



REPUBLIC OF VANUATU

CONSTITUTION

STATE OF EMERGENCY REGULATION ORDER NO. 5 OF 2007

To provide for the restoration and maintenance of public order in Port Vila.

In exercise of the powers contained in Article 69 of the Constitution, **WE, THE COUNCIL OF MINISTERS**, make the following order :

1 STATE OF EMERGENCY

For the purposes of restoring Public Order, a State of Emergency has been declared by Order dated 4 March 2007 under Article 69(b) of the Constitution, and these regulations are made accordingly.

2 PROHIBITION OF ASSEMBLIES AND ANY DEMONSTRATIONS

In the interest of public safety and the restoration and maintenance of Public Order it is prohibited to hold or participate in any procession, parade, assembly or demonstration in Port Vila or elsewhere in Vanuatu from the date of this Order until a permit is granted for the holding of a procession, parade, assembly or demonstration under section 7 of the Public Order Act [CAP 84](the Act).

3 OFFENCES CONCERNING ASSEMBLIES AND DEMONSTRATIONS

- (1) When any procession, parade, assembly or demonstration is held in breach of section 10 of the Act, the Minister may at any time by oral or written notice, Order the procession, parade, assembly or demonstration as the case may be, to disperse and may, if necessary, use the police force to give effect to the Order.
- (2) Every member of the Police Force may use such reasonable force as is necessary to give effect to the Order by the Minister under subparagraph (1).

4 ASSISTANCE TO POLICE

For the period of the State of Emergency (as fixed under Article 70 of the Constitution) the Commissioner of Police :

- (a) may appoint special constables from either inside or outside of Vanuatu to assist the Police Force in restoring and maintaining Public Order; and

however that the Government will compensate the owner of any motor vehicle for any damage that may be incurred to it.

5 POLICE TO CARRY ARMS


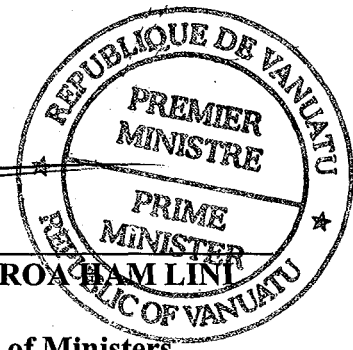
- (1) For the period of the State of Emergency (as fixed under Article 70 of the Constitution) the Commissioner of Police, in accordance with a direction from the Prime Minister may authorise members of the Vanuatu Police Force (not being special constables appointed under clause 4(a) of this Order) to carry and use firearms in accordance with the rules of engagement contained in the Schedule hereto.

- (2) For the avoidance of doubt members of the Vanuatu Police Force includes members of the Vanuatu Mobile Force.

6 COMMENCEMENT

This Order commences on the date on which it is made.

MADE at Port Vila this 4th day of March 2007.



Honourable VANUAROROA HAM LIN
Prime Minister
On behalf of the Council of Ministers

SCHEDULE

RULES OF ENGAGEMENT FOR THE USE OF FIREARMS

GENERAL CONDITIONS

1. Your immediate commander on the spot will order any changes in the states of weapon readiness. While your commander will normally issue the order to open fire or increase the level of force, you will always have the right to use appropriate force to protect yourself and those it is your duty to protect.
2. The degree of force which may be used by a member of the Vanuatu Police Force (« VMF ») to achieve an object is determined by the circumstances at the time. Any VMF member may use such force **as may be reasonably necessary** in order to prevent crime or to effect or assist in effecting a lawful arrest. Whenever possible a **warning should be given** before opening fire.
3. Nothing shall justify the use of greater force than is reasonable in the particular circumstances in which it is employed or is necessary to prevent a crime from continuing to effect an arrest.
4. **In all circumstances the rule of Minimum Force applies. Minimum Force** includes in increasing order :
 - (a) open display of weapons; and
 - (b) verbal warning; and
 - (c) barring access to the point being protected; and
 - (d) physical restraint; and
 - (e) pointing weapons ; and
 - (f) firing weapons.
5. If you have to fire your weapon : **Fire only enough rounds to achieve your purpose.**