

# Human Rights Standards in the Use of Force

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## Preparatory Notes to Instructor

### Background

United Nations Peacekeeping Operations are frequently mandated to assist in the reforming, restructuring and rebuilding of a host country police service. In past conflicts, police often have been directly involved in hostilities and/or associated with human rights violations. Due to this, the population generally has little or no confidence in the capacity of the State to provide for their individual safety and security. Effective law enforcement not only restores public law and order but also assists in re-establishing the confidence of the population in the capacity of the State to govern.

In order to re-establish confidence in the rule of law UN Police have a great responsibility to ensure that law enforcement is exercised lawfully and effectively.

In exercising their functions, UN Police must fully adhere to United Nations human rights norms and standards. Making sure that human rights are respected is central to the work of UN Police components, whose role can vary from mentoring and advising and training the national police services to actual law enforcement.

Problems related to abuse of power can arise where police misuse force and/or fail to follow the internationally accepted procedures for the use of firearms and protection of human rights. Therefore, it is essential for the UN Police to have a clear understanding of international human rights standards regulating the use of force and firearms so that steps are taken to prevent abuses and to provide for effective investigations and sanctions in case of human rights violations.

### Aim

The aim of this module is to provide participants with an understanding of human rights implications related to the use of force by law enforcement officials.

The module will also familiarize participants with the procedures to follow once human rights violations, as a result of the use of force, have been detected and with actions to prevent them from occurring.

### Learning Outcomes

*On completion of HR in the Use of Force Module, participants will be able to:*

1. List and explain the principles on use of force based on the relevant international human rights standards
2. Explain the permissible circumstances for the use of firearms
3. Explain the procedure when use of force and firearms is unavoidable

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4. Determine the appropriate means of force and/or firearms in different situations on the basis of case studies

This training module sets out obligations in the use of force of UN police as derived from international law. These are the minimum standards to be observed. National law of host countries may provide for higher standards, which must then be observed.

### Training Sequence

It is suggested that the material contained in this module be delivered over two training units, depending on the number of learning activities the instructor decides upon. The module however is designed in such a way it can be condensed according to the needs of individual nation's training requirements.

This module provides an overview of the overall human rights standards applicable to the use of force and refers to reporting procedures for human rights violations. It is best delivered after Different Legal Systems and should be linked to the modules on human rights standards in arrest and detention, and mentoring and advising.

### Duration

Minimum Session Time	Lecture/Presentation	Questions/Assessment	Session Activities
90 minutes	30 min	15 min.	45 min. activity
Additional Options	Mission Specific	Optional Film	Optional Activity
45 minutes	as needed		45 min.

### Methodology

This module contains a variety of suggested learning activities to keep adult learners engaged. The facilitation team should use as many of the learning activities as time allows and keep them tailored to the target audience. The aim is for the learning experience to be as interactive as possible. Participants invariably bring to the course some experiences, which must be actively drawn upon to enhance the learning experience. Participants should be fully involved in the learning process through practical exercises, brainstorming sessions, discussion of case studies, working in small groups on specific tasks, etc.

The instructor should inform participants of the content, format and timing. Knowing what to expect, participants can improve their ability to focus on the subject and benefit better from the session.

- Legal basis for the use of force
- Basic principles in the use of force
- Different means of force

- Principles and procedures for using force and firearms
- Accountability for use of force and firearms
- Summary

\* **Please Note:** It is up to the learning institution to decide whether the learning assessment questions are used informally in a group question and answer session, or if they are provided to the participants as a written quiz. In either case, it is recommended that the correct answers are provided at the end of the assessment in order to ensure participants are clear on the key messages.

Instructors are encouraged to add examples and mission-specific information related to the specific deployment of participants, if known.

### Instructor Profile

This module is best presented by an instructor who has experience in international human rights law and practice, who could share his/her experience with the group.

### Instructor Preparations

#### Required Readings

For further guidance on police implementation of standards, and suggestions for discussions and exercises, trainers delivering the module are also encouraged to refer to the relevant chapters of the OHCHR training publications (*see references below*).

- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990) [[http://www.unhchr.ch/html/menu3/b/h\\_comp43.htm](http://www.unhchr.ch/html/menu3/b/h_comp43.htm)];
- Code of Conduct for Law Enforcement Officials (1979)[<http://www2.ohchr.org/english/law/codeofconduct.htm>];
- OHCHR Training Series N.5, Human Rights and Law Enforcement: A Manual on Human Rights Training for the Police, pages 84-90 [<http://www.ohchr.org/Documents/Publications/training5en.pdf>];

#### General Preparations

Equipment:

1. Computer and PowerPoint slides
2. Projector and Screen
3. Flip Charts

Materials:

1. Copies of handouts etc.

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### Symbols Legend

-  Note to the Instructor (Some background information for consideration)
-  Speaking Points (The main points to cover on the topic. Ideally the speaking points are presented in the instructor's own words versus being read to participants)
-  Mission Specific (A point where the session will benefit from mission specific information)
-  Example (Stories that illustrate a point or key message)
-  Sample questions (A list of potential questions to pose to participants)
-  Handout (Indicates a handout is provided to participants at this point)
-  Film (A film that is recommended as a core part of the training or an option)
-  Core Learning Activity (An activity that is strongly recommended for inclusion)
-  Optional Learning Activity (An activity that can be used if there is time and it is appropriate for the participant group. Guidelines for these activities are provided at the end of the unit, section or part – as indicated in the text)
-  Key summary points (Key messages that are worth repeating at the end of the session. Alternatively, the instructor can ask participants what are the main messages they are taking from the session. Instructors can then fill in any points that have been missed.)

## Session Notes

<b>Human Rights Standards in the Use of Force</b>	<b>Slide 1</b>
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**Note to Instructor:** Give the participants a brief explanation why they should pay special attention to this module. Refer to: *Background in the Preparatory Notes to the Instructor*

<b>Aim</b>	<b>Slide 2</b>
<p>The aim of this module is to provide participants with a clear understanding of human rights implications related to the use of force by law enforcement officials.</p> <p>The module will also familiarize participants with the procedures to follow once human rights violations in regards to the use of force have been detected and with actions to prevent them from occurring.</p>	

<b>Learning Outcome</b>	<b>Slide 3</b>
<p>On completion of this module participants will be able to:</p> <ul style="list-style-type: none"> <li>• List and explain the principles on use of force based on the relevant international human rights standards</li> <li>• Explain the permissible circumstances for the use of firearms</li> <li>• Explain the procedure when use of force and firearms is unavoidable</li> <li>• Determine the appropriate means of force and/or firearms in different situations on the basis of case studies</li> </ul>	

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<b>Structure of the Presentation</b>	<b>Slide 4</b>
<ul style="list-style-type: none"><li>• Legal basis for the use of force</li><li>• Human rights relating to use of force</li><li>• Basic principles in the use of force</li><li>• Different means of force</li><li>• Procedures for using force and firearms</li><li>• Accountability for use of force and firearms</li><li>• Summary</li></ul>	

<b>Defining Force</b>	<b>Slide 5</b>
Any verbal command or physical action to gain subject control.	

 **Note to the Instructor** : Before showing the slide, brainstorm with participants on a definition of force and complement with the expected outcome

 **Expected Outcome:**

Force: “Any verbal command or physical action to gain subject control”.

There is no internationally defined concept of “force” and definitions found in main dictionaries usually refer to a variety of terms such as “strength”, “power”, “violence”. Someone can be i.e. against the ‘use of force’ intended in a military way but determined to use force to avoid that a person will hurt another person. The police itself are often referred to as “police force” focusing on the power aspect of the institutional cohesion. UN Police are often familiar with the ways in which “force” has been defined under their own domestic laws and codes and that represents certainly a good starting point for discussions

<b>Legal Basis for Use of Force</b>	<b>Slide 6</b>
<ul style="list-style-type: none"><li>• International mandates, SOPs, ROEs/DUF (executive/not executive?)</li><li>• Host Country Law</li><li>• International customary and treaty law</li><li>• International non-treaty standards on policing</li></ul>	

