

## SECURITY COUNCIL 2



# **Topic: The Issue of Excessive Brutality in Law Enforcement**

## **TABLE OF CONTENTS**

<b>Welcome Letter from the Dias.....</b>	<b>2</b>
<b>The Committee.....</b>	<b>4</b>
Introduction to the Security Council.....	4
Current Members.....	5
Mandate of the UNSC.....	5
<b>Definitions of Terms.....</b>	<b>6</b>
<b>Key Concepts.....</b>	<b>7</b>
Differentiating between Discrimination and Brutality.....	7
Security-related Implications.....	7
Direction of Countermeasures.....	8
The UN's Pivotal Role in Solving the Issue.....	9
<b>Causes and Consequences of Law Enforcement Brutality.....</b>	<b>10</b>
<b>Current Situation and Trends.....</b>	<b>11</b>
<b>Stances of Countries.....</b>	<b>14</b>
<b>Possible Solutions.....</b>	<b>20</b>
<b>Bibliography.....</b>	<b>21</b>

# *Quis custodiet ipsos custodes? “Who will guard the guards?”*

## FOREWORD

Dear Delegates,

Welcome to IPYLC. Three days seems like a long time, but really, it'll pass so fast and you'll soon come to miss it (hopefully). For those who are well-versed in the munning sphere, GOOD! For those who are beginners, DON'T WORRY! IPYLC is a beginners' preparatory conference that simply allows you to make friends and enjoy yourself, while exposing you to current affairs around you that you may not have spared a second thought about. Moreover, it is an invaluable learning opportunity for you to broaden your knowledge and hone your public speaking skills.

We're sure you have heard of the issue of excessive brutality due to law enforcement; with movements like the Black Lives Matter movement making waves in America's social fabric. To tackle such a challenging topic is really no easy feat. Therefore, your chairs will be more than willing to guide you every step of the way!

As Mahatma Gandhi once said, *“Be the change that you wish to see in the world.”* As the younger generation, it is upon us to address pressing issues all around the world. And as the Security Council, it is our duty to maintain international peace and security, by working cohesively in order to address the issue at hand.

We hope that through your research, you are able to gain a deeper understanding of the issue and evaluate the different methods your council can take when tackling such a problem. We wish to see you develop your speaking and interpersonal skills while becoming more aware of global issues around you. Last but not least, we hope to see all of you bond together as a council and forge lasting relationships with one another.

This study guide contains the 101s to the role of the Security Council within the UN, as well as notable countries and incidents pertaining to the issue of law enforcement brutality. Yes, we know that this study guide is very long. Thus, we've provided a contents page to help you out a little.

The study guide should act as a base, a foundation for you to build your research upon, so as to gain a fundamental understanding of your task at hand. If you are researching, or have researched extensively about the issue, AMAZING JOB! However, even if you fall under this criterion, you are still welcome to use this study guide to further develop your research. For those who have not researched;

### **Read the study guide!**

Despite how disinterested you are about IPYLC, despite your opinions about this being simply a social opportunity, you will not have fun in council if you do not have the slightest hint of what is going on. You will feel even more left out, when everyone is gathering to discuss the pressing issue fervently. The study guide contains examples for countries with law enforcement brutality, but you can find the summary at the bottom where you can use this to formulate countermeasures and solutions.

In conclusion, come prepared for IPYLC. You don't have to overdo it but have at least a basic understanding of what the issue is. Come closer together as a council, and don't be afraid to mingle with those of the opposite gender. We hope that you leave IPYLC with a newfound interest in current affairs, new friends and an unforgettable experience.

Here's to an exciting, eventful IPYLC. Good luck, and we hope to see productive discussion!

Yours sincerely,

Your Chairs

Yap Han, Abigail Low and Nathanael Tung

# THE COMMITTEE

## **1. Introduction to the Security Council**

The United Nations Security Council (UNSC) is primarily responsible for the maintenance of international peace and security in accordance with the principle and purposes of the United Nations, responding to crises around the world on a daily basis, and determining when and where a UN peacekeeping operation is deployed. The UNSC also investigates any disputes or situations which may lead to international friction and will recommend methods of tackling such disputes.

When establishing a UN peacekeeper operation, the Security Council first adopts a Security Council resolution. As delegates of the UNSC, this resolution will ultimately be the final product of your 3 days of IPYLC and will serve as an international platform for you to take action against the issue of law enforcement brutality.

The UNSC holds much political power as under Article 25 of the Charter, all UN members agree to accept and carry out the decisions of the Security Council. This means that all actions decided upon by the Security Council through the adoption of a Resolution has a widespread effect throughout the UN.

The Security Council has primary responsibility for the maintenance of international peace and security. It has 15 Members, and each Member has one vote. Under the Charter, all Member States are obligated to comply with Council decisions.

The Security Council takes the lead in determining the existence of a threat to the peace or act of aggression. It calls upon the parties to a dispute to settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the Security Council can resort to imposing sanctions or even authorize the use of force to maintain or restore international peace and security.

The Security Council also recommends to the General Assembly the appointment of the Secretary-General and the admission of new Members to the United Nations. And, together with the General Assembly, it elects the judges of the International Court of Justice.

## **2. Current Members**

### *Permanent and Non-Permanent Members*

The Council is composed of 15 Members:

- five permanent members: China, France, Russian Federation, the United Kingdom, and the United States,
- and ten non-permanent members elected for two-year terms by the General Assembly (with end of term date):
  - Bolivia (2018)
  - Côte d'Ivoire (2019)
  - Equatorial Guinea (2019)
  - Ethiopia (2018)
  - Kazakhstan (2018)
  - Kuwait (2019)
  - Netherlands (2018)
  - Peru (2019)
  - Poland (2019)
  - Sweden (2018)

All fifteen members of the UNSC each have one vote, while non-member states may participate in the discussions without a vote. However, it is to be noted that special conditions can be set by the council to ensure the active participation of these non-member states in the various discussions.

## **3. Mandate of the UNSC**

The Mandate of the UNSC includes, but is not limited to the following;

1. Deploying Peacekeeping operations to prevent the outbreak of conflict within and across borders
2. Stabilizing conflict situations after a ceasefire
3. Legalising the use of force to solve certain issues where appropriate
4. Dispatching collective military action
5. Imposition of sanctions

of which under its charter all member states are obliged to comply through legally binding resolutions, passed in the UNSC.

## DEFINITION

**“Brutality”** can be defined as

1. Physical violence and/or force

**“Law Enforcement”** can be defined as

Any system by which some members of society act in an organized manner to enforce the law by

- a. Discovering
- b. Deterring
- c. Rehabilitating, or
- d. Punishing

people who violate the rules and norms governing that society.

**“Law Enforcement Officials”** therefore refer to all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.

They include, but are not limited to,

1. Policemen
2. Military officials
3. Intelligence agents
4. Security guards

**“Excessive”** can be defined as

1. A measure or action deemed as more than that which is necessary, normal, or desirable.
2. Immoderate

Therefore, in this context, **“Excessive Brutality in Law Enforcement”** can be defined as

1. The use of unnecessary force by police or law enforcers when dealing with civilians
2. Police misconduct involving undue violence by its members

## KEY CONCEPTS

### **A) Differentiating between discrimination and brutality**

Law enforcement brutality appears in a multitude of areas, from excessively violent interrogation of suspects in custody to shooting of innocent citizens on grounds of aggression. It is important to differentiate between discrimination in law enforcement forces and law enforcement brutality, as the two typically are linked closely together in a cause-and-effect relationship.

Discrimination in law enforcement forces, such as racial and religious discrimination, can be stated as one of the many reasons for law enforcement brutality. As seen in the Castile incident, where officer Jeronimo Yanez shot Mr. Philando Castile over unjustified suspicion of Castile concealing a firearm which was suspected to be spurred by racial discrimination, police officers may be more violent towards certain racial communities, which contributes to the issue of law enforcement brutality. Yet, this should not be the main focus of the Security Council.

As the Security Council, we tackle issues related to internal security, which the Castile shooting falls under as well. This further blurs the line between discrimination and brutality, as they can appear to be extremely similar issues. However, by tackling internal security, we also tackle the issue of custodial deaths, the denial of these custodial deaths and the lack of punishment for these custodial deaths. [*custodial death*: death of a person in the custody of the police, other authorities or in prison]. As such, we address how to ensure the security and peace of these countries can be maintained through ensuring law enforcement forces do not use excessive force when carrying out interrogations. Discrimination is more closely linked to the aspect of human rights issues, which should be settled by the Human Rights Council.

That being said, it is perfectly fine to take action against discriminatory behaviour that result in law enforcement brutality such as unjust shootings. However, it is irrelevant to tackle issues such as discriminatory stop-and-frisk statistics by American police, despite them having similar societal effects and causes. Delegates are encouraged to keep the role of the Security Council in mind at all times, and take suitable action as such.

### **B) Security-related implications - compromised civil security, undue violence, stigma and terror, etc.**



Law enforcement brutality typically results in a lack of sense of legitimacy towards law enforcement forces from the public, as the public begins to view the police as untrustworthy, discriminatory figures of authority which abuse their position of power. This may extend to the public holding the opinion of the police being enemies, rather than protectors and upholders of justice in society. As a result, there is a compromise of civil security, where the public are unable to trust the police with keeping peace within and maintaining social cohesion throughout society. Undue violence may also result when the two conflicted parties happen to clash - for example, if a law enforcement officer unfairly treats an innocent civilian, causing other civilians to react to the matter as well. This is an example of how law enforcement brutality leads to increased hostility towards the state, and subsequently threatens a nation's civil security.

Furthermore, there is a discernible trend of outdated and incomplete definitions of law enforcement brutality in national law, which often fail to provide a specific breakdown into the acts of law enforcement brutality, as well as criminalise the unlawful acts by law enforcement officials on innocent civilians. As a result, a vague act of brutality by a law enforcement official towards a civilian may cause varying degrees of uproars of backlash or criticism from the general public due to the differing views of society's members towards that particular act of brutality. This eventually results in societal conflict between both parties and might even see differing opinions regarding various acts of law enforcement brutality among different groups of civilians. All this leads to compromised security of the members of the state as a whole, be they members of law enforcement organisations or general civilians altogether.

Stigma and terror might also stem from such acts of brutality, the reason simply being the fear of civilians regarding being attacked or unjustly treated by law enforcement officials due to various reasons.

### **C) Direction of Countermeasures**

Law enforcement brutality can be solved using different methods. Such methods often have negative implications on the organisation or state which implements it. Social implications, namely the social conflict between law enforcement officials and the affected civilians, would also result in a negative social spillover effect on the rest of society's members.

The methods that can be used should be directed towards changing the mindsets of law enforcement forces, where they currently experience a culture of impunity for their actions. This leads to them torturing suspects held in custody for false confessions and the gathering of evidence, which can lead to custodial deaths. By tackling this culture of impunity, this results in a deterrent for law enforcement forces which utilise such methods of interrogation and possibly limit instances of custodial deaths.