries and agencies shall be involved in performing tasks of the police on maintaining public order, public security and the fight against crime in the order prescribed by the law of the Republic of Tajikistan.

2. In these cases, they shall be subject to duties, rights, guarantees of legal and social protection, as well as liability provided for police officers.

### **CHAPTER 2. POLICE STRUCTURE AND AUTHORITY**

#### **Article 7. Structure of the police**

1. Structure, staff number and stationing of the police shall be determined in the order prescribed by the Government of the Republic of Tajikistan, as well as police departments established at the local level funded from the local budget, at the expense of enterprises, institutions and organizations, in coordination with the Minister of Internal Affairs of the Republic of Tajikistan.

2. The structure of the police shall be formed of main administrations, administrations, services and departments of the Central Office of the Ministry of Internal Affairs of the Republic of Tajikistan established to carry out tasks assigned to the police, the main administration and administrations of the Ministry of Internal Affairs in the Gorno-Badakhshan Autonomous Region, the regions and the city of Dushanbe, on transport, regional, city and branch administration and departments of the police, and police departments in the settlements.

### **Article 8. Management of the police**

1. In its activities, the police shall be accountable to the Ministry of Interior of the Republic of Tajikistan.

2. The Minister of Internal Affairs of the Republic of Tajikistan appointed and dismissed by the President of the Republic of Tajikistan shall carry out management of the entire police. The decree on the appointment and dismissal of the Minister shall be submitted for approval at the joint meetings of the Majlisi Milli and Majlisi Namoyandagon of Majlisi Oli of the Republic of Tajikistan.

3. In the Gorno-Badakhshan Autonomous Region, regions, city of Dushanbe, cities and districts the management of the police shall be carried out by heads of main administrations, administrations and departments of the police. The Minister of Internal Affairs of the Republic of Tajikistan in coordination with the President of the Republic of Tajikistan shall appoint and dismiss heads of main administrations and administrations of the Ministry of Internal Affairs of the Republic of Tajikistan, the Police Administration of the Ministry of Internal Affairs in the Gorno-Badakhshan Autonomous Region, main police administrations of the Ministry of Internal Affairs of the Republic of Tajikistan in the regions and the city of Dushanbe, police administrations and departments of the Ministry of Internal Affairs the Republic of Tajikistan in cities and districts, and police in railway and air transport.

4. Job descriptions shall be provided defining the rights and duties, responsibilities, knowledge and skills needed for each job and task of police specialists.

5. To ensure law and order at sensitive facilities and border areas, as well as other facilities, special police units could be created by the decree of the Government of the Republic of Tajikistan.

6. Management of the police and its organizational structure shall be carried out in accordance with the terms of reference of the following management levels:

- the first level - the level with strategic authority (Management and Advisory Board of the Ministry of Internal Affairs of the Republic of Tajikistan);

- the second level - a level with the authority of coordination and operational management (Main Administration and Administrations of the Central Office of the Ministry of Internal Affairs of the Republic of Tajikistan, main administration and territorial administrations of the police);

- the third level - a level with the authority of operational and service practice and execution (administrations, departments and city, district police departments of cities and villages).

7. Chiefs of Police of particularly important and sensitive facilities shall be appointed and dismissed from office in the order determined by the Minister of Internal Affairs of the Republic of Tajikistan.

### **Article 9. Duties of the police**

1. The police shall have the following responsibilities:

- to protect the life and health of the person, security, and his/her property from illegal activities or threats to security;

- to protect the lives and health of witnesses, victims and other persons involved in criminal proceedings or those cooperating with law enforcement authorities, as well as members of their families;

- to intercept, detect and prevent the phenomena of terrorism, extremism, illegal trafficking in arms and military supplies, illicit drug trafficking, trafficking in human beings and participate in anti-terrorist operations;

- to take precautionary measures towards preventing crime and administrative offenses;

- to maintain public order and safety at times of introduction of emergency situations;

- to protect property of physical and legal persons, including under a contract, from illegal encroachments;

- to protect important, especially important and sensitive facilities in the order prescribed by the legislation of the Republic of Tajikistan;

- to execute administrative penalties;

- to carry out scientific and training activities towards enhancement of the management methods, retraining and advanced training of police officers;

- to conduct operational and investigation operations in order to suppress, detect, prevent and disclose crimes, ensure personal security, and for other purposes specified by the legislation of the Republic of Tajikistan;

- to ensure law and order on the streets and avenues, parks and squares, on the highways, railway stations, airports and other public places;

- to ensure public safety and public order together with representatives of the executive body of state government, the towns and village self-government bodies when carrying out political, mass, sports, cultural, exhibition and other events;

- to prevent child neglect together with other relevant government bodies and public associations within their authorities;

- to take into custody and transfer persons under 18 years old, the identity of whom has not been established, who have committed an administrative offense and a minor crime, as well as minors who have committed a crime, but have not attained the age of criminal liability, to juvenile reception centres;

- to produce respective papers for detained juveniles offenders, and their transfer to the jurisdiction of the city and district police departments, as well as drawing parents or persons substituting them to criminal liability prescribed by the laws of the Republic of Tajikistan for the offense committed by minors;

- to receive and register statements, reports and other incoming information about crimes and other offenses, as well as persons who have committed them, provide notice about them, to conduct examination, inform the applicant of the review process of such statements and reports within the deadlines established by the legislation Republic of Tajikistan, but not less than once a month;

- upon availability of legal grounds for instituting criminal proceedings or denial of their institution envisaged by the legislation of the Republic of Tajikistan, to conduct interrogation and preliminary investigation, take steps on their removal, participate in legal education of citizens, carry out pre-trial preparation of materials in conformity with the protocol (prepare materials for accelerating the court trial);

- to keep a single record and registration of crimes and persons who committed them in the manner prescribed by the Government of the Republic of Tajikistan;

- to retrieve the perpetrators of crimes hiding away from the inquiry, investigation and trial, evading the execution of criminal penalties, missing persons and other persons, as well as stolen and seized property;

- to identify the location of persons kidnapped and held hostage, take action on their release;

- within his/her competence provide implementation by citizens and officials of decisions of public authorities on the issues of protecting public order and fight against crime;

- to participate in the activities on mitigation of consequences of accidents, catastrophes, fires, natural disasters and other emergency situations, on rescuing people and providing assistance to them, protection of property left unattended, to participate in accordance with the laws of the Republic of Tajikistan in providing legal regime of emergency or martial law in cases of their introduction across the Republic of Tajikistan or in particular areas, as well as in conducting quarantine measures during epidemics and epizootics;

- to provide emergency assistance to victims of crime, delinquency and accidents, as well as those in a helpless or other condition dangerous to their health and life;

- to regulate and ensure road safety and supervise and monitor the observance and application of regulatory legal acts of the Republic of Tajikistan regulating relations in the field of road safety, produce records and register motor vehicles and other modes of transportation, take exams and issue international driving permits, carry out state technical inspection of vehicles and examine technical condition of transportation means of natural and legal persons, oversee them, provide their convoy in the prescribed manner, record transport incidents and accidents, carry out and maintain their statistics, issue permits for transportation of special cargo, coordinate movement routes of bulky and heavy cargo, issue permits for the use of tinted vehicles, provide paid services to the State Traffic Police, oversee the process of training driving staff, act as a public customer and announce tenders for production of driving license forms, including international driving permits, state registration plates, invoice statements and other special products required for admission to the traffic, as well as work on the installation and operation of traffic organization technical means;