 International mandates

- The authority for UN Police to use force directly and/or carry out other functions such as mentoring and advising will derive, in each specific situation, from the mandate established by the UN Security Council.
- The instructor should emphasise that, in addition to the mandate, there are specific mission 'Directives of Use of Force' (DUF) or 'Directive on Detention, Searches and Use of Force for United Nations Police Officers on Assignment with the United Nations' and the 'Rules of Engagement for UNPOL Formed Units of the United Nations' (ROE). These specific DUF and/or ROE (which are confidential) will be provided once the participant arrives to his/her mission. Upon arrival in the mission it is the participant's responsibility to make him-/herself familiar with these documents.

 Host Country Law

- The basic principle for legitimacy is the national law of the host country. UN Police using force and firearms will assume that the local law is applicable to them and the local population being policed. In training, mentoring and advising local police, UN Police will also need to know the national legal framework for law enforcement. The laws of the host country are very important both in the implementation of executive and non executive mandate since they constitute the setting for the law enforcement in that country. In case of contradiction, UN Police will have to follow the international rules, unless the national law provides for human rights standards which exceed international legal requirements. Mission guidance should be sought.

 International Law

- International instruments such as the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contain very important provisions relevant to policing functions, including the use of force.
- UN Police must comply with both treaty based and customary international human rights. When there is a discrepancy between national law and the international law that binds that country or the UN mission, UN Police will have to observe international law (except of course if national law provides for better human rights protection). Obviously, UN Police are not expected to check every piece of relevant legislation for compliance, and UN Police leadership should make sure that the SOPs and DUFs regulating those policing functions are consistent with applicable international law and that proper training is provided. If carrying out policing functions, UN Police must observe the international rules; when mentoring,

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advising and training host country police officers they have to make sure that those rules are understood and observed.

- There are also regional instruments (African Charter, Inter-American Convention, European Convention) which regulate respect of human rights put at risk by the use of force.

### Other International Standards on Policing

- There are numerous and detailed international human rights non-treaty standards dealing specifically with the work of law enforcement officials such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law enforcement officials. These provide detailed guidelines for the conduct of law enforcement functions, covering issues such as use of force and firearms, arrest and detention, special rules for women and for children.

<b>Human Rights Affected by the Use of Force</b> <ul style="list-style-type: none"><li>• Right to life, liberty and security of person</li><li>• Prohibition of torture or other cruel, inhuman or degrading treatment or punishment</li><li>• Respect for the inherent dignity of the human person</li></ul>	<b>Slide 7</b>
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 **Note to instructor:** Before showing the slide, brainstorm with participants on which Human Right affected by the Use of Force and complement with the expected outcome.

### **Expected Outcome:**

The exercise of the power to use force may violate the most basic human rights such as the right to life, liberty and security of person and the respect for his/her inherent dignity. Police use of force which adds to a violation of the right to life represents a clear defeat of one of the prime purposes of policing, that of maintaining the safety and security of the persons.

Right to life, liberty and security of person

- *Article 3 of the Universal Declaration of Human Rights states:*
- *Everyone has the right to life, liberty and security of person.*
- *Art. 6 of the International Covenant on Civil and Political Rights, states that “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”.*

Prohibition of torture or other cruel, inhuman or degrading treatment or punishment

- *Art. 7 of International Covenant on Civil and Political Rights, which both read: “No one shall be subject to torture or cruel, inhuman or degrading treatment or punishment”; and*
- *Article 2 of the UN Convention Against Torture, which reads:*
  1. *Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.*
  2. *No exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture.*
  3. *An order from a superior officer or a public authority may not be invoked as a justification of torture.”*

Respect for the inherent dignity of the human person

- *Article 1 of the Universal Declaration of Human Rights states:*
- *All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.*

<b>Basic Principles in the Use of Force</b>	<b>Slide 8</b>
<b>Principles always to observe (“PLAN”)</b>	
<b>P</b> Proportionality	
<b>L</b> Legality	
<b>A</b> Accountability	
<b>N</b> Necessity	



### Learning Activity: “PLAN”

The purpose of this group discussion activity is for participants to understand the “PLAN” principles.



