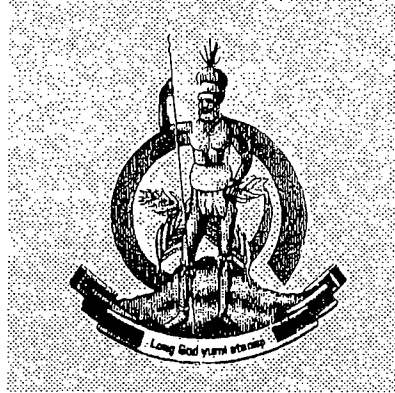


**REPUBLIQUE  
DE  
VANUATU**

*JOURNAL OFFICIEL*



**REPUBLIC  
OF  
VANUATU**  
*OFFICIAL GAZETTE*

04 MARS 2007

**EXTRAORDINARY GAZETTE  
NUMERO SPECIAL  
NO.4**

04 MARCH 2007

SONT PUBLIES LES TEXTES SUIVANTS

ARRETES

NOTIFICATION OF PUBLICATION

ORDERS

CONSTITUTION

- INSTRUMENT OF STATE OF EMERGENCY
- STATE OF EMERGENCY REGULATION ORDER NO. 5 OF 2007
- STATE OF EMERGENCY REGULATION ORDER NO. 6 OF 2007



REPUBLIC OF VANUATU

CONSTITUTION

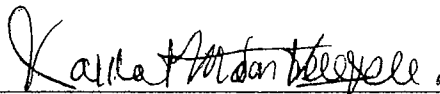
Instrument of State of Emergency

WHEREAS on the 3rd of March 2007, Intentional assaults resulting in deaths, destruction of private property and loss of Public Order occurred in Port Vila.

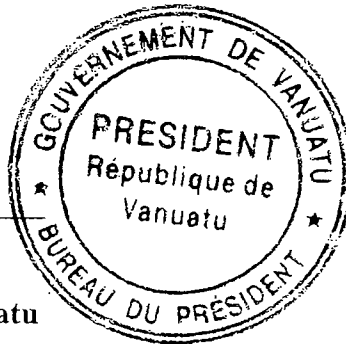
NOW THEREFORE, IN EXERCISE of the powers conferred on me by Article 69(b) and acting on the advice of the Council of Ministers, I, KALKOT MATASKELEKELE President of the Republic of Vanuatu, declare a **STATE OF EMERGENCY** in Port Vila to prevent further threat to and to restore Public Order in Port Vila.

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

MADE this 04<sup>th</sup> day of March 2007.



His Excellency  
KALKOT MATASKELEKELE  
President of the Republic of Vanuatu





## 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 4<sup>th</sup> day of March 2007.

  
  
Honourable VANUAROROA TAM LINI  
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.**



## REPUBLIC OF VANUATU

### CONSTITUTION

#### STATE OF EMERGENCY REGULATION ORDER NO. 6 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 DETENTION OF PERSONS**

For the purpose of the restoration and maintenance of public order, during the period of the State of Emergency (as determined under Article 70 of the Constitution), any person may be detained by the Vanuatu Police Force without trial for a period of not more than one calendar month, in accordance with Article 71(1)(b) of the Constitution.

#### **3 RESTRICTION OF MOVEMENT**

- (1) In addition to the powers provided to the Vanuatu Police Force under section 18 of the Public Order Act [CAP 81] the Commissioner of Police may, on a direction of the Prime Minister authorise members of the Vanuatu Police Force (including any special constable appointed under the State of Emergency Order No. 5 of 2007) to restrict the movement of people to, from and within Vanuatu.
- (2) The restriction of movement powers given to the Prime Minister and as may be given by him pursuant to a direction under subsection (1) to the Commissioner of

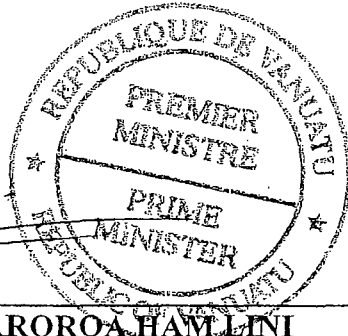
Police shall only subsist for the period of the State of Emergency (as may be determined under Article 70 of the Constitution).


- (3) Subject to subsection (4) any person may be restricted from movement to, from and within Vanuatu (which includes, between islands, within islands and within areas of islands and includes restriction of movement and within urban areas including Port Vila).
- (4) The power to restrict the movement of people may only be enforced where it is necessary for the resolution and maintenance of public order.

#### 4 COMMENCEMENT

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

MADE at Port Vila this 4<sup>th</sup> day of March 2007.



  
Honourable VANUAROROA HAMLINI  
Prime Minister  
On Behalf of the Council of Ministers