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Topic 1: Restricting the use of harmful weapons by Riot Police

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Introduction:

The main job of riot police officers is to confront protests, from peaceful to very violent ones. For this, they have to be trained and organised to be able to disperse crowds and maintain public safety. However, as the years are going by, the ways that the police are dealing with the protesters during public demonstrations change. This of course includes the change in the use of weapons that the officers are equipped with and their use of them in different situations. Not all countries have “riot police”. In some, the officers used during the riots can also be the military. In the United States for example, there are separate forces under different institutional bodies. In Portland, the riot police are called “federal officers” who work under the control of the executive branch of the national government. Other countries like Sweden have a “single national force” which is organized by the federal government. It has been reported that the riot police began to abuse their power and started to apply dangerous weapons where they are not required to be used which raised a range of issues in most of the countries as instead of protecting the public from injuries during the protests and preventing violence, the riot police officers escalate the violence even more by misusing the weapons. This research report will provide information on the effectiveness of the types of weapons used by the riot police; their limitations and impacts on the health of the public. Some information is based on the previous studies and research done by other organizations and universities such as University of Chicago as well as the countries involved and previous solutions that were created to help restrict the use of the harmful weapons, so the fundamental human rights in the UDHR (Universal Declaration of Human Rights) are not being violated.

Key Terms:

Non-Lethal Weapons: Less dangerous devices used in situations where escalation of conflict should be limited. They are intended to be less likely to kill unlike the traditional weapons, but can still seriously injure and maim.

Riot Control (Chemical) Agents: chemical compounds used by riot police against protestors to temporarily cause damage such as irritation in the eyes, mouth, throat. In other words, “riot control agents”

Law Enforcement Officers: Employees whose job is to enforce the law. Examples: sheriff, riot police officer, etc.

Unpeaceful protest : During these protests, protesters usually have weapons and do not abide by the law of that country regarding the right to protest.

Background Information:

For many years, there have been different kinds of protests during which the people went on the streets to express their grievances as well as claim their rights against the government. As these protests have spread across the globe with some turning to more violent, (law enforcement officers) riot police began to respond in a way that started to profoundly undermine the basic human right (UDHR), 1 freedom of expression which is one of the key human rights of the UDHR, of which all UN members states are signatories. In recent years, the number of the protests has increased due to the violation of the Universal Declaration of Human Rights being more frequently violated.

In order to “prevent” the public demonstrations from becoming more violent, crowd-control weapons are used. These weapons are also known as “ riot control weapons”, “less than lethal weapons” and “non lethal weapons”. There are many examples of the CCWs(Crowd-Control Weapons): chemical irritants (which are banned under the Chemical Weapons Convention (CWC) and Geneva Protocol since 1925 kinetic impact projectiles, water canons and so on. The CWC, an article that banned the use and even the possession of chemical weapons, was signed by 189 nations, and is still in force today according to the United Nations Office For Disarmament Affairs. The CCWs are defined as weapons that can cause minimal injury and at the same time be effective in stopping the escalation of violence in public demonstrations. The use of CCWs has shown frequent injuries, disabilities and death. This means that such weapons were and still are to this day wrongly perceived to be safe by the riot police when being applied . According to INCLO (International Network Of Civil Liberties Organizations), there have been many cases where the crowd-control weapons were used as ways to purposely injure and kill rather than safe tools for the crowd management.

There are many examples from previous years where the riot police have been improperly using the crowd-control weapons against the protesters. Many nations in Europe, South America, North America, Asia and Africa have witnessed situations where the control during demonstrations has become far from legally and ethically acceptable. Back in 2015,

five children and a police officer were injured in a stampede which was caused by the improper use of tear gas that was fired directly at the children who were present at the #OccupyPlayground protest in Kenya. Protests against racism and discrimination initiated in the US, however then became a global movement. During these protests in the US, police officers were indiscriminately using tear gas, rubber bullets and bean bag rounds which caused injuries to protesters and journalists that were present during the demonstration. According to INCLO, International Network of Civil Liberties Organizations, in Argentina, where the rubber bullets were purposely fired at the protesters in the psychiatric hospital causing severe injuries even to the journalists, doctors and patients who were not a part of the demonstration.

However, in order to solve this problem, it is crucial to understand why riot police are needed in the first place. As stated in the Human Rights Act, everybody has the freedom of speech and right to protest. In some cases, these rights can be limited if the protestors don't abide by the law, and harm other people. Instances like this might justify why the riot police exist and why in some countries they can have weapons - lethal and / or non-lethal.

In its recent study, INCLO has identified multiple factors that might justify the misuse of the crowd-control weapons and why they violate basic human rights. The most important factors that have been identified in this study were: the gaps in international standards and regulations which are insufficient testing, training and regulations. Others also include the rapidly growing commercial weapons industry. With regards to the gaps in international standards and regulations, based on the study, there were no signs that the international mechanisms have kept the pace with the rapid development of the crowd-control weapons. The international standards that were created to address the use of the weapons used during the demonstrations are limited which means that as a result, there are no limitations on the types of weapons that should be applied. This also includes the manufacture and trade of the crowd control weapons. Due to the limited guidance on the use of crowd-control weapons, their misuse still continues around the world today making even the "non-lethal" weapons unsafe.

Rohini Haar who is an emergency room physician that has previously studied the impact of less harmful crowd control weapons, informed that it is not only the chemicals that matter, but the time when the use of such weapons should be applied. In one of her interviews with “Vox”, she stated that: “ These weapons are supposed to be used as a last resort, if there is really an uncontrollable level of violence that threatens public safety.” According to “ United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement”, the appropriate use of less dangerous weapons has been violated by police for years. In some countries like the United States of America, there were cases where riot police were failing to follow basic human rights by using even less harmful weapons in situations where they were not meant to be used.

Major Countries and Organizations Involved:

United States

As summarized in the “Background information”, the United States is one of the countries today where police violence is still happening. The police across the country for years have been failing their obligations under the international law to respect the rights of the peaceful protesters. According to the study carried by the “University of Chicago”, in which Claudia Flores: who is the Clinical Professor of Law state stated that even though, various international sources are providing detailed account on how the basic human rights can be protected when it comes to the law enforcement, riot police violations in major cities across the United States are still allowing the country to remain in place of failing to comply with standards of the human rights law. In her latest study, Flores stated that: “ Police departments grant their officers deadly discretion, allowing the use of lethal force to capture an escaping suspect or to prevent the commission of a felony, regardless of whether the suspect poses threat of any kind.” (University of Chicago News). To constrain the abuse of power by riot police, previous attempts have been made by 193 countries including the United States to balance police power with basic human rights which also includes the rights to life and the security of the people. For this, all 193 member countries of the United Nations developed the laws to restrict the riot police power. Along with the created standards and principles, the “UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials” has

also been created. However, based on the latest evaluations by University of Chicago, neither of the evaluated police departments in US largest cities met the requirements.

The United Nations Human Rights Office of the High Commissioner: in 1990, The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials was adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The main goal of these basic principles was to help all member states improve the role of all law enforcement officials by providing more detail concerning Article 3 of the “Code of Conduct for Law Enforcement Officials” which is about the use of force by the police officers.

Organization for the Prohibition of Chemical Weapons: This organization is the implementing body for the Chemical Weapons Convention which came into force on 29th of April, 1997. The main goal of OPCW along with its 193 Member States is to permanently eliminate the use of chemical weapons.

France

Not only does France have dedicated riot units that are trained for policing instances of the civic unrest, she is also one of the countries that for a long time has been engaged in a fight against the use and production of the dangerous chemical weapons. In 1993, France officially signed the Chemical Weapons Convention and is also one of the member states of OPCW (Organization on Prohibition of Chemical Weapons)

Relevant UN Resolutions and Reports:

General Assembly resolution on Code of Conduct of Law Enforcement Officials-

<https://undocs.org/en/A/RES/34/169>

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

<https://www.un.org/ruleoflaw/files/BASICP~3.PDF>

Guidance On Less-Lethal Weapons in Law Enforcement

https://www.ohchr.org/Documents/HRBodies/CCPR/LLW_Guidance.pdf

Previous Attempts at Resolving This Issue:

In 2017, a project done by the “Geneva Academy “ focused on the rights that are currently affected by forces applied by law enforcement officers including riot police. In that same year, a seminar took place where experts as well as practitioners from the United Nations, diplomats and civil societies were invited to participate. The seminar lasted two days, during which different forms of discussions were held. First, with the introduction on the general principles that govern the use of force by the law enforcement officers when it comes to protests. The next sessions were held with the participation of law enforcement professionals who had the chance to share their views where after the discussion, it was noted that there were no threshold of “seriousness” regarding the circumstance that can be a possible justification to the use of forces by the riot police(Use of Force, Crowd Control and Peaceful Protests - The Geneva Academy of International Humanitarian Law and Human Rights).

After this note, it was concluded that the result can be that there will be an uncertainty to what kind of force should be used during the protests. In addition, the participants of all sessions during the seminar explored the challenges of the technologies or weapons that can be used during the demonstrations. This also included the challenges that could be faced when it comes to applying less-lethal force. After the seminar, with the auspice of Geneva Academy as well as the International Institute for International and Comparative Law In Africa, experts, representatives of United Nations agencies, law enforcements and other organizations, together created a to be called “ solution” to the issue. The possible solution published in 2019 by the Office of UN High Commissioner of Human Rights, is the “ The Guidelines on Less-Lethal Weapons and Related Equipment in Law Enforcement” which based on the international law and law enforcement rules and practice, was created for a purpose to provide a “ direction” on the lawful production, testing and design of LLW (less-lethal or non-lethal weapons) as well as other types of weapons that could help provide more guidance for the riot police to use less-lethal weapons and other equipment appropriately during the demonstrations. Unfortunately, even though the created guidelines provide some general principles in context of the use of force by police, the standards created are outdated and do not include the rapid development of the CCWs .

Furthermore, the UN Basic Principles that were also created as standards for the use of weapons, were criticised for the lack of clarity in the report. More specifically, it was hard to translate their provisions into concrete guidelines on how the police should be using the weapons.

Possible Solutions:

When it comes to restricting the use of the crowd-control weapons, it is important for the delegates to note that based on the previous attempts done to solve the issue, it is not necessary to create guidelines in the resolution on when the use of the weapons should be applied. Some organizations, companies and universities are currently working on the new types of weapons that will not be causing any form of harm to the protesters. This means that some nations might consider restricting the use of crowd-control weapons this way. However, it is also important to note that banning the currently used weapons completely, such as the “non-lethal” weapons, might not be a good solution, as their effectiveness during the protests is still proven.

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