#### Learning Activity Time Required:

	5 minutes	for activity introduction and instructions
	10 minutes	for work small groups discussions
	10 minutes	for small group reports in large group*
<b>Total time:</b>	<b>25 minutes</b>	*total time dependent number of groups

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### Activity Guidelines:

1. Divide the participants into small groups.
2. Ask them to list which essential elements have to be considered before using force based on PLAN.
3. Ask participants to present their results in the plenary (the large group).
4. Complement the results with the expected outcome



### Expected Outcome:

The response should be based on the “PLAN” principles.

1. Proportionality:
  - Use of force is unavoidable
  - Use of force to be proportional in all cases to lawful objectives
  - Damage and injury to be minimized
  - Range of means for differentiated use of force to be made available
2. Legality:
  - Force to be used only for lawful enforcement purposes
  - No exceptions or excuses for unlawful use of force
3. Accountability:
  - Incidents to be immediately reported and reviewed by superiors
  - Superior officials to be held responsible for the actions of police under their command if the superior official knew or should have known of abuses but failed to take concrete action
  - Immunity should be given to police official who refuse unlawful orders
  - No excuse for abuses!
  - No excuses for following unlawful orders!
  - All officers to be trained in the use of various means for the differentiated use of force
  - All officers to be trained in the use of non-violent means
4. Necessity:
  - Force to be used only when strictly necessary
  - Non-violent means to be attempted first
  - Restraint to be exercised in the use of force, only the minimum level required and only for the time necessary

In general when applying force, every officer or commander must constantly observe the development of the situation whether it is stable, it escalates or deescalates and graduate the means of force accordingly.

Different Means of Force	Slide 9
<p>Non violent means:</p> <ul style="list-style-type: none"> <li>• Presence of authority</li> <li>• Verbal</li> <li>• “Show of force”</li> </ul> <p>Violent means:</p> <ul style="list-style-type: none"> <li>• Physical human force</li> <li>• Handcuffs</li> <li>• Baton/Gas/Water</li> <li>• Less than lethal firearms</li> <li>• Lethal firearms</li> </ul>	

 **Note to Instructor:** Based on the mentioned examples of different means of force, discuss how the participants apply them in their own national context in order to sensitise them to UN standards.

Permissible Circumstances for the Use of Firearms	Slide 10
<p><b><u>Only</u> in extreme circumstances when strictly unavoidable for:</b></p> <ul style="list-style-type: none"> <li>• Self-defence or defence of others against imminent threat of death or serious injury</li> <li>• Preventing a particularly serious crime that involves a severe threat to life</li> <li>• Arresting or preventing the escape of a person posing such a threat and who is resisting efforts to stop the threat, in every case, only when less extreme measures are insufficient</li> </ul>	

 **Note to instructor:** Before showing the slide, brainstorm with participants on the permissible circumstances for the Use of Firearms and complement with the expected outcome.

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### Expected Outcome:

- Firearms to be used only in extreme circumstances
- Firearms to be used only in self-defence or defence of others against imminent threat of death or serious injury **-or-** to prevent a particularly serious crime that involves a grave threat to life **-or-** to arrest or prevent the escape of a person posing such a threat and who is resisting efforts to stop the threat **-and-** In every case, only when less extreme measures are insufficient
- Intentional lethal use of force and firearms shall be permitted only when strictly unavoidable in order to protect human life.

<b>Procedures for the Use of Firearms</b>	<b>Slide 11</b>
<ul style="list-style-type: none"><li>• Officer to identify himself/herself as police official - and -</li><li>• Officer to give a clear warning - and -</li><li>• Officer to allow adequate time for warning to be obeyed</li></ul>	

 **Note to the Instructor:** Before showing the slide, brainstorm with participants on the procedures and the exception for the Use of Firearms and complement with the expected outcome.

