

DRAFTING NOTE

POLICE SERVICE ACT

1. Status and purpose of this note

This drafting note is explanatory and is not part of the proposed Assembly Act. It identifies the legislative need, the relationship with earlier Eritrean law, the principal matters retained, the modernization choices made and the place of the draft within the emerging constitutional statute book. The instrument remains a consultation draft and should be finalized only after legal, institutional, fiscal and public review.

2. Legislative need and prior law

The supplied corpus lacks a complete democratic police statute separating ordinary law enforcement from military, intelligence and political functions.

3. What the draft retains

The draft retains crime prevention and investigation, public safety, arrest, emergency assistance, traffic and community policing functions under the procedural codes.

4. What the draft updates and modernizes

It establishes civilian command, political neutrality, necessity and proportionality in force, custody safeguards, warrants and records, professional recruitment, independent complaints and investigation, body and digital evidence controls, Assembly oversight and judicial remedies.

5. Constitutional, code and treaty fit

The draft is framed under the Constitution of Eritrea 1997 and must be read with the Civil Code, Penal Code, Civil Procedure Code and Criminal Procedure Code of Eritrea 2015 where those Codes govern. It is also coordinated with the other institutional, financial, commercial, land, labour, administrative and sectoral drafts in this collection. References to international or regional standards guide compatibility and implementation; they do not bypass the Treaty-Making Act or convert an unincorporated instrument into domestic law.

6. Scope and organization

The principal divisions address preliminary provisions; establishment, organization and command; personnel and professional service; general police powers; arrest and custody; search, seizure and investigation; use of force and firearms; victims, children and vulnerable persons; intelligence, information and records; independent police conduct commission; and the concluding enforcement, transitional and final provisions.

7. Transition, implementation and consultation

The draft preserves lawful accrued rights, completed transactions, pending proceedings and institutional continuity where appropriate, while preventing temporary savings from preserving unconstitutional coercion or indefinite executive discretion. Before enactment or issuance, authentic predecessor instruments and amendments should be verified, cross-references and fiscal capacity confirmed, implementing regulations and digital systems prepared, and affected institutions, professions, communities and the public given a practical opportunity to comment.

CONSULTATION DRAFT — NOT ENACTED LAW

ACT NO. ____ OF 2026

POLICE SERVICE ACT

(ASSEMBLY ACT)

AN ACT TO ESTABLISH A PROFESSIONAL CIVILIAN ERITREAN POLICE SERVICE; TO DEFINE ITS FUNCTIONS, ORGANIZATION, POWERS, DUTIES AND ACCOUNTABILITY; TO REGULATE ARREST, SEARCH, CUSTODY, CRIMINAL INVESTIGATION AND USE OF FORCE CONSISTENTLY WITH THE CONSTITUTION; TO ESTABLISH INDEPENDENT COMPLAINTS AND OVERSIGHT; AND TO PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS Articles 15, 16, 17, 18, 24, 26 and 28 of the Constitution protect life, dignity, liberty, fair criminal process, privacy, administrative justice and enforceable fundamental rights;

WHEREAS policing exists to serve the public, protect constitutional order, prevent and investigate crime, preserve peace and assist persons in danger, and shall not serve a political party, officeholder or faction;

WHEREAS effective policing requires lawful authority, professional training, community confidence, judicial supervision, accurate records and independent accountability;

WHEREAS force and coercion are exceptional public powers that must be necessary, proportionate, reviewable and never used for punishment, intimidation or suppression of lawful dissent;

NOW, THEREFORE, the National Assembly of Eritrea, acting under Article 32 of the Constitution, enacts as follows:

CHAPTER I
PRELIMINARY PROVISIONS

Article 1 — Short title

This Act may be cited as the “Police Service Act 2026.”

Article 2 — Purposes

1. to establish a professional, civilian and politically neutral Police Service;
2. to define police powers clearly and protect constitutional rights;
3. to prevent crime and provide effective investigation and public safety;
4. to regulate force, arrest, search, custody and surveillance;
5. to strengthen community cooperation, service and protection of vulnerable persons; and
6. to provide independent complaints, discipline, judicial control and remedies.

