

# STANDARD OPERATING PROCEDURES

## FOR FISHERIES PATROLS ON LAKES EDWARD AND ALBERT



## STANDARD OPERATING PROCEDURES (SOP) FOR CROSS BORDER PATROLS

### 1. Organization of cross boarder patrols

The Regional Patrol Team will be responsible for organizing the cross border patrols. The composition of the Regional Patrol Team responsible for cross border patrol will be established as follows:

- a. At least two technical fisheries officers from both countries (for each lake in DRC).
- b. Enforcement Agencies for fisheries (Marine, Intelligence, Immigration, Police in DRC).
- c. Environmental Service and ICCN/Park Virunga Authority for DRC.

The Regional Patrol Team should organize the patrol according to following steps:

#### Step 1

Cross border planning meeting (agreed location by patrol team leaders).

- Agree on objective of the patrols.
- Agree on scope, coverage, number of villages to be covered, how many nautical miles in water for both teams.
- Agree on the number of personnel in each team and provide the identification for each personnel to the Team leaders of each party.
- Team leader processes travel documentation for his counter personnel to get clearance for entry into the country for the patrol period.
- Agree on time frame for the patrol exercise that is compatible with the visas obtained;

#### Step 2

- Set up central command for the patrol teams.
- Patrol team leaders agree on who leads command.
- Patrol team leaders issue grace period and should communicated to the patrol area by the local & provincial leaders.
- Agree how to handle suspects.
- prosecution centres
- Agree on how to handle exhibits if any.

#### Step 3

Implementation of the patrol itself.

- Agree on daily start and stop time.
- Communication language to be used.
- Disbursement of resources for the patrol team.

#### Step 4;

Hold exit patrol meeting to.

- Share experiences.
- Challenges.
- Way forward and when to conduct next patrol.
- Complete joint report for sharing upwards.

### 2. Deployment procedure

- Identification of Fisheries Inspectors/other team members (as presented by the team leader of each country) and issuance of Authority to them.
- Deployment is rotational according to performance.

### 3. Code of Conduct by Patrol Officers

- All patrol officers should respect the chain of command.



PART OF THE 23 COXWAINS AND BOAT OPERATORS FROM D.R CONGO AND UGANDA WHO TOOK PART IN JOINT TRAINING ON THE OPERATIONS OF THE EQUIPPED PATROL BOATS

- Errant patrol officers must be dismissed from the patrol team.
- All kinds of unconstitutional malice to individual suspects such as torture or molestation or favours against the suspects during Monitoring, Control and Surveillance (MCS) operations are prohibited.
- Extortion of money or favours from resource users, dealers and others engaged in the fishery industry by operatives is prohibited.
- Patrol Command and control structure will at no account associate with such incidences.
- Operatives who engage in such wilful act will do so at their own risk and are not immune to disciplinary action and prosecution.

#### **4. Procedures for Arrest of Suspects and Seizure of Exhibits**

- a) Introduce oneself to the suspect by showing an identification documents.
- b) Ask for relevant information and documentation related to the activity leading to suspected infringement for verification.
- c) Validate the information and documentation availed (if any) against the goods, person or anything in question.
- d) if he/she refuses to give such information or fails to give such information to the satisfaction of the patrol officer (PO) or
- e) if the PO has reasonable grounds for believing that

unless arrested the offender may escape or cause an unreasonable amount of delay, trouble or expense in being made answerable to justice he may arrest him forthwith or cause arrest by linking with other law enforcement agencies.

f) If suspect resists arrest, reasonable force may be applied commensurate to the magnitude of resistance.

g) The PO hands over arrested suspect along with exhibits to the most convenient police station or police post and makes a statement on suspected infringement by specifying the charges (Annex 2).

h) The PO notes down the reference number of the case being lodged.

i) the receiving police officer acknowledges the receipt of suspect and exhibits by signing the seizure form (Annex 4, Form 2).

j) In case of suspects being at large, the PO should apply to court for a court order to dispose of impounded items (Annex 5, Form 3).

## **5. Procedure for Inspection and Search**

a) Patrol team leader assigns 2 or 3 officers to approach and inspect suspect; vehicle or vessel, establishment, baggage, etc;

b) Patrol Officer (PO) introduces themselves to owners by showing identification documents;

c) Communicate to owners intentions to inspect the said item.

d) Ask for relevant information and documentation related to suspected infringement for verification from the owners.

e) Politely ask suspect to open baggage, package, vehicle

hold, vessel hold, tent, premises or property belonging to or occupied by such person or to anyone in his employment and.

f) conduct systematic search for suspected infringement based on the Fish Act (Annex2).

g) take sample measurements randomly to verify and cross check for non-compliance.

h) If the inspection result indicates that there is an infringement on the law, appropriate action must be taken such as issuance of seizure of forms and arrest of suspect.

i) The exhibits and suspects should be handed over to the convenient police post/station and statements made to that effect.

j) The PO should be ready to testify in court as a technical officer.

k) For each inspection whether compliant or not ensure you fill inspection form and submit to the responsible authority for database compilation (Annex3).

l) The Patrol Team Leader should make effort to link up with the State Prosecutor to expedite handling of suspect.

## **6. Procedures of Halting Transport Vessel carrying Infringement**

### **6.1 Halting Vehicles**

a) The Patrol Officer (PO) shall inform the Responsible Authority for support to erect a roadblock after communicating the nature and gravity of suspected infringement.

b) In case of hot pursuit, the PO shall seek the assistance of the nearest Police outpost or highway patrol and inform



GOVERNMENTS OF THE D.R CONGO AND UGANDA SIGNING THE BILATERAL AGREEMENT FOR SUSTAINABLE MANAGEMENT OF RESOURCES OF LAKES EDWARD AND ALBERT ON 20.10. 2018 IN MUNYONYO, KAMPALA, UGANDA

the relevant authorities.

c) the vehicles are halted and the driver/relevant party informed of suspected liability under the Act and request for boarding the vehicle for search and inspection.

d) Vehicles found to have infringements are requested under escort to park at the nearest police station where court proceedings begin.

## 6.2 Halting of transport boat

- a. Identify suspected vessel;
- b. Temporarily stop the vessel to nearest landing site;
- c. Alert nearest police station;
- d. Inspect the vessel and proceed as provide in section5.0

## 7. Procedure for Measurement and Inspection of Fish and Fishery products

### 7.1 Fresh/Dried/Cured Fish or Fish Product

a) It is mandatory that the person in charge of a consignment or batch of fresh fish should produce such fish to the patrol officer on demand.

b) The Patrol Officer (PO) must maintain minimum personal hygiene requirements as provided for in the fish inspectors' manual.

c) The PO must utilize the Fish Inspectors Guide/Manual described under Fish (Quality Assurance) Rules of each

country.

d) Locate a clean platform for offloading fish before sample measurement using standard procedure as prescribed under fish quality rules.

e) Make sure there is enough ice if fresh fish to maintain the cold chain between seizure and measurement period with the ice to be provided by the suspected party.

f) Use tape measures or measuring board and measure fish length from nostril to tail end to ascertain its conformity to the existing laws for as many samples as deemed representative.

g) Measurement must be concluded within a reasonable time after offloading of the fish.

h) If infringements are found, proceed as provide in section 5.0.

## **8. Procedure of Disposal of Fish and Fishery Products/Impounded goods**

a) Fill disposal forms (Annex5 & Annex6) with particulars of the items and submit it to the Magistrate to obtain a Court Order.

b) The Magistrate gives authority and specifies the manner for destroying the items by signing the inventory form, which is in effect the Court Order.

c) The Patrol Officer (PO) destroys items as by Court Order in the presence of the following witnesses: Magistrate or his representative, the Police Officer, District/Territory Fisheries Officer, area/site Councillors, press, or the public.

d) Keep record of the activity and submit report to the relevant authorities.

e) Immature Fish and fishery products can be disposed

upon acquisition of a court order by burning if not fit for human consumption or distributing to the public but ensure you retain distribution forms duly stamped by the receiving institutions.

f) Fishing gears along the shore and on the waters, fishing boats that do not meet the legal requirements can be destroyed on site by burning, cutting, disabling or as the PO deems fit however ensure you retain photographic evidence for future reference.

g) Fishing gears on transit can be destroyed upon acquisition of a court order.

## **9. Procedure of Selling Fish and Fishery Products/ Impounded goods**

a) Seek Court Order (except on perishables) for the disposal of the seized fish.

b) If it is fresh fish and not adequately iced, the PO may sell the fish and declare the proceeds to court in not less than 48 hours with clear documentary evidence.

c) Using the established standards, the PO separates the immature from mature fish.

d) Immature fish is given freely to public institutions e.g. schools, hospitals, barracks, prisons, refugee camp, etc. once a Court order has been obtained for disposal.

e) The PO ensures that special acknowledgement forms are duly filled and signed and stamped by the recipients.

f) The mature fish may be sold by public auction and record proceedings of sale in official receipt and give original copy of the receipt to the offender and a copy to the purchasers.

g) The proceeds are receipted as government revenue and it is the receipt and funds accrued that is produced in court.

h) Keep records of the sales and submit report to relevant



POLITICAL HANDOVER OF THE EQUIPPED PATROL BOATS TO UGANDA MINISTER IN CHARGE OF WATER AFFAIRS HON. SAM CHEPTORIS AT PORT FORTAL ON 30.11.2019

authority for Fisheries.

i) No immature fish is to be sold.

### **10. Procedure for Preferring Charges**

A charge is a written statement of complaint brought against an accused person in a court of law, whether the suspect is in custody or not. Charges are preferred to inform the accused person the nature and the particulars of the offence with which he has been charged so as to enable him prepare for his defence.

Patrol Officer (PO) are required to prepare charge sheets which consist of two parts:

- i. The statement of the offence, which states the law and particular section(s) therefore, breached.
- ii. The particulars of the offence which consist of the acts/omissions that makes up the offence. The particulars therefore contain.
  - a. The date and place where the offence was committed.
  - b. The subject matter of the charge, and
  - c. The identities of the complainant and the accused as demonstrated in Annex 1.



### **About the LEAF II Project**

LEAF II is a trans-boundary project around the Lakes Edward and Albert. The project is jointly implemented by the D.R Congo and Uganda and is coordinated regionally by the Nile Equatorial Lakes Subsidiary Action Program (NELSAP-CU) one of the two investment programs of the Nile Basin Initiative (NBI). Its overall objective is to sustainably utilize the fisheries and allied natural resources of the Lakes Edward and Albert Basin through harmonized legal framework and policies. The project has a total budget of USD 24.2 million including; African Development Bank (AfDB) grant of US\$ 8.785 Million to DR Congo AfDB loan of US\$ 7.321 Million to Uganda, and Global Environment Facility (GEF) grant of US\$ 8.1 Million to NELSAP-CU for the LEAF II regional activities.

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