### Expected Outcome:

- Officer to identify himself/herself as police official
  - Officer to give a clear warning
  - Officer to allow adequate time for warning to be obeyed
-  This shall not be required if:
- the delay would result in death or serious injury to the officer or others, or
  - it is clearly pointless or inappropriate in the circumstances to do so.

<b>Procedures After the Use of Firearms</b>	<b>Slide 12</b>
<ul style="list-style-type: none"> <li>• Provide medical aid to all injured persons</li> <li>• Notify relatives or friends of those affected</li> <li>• Allow for investigation where requested or required</li> <li>• Provide a full and detailed report of the incident</li> </ul>	

 **Note to Instructor:** Before showing the slide, brainstorm with participants on the procedures after the Use of Firearms and complement with the expected outcome.

 **Expected Outcome:**

After using firearms it is important to minimize damage and injury.

Whenever the lawful use of firearms is unavoidable and individuals are hurt, the following action should be taken:

- Medical assistance to any injured persons at the earliest possible moment
- Notify victims' relatives/friends: ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment
- Allow and cooperate with the necessary investigation
- Report promptly incident to superiors

<b>UN Police Responsibilities under a Non-Executive Mandate</b>	<b>Slide 13</b>
<ul style="list-style-type: none"> <li>• If a UN Police witnesses, discovers, or in any other way is made aware of a human rights violation, the UN Police officer is to: <ul style="list-style-type: none"> <li>• Put an end to the violation and/or prevent further violations</li> <li>• Provide assistance to the victim as necessary</li> <li>• Mentor and advise accordingly</li> <li>• Report the human rights violation to his/her immediate supervisor</li> <li>• Report the human rights violation to the Human Rights component of the mission and consult on further necessary action</li> </ul> </li> </ul>	

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**Note to Instructor:** Use an example from a current non-executive mission, Sudan/Liberia.

- In a non-executive mission, UN Police have a responsibility to ensure that the host country police use force and firearms in full compliance with international human rights standards.
- Highlight that despite the difference in the authority given to UN Police, by the mandate human rights standards related to the use of force and firearms have to be applied regardless.

When witnessing or being informed about a human rights violation related to the use of force and firearms, UN Police will:

- Intervene with local police or other state officers in view of putting a stop to the human rights violation (type and level of engagement will depend on the specific situation and mandate);
  - Ensure assistance to the victim as necessary (the person may be wounded and requiring medical assistance or seek help to file a complaint for reparation);
  - Determine on what and how to mentor/advise local police to avoid further violations
  - Document the violation properly
  - Promptly share the information and report the violation to Human Rights components in the mission through appropriate mission procedures;
  - Support Human Rights components' monitoring, investigations and advocacy activities;
  - Remain informed on steps taken by UN Police leadership and Human Rights components
- UN Police's role is also crucial to prevent human rights violations by the local police:
- By knowing the international standards and mentoring, advising and training the host country police accordingly, UN Police can limit the occurrence of violations
  - By reporting on human rights violations, UN Police can help to determine responsibilities through investigations and sanctions. Accountability is an effective deterrent against human rights violations
  - By actively collaborating with mission partners such as human rights officers, judicial affairs and correction officers, UN Police can facilitate coordinated action by the mission in support of human rights and the rule of law

<p><b>UN Police Responsibilities under an Executive Mandate</b></p> <p>Under an 'executive' mandate UN Police are responsible for the use of force.</p> <p>Any use of force has to be carried out in accordance with the law of the host country and full respect for international human rights standards.</p>	<p><b>Slide 14</b></p>
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 **Note to Instructor:** Use an executive mission (Timor Leste) as an example. Let them read the mandates of those missions and discuss the responsibilities of UN Police.

-  In carrying out policing functions, UN Police must respect the legislation applicable in the host country insofar as it is not in conflict with United Nations human rights norms and standards or United Nations rules, regulations and other issuances.

In situations when use of force and firearms are carried out directly by the UN Police, they are required to fully respect human rights. Abuse of authority, excessive use of force and other serious misconducts possibly committed by UN Police have to be reported to the Head of Mission who will start a preliminary investigation.