- to abide by the legislation of the Republic of Tajikistan on the control of arms, issue permits for the purchase of civil or service weapons and ammunition, its possession, carrying and transportation, importing into the territory of the Republic of Tajikistan and exporting out of the Republic of Tajikistan of the aforesaid weapons and ammunition, as well as permits for the storage and use of certain types and models of military small arms prepared for temporary or permanent use in the bodies of internal affairs, permits for storage and transportation by road of industrial explosives, extension of their duration, the official reissue, detention and revocation, monitoring compliance with rules of turnover of civilian and service weapons established by the laws of the Republic of Tajikistan;

- to inspect places of storage and use of weapons, ammunition, explosives, as well as the facilities where they are circulated, implement control, in case of detecting violations of the established rules, to give mandatory prescriptions to citizens and officials on removal of these irregularities, confiscate the mentioned items, prohibit the activities of relevant facilities, revoke authorizations and take other actions stipulated by the legislation of the Republic of Tajikistan;

- to carry out receipt, storage and disposal by established rules of seized, voluntarily surrendered and found fire, gas, cold and other weapons, ammunition, equipment and explosives;

- to take actions towards detection, identifying and disposal of narcotic drugs, psychotropic substances and chemicals, and carry out the procedure of their storage and disposal;

- to enter into agreement (contract) on the protection of natural and legal persons according to the legislation of the Republic of Tajikistan, supervise the activities of the departmental security guards, in the event of availability of sufficient grounds to issue a permit for engaging in security activities, issue a certificate of the established sample to confirm the legal status of security guards, to conduct a special examination of the security personnel and legal persons vested with special powers in order to determine professional fitness and skills in using firearms and special equipment, as well as to control their activities;

- to issue passports, entry permits to border areas, produce registration of place of residence and de-registration of citizens, monitor citizens and officials' compliance with the passport system regulations;

- to consider applications, execute and issue passports to citizens of the Republic of Tajikistan traveling abroad;

- to carry out passport and registration, address and informational activities, within their authorities execute and submit documents for citizenship, register and issue permits and documents for temporary and permanent residence in the Republic of Tajikistan to foreign nationals, refugees and stateless persons, within the legislation of the Republic of Tajikistan exercise control over the compliance with the rules of residence, establish detention centers for foreign nationals who have violated the rules of residence in the Republic of Tajikistan, as well as establish temporary shelters for asylum seekers;

- to monitor compliance of foreign citizens and stateless persons with the rules of stay in the Republic of Tajikistan, their transit through the territory of the Republic of

Tajikistan and their departure from the territory of the Republic of Tajikistan, to address issues of granting citizenship and refugee status to refugees and asylum seekers;

- to receive applications regarding invitation of foreign citizens in the order established by the legislation from the citizens of the Republic of Tajikistan, foreign citizens and stateless persons;

- to participate in the implementation of measures envisaged by the legislation of the Republic of Tajikistan on nature protection, environmental safety and quarantine and sanitary measures;

- to execute decisions of courts, judges, prosecutors and investigators, interrogative officers, decisions of the Child Rights Commission on the forcible conveyance of persons avoiding attendance at their call, as well as written instructions of the management of investigative body, investigator, body of inquiry on performance of some investigative actions, to carry out operational and investigation activity, to detain persons suspected and accused of committing a crime, execute the procedure of other litigations, deliver citizens for forensic psychiatric examinations under the procedure of civil and criminal cases;

- to execute court (judges) decisions on administrative detention, revocation of the permit to drive the vehicle, seize or confiscate weapons and ammunition;

- to execute court rulings and decrees of judges, prosecutors and investigators, the decisions of the Child Rights Commission on forcible delivery of minors, parents and persons replacing them;

- to carry out proceedings on administrative violations within the competence determined by the legislation of the Republic of Tajikistan;

- together with relevant authorities to implement measures envisaged by the legislation of the Republic of Tajikistan to control minors exempt from punishment, from criminal responsibility by implementing coercive measures of educational nature, parolees prematurely exempt from the execution of punishment, or in respect of which resolutions on probation have been adopted;

- to exercise supervision within their authority over the conduct of persons released from prison, over the behavior of convicted persons against whom the rulings have been adopted that are not associated with a penalty of imprisonment or a sentence in the form of conditional imprisonment;

- to protect, guard and watch detainees and convicted persons, as well as persons, towards whom the administrative punishment in the form of administrative detention has been applied;

- to oversee companies engaged in security business;

- to ensure safety of documents, belongings and valuables, treasures and other property found and handed over to the police before their submission to the relevant government authorities and officials, and take steps to return them to their legal possessors;

- to carry out, within their competence state forensic examinations on criminal and administrative offenses, as well as scientific and technical research on materials of operational and investigative activities;

- to carry out criminal expertise;

- to provide assistance to the health authorities in identifying and delivering to medical treatment facilities of persons with mental diseases, chronic alcoholism, drug abuse, sexually transmitted diseases and AIDS, in relation to whom documentally supported grounds exist;

- to provide assistance within their competence to members of the parliament, candidates to people's deputies and officials of public authorities in the exercise of their lawful activities in cases stipulated by the legislation of the Republic of Tajikistan;

- to take steps on identifying persons, who due to their health, age or other reasons are not able to provide information about themselves, as well as on identification of personality of unidentified corpses;

- to participate within their competence in ensuring civil aviation security in Tajikistan, guarding airports and substructures in the order established by the Government of the Republic of Tajikistan. To provide conclusion on the possibility of admission to work in aviation security service in cases where this work is related to the objects threatening the lives and health of citizens, as well as the environment.

2. Police shall only perform tasks/duties established in this Law and provisions of other legislative acts of the Republic of Tajikistan.

3. The involvement of the police in carrying out tasks not assigned to it according to this law and other legislative acts of the Republic of Tajikistan shall be forbidden.

4. Police officers must respect and abide by the rule of law and act strictly within the provisions of this law and other legislative acts of the Republic of Tajikistan.

5. Nobody has the right to interfere in the activities of the police, except for the body and officials directly authorized for it in accordance with the legislation of the Republic of Tajikistan.

### **Article 10. Rights of the police**

1. To carry out its duties the police has been provided the following rights:

- to demand maintaining public order from citizens and officials, terminate offenses and actions that hinder the implementation of police authorities, and in the event of failure to meet these requirements, apply enforcement actions stipulated by the legislation of the Republic of Tajikistan;

- reasonably use force/ability necessary and proportionate to the degree of force used against the police officer and other persons in the course of performance of lawful duties;

- to check citizens' documents proving their identity, if there are reasonable grounds to suspect them of committing a crime or administrative infraction, as well as to require other documents necessary to comply with rules, control of which is entrusted to the police;

- to take measures envisaged by the legislation of the Republic of Tajikistan against persons who have committed administrative offenses, and on their transfer (referral);

- to draw a person to administrative responsibility in the cases stipulated by the legislation of the Republic of Tajikistan upon commission of an offense or to submit the required materials on administrative offense for consideration of the court (judge);

- jointly with the relevant authorities to take actions provided for by the law of the Republic of Tajikistan to control minors released on parole, as well as the convicted in respect of whom execution of the imprisonment sentence has been delayed;

- to deliver minors that committed offenses or socially dangerous acts left without care to police centers of temporary detention for juvenile offenders, institutions for juveniles in need of social rehabilitation, or to deliver them to official police building or a border police unit on the basis and under the procedure provided in the legislation;