Article 3 — Interpretation

In this Act, unless the context requires otherwise—

1. “Commission” means the Independent Police Conduct Commission established under Article 57;
2. “Commissioner” means the Commissioner-General of Police appointed under Article 15;
3. “custody officer” means an officer assigned responsibility for legality and welfare of detained persons;
4. “firearm” means a weapon capable of discharging a projectile by explosive force;
5. “force” includes physical restraint, chemical agent, conducted-energy device, firearm and another coercive method beyond ordinary verbal direction;
6. “officer” means a sworn member of the Police Service;
7. “Police Service” means the Eritrean Police Service established under Article 8;
8. “serious injury” means injury creating substantial risk of death, permanent impairment or prolonged severe suffering; and
9. “use of force” includes threatened or actual force.

Article 4 — Constitutional policing principles

1. Every police power shall be exercised lawfully, for a proper purpose, reasonably, necessarily, proportionately and without discrimination.
2. An officer shall protect life, dignity, liberty, privacy, equality, peaceful expression, assembly, religion and due process.
3. A lawful objective shall be pursued through the least intrusive reasonably effective means.
4. An order from a superior does not excuse a manifestly unlawful act.

Article 5 — Service to the public

1. The Police Service is a public service and shall act respectfully, promptly, impartially and with reasons where required.
2. Priority shall be given to protection of life, victims, children, vulnerable persons and prevention of serious harm.
3. An officer shall provide identification unless doing so creates a specific serious risk, which shall be recorded.
4. Performance shall not be measured by arrest, detention, fine or force quotas.

Article 6 — Political neutrality

1. The Police Service shall not serve a political party, candidate, faction or officeholder.
2. An officer shall not campaign, solicit political support, monitor lawful political activity without legal grounds or use office to influence an election.
3. Government may set lawful public-safety policy but shall not direct an individual investigation, arrest or enforcement decision.
4. An unlawful political direction shall be refused and reported.

Article 7 — Non-discrimination

1. Police service and enforcement shall be equal without discrimination based on race, ethnicity, language, sex, gender, religion, political opinion, disability, nationality, migration status, birth, wealth or other status.
2. Statistical disparity shall be examined and remedied where caused by biased policy or practice.
3. Profiling requires objective behavior or intelligence relevant to a specific lawful purpose.
4. Identity or community membership alone is not reasonable suspicion.

CHAPTER II ESTABLISHMENT, ORGANIZATION AND COMMAND

Article 8 — Establishment

1. A civilian Eritrean Police Service is established.
2. The Police Service has national jurisdiction and shall cooperate with local government through decentralized commands.
3. It is separate from the Defence Forces, intelligence services and political organizations.
4. Its powers derive only from the Constitution and Assembly Acts.

Article 9 — Functions

1. The Police Service shall prevent crime, protect life and property, investigate offences, apprehend suspects lawfully, preserve public peace, assist courts and provide emergency assistance.
2. It shall facilitate peaceful assembly, road safety, missing-person work, victim protection and community problem-solving.
3. It shall not administer taxation, political membership, religious recognition or national-service recruitment unless a narrow law expressly requires assistance.
4. A function shall not be used as a pretext for intelligence gathering outside lawful authority.

Article 10 — National and local organization

1. The Service may be organized into national, provincial (zoba), local and specialist commands.
2. Organization shall promote local accessibility, unified professional standards and clear accountability.
3. A local commander shall consult local government and communities without surrendering independent law enforcement.
4. Boundary or command changes shall be published.

Article 11 — Specialist units

1. Specialist units may address serious crime, forensics, cybercrime, trafficking, family violence, children, public order, traffic and other defined needs.

2. A tactical or armed unit shall have written deployment criteria, enhanced training and command authorization.
3. A secret detention, punishment or political-surveillance unit is prohibited.
4. Every unit remains subject to this Act and Commission oversight.