It should be emphasized that, in addition to the mandate, there are specific mission 'Directives of Use of Force and Firearms' (DUF) or 'Directive on Detention, Searches and Use of Force for United Nations Police Officers on Assignment with the United Nation' and the 'Rules of Engagement for UN Police Formed Units of the United Nation' (ROE). These specific DUF and/or ROE (which are confidential) will be provided once the participant arrives to his/her mission. Upon arrival in the mission it is the participant's responsibility to make him-/herself familiar with these documents.

<p><b>Summary of Key Messages</b></p> <ul style="list-style-type: none"> <li>• Human Rights affected by use of force</li> <li>• Formal procedures for use of firearms</li> <li>• Police powers under international law in regards to use of force</li> <li>• Mentor and advise host country police in regard to use of force</li> </ul>	<p><b>Slide 15</b></p>
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 **Note to Instructor:** If time allows divide class in groups and hand out the exercises in the Optional Learning Activity: *Fleeing Thief and Unplanned Demonstrations*.

### Learning Outcome Assessment

It is up to the learning institution to decide whether the learning assessment questions are used informally in a group question and answer session, or if they are provided to the participants as a written quiz. In either case, it is recommended that the correct answers are provided at the end of the assessment in order to ensure participants are clear on the key messages.

At the end of the entire unit and/or the conclusion of the STMs instructors may want to choose some of the following questions for review.

#### Questions

1. List and explain the principles on use of force in relation to the human rights standards.
2. List the different legal basis for the use of firearms for UN Police.
3. What are the human rights relating to the use of force?
4. What are the permissible circumstances for the use of firearms?
5. What are the procedures for the use of firearms and exceptions to these procedures?
6. What are the procedures after the use of force?



#### Expected Outcome

1. The principles on use of force and firearms in relation to the human rights standards are:

The response should be based on the “PLAN” principles.

- Proportionality:
  - Use of force is unavoidable
  - Use of force to be proportional in all cases to lawful objectives
  - Damage and injury to be minimised
  - Range of means for differentiated use of force to be made available
- Legality:
  - Force to be used only for lawful enforcement purposes
  - No exceptions or excuses for unlawful use of force
- Accountability:
  - Incidents to be immediately reported and reviewed by superiors.

Superior officials to be held responsible for the actions of police under their command if the superior official knew or should have known of abuses but failed to take concrete action

Immunity should be given to police official who refuse unlawful orders

No excuse for abuses

No excuses for following unlawful orders!

All officers to be trained in the use of various means for the differentiated use of force

All officers to be trained in the use of non-violent means

- Necessity:

Non-violent means to be attempted first

Force to be used only when strictly necessary

Restraint to be exercised in the use of force, only the minimum level of force required and only for the time necessary

2. The different legal basis for the use of force and firearms for UN Police

- International mandates, SOPs, ROEs/DUF (executive/not executive?)
- Host Country Law
- International customary and treaty law
- International non-treaty standards on policing

3. The human rights relating to the use of force and firearms

- Right to life, liberty and security of person
- Prohibition of torture or other cruel, inhuman or degrading treatment or punishment
- Respect for the inherent dignity of the human person

4. The permissible circumstances for the use of firearms are only when less extreme measures are considered insufficient.

- Firearms to be used only in extreme circumstances
- Firearms to be used only in self-defence or defence of others against imminent threat of death or serious injury

-or-

to prevent a particularly serious crime that involves a grave threat to life

-or-

to arrest or prevent the escape of a person posing such a threat and who is resisting efforts to stop the threat

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5. The procedures for the use of firearms and exceptions to these procedures are:

- Officer to identify himself/herself as police official
  - and -
- Officer to give a clear warning
  - and -
- Officer to allow adequate time for warning to be obeyed

**This shall not be required if:**

- the delay would result in death or serious injury to the officer or others, or
- it is clearly pointless or inappropriate in the circumstances to do so.

6. The procedures after the use of force and firearms are:

- Render medical aid to all injured persons
- Notify relatives or friends of those affected
- Allow for investigation where requested or required
- Provide a full and detailed report of the incident



### Optional Learning Activity: Case Studies

The purpose of this activity is for participants to learn about police officers and FPU procedures through real case scenarios. The two exercises are: Fleeing Thief and Unplanned Demonstrations.



### Learning Activity Time Required:

10 minutes	for activity introduction and instructions
15 minutes	for work small groups discussions: exercise 1 or 2
20 minutes	debrief in the large group*
<b>Total time: 45 minutes</b>	*total time dependent number of groups



### Activity Guidelines:

1. Divide the participants into two groups and give each group an Exercise.
2. For Exercise 1, participants are asked to identify if the police acted appropriately in a scenario.
3. For Exercise 2, participants are asked to determine the FPU procedures are appropriate in a real case scenario.



### Exercise 1: Fleeing Thief

You are co-located with host country Police station in a sensitive area with a significant minority population. The police are mainly recruited from the majority group and as such considered biased by the minority. One afternoon an inhabitant belonging to the minority breaks into the station and steals a portable computer and a radio set. He attempts to exit the front gate. Coming back to the station after a joint host country/UN police foot patrol your two armed host country police colleagues challenge the thief. He pulls out a knife, taking a step towards the police officer, before he turned and ran out of the gate and across a dirt road into an open field. The two host country officers assume that the computer has sensitive files, and anyway they are angry as this is the third thief this week. While running after him, one of the host country officers shoots the thief.

He is badly injured but alive. Local bystanders of minority origin witnessed the events and start shouting in the local language. A crowd begins to gather and another three host country officers join their two colleagues.

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The thief is bleeding profusely and cries out. The host country officers are talking amongst themselves, and preventing the people from helping the man. Some villagers race up with a van to take the injured man to the hospital, but as the vehicle approaches the officers they fire a few shots deflating the front tires. It is barely 5 minutes since the shooting; the crowd is building; the thief stops breathing and dies.



### Activity Guidelines:

1. Divide the participants into small groups and ask them to read the exercise.
2. Ask them to determine the police officers procedures and action towards the thief.
  - Was the attempt to arrest the suspected thief legal?
  - What would have been the appropriate action, when the thief pulled his knife?
  - What would have been the appropriate action when the thief escaped into the field?
  - After having shot the thief, what would have been the appropriate actions?
  - What should have been done in regards to the angry crowd?
  - What is your role as UN Police during and after the situation?



### Expected Outcome:

1. Was the attempt to arrest the suspected thief legal?

The attempt to arrest must be considered legal, assuming the suspect was seen leaving police premises with the computer and handset. At least, in the light of the recent thefts, the police had the right to address the suspect and inquire into his reasons for his presence and the possession of the items.

2. What would be the appropriate action, when the thief pulled his knife?

Try to freeze the situation and to verbally encourage the suspect to put down the knife and surrender. At the same time preparatory actions in regard to use of force could be taken; in order for self defense and if necessary to enforce an arrest.

3. What would be the appropriate action when the thief escaped into the field?

Again use verbal means to stop the suspect.

With due consideration of own safety pursue the suspect with the purpose of making an arrest.

4. After having shot the thief, what would have been the appropriate actions?

In order to minimize damage and injury

- Medical assistance to any injured persons at the earliest possible moment;
- Notify victims' relatives/friends: ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment;
- Allow and cooperate with the necessary investigation;
- Report promptly incident to superiors.

5. What should have been done in regards to the angry crowd?

The police should have approached the crowd in order to try to calm the situation

6. What is your role as UN Police during and after the situation?

- Report to your supervisor and to the Human Rights component;
- Ensure that the incident is investigated properly
- Information to the local community and victims about action taken
- Communicate with local officials and community leaders in order to encourage better relations with the host country police and crime prevention means



## Exercise 2: Unplanned Demonstrations

1. News spreads of the peacekeepers who in a roadside accident killed a mother and a child. An angry crowd of about 50 people gathers at the UN HQ main gate and protests angrily. The crowd within 20 minutes grows to about 200 men, women and children throwing stones. Windows and vehicles inside the HQ compound are being damaged. Tires are set on fire outside in the streets.
2. One FPU platoon armed with automatic rifles forms up outside the gate and orders the demonstrators to disperse. A young male protestor throws a bottle, hitting one of the FPU members. Three other FPU members chase the protestor who resists arrest, punching and kicking the officers. Using rifle butts the FPU members knock the man to the ground and handcuff him. The protestor although handcuffed refuses to hold still and manages to spit into the face of an officer. In a moment of rage the officer orders to drag the man to the front gate and handcuffs him to the barricade in full sight of the crowd. The village leader arrives on the scene but the FPU ignore his presence.
3. By now the crowd is really getting violent and the FPU platoon starts to retreat back into the compound. Rocks and bottles are hitting the

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officers who are ordered to form a line at the compound gate and aim their weapons at the protesters. One FPU member is hit by a rock and falls to the ground. Reinforcement arrives, and surrounds the protesters. Some protesters drop to the ground clutching children and friends; others continue to advance on the FPU. As the situation disintegrates, several officers open fire and four protesters collapse with gunshot wounds. The crowd flees and the dust settles.



### Activity Guidelines:

1. Divide the participants into small groups and ask them to read the exercise.
2. Ask them to determine the FPU procedures and action towards the incident.
  - Was the deployment of the unit correct and sufficient?
  - What other actions could be taken?
  - Was the conduct of the arrest legal and appropriate?
  - Which actions should be taken in the case of the excess force used against the protester?
  - What should have been done in regards to the angry crowd?
  - How should the FPU have dealt with the village leader?
  - Was the use of firearms against crowd appropriate?
  - What is your role as UN (individual) Police during and after the situation?



### Expected Outcome:

1. Was the deployment of the unit correct and sufficient?

Reflecting the deployment of the FPU it should be emphasised that in order to meet international standards the FPU has to take a graduated approach and the risk of escalation of violence has to be minimized. A more de-escalating way to respond to this situation might have been to position the FPU inside the compound, which could have served the purpose of increasing their own security and reducing the need for self-defence.

Consideration must be given to sufficient equipment of the FPU. Also consideration is needed on dispatching other tactical units to be engaged, and eventually to “show of force” to deter further escalation.

2. What other actions could be taken?

Try to identify the leader and establish contact in order to explain the situation, the UN course of action to investigate the traffic accident and

thereby make an attempt to calm down the situation; call host country authorities, especially the host country police, asking to intervene.

3. Was the conduct of the arrest legal and appropriate?

In principle the arrest was legal and justified. The tactic to chase the man is however questionable since his actions did not pose a significant threat to the FPU. Strategies to diffuse rather than increasing tensions should be privileged.

Consideration has also to be made as to consequences of the arrest. In a unit under command, such arrests must be planned and coordinated.

4. Which actions should be taken in the case of the excess force used against the protester?

The acts of excess use of force should be stopped immediately. The same applies for the protester being handcuffed to the barricade. It is both exposing him to danger and to violating human rights standards for handling arrested persons. The protestor should have been given medical assistance immediately.

5. What should have been done in regards to the angry crowd?

Negotiations with the village leader should have been initiated; verbal warnings and encouragement to disperse should have been given to the crowd.

6. Was the use of firearms against the crowd appropriate?

It could have only been justified in response to a serious threat to the life of a person. The scenario does not give any indication that this was the case. Therefore the use of firearms was not justified. In addition none of the mandatory procedures before using firearms has been applied.

7. What is your role as UN (individual) Police during and after the situation?

Your role as individual police is mainly to observe. A general role of anybody is to stop the abuse of power immediately, if possible. After the action, report the incident to the appropriate authorities and follow up on the case by:

- Report to your supervisor and to the Human Rights component
- Ensure that the incident is investigated properly
- Information to the local community and victims about action taken
- Communicate with local officials and community leaders in order to encourage better relations with the host country police and crime prevention means