- to detain unidentified persons under the age of 18 that have committed socially dangerous acts. To deliver them to juvenile reception centers, if their isolation is necessary, as well as minors left without care and referred to specialized educational/childcare institutions;

- to detain and deliver juvenile offenders to the city and district police departments, as well as to produce respective papers regarding their parents and persons substituting them for offenses committed by minors, in which connection the responsibility of parents and persons substituting them has been envisaged by the legislation of the Republic of Tajikistan;

- to detain military personnel suspected of committing crimes, to initiate criminal cases against them, to carry out urgent investigative actions in the order and timeframe established by law, to hand them over under the respective jurisdiction, as well as to detain military servicemen who committed administrative offenses before their transfer to military patrols, military commandant, commanders of military units or military commissars (chief enlistment officers);

- to arrest and detain persons suspected of committing crimes, as well as those in respect of whom detention has been chosen as a measure of restraint;

- to summon (orally, including with the use of technical communication channels or in writing) citizens and officials to the police in connection with cases and materials under production;

- to conduct toxicological examination of persons suspected of having committed a crime or misdemeanor to test the consumption degree of alcohol, narcotic, psychotropic or other intoxicating substances, or refer or deliver the aforesaid persons to hospitals, if the result of the examination is needed to confirm or refute the fact of an offense, or to hear the case about an offense;

- to deliver to specialized medical institutions (medical detoxification center) and confine up to sobering persons who were in a state of intoxication in public places, if their appearance is an affront to human dignity and public morality, and if they have lost the ability to move independently, or could cause harm to others or themselves, and those being in the house - on oral or written request of citizens living there, if there is a reason to believe that the behavior of these individuals poses a threat to their life, health and property;

- to maintain records of physical and legal persons, objects and facts established by the law and use the data from these records;

- to make official warnings to citizens about inadmissibility of their wrongful conduct and carry out registration of such persons;

- in cases stipulated by the legislation of the Republic of Tajikistan to produce records, photography, sound recording, film and video shooting, fingerprint registration and registration of persons detained on suspicion of committing crimes or for vagrancy, begging and prostitution, people who use illicit drugs, psychotropic and causing unconsciousness (poisoned) substances (drugs), detainees, persons subject to administrative detention by court ruling, as well as persons who have committed an administrative offense if their identities have not been established;

- to make official warnings to citizens about the inadmissibility of their unlawful conduct and carry out registration of such persons;

- within their competence to carry out a state forensic examination and forensic investigation in accordance with the contract and upon request of natural persons and legal entities;

- in order to prevent and detect crimes, trace hiding criminals, and in compliance with legislation of the Republic of Tajikistan in order to establish the identity of unidentified corpses to carry out operational and investigation activities and use information, including extracted by applying technical means;

- to temporarily restrict or prohibit public access to particular plots of land or facilities in order to ensure public order, public security, the protection of life and health of citizens, as well as for individual investigation, restrict or prohibit the movement of vehicles and pedestrians on the streets, roads and railway crossings;

- to produce a cordon of areas of terrain, individual buildings and facilities in pursuit and capturing fugitive prisoners and detainees, wanted criminals and persons suspected of committing a crime, for suppressing riots and public disorder. Equally, to carry out inspection of vehicles in other emergency circumstances and situations threatening public safety;

- upon direct suppression of the offenses, tracing of those suspected of committing crimes and in case of emergency circumstances threatening public safety, to enter houses, compounds and premises of enterprises, institutions, organizations, land of private persons (except for diplomatic missions, consular offices and representations of international organizations accredited in the Republic of Tajikistan) and implement operational and investigative activities. Also to enter the premises of governmental bodies and public associations without obstacles showing official IDs in order to examine materials of criminal cases, to familiarize themselves with necessary documents and take them, if necessary;

- in the order established by the legislation of the Republic of Tajikistan, upon availability of reliable information about a crime committed in the financial (banking activity and budgetary treasuries), economic, business and trade activities, to enter the premises of enterprises, institutions and organizations irrespective of their subordination and forms of ownership (except for diplomatic missions, consular offices and representations of international organizations accredited in the Republic of Tajikistan), inspect with the participation of the property owner or his authorized representatives industrial, commercial and other premises, transport means, places of storage and use of property, prepare the necessary documents within their authority in the order established by the legislation;

- to withdraw from citizens and officials documents with signs of forgery, as well as things, items and substances prohibited for civilian purposes or withdrawn from civil turnover, to store the mismanaged property and to handle the question of their future tenancy in the order established by the law;

- if there is reliable data on the availability of items the turnover of which is prohibited or restricted, in order established by law to perform personal examination and inspection of carry-on baggage and luggage of passengers of civil, military, maritime, air vessels, railway trains and vehicles;

- to issue permits to enterprises, institutions and organizations, irrespective of the organizational and legal form for the acquisition, storage, transportation of firearms, ammunition, explosives, potent chemicals, poisonous, narcotic and other objects, substances and materials in accordance with the lists defined by the law of the Republic of Tajikistan, as well as revoke these permissions, withdraw weapons and ammunition from businesses and organizations regardless of forms of ownership, and citizens upon violation of regulations on arms turnover, as well as in other cases stipulated by the regulations and legislation, to issue licenses for trade in civil and service weapons, ammunition to them, permits for opening arms repairing, stamp-engraving businesses, weapon selling shops, shooting galleries and stands;

- to carry out, except in cases provided by the legislation, checks/inspection of places of production, storage, trade, collection and display of weapons, the main components of firearms, production of weapons ammunition and main parts, production, storage, use and distribution of explosives of industrial purpose, pyrotechnical products, as well as places of purifying waste military supplies. To suspend permits for custody, use and transportation of explosives of industrial purpose, all kinds of pyrotechnical products in the order prescribed by the legislation of the Republic of Tajikistan till removal of irregularities by the decision of the chief of police or his/her deputy, if the condition of accommodation, transportation and use of explosives of industrial purpose, all kinds of pyrotechnical products threatens the life, health or safety of citizens or in the event of failure to comply with requirements to accounting, to conserve explosives of industrial purpose and to ensure security of operations with explosives;

- to prohibit the use of vehicles if they have technical faults that endanger road safety, in the cases stipulated by the legislation of the Republic of Tajikistan to stop vehicles to check documents for the the right to use and drive them, as well as documents of the vehicles and the transported freight, to carry out inspection of vehicles at the suspicion that they are being used for illegal purposes. Also, to prohibit driving vehicles to persons failing to have their vehicles undergo mandatory technical inspection, with vehicles having a secret, counterfeit and altered parts and units, or counterfeit and altered state registration plates, as well as having the label that does not correspond to the registration records, and their owners fail to meet their civil obligation on insurance established by the legislation of the Republic of Tajikistan;

- to stop vehicles in cases established by the legislation of the Republic of Tajikistan and deprive drivers of the right to drive a vehicle, detain vehicles under investigation, to place such detained vehicles at special parking lots, to restrict or prohibit the construction and repair work on the streets and roads, if the requirements on ensuring public security

are not met. To grant permission, in the established order, for fitting lighting and alarm devices, conventional symbols and tinting windows on vehicles. To request the government body and the public councils to conduct activities on road safety provided by the legislation of the Republic of Tajikistan;

- when performing their official duty, to use free of charge all kinds of public transport of urban, suburban and local traffic (except taxis). Also, to use free of charge toll roads, including individual vehicles regardless the forms of ownership. Personnel of transport police units are entitled to free travel for official purposes in trains and aircraft within their area of responsibility;

- in urgent cases, upon discharge of their official duty to use without obstacles vehicles belonging to enterprises irrespective of their ownership forms or citizens (except vehicles of diplomatic, consular and other representations of foreign states, international organizations). At the request of owners of vehicles, the damage caused to them shall be compensated in full by the Ministry of Internal Affairs of the Republic of Tajikistan;

- to use without obstacles for official purposes means of communication belonging to enterprises irrespective of their ownership forms, except for communications means of diplomatic, consular and other representations of foreign states, international organizations, and in emergencies, to use communication means belonging to citizens with the compensatory payments for the use from the respective budget line of the Ministry of Internal Affairs of the Republic of Tajikistan;

- to make proposals to the appropriate state bodies, public associations or officials on the need to take measures to eliminate the causes and conditions conducive to the commission of crimes and other offenses indicating the deadline for the submission of information on measures taken, and in the event of delayed meeting the requirements, to appeal to a higher authority about bringing perpetrators to justice in accordance with the law;

- to use free of charge services of the mass media and communication in order to identify crimes and other offenses, to establish the circumstances of crimes and their perpetrators, tracing hiding criminals, persons reported missing and those who have lost contact with their families;

- to encourage persons who have assisted in the performance of police tasks, to announce the appointment of a reward for help in detecting crimes and arresting perpetrators, and to pay it to citizens;

- with the authorization of the prosecutor to keep in custody in the juvenile reception centers of the Ministry of Internal Affairs of the Republic of Tajikistan persons detained under circumstances requiring finding out their identity within the timeframe required for this, but not more than one month. In exceptional cases, this period may be extended by the prosecutor, but not more than for two months.

- within their authority to participate in the inspection of the members of the aircraft crew, the civil aviation staff, the craft internal resources, the cargo and the mail before departure and after the flight;

- to use technical means and dogs when it is necessary to carry out an individual/personal inspection of citizens, of goods and property they have with them upon entrance to the buildings, areas or public places where such activities are carried out

in order to ensure public safety and public order, together with the organizers of public events. In the event of refusal of a citizen to undergo personal inspection, to deny his/her access to such territory, area and public places;

- To take measures and temporary restrictions imposed by legislation of the Republic of Tajikistan in the period of emergency, martial law and conducting anti-terrorist operations;

- Use of performance information systems, video and audio equipment, film and photographic equipment, as well as other technical and special facilities are not causing harm to life and health of citizens, as well as the environment. Footage and video library lead people undergoing for police checks and materials. Build and use databases quickly reference, criminalistics, forensic, investigative and other information on persons, objects and facts. Use the data banks of other state bodies and organizations, including the personal data of citizens established by the law;

- To carry out legal advocacy on issues related to the competence / police powers of citizens, officials, enterprises, institutions and organizations irrespective of their subordination and forms of ownership;

2. Policeman after passing the appropriate training, has the right to store, carry and use service weapons and special means.

3. To ensure personal safety and for other purposes, a police officer may use service weapons, helmet, shield, tear gas, body armor and other means of defense.

### **Article 11. Operational and investigative activity**

1. Operational police units shall carry out operational and investigative activities in accordance with the law of the Republic of Tajikistan "On Operational and Investigative Activities" and other regulatory legal acts of the Republic of Tajikistan.

2. If a person believes that prompt action of police units entail violation of human rights and freedoms, he/she has the right to complain about these actions to the highest existing authority of the operational and investigative activity, the prosecutor or the court.

### **Article 12. Duties of the police**

1. Police shall be obliged to treat kindly and with respect all victims of crime and other persons whose rights have been violated, to help them through the following activities:

- ensuring state protection of victims, witnesses and other participants in the criminal proceedings in the order established by the legislation of the Republic of Tajikistan;

- ensuring access of victims to justice and the right to compensation for damages through the acquisition, registration and consideration/solving their applications;

- informing victims of their right to seek compensation for damages and legal protection;

- notifying the victims on the possibility receiving legal, financial, medical, psychological and social assistance;

- assistance to the relocation of victims to medical facilities in case of lack of medical care in their location;

- If you want to send the victim to the place of residence;
  - Conducting safety inspection of property, business or security patrol areas and facilities, the provision of physical security at a reasonable threat to the existence of a repeat attacks or exposure to the suspected or accused;
  - Informing victims about their plans during the preliminary investigation and the trial, as well as the right to get information about the timeframe.
2. A police officer shall be obliged to protect confidentiality of the information about the victim, to inform him/her about it.
  3. A police officer shall be obliged to return as soon as possible all/any property of the victim to whom they may belong following the necessary formalities.

**Article 13. Protection of the state secret and/or other secrets protected by law in the police activity**

1. A special operational procedure related to state secrets (secrecy order) shall be in effect in the police.
2. Permits shall be issued to police officials for working with information constituting a state secret, that provide assuming a number of obligations to the state, including the agreement on a partial, temporary restriction of their rights and freedoms in accordance with the law. The police officer must comply with the restrictions and prohibited actions related to service in the police and established by the legislation.
3. Police shall ensure protection of the existing secret information from illegal or accidental access, destruction, copying, distribution and other unlawful acts.
4. Information available to banks, shall be presented to the public authority and their officials only in cases provided by law, to the law enforcement bodies of foreign states and international police organizations, in accordance with the provisions of international agreements of the Republic of Tajikistan.
5. A police officer shall not disclose information constituting state secret and other secrets protected by law, as well as information that he/she became aware of because of official duties, including information relating to the personal life and health of citizens or to their honour and dignity, fame and reputation of the respective legal entities.
6. In order to work in conditions of security restrictions, the police officer shall be provided appropriate compensation payments, the size and the order of which shall be established by the Government of the Republic of Tajikistan.

**CHAPTER 3. USE OF PHYSICAL FORCE, SPECIAL MEANS AND FIREARMS**

**Article 14. Terms and scope of the use of physical force, special means and firearms**

1. A police officer has the right to use physical force, special means and firearms only in the cases and in the order provided in this Law.
2. A police officer has the right to use physical force, including combat fighting techniques, improvised and self-defense means to suppress crimes and other offenses, to detain persons who committed them, overcome resistance to legal requirements of the

police officer, if nonviolent methods do not provide the discharge of the duties the police officer has been assigned.

3. Use of physical force, special means and firearms must be preceded by warning of their intent of their use.

4. A police officer has the right not to warn of intention to use physical force, special means and firearms, if a delay in their use will directly threaten the lives and health of citizens or the police officer or result in other serious consequences.

5. In all cases where it is impossible to avoid the use of physical force, special means and firearms, a police officer shall strive, if possible, to cause the least moral material and physical harm.

6. Upon inflicting bodily harm or injury resulting from the use of physical force, special means and firearms, officer must provide first aid to victims.

7. The police officer must report to his/her immediate supervisor in order to notify the prosecutor, on the receipt of trauma and injury or death of a person due to the use of physical force, special means and firearms.

8. The police shall notify relatives or persons close to the citizen, of inflicting injury as a result of use of physical force, special means and firearms as soon as possible, but not more than 24 hours.

9. Use of physical force, special means and firearms exceeding authority entails the responsibility established by the legislation of the Republic of Tajikistan.

10. The police officers, officers of other law enforcement ministries and departments, cadets and military personnel engaged in the fight against crime shall not be drawn to criminal responsibility for inflicting a person moral, material and physical damage, if they use physical force, special means and firearms reasonably and in the order prescribed by this Law.

11. The police officer must be trained and periodically check the professional aptitude to act in conditions associated with the use of physical force, special means and firearms.

12. The list of special means and firearms used by the police, as well as their use shall be established and approved by the Minister of Internal Affairs of the Republic of Tajikistan.

13. Arming police by special means, which may cause injury/trauma or serve as a source of an unwarranted risk, shall be prohibited.

### **Article 15. Use of special means**

1. A police officer has the right to use special means the police has in its arsenal, in the following cases:

- to repel an attack on citizens and the police officer;
- to prevent resistance to a police officer;
- to arrest a person caught redhanded at the moment of committing a crime and trying to flee;
- to arrest persons reasonably believed to show an armed resistance;
- to deliver arrested persons to the police, to escort and protect detainees, as well as persons under administrative arrest and detention, when their behavior suggest that they

are able to escape, or may cause harm to others or themselves, or are likely to counteract a police officer;

- to repel attacks on buildings, premises, facilities and vehicles belonging to citizens, government and public bodies, enterprises, institutions and organizations, to release persons forcibly detained by criminals, captured buildings, premises, facilities, vehicles and land plots;

- to stop riots and group actions disrupting operation of transport, communications and organizations;

- to stop a vehicle, the driver of which has not abided by the requirement to stop of a police officer;

- to identify individuals who commit or have committed a crime.

2. As special means may be used:

- Rubber truncheons/batons - in the cases provided for in paragraphs 1, 2 and 7 part 1 of this Article;

- Tear gas - in the cases provided for in paragraphs 1, 2, 4, 6 and 7 part 1 of this Article;

- Handcuffs (in the absence of handcuffs, a police officer is entitled to use the binding means at hand) provided for in paragraphs 2, 3, 4 and 5 part 1 of this Article;

- Light and sound equipment - in the cases provided for in paragraphs 4, 6 and 7 of this Article;

- Transportation stopping means - in the cases provided for in paragraph 8 part 1 of this Article;

- Water cannons and armored vehicles (only with the instruction of the Chief of Police, followed by notification of the prosecutor within 24 hours from the time of use) - in the cases provided for in paragraphs 4, 6 and 7 part 1 of this Article;

- Service dogs - in the cases provided for in paragraphs 1,2,3,4 and 5,6,7 and 9 part 1 of this Article;

- Electroshock devices in the cases provided for in paragraphs 1,2,3,4 and 7 part 1 of this Article;

- Obstacles destroying means - in the cases provided for in paragraphs 6 and 7 part 1 of this Article;

- Special coloring agents - in the cases provided for in paragraphs 3, 7 and 9 part 1 of this Article;

- Horses - in the cases provided for in paragraphs 3 and 7 part 1 of this Article;

- Rubber bullets - in the cases provided for in paragraphs 1, 2, 3 and 7 part 1 of this Article.

- devices for causing wounds (injury), as well as simulators of firearms or knives;

3. Using special means against women with obvious signs of pregnancy, those with obvious signs of disability and minors shall be forbidden, except in cases of armed resistance, committing a group or another action that threatens the life and health of people, or clear involvement in such violations. Equally, using special means shall be permitted to ensure public order when organizing unsanctioned gatherings, meetings, demonstrations, marches and pickets.

4. In the event of necessary defense or emergency, in the absence of special means and firearms the officer shall have the right to use any means available.

#### **Article 16. Use of firearms**

1. Policeman as a last resort has the right to apply firearms in the following cases:

- to protect citizens from attack, as well as for the release of the hostages;
- to repulse collective or armed attacks on policemen, other persons performing duties or social duty to maintain public order;
- to repulse collective or armed attacks on citizens' homes, important and protected objects, premises of the Government and public bodies, enterprises, institutions and organizations irrespective of form of ownership, to repel attacks on the police dispatch center of Internal Affairs Agencies;
- for the detention of persons showing armed resistance or caught when committing a grave or particularly grave crime or a criminal offender who is committing or has committed an escape from custody, as well as an armed person who refuses to comply with a legal requirement to surrender firearms;
- to suppress the attempt to seize firearms, police vehicles, and special military equipment available to/in police service;
- against persons whose proactive universal convocation are mobilized/aimed to attack citizens and police guarding public order, as well as important and protected infrastructure, buildings of government and public bodies, enterprises, institutions and organizations, regardless of ownership;
- to repulse the attacks of people aimed at usage of equipment or highly flammable or loose means, and this could create a threat to the peace and security of citizens, society and the State.

2. Use of firearms except in case provided in this Law shall be preceded by a warning of the intention to apply it.

3. Without warning, a firearm can be used in the event of a sudden or armed attack, attack with the use of military equipment, vehicles, aircraft, river boats, property, flammable and loose means during the escape from custody with a firearm or using vehicles, during escape of persons from custody in the vehicle while in motion, as well as for the release of hostages.

4. To use firearms against women, persons with obvious signs of disability and minors shall be forbidden, unless they commit an attack, show armed resistance, commit group or armed attack, as well as during significant accumulation of people when it may pose threat to other persons.

5. A police officer has the right to use firearms in the following cases:

- to stop vehicles by damaging them, if the driver poses a real threat to the life and health of citizens and does not comply with the legal demands of police officers to stop;
- to neutralize the animal that threatens the life and health of citizens;
- for giving a signal of alarm or call for assistance.

6. In all cases of use of firearms the police officer shall be obliged to take the necessary steps to ensure the safety of citizens, provide emergency medical assistance for the injured and inform their relatives or legal representatives.

7. About each case of use of firearms the police officer during 24:00 hours since its application shall be required to submit a report to the Chief of police at the place of duty or at the place of use of a firearm and, in the case of death or injury of citizens, the officer must report immediately to the public prosecutor.

8. A police officer shall not be subject to criminal liability in the performance of official duties in compliance with the requirements of this law.

#### **Article 17. Guarantees of personal security of the armed police officer**

1. A police officer shall have the right to uncover firearms and put it into full alert, if s/he believes that the grounds for its application under article 16 of this Law may appear in the current situation.

2. Attempts of a person being arrested by a police officer with an uncovered firearms or knife or item that can cause physical harm, or approaching him, while reducing the distance indicated by him (police officer), as well as an attempt to seize weapons of the police officer or committing a sudden or other hazardous activities or taking some items from the clothes without the permission of the police officer, which may be interpreted by a police officer as threat of violence and the **real threat to the life**, give the police officer the right to use a firearm in accordance with this Law.

### **CHAPTER 4. POLICE SERVICE**

#### **Article 18. Police Officer**

1. A police officer in the Republic of Tajikistan is a citizen of the Republic of Tajikistan at the post of rank and file or senior officers, who in accordance with the established procedure is assigned a special rank of rank and file or senior officers.

2. Special ranks for police officers shall be determined by Majlisi Oli of the Republic of Tajikistan. Special ranks of senior police officers shall be for life and upon separation from service the existing special ranks shall be added the word "retired"

3. The procedure of assigning special ranks to police officers shall be determined by the Regulations on Service Career of Regular Staff and Senior Management Staff of the Internal Affairs Bodies of Tajikistan approved by the Government of the Republic of Tajikistan.

4. Upon termination of service in police, special ranks available shall be recognized on an equal basis with special ranks of law enforcement and security agencies of the Republic of Tajikistan.

5. A police officer has a uniform, which shall be issued free of charge. Samples of the uniforms shall be defined and approved by the Government of the Republic of Tajikistan.

6. **The uniform** of police officers serving in public places shall have a breastplate to allow identifying the police officer.

7. A police officer shall be issued an official identification, established by the Ministry of Internal Affairs of the Republic of Tajikistan and a special badge with the personal number.

8. Police officer shall be subject to a mandatory state fingerprint registration in the order established by the Government of the Republic of Tajikistan.

### **Article 19. Official duties and rights of the police officer**

1. Police officer shall perform the duties and enjoy the rights of the police provided by the present Law, within his/her competence in accordance with the position occupied.

2. The police officer shall be obliged:

- to know the Constitution, legislative and other regulatory legal acts of the Republic of Tajikistan regulating the activities of the police, enforce their implementation/compliance and in the manner determined by the Ministry of Internal Affairs of the Republic of Tajikistan in the specified area;

- to perform official duties in accordance with the official regulations/job description;

- to comply with the lawful orders of the leaders (chiefs);

- to address his/her immediate supervisor and other chiefs on official matters;

- to submit information about his/her income and property in accordance with the order established by the legislation of the Republic of Tajikistan.

- to notify the immediate supervisor of every approach to him/her of any person for the purpose of inducing him/her to commit corruption offences;

- to comply with limitations associated with service in the police and with the official conduct of a police officer in accordance with the legislation;

- to observe the rights and legitimate interests of citizens, public associations and organizations when performing official duties;

3. Irrespective of substitutable position held, the police officer throughout the Republic of Tajikistan must:

- provide assistance to the victims of crimes, administrative offenses and accidents, as well as citizens in a helpless state or in a state of danger to their lives;

- take action to save lives, prevent and combat crime, detain persons on suspicion of the commission of a crime, take action for the protection of the crime scene and inform the nearest police unit in the case when citizens address him/her with a statement about the events that threaten personal and public safety, or in the case of direct detection of such events by a police officer;

- introduce his/her position, rank and name when addressing a citizen, at the request of a citizen to provide official identification, and then explain the reason and the purpose of his/her communication;

- when a citizen addresses him/her, having introduced his/her position, rank, name, he/she should listen to the citizen carefully, to take appropriate action within his/her competence or explain, which authority or official is competent to solve the problem.

4. The police officer shall be obliged to know the national language and to express respect to its values.

5. A police officer shall have the following rights:

- to demand from the citizens and officials stopping illegal actions, to check the documents of citizens and officials proving their identity or authority;
- to charge citizens, public authorities, town and village governments, organizations with taking or rejection of actions to protect the life, health and property from damage, destruction, looting and other forms of non-compliance with public order or to prevent damage caused by a natural disaster or other disasters in the manner prescribed by law, adopted by the authorized body for protection from natural disasters and other disasters;
- to get familiar with the official regulations/job description and other documents defining his/her rights and responsibilities of the position held, with the criteria assessing the effectiveness of the performance of official duties, official service performance indicators, and terms of career development in the police;
- to protect his/her personal information;
- for training, retraining, professional development and advanced training in accordance with the established procedure;
- to defend his/her rights and legitimate interests, including to appeal to the Court on their violation;
- for an audit to be conducted at his/her request;

6. Irrespective of the position and location, a police officer has the right:

- to demand citizens and officials to stop illegal actions;
- to check documents to identify personality or authorities of citizens and officials;
- to use vehicles owned by public authorities and other bodies, public associations (except for vehicles owned by diplomatic missions and consular departments of foreign countries, representatives of international organizations), in exceptional situations the use of vehicles owned by citizens - in urgent cases, with purpose of: prevention/suppression of the crime, prosecute the perpetrators or suspected of its committing, delivery of citizens in need of emergency medical assistance to medical institutions, in order to take damaged vehicles out of places of accidents, to arrive to the scene of an administrative offense;
- to detain persons suspected of committing a crime, administrative offense until the arrival of representatives of the body or a territorial division of the police or other law enforcement officials. And also to transfer persons suspected of committing a crime, administrative offense to the office or territorial division of the police, other office buildings;
- to use physical force, special means and firearms on the basis and in the order prescribed by this Law.

#### **Article 20. Police service**

A citizen of the Republic of Tajikistan not younger than 20 years (for women - 18 years) and not older than 35 years shall have the right to join the police service regardless of residence, gender, nationality, race, language, religion, political opinion, social status, state language proficiency, capable by virtue of his/her personal, moral and professional qualities, physical fitness and health to perform the duties of a police officer, shall be

admitted on a voluntary basis after his/her military service by conscription (except for the women students of secondary and higher educational institutions of the Ministry of Interior of the Republic of Tajikistan).

2. Tajik citizen who has not attained the age of 17 and who has completed secondary education may enter [the educational institutions](#) of the Ministry of Internal Affairs of the Republic of Tajikistan.

3. A person being recruited to the police service shall be subject to the mandatory state fingerprint registration.

4. The citizens who have or had a criminal record (irrespective of the term of punishment served, except for the persons released by court on the justifying grounds, recognized acquitted or innocent) cannot be employed in police. [Equally, those persons cannot be employed, in respect of whom measures are taken by investigation and judicial authorities on the basis of release from criminal liability.](#)

5. Vacancies in the police shall be filled exclusively on a competitive basis, by concluding individual contracts in the order determined by the legislation of the Republic of Tajikistan.

6. In order to figure out the candidate's level of general knowledge (education), spiritual, moral and psychological qualities, a probationary period of three to six months shall be established with obligatory passing of an induction course (except for students of secondary and higher educational institutions of the Ministry of Internal Affairs of the Republic of Tajikistan) for persons joining the police to train them on initial professional skills.

7. Upon joining the service, the police officer shall take the oath, the text of which shall be approved by the President of the Republic of Tajikistan. The police officer also shall assume obligations and restrictions associated with the service in the police.

8. The persons liable for military service employed in police, including listeners and cadets of special educational institutions of the Ministry of Internal Affairs of the Republic of Tajikistan, shall be removed from the military register in accordance with the established procedure and shall be registered with the special record of the Ministry of Internal Affairs of the Republic of Tajikistan. [The issue of awarding special police ranks to the persons liable for military service having military ranks shall be solved in the certification process.](#)

9. Police officer may be assigned to the state authorities, as well as ministries and departments or enterprises, institutions and organizations under their subordination with leaving them in the disposal of personnel authority of the Ministry of Internal Affairs of the Republic of Tajikistan to perform specific duties (based on the orders and decrees of the President of the Republic of Tajikistan and the Government Resolutions of the Republic of Tajikistan). This person shall enjoy all the rights, benefits and social guarantees provided to the police personnel.

10. In case of being elected to the supreme legislative body before the termination of a term of office, the police officer shall remain a part of the reserve of Personnel Administration of the Ministry of Internal Affairs of the Republic of Tajikistan.

11. The labor relations of the police officer shall be governed according to the labor legislation of the Republic of Tajikistan, except for the cases provided by the present Law.

12. A police officer can be dismissed from service for the following reasons:

- a) at his/her own request;
- b) upon reaching the age limit established by the Regulation on Service of Persons of Regular Staff and Senior Management Staff of internal affairs bodies of the Republic of Tajikistan;
- c) due to length of service granting the right for retirement;
- d) upon completion of the period of service provided for under the contract;
- e) due to his/her violation of the contract terms;
- f) **due to the staff downsizing** in the absence of the ability to move in the service;
- g) due to disease - based on the conclusion of the central Military-Medical Commission of being unfit to serve in the police force;
- h) due to partial disability (health finitude) - based on the conclusion of the Central Military - Medical Commission on a limited fitness for the service, and on the inability due health reasons to perform duties in accordance with the position held in the absence of the ability to move on service;
- i) due to unfitness for the positions due to insufficient qualification by results of certification;
- k) due to gross or systematic violation of service discipline;
- l) for the commission of the offense discrediting honor of the police officer;
- m) in connection with the entry into force of a court's judgment of conviction;
- n) **upon disclosure of his/her connection with criminal groups and unions;**
- o) **upon disclosure of cases of connection and cooperation of the police officer with illegal activities and religions/sectarians;**
- p) for violation of terms of the oath, demonstration of cowardice in the service;
- q) for violation of legislation on the regulation of traditions, celebrations and ceremonies, and other laws.

13. The specified list of grounds for dismissal of a police officer shall be final.

### **Article 21. The procedure and conditions of service in the police**

1. The total working time for police officers shall be established on the basis of labor legislation.

2. If necessary the police officer can be involved in performance of official duties over determined time, as well as at night, in days off and holidays that shall be reimbursed by payment of compensation or upon his/her request time off for required period in other days of the week shall be granted. If granting such time off is considered impossible, time of performance of official duties exceeding duration of weekly working hours, as well as night time days off and holidays shall be summarized and provided to the police officer in number of necessary additional days off. These days shall be added to his/her paid annual leave at his/her request.

3. Compensation payments or the provision of additional time off, additional days off shall be carried out made by the Minister of Internal Affairs of the Republic of Tajikistan in accordance with the labor legislation of the Republic of Tajikistan.

4. A police officer shall be granted an annual paid leave of 30 calendar days without taking into account the time of travel to the place of residence, vacation and back with covering the cost of travel within the Republic of Tajikistan.

5. A police officer serving in areas with severe and adverse climatic conditions shall be provided paid leave for a period of 45 calendar days irrespective of length of service.

6. A police officer shall be granted additional paid leave of the following duration:

- after 10 years of service - 5 calendar days;
- after 15 years of service - 10 calendar days;
- after 20 years of service - 15 calendar years.

7. The police employee shall be paid a lump sum equal to two-month job salary before taking annual leave.

8. The organization of strikes and participation in their conduction, engagement in any kinds of business activity, combining jobs at the enterprises irrespective of forms of ownership, except for scientific, creative and pedagogical activity shall be forbidden to the police officer.

9. A police officer can do other activities in spare time provided that this activity does not impede the performance of his/her duties or otherwise be contrary.

10. Afterhours service activities shall be coordinated with the police chief, who has been vested the right to recruit to the service in the police.

11. The creation and functioning of political parties and other public associations with political objectives, as well as spreading propaganda in favor of any political party shall not be allowed in the police.

12. Policies, terms and other conditions of service in the police shall be regulated by the Regulation on Service Career by Regular and Senior Management Staff of the bodies of internal affairs of the Republic of Tajikistan approved by the Government of the Republic of Tajikistan.

13. Carrying out anti-terrorist operations, mitigation of consequences of accidents and disasters of natural and manmade character, other emergency situations and other conditions connected with high risk to life and health, change of a mode of service life and introduction of additional restrictions, addition of an extra time to the service life established by the Government of the Republic of Tajikistan by the employees responsible for protection of a legal order and public safety in the conditions of a military or emergency situation and armed conflict.

## **CHAPTER 5. PROMOTION OF STAFF AND ROTATION OF SENIOR POLICE MANAGEMENT STAFF**

### **Article 22. Career promotion of police officers**

1. Promotion of staff in the police force shall take place in accordance with the in-step increase procedure.

2. Selection and appointment to the first supervisory post shall be based on the service achievements, promotion of the candidate to the higher post, service discipline, initiative, superiority of moral qualities, professional knowledge and skills, performance efficiency and common sense.

### **Article 23. Rotation of senior management staff in the police**

1. Reshuffling (rotation) in the police shall be carried out in order to introduce new workflow management methods and techniques and effective mechanism for the prevention of corruption, conflict of personal and state interests, as well as to improve performance in the police.

2. Senior police management staff shall be obliged to report every six months (submit reports) to the public on the results of local police performance regarding the crime situation in the region.

3. In order to reshuffle (rotate) the police senior management staff, the Commission on Reshuffling (Rotation) of the Ministry of Internal Affairs of the Republic of Tajikistan once in two years shall conduct a public opinion poll among the population of the region, the order of which shall be determined and approved by the Minister of Internal Affairs of the Republic of Tajikistan.

## **CHAPTER 6. GUARANTEES OF SOCIAL AND LEGAL PROTECTION OF POLICE OFFICERS**

### **Article 24. Salary of police officers**

1. Remuneration of police officer consists of a basic monthly salary, monthly payment for a special rank constituting a monthly payment of money allowances of police officer and allowance for seniority (length of service). The size and order of payment of monetary allowances for police officers shall be established by the President of the Republic of Tajikistan.

2. Police officers shall be paid compensation instead for food, the amount of which shall be established by the Law of the Republic of Tajikistan "On the State Budget of the Republic of Tajikistan" for each year.

3. Compensation for the afterhours work of police officers envisaged by the legislation of the Republic of Tajikistan shall be made in an order established by the Government of the Republic of Tajikistan.

4. The Government of the Republic of Tajikistan may provide for an increase in wages provided for police officers in the cases stipulated by the legislation.

### **Article 25. Financial and logistical support of the police**

1. Financing, logistical and municipal support for the police shall be carried out at the expense of the national and local budgets, as well as from other sources not prohibited by the legislation of the Republic of Tajikistan.

2. Executive authorities shall provide the police with office and other accommodation in an order established by the legislation of the Republic of Tajikistan.

3. The transport police shall be provided with office and other accommodation by relevant transport departments and bodies.

### **Article 26. Incentives for police officers and other persons**

1. For success, courage and dedication, deeds committed in the fight against crime, the police officer shall be awarded state awards in accordance with the Law of the Republic of Tajikistan "On State Awards of the Republic of Tajikistan".

2. Police officers and military servicemen of Internal troops shall be awarded the internal agency medal "Baroi khizmati shoyon" (Medal of merit) of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> degrees for perfect, flawless, productive and long service, internal agency medal "Sobiqadori makomoti korhoi dokhili" (Veteran of bodies of internal affairs) for length of service of over 25 years, the badge "Kormandi Fakhrii VKD" (Honorary MIA staffer) for high and professional service. Description of internal agency medals and breastplate, the order of their awarding and incentives shall be established by the Minister of Internal Affairs of the Republic of Tajikistan.

3. Employees of other law enforcement agencies, public authorities, public associations, enterprises, organizations and citizens may also be awarded medals of the Ministry of Internal Affairs of the Republic of Tajikistan for their cooperation with the police in the protection of public order and fight against crime.

4. Persons of regular and senior police management staff shall be assigned professional categories on specialty by reviewing and evaluating the performance of official duties, level of knowledge, skills, experience and training, order of assignment and promotion of which shall be established by the Minister of Internal Affairs of the Republic of Tajikistan.

### **Article 27. State insurance and compensation in case of death or injury of a police officer**

1. All police officers shall be subject to mandatory state personal insurance at the expense of the relevant police unit, the order of which shall be determined by the Government of the Republic of Tajikistan.

2. In case of death of a police officer in connection with the performance of official duty, the victim's family or his dependents shall be paid a lump sum in the amount of 40 salaries of the deceased from the relevant police units with subsequent recovery of this amount from the perpetrators with appropriate compensation from the moment of payment.

3. When inflicting bodily harm to a police officer excluding the possibility of professional activity, he/she shall be paid one-time allowance in the amount of 20 salaries of the monetary allowance from the means of the appropriate police unit with the subsequent recovery of this amount from the guilty persons (with appropriate compensation at the time of payment)

4. In case of early dismissal of a police officer from the service due to the illness resulting from the performance of military service, s/he shall be paid a lump sum of 10 salaries established on the date of allowance payment.

5. Damage to property of a police officer, members of his/her family or close relatives in connection with his/her official duties shall be compensated to the police officer, family members or close relatives in full, including lost profits, in the prescribed order.

6. For burial of the police officer and retired police officers the lump sum in the amount established by the Government of the Republic of Tajikistan shall be paid.

7. Obligatory state life and health insurance of police officers shall be carried out in accordance with the legislation of the Republic of Tajikistan.

8. The state retirement pension of a police officer shall be provided in accordance with the legislation of the Republic of Tajikistan.

### **Article 28. Social security of the police officer**

1. The persons employed in police and not provided with living space shall be provided official premises according to the norms established by the legislation of the Republic of Tajikistan in the form of a separate apartment or a house by local public and internal affairs authorities within six months from the moment of taking office. For the police officers protecting the ministries and departments based on the contract, the official living space shall be provided at the expense of the relevant ministries and departments.

2. Police officers who have worked in the police for more than ten years, as well as the family members of the deceased (died) police officers shall not be subject to eviction from the official residential premises without providing other housing.

3. Police officers, who need improvement of housing conditions, have the right to receive preferential loans for individual or cooperative housing construction by installments for 20 years and the repayment of 50 percent of the presented loan at the expense of funds of the respective budget.

4. The police shall have the right to buy housing for their employees who need better housing conditions from the funding source established by the legislation of the Republic of Tajikistan.

5. Local government bodies transfer free of charge the occupied living space in municipal property to the ownership of police employees upon a period of service exceeding twenty years, as well as to the families of those killed in the course of duty.

6. In case of death of a police officer in connection with performance of his/her official service, the family of the deceased shall retain the right to obtain living space from the local authorities on the grounds that were used during his/her registration, but not later than one year from the date of the death of a police officer.

7. For police officers and members of their families, including families of the deceased, the fifty-percent discount on payment for living space and utilities shall be established.

8. To the police officer and members of his/her family living in the houses of the municipal and other housing fund, including in the privatized houses (apartments), the fifty-percent discount on payment for living space, utilities (except for payment for gas and electricity), a household plot, and for the telephone shall be established irrespective of the type of housing fund.

9. For the staff of operational units and other categories of the police defined by the Government of the Republic of Tajikistan, room telephones shall be installed out of turn. Upon installation of room telephones, the fifty-percentage discount for services shall be provided to police officers.

10. The children of police officers shall be guaranteed places in pre-school institutions, within three months from the date of submission of the application.

11. The Government of the Republic of Tajikistan and local executive authorities may establish other social security guarantees not covered by this Law.

#### **Article 29. Legal protection of the police officer**

1. A police officer is a member of the state executive power and is under state protection. Police officer on duty is an inviolable person. Encroachment in all forms on a police officer shall cause an immediate suppression to such actions by means and methods allowed to police by this Law.

2. Failure to comply with legal requirements of the police officer, as well as other actions interfering performance of duties assigned to the police shall entail liability established by the legislation of the Republic of Tajikistan.

3. A police officer shall have a guarantee of judicial protection.

#### **Article 30. Inadmissibility of interference in the activities of a police officer**

1. In the performance of his/her duties, a police officer shall be accountable only to his immediate superior officer. Nobody else shall have the right to interfere in the legitimate activities of the police officer.

2. Any influence in any form on the police officer with the purpose of hampering the performance of his/her official duties shall entail liability established by the legislation of the Republic of Tajikistan.

3. Upon receipt from the supervisor or an authorized person an order or an instruction conflicting with the law, a police officer shall be obliged to be guided by the law.

#### **Article 31. The right of a police officer to be compensated for the use of personal vehicles for official purposes**

The police officer, who uses his private vehicle for official duty, shall be paid compensation in the amount established by the Government of the Republic of Tajikistan.

#### **Article 32. The rights of the police officer while in official travel**

A police officer, who is on a business trip, shall enjoy the right to priority purchase of tickets for all modes of transportation, as well as getting places in priority order in the hotel upon presentation of travel order card.

#### **Article 33. Social protection of the police officer, who was dismissed in connection with the retirement**

1. The police officer dismissed from service upon reaching the specified age, due to illness or end of the service period shall be secured the right to enjoy the privileges provided for police officers by the Law of the Republic of Tajikistan "On Pension Provision of Military Servicemen", including medical care in medical institution where they are registered.

2. Calculation of the pension amount to a police officer who has retired from service after reaching the specified age, due to illness or lengthy service, shall be carried out in the order established by the Law of the Republic of Tajikistan "On Pension Provision of Military Servicemen"

3. Persons who have been dismissed from the police force in cases of infringement of their life, health and property in connection to their previous employment shall be covered by this Law.

4. Upon admission to the police service specialists of high qualification and those continuing work in bodies of internal affairs on the main specialty, their years of service shall be counted to the term of service for pension purposes, and premiums accrued for seniority pay on the basis of two years of the general service record for a year of service.

## **CHAPTER 6. FINAL PROVISIONS**

### **Article 34. International cooperation**

1. In accordance with international agreements (norms and principles of international law) recognized by Tajikistan the police cooperates in combating crime with foreign states and their competent authorities, international and non-governmental organizations. It is also involved in the maintenance and restoration of international peace and security through the representation of the bodies of internal affairs of the Republic of Tajikistan abroad.

2. The police cooperates with the competent entities in matters of the fight against crime in accordance with the norms and principles of international law.

### **Article 35. Oversight of the compliance with the law in the police activities**

1. Oversight of the correct and uniform application of laws in police activities shall be performed by the Prosecutor General of the Republic of Tajikistan and his subordinates.

2. Information about the persons provided or providing assistance to the police on a confidential basis, as well as information about the organization, tactics, methods and means of implementation of operational and investigative activities of the police shall not be included in the list of subjects of the Prosecutor's oversight.

### **Article 36. Agency-level oversight**

Heads of police bear responsibility for respecting the rule of law at implementation of official powers for the organization and carrying out operational and investigative actions.

**Article 37. Liability for failure to comply with the requirements of the Law**

Individuals and legal entities shall be held criminally liable for failure to comply with the requirements of the current Law in the order established by the legislation of the Republic of Tajikistan.

**Article 38. On annulling the law of the Republic of Tajikistan "On Militia"**

Law "On Militia" of the Republic of Tajikistan from 17 May, 2004 (The Newsletter of Majlisi Oli of the Republic of Tajikistan, 2004, #5, art. 352; 2006, #3, art. 148; 2007, #7, art. 663; 2008, #6, art.450; 2009, #12, art. 820; 2011, #3, art. 156; #6, art. 438; #12, art. 835; 2012, #4, art. 251; #7, art. 692; #8, art. 821; #12 p.1, art. 1023; 2013, #3, art.183 and 184) to be declared void.

**Article 39. The procedure of this Law taking effect**

This Law shall take effect after its official publication.

**President of the  
Republic of Tajikistan**