Article 12 — Civilian ministry support

1. The President shall assign administrative support to an appropriate civilian ministry under Article 42(13) of the Constitution.
2. The minister may set lawful policy, budget and service standards but shall not direct individual operational decisions.
3. A written ministerial policy direction shall be published unless a specific lawful security reason requires temporary protection.
4. The Commissioner may request review of a direction believed unlawful.

Article 13 — Police Council

1. A Police Council shall advise on strategy, standards, budget, community confidence and intergovernmental coordination.
2. It shall include the Commissioner, relevant public officials and civilian members with legal, local-government, human-rights and community expertise.
3. The Council shall not direct an investigation or disciplinary case.
4. Minutes and recommendations shall be public subject to lawful operational protection.

Article 14 — Ranks and command

1. Ranks and command responsibilities shall be prescribed transparently and kept no more militarized than operationally necessary.
2. Command carries responsibility to prevent, stop, report and remedy unlawful conduct.
3. A commander shall ensure lawful staffing, training, supervision, records and welfare.
4. A delegation of command shall be written where material.

Article 15 — Commissioner-General

1. The President shall appoint the Commissioner under Article 42(11) of the Constitution from a public merit list prepared by the Civil Service Administration Commission.
2. The Commissioner shall possess substantial professional policing, legal or public-safety leadership experience and commitment to constitutional policing.
3. The Commissioner serves a five-year term renewable once and shall not hold party office.
4. Appointment, term, performance agreement and lawful removal reasons shall be published.

Article 16 — Removal of Commissioner

1. The President may remove the Commissioner for incapacity, serious misconduct, grave legal violation, corruption or persistent failure of duty.

2. The Commissioner shall receive notice, evidence, an opportunity to respond and written reasons.
3. The President shall notify the National Assembly and publish reasons subject to narrow lawful redaction.
4. Removal shall not be used to influence an investigation or political enforcement.

CHAPTER III PERSONNEL AND PROFESSIONAL SERVICE

Article 17 — Recruitment

1. Recruitment shall be open, competitive and merit-based under the Civil Service Administration Act.
2. Criteria shall include integrity, competence, physical and psychological ability reasonably related to duty, and respect for constitutional rights.
3. The Service shall seek gender, linguistic, regional and community diversity without lowering essential standards.
4. Prior political affiliation, ethnicity or family connection shall not determine recruitment.

Article 18 — Vetting and transition

1. A person entering the reformed Service shall undergo fair integrity and human-rights vetting.
2. Vetting shall use individualized evidence and shall not presume guilt from rank, former organization or family association alone.
3. Serious credible involvement in torture, disappearance, extrajudicial killing, corruption or political repression may disqualify after fair process.
4. A person may respond and appeal to an independent panel.

Article 19 — Oath or affirmation

1. Before exercising police powers, an officer shall swear or affirm fidelity to the Constitution, lawful service to the people and respect for rights.
2. The oath shall be to Eritrea and its constitutional order, not a government, party or person.
3. A copy shall be signed and preserved.
4. Refusal to take the lawful oath disqualifies exercise of police powers.

Article 20 — Training

1. Initial and continuing training shall cover criminal law, evidence, human rights, de-escalation, force, arrest, search, children, gender violence, disability, first aid, ethics and community policing.
2. Special powers require certified training and periodic requalification.
3. Training materials and standards shall be reviewed by the Commission and appropriate professional bodies.
4. Operational secrecy shall not conceal unlawful doctrine.

Article 21 — Conditions of service

1. Officers shall receive proper salary, leave, health support, safe equipment, pension and working conditions under law.
2. No officer shall be compelled to serve indefinitely or without lawful employment status.
3. Working hours and deployment shall protect readiness and health.
4. Collective representation and grievance rights shall be governed by labour and public-service law consistent with essential-service continuity.

Article 22 — Identification and uniforms

1. A uniformed officer shall display a unique service number and name where safety permits.
2. A plainclothes officer exercising coercive power shall identify the officer and show credentials as soon as practicable.
3. Special-unit face covering may be used only for a specific serious risk and the officer remains individually identifiable in official records.
4. Impersonating an officer is subject to criminal law.

CHAPTER IV GENERAL POLICE POWERS

Article 23 — Voluntary cooperation

1. An officer may request information or cooperation without compulsion.
2. The officer shall state when compliance is voluntary.
3. Refusal to cooperate voluntarily does not create reasonable suspicion by itself.
4. Consent obtained through threat, deception about legal compulsion or abuse of vulnerability is invalid.

Article 24 — Stop and inquiry

1. An officer may briefly stop a person where specific objective facts create reasonable suspicion of an offence or an immediate safety need.
2. The officer shall state the reason and keep the stop no longer than necessary.
3. A protective frisk requires reasonable suspicion that the person is armed and dangerous and is limited to weapons.
4. The officer shall record stops as prescribed, including basis and outcome, without discriminatory data misuse.

Article 25 — Identity request

1. An officer may request identity where reasonably necessary for a lawful stop, arrest, witness inquiry, border function or regulated activity.
2. A citizen is not required to carry identity documents generally unless an Assembly Act expressly provides otherwise.

3. Inability to produce a document does not authorize arrest where identity can be established reasonably by another means.
4. Identity information shall not be retained beyond lawful need.

Article 26 — Directions for immediate safety

1. An officer may give a reasonable direction necessary to prevent imminent harm, manage an emergency or facilitate lawful public use of a place.
2. The direction shall be clear, limited and no broader or longer than necessary.
3. A direction shall not suppress expression, assembly or movement because of viewpoint.
4. Non-compliance is enforceable only where the person knew or reasonably should have known the lawful direction.

Article 27 — Entry to save life

1. An officer may enter premises without warrant where reasonably necessary to protect a person from imminent death or serious injury, fight a dangerous emergency or prevent immediate destruction of critical evidence of a serious offence.
2. The scope and duration shall be limited to the emergency.
3. The officer shall record grounds, actions and items affected.
4. A court shall review contested entry and may grant a remedy.

CHAPTER V ARREST AND CUSTODY

Article 28 — Arrest without warrant

1. An officer may arrest without warrant where probable cause establishes that the person committed or is committing an offence and arrest is reasonably necessary.
2. For a minor offence, summons or citation shall be preferred unless identity, safety, evidence or appearance cannot reasonably be secured otherwise.
3. The officer shall inform the person promptly of arrest and reasons in a language understood.
4. Force shall not be used beyond Article 42.

Article 29 — Arrest warrant

1. A judicial arrest warrant requires sworn evidence establishing probable cause and shall identify the person and offence.
2. The executing officer shall show or explain the warrant as soon as practicable.
3. A stale or materially defective warrant shall not be executed knowingly.
4. The court shall maintain and audit warrant records.

Article 30 — Rights upon arrest

1. An arrested person shall be informed promptly of the right to silence, counsel, family notification, medical care, interpreter and court appearance.
2. Questioning shall cease upon request for counsel except for urgent questions strictly necessary to prevent imminent serious harm.
3. A child receives a guardian and child-sensitive procedures.
4. A written and audio or audiovisual record shall document rights and waiver where practicable.

Article 31 — Custody officer

1. A custody officer independent of the arresting investigation shall review legal basis, condition, rights and necessity upon arrival.
2. The custody officer shall refuse or end custody lacking legal basis and shall record reasons.
3. Medical, protection, disability, suicide and vulnerability screening shall occur promptly.
4. Property shall be inventoried and receipted.

Article 32 — Time in police custody

1. An arrested person shall be brought before a court within the period required by Article 17 of the Constitution and criminal procedure law.
2. Administrative delay, transport convenience or continued questioning does not extend the period.
3. Release shall occur when arrest grounds cease unless a court orders lawful detention.
4. Every hour of custody shall be recorded.

Article 33 — Conditions and separation

1. Custody shall provide safety, sanitation, water, food, sleep, medical care, communication and dignity.
2. Children shall be separated from adults and detained only as a last resort under child law.
3. Women shall have safe accommodation and access to female officers for intimate needs and search.
4. A person shall not be held incommunicado or in an undisclosed place.

Article 34 — Interview safeguards

1. An interview shall be voluntary after lawful advice or conducted under criminal-procedure safeguards.
2. Torture, threat, violence, prolonged deprivation, humiliating treatment and improper inducement are prohibited.
3. A confession obtained unlawfully is subject to exclusion and investigation.
4. Interviews shall be recorded audiovisually where facilities exist, with failures explained.

Article 35 — Register and access

1. Every custody location shall maintain a real-time register of identity, reason, time, officers, rights, health, interviews, court and release.
2. Counsel, courts, the Commission and authorized monitors shall receive access.
3. Family shall be informed of location unless a court permits a short delay for a specific serious risk.
4. Secret or unofficial detention is prohibited.

CHAPTER VI SEARCH, SEIZURE AND INVESTIGATION

Article 36 — Search warrant

1. A search warrant requires probable cause supported by oath and particular description of place, person and items under Article 18 of the Constitution.
2. The application shall disclose material exculpatory or limiting facts known to the applicant.
3. The warrant shall state time, manner, duration and any special procedure.
4. A general warrant is invalid.

Article 37 — Execution of warrant

1. An officer shall identify authority, provide a copy and permit an occupant or witness to observe where safe.
2. Entry force requires necessity after announcement unless the warrant authorizes otherwise for a specific risk.
3. Search shall remain within scope and minimize damage and unrelated intrusion.
4. The officer shall provide an inventory and file a return with the court.

Article 38 — Search incident to arrest

1. An officer may search an arrested person and immediate reachable area for weapons, escape means and evidence at risk.
2. A broader premises or digital search requires warrant or another specific exception.
3. An intimate search requires enhanced necessity, privacy, qualified personnel and written authorization.
4. Body-cavity search requires judicial order except immediate medical emergency.

Article 39 — Seizure and property

1. An officer may seize an item described in a warrant or lawfully encountered where probable cause shows evidence, contraband or danger.
2. Every item shall be labeled, preserved, recorded and receipted.
3. Property no longer required shall be returned promptly unless forfeiture proceedings begin.
4. Forfeiture requires judicial process under law.

Article 40 — Digital investigation

1. Access to stored digital content requires a warrant describing accounts, devices, data categories and period, except urgent life-saving circumstances.
2. Collection shall minimize unrelated data, privilege and third-party information.
3. Password or biometric compulsion requires clear legal authority and constitutional safeguards.
4. Government hacking, bulk interception and location tracking require specific Assembly legislation and judicial control.

Article 41 — Forensic integrity

1. Forensic work shall follow validated scientific methods, accreditation and documented chain of custody.
2. Exculpatory results shall be disclosed according to criminal procedure.
3. An expert shall state uncertainty and limitations and shall not advocate a desired result.
4. Independent re-examination shall be available where material.

CHAPTER VII USE OF FORCE AND FIREARMS

Article 42 — General force standard

1. Force may be used only for a lawful police objective where necessary and proportionate after reasonable de-escalation.
2. The officer shall consider seriousness, immediacy, behavior, age, disability, number of persons, environment and alternatives.
3. Force shall cease when the objective is achieved or necessity ends.
4. Force shall never punish, intimidate, obtain information or suppress lawful dissent.

Article 43 — Lethal force

1. Lethal force may be used only where strictly necessary to protect a person from an imminent threat of death or serious injury.
2. It shall not be used solely to prevent escape, protect property or stop a border crossing.
3. Where feasible, the officer shall identify, warn and allow compliance.
4. A firearm shall not be discharged as a warning shot or at a moving vehicle unless the vehicle itself presents the imminent lethal threat.

Article 44 — Restricted force methods

1. Chokeholds, neck restraints and techniques substantially restricting breathing are prohibited except where lethal force would otherwise be lawful.
2. Torture, electric shock for punishment, dangerous restraint position and firing indiscriminately into a crowd are prohibited.

3. Chemical agents, conducted-energy devices, dogs and impact weapons require policy, training, medical care and proportional use.
4. A weapon shall not be acquired or deployed without legal and human-rights review.

Article 45 — Crowd and assembly policing

1. Police shall facilitate peaceful assembly and communicate with organizers and participants.
2. Isolated unlawful conduct does not make an entire assembly unlawful.
3. Dispersal is a last resort for a serious and imminent threat after clear audible warning, time and safe routes.
4. Firearms shall not be used to disperse an assembly and force shall target only persons creating the lawful necessity.

Article 46 — Medical aid and reporting

1. An officer shall provide or obtain medical aid promptly after significant force.
2. Every force use beyond routine hand control shall be reported before the end of duty.
3. Serious injury, death, firearm discharge and allegation of torture shall be reported immediately to the Commission and prosecutor.
4. Failure to report or intervention to conceal use is misconduct.

Article 47 — Independent investigation of death or serious injury

1. The Commission shall investigate every death, serious injury or firearm discharge caused by police.
2. The involved unit shall preserve the scene and evidence but shall not control the investigation.
3. The officer has due-process rights but shall not coordinate accounts or alter evidence.
4. Findings and recommendations shall be published subject to fair-trial and privacy protection.

CHAPTER VIII VICTIMS, CHILDREN AND VULNERABLE PERSONS

Article 48 — Victim rights

1. Police shall treat victims respectfully, assess safety, provide information and refer services.
2. A victim shall receive a case reference and reasonable updates.
3. Protection measures shall consider retaliation, family violence, trafficking and disability.
4. A victim's immigration status, poverty or relationship to the suspect shall not defeat service.

Article 49 — Family and sexual violence

1. Police shall respond promptly, assess risk, preserve evidence and facilitate protective orders.
2. Mediation shall not replace investigation where violence or coercion is serious.
3. Interview, medical referral and privacy shall be trauma-informed.
4. An officer implicated in family violence shall be removed from case influence and firearm access reviewed.

Article 50 — Children

1. The best interests and safety of a child are primary in police action.
2. Questioning, search, arrest and diversion shall follow child-justice law and use the least coercive method.
3. A parent, guardian or independent representative shall be present unless immediate safety requires a short exception.
4. A child shall not be used as an informant where serious risk cannot be prevented.

Article 51 — Persons with disabilities and mental distress

1. Police shall provide reasonable communication and procedural accommodation.
2. A health-led response and de-escalation shall be preferred for mental distress absent serious criminal danger.
3. Disability behavior shall not be mistaken automatically for defiance or intoxication.
4. Restraint and transport shall account for medical risk.

Article 52 — Missing persons

1. A missing-person report shall be received immediately without arbitrary waiting period.
2. Risk assessment shall prioritize children, elderly persons, disability, trafficking, violence and unusual disappearance.
3. Data and publicity shall protect privacy and safety.
4. Political disappearance allegations shall be referred to the Commission and competent independent prosecutor.

CHAPTER IX INTELLIGENCE, INFORMATION AND RECORDS

Article 53 — Criminal intelligence

1. Police may collect intelligence reasonably related to prevention or investigation of crime.
2. Lawful political, religious, journalistic, union, community or civil-society activity shall not be monitored without specific criminal grounds.
3. Sources and methods shall be supervised, recorded and reviewed for legality.
4. Intelligence shall not be used as undisclosed punishment or permanent unchallengeable blacklist.

Article 54 — Informants and covert activity

1. Use of an informant or covert officer shall require written authorization, risk assessment and supervision.
2. A child or vulnerable person shall not be used absent exceptional judicial authorization and protection.
3. An informant shall not be authorized to incite an offence that would not otherwise occur.
4. Payments, benefits, reliability and material misconduct shall be recorded and disclosed as required for fair trial.

Article 55 — Police databases

1. A database shall have a lawful purpose, accurate fields, access controls, retention limits, audit and correction procedure.
2. Arrest without conviction, acquittal, expungement and disputed intelligence shall be labeled accurately.
3. Biometric and genetic data require specific legal authority and enhanced safeguards.
4. A person may access and challenge personal police data subject to a narrow active-investigation exception.

Article 56 — Body-worn and other recording

1. The Service may use body-worn cameras under published policy protecting evidence, privacy and access.
2. Recording shall ordinarily activate during enforcement and force, with justified exceptions documented.
3. An officer shall not delete, alter or selectively disable a required recording.
4. A recorded person may obtain relevant footage subject to lawful redaction.

CHAPTER X INDEPENDENT POLICE CONDUCT COMMISSION

Article 57 — Establishment and independence

1. An Independent Police Conduct Commission is established.
2. The Commission is institutionally independent of the President, minister, Police Service, prosecutor, military, intelligence service and political organizations.
3. Its budget is approved by the National Assembly and audited by the Auditor General.
4. It shall publish decisions, statistics and systemic recommendations.

Article 58 — Composition and appointment

1. The Commission consists of five members with legal, investigative, medical, human-rights and community expertise.

2. The President shall appoint members from a public merit list prepared by the Civil Service Administration Commission, with approval of the National Assembly.
3. A serving police, military, intelligence or party officer is ineligible.
4. Membership shall reflect gender and Eritrea's social and linguistic diversity.

Article 59 — Jurisdiction

1. The Commission shall receive and investigate complaints of death, injury, torture, unlawful arrest, search, corruption, discrimination, retaliation, disappearance and serious misconduct.
2. It may initiate an investigation without complaint and review systemic policy.
3. Minor service complaints may be referred to supervised internal resolution.
4. The Commission shall not direct ordinary criminal operations.

Article 60 — Powers

1. The Commission may summon witnesses, require records, inspect police places, secure evidence and apply for warrants.
2. Police shall report and cooperate and shall not withhold information on internal classification alone.
3. Privilege and witness protection shall be respected.
4. Obstruction or retaliation is subject to law.

Article 61 — Investigation and referral

1. The Commission shall investigate independently and provide affected persons a reasonable opportunity to participate.
2. Where evidence indicates crime, it shall refer to an independent prosecutor with the complete file.
3. It may recommend discipline, policy reform, compensation, apology, retraining or institutional action.
4. The receiving body shall respond in writing within sixty days.

Article 62 — Protection of complainants

1. A complaint may be made directly, through representative, anonymously or in confidence where practicable.
2. No person shall be arrested, dismissed, threatened or disadvantaged for a good-faith complaint or cooperation.
3. The Commission may arrange witness protection and urgent court relief.
4. Knowingly false allegation may be addressed under general law without chilling good-faith reporting.

CHAPTER XI

DISCIPLINE, OFFENCES AND REMEDIES

Article 63 — Code of conduct

1. The Commissioner shall issue a code consistent with this Act after consultation with officers, Commission and public.
2. The code shall address integrity, force, conflicts, gifts, confidentiality, discrimination, secondary employment, reporting and duty to intervene.
3. The code is subordinate policy and shall not create criminal offences.
4. Officers shall receive training and access to the code.

Article 64 — Disciplinary procedure

1. Discipline requires notice, evidence, response, impartial decision and reasoned outcome.
2. Serious misconduct may justify temporary reassignment or suspension with proportionate pay arrangements.
3. Sanction shall consider seriousness, intent, harm, record, candor and consistency.
4. An officer may appeal under the Civil Service Administration Act.

Article 65 — Duty to intervene and report

1. An officer shall take reasonable steps to prevent or stop another officer's unlawful force, torture, evidence tampering or serious abuse.
2. The officer shall report serious misconduct promptly through a protected channel or to the Commission.
3. Retaliation is prohibited.
4. Failure to intervene where reasonably possible is misconduct and may create legal liability.

Article 66 — Criminal accountability

1. An officer has no immunity for crime, torture, enforced disappearance, extrajudicial killing, corruption or unlawful violence.
2. Official status may aggravate responsibility where authority was abused.
3. A superior is responsible according to law for ordering, knowingly permitting or deliberately failing to prevent or report serious crime.
4. Amnesty or pardon is subject to the Constitution and applicable international law.

Article 67 — Civil remedies

1. A person harmed by unlawful police conduct may seek declaration, injunction, release, return of property, correction, apology, compensation and another lawful remedy.
2. The State is liable according to law for conduct of officers acting in or apparently under official functions.
3. An officer may be personally liable for intentional or grossly unlawful conduct.
4. Internal discipline does not replace the victim's remedy.

CHAPTER XII

EMERGENCY, ASSISTANCE AND INTERAGENCY COOPERATION

Article 68 — Emergency policing

1. During a declared emergency, police powers remain subject to Articles 27 and 28 of the Constitution and the emergency law.
2. An emergency direction shall be written, time-limited and published as soon as possible.
3. Non-derogable rights, judicial supervision and accountability remain effective.
4. Emergency necessity does not authorize torture, disappearance, secret detention or indiscriminate force.

Article 69 — Military assistance

1. The Defence Forces may assist police only under an Assembly Act or a lawful time-limited emergency arrangement when civilian capacity is insufficient.
2. Police retain civilian command for law-enforcement objectives unless the Constitution lawfully provides otherwise.
3. Military personnel exercising police power are subject to this Act, identifiable command and Commission oversight.
4. Assistance shall end when necessity ends.

Article 70 — International cooperation

1. Police may cooperate with foreign and international law-enforcement bodies under law and ratified agreements.
2. Information sharing, joint operations, extradition assistance and training shall respect rights, privacy, non-refoulement and judicial process.
3. Foreign officers have no coercive power in Eritrea without an Assembly Act or ratified treaty.
4. Cooperation shall not facilitate political persecution.

CHAPTER XIII

TRANSITIONAL AND FINAL PROVISIONS

Article 71 — Transition to civilian Police Service

1. Existing lawful police functions transfer to the Police Service upon commencement.
2. Personnel shall receive identity, vetting, rank review, employment terms and training under a published transition plan.
3. Military or political command over ordinary policing ceases.
4. No person obtains tenure or immunity merely from prior service.

Article 72 — Review of detention and records

1. Every police detention location shall be inspected and every detained person registered within seventy-two hours.
2. An unregistered or unlawfully held person shall be brought before a court immediately.
3. Political files and blacklists shall be preserved as evidence, independently reviewed and removed from operational use unless lawful current grounds exist.
4. Missing-person and disappearance records shall be secured for investigation.

Article 73 — Weapons and equipment audit

1. The Commissioner and Auditor General shall inventory police weapons, ammunition, restraints, surveillance and tactical equipment within ninety days.
2. Unauthorized, unrecorded or inherently abusive equipment shall be secured and disposed of lawfully.
3. Procurement shall follow public-procurement, human-rights and technical review.
4. Loss or diversion shall be investigated.

Article 74 — Regulations and service rules

1. The President may issue regulations concerning organization, ranks, appointments, equipment, custody standards, records and administrative implementation.
2. Regulations shall not create arrest, search, detention, surveillance or force powers beyond this Act.
3. The Commissioner may issue operational rules consistent with this Act and shall publish those affecting public rights.
4. The Commission shall review significant force, custody and surveillance policies.

Article 75 — Repeal and savings

1. Prior police-establishment and internal-security instruments are repealed only when identified by verified number, year and title in the statute-law revision schedule.
2. Lawful investigations, employment rights, contracts and proceedings are preserved subject to this Act.
3. Secret detention authority, political-policing mandate, unpublished coercive power and immunity inconsistent with the Constitution are not preserved.
4. A transitional regulation expires within eighteen months unless remade lawfully.

Article 76 — Commencement

1. This Act enters into force thirty days after publication in the Gazette.
2. Articles 4 to 7, 28 to 47 and the prohibition of secret detention apply immediately.
3. The Commission shall become operational within six months, and the competent regional court and Auditor General shall exercise urgent oversight in the interim.

Made at Asmara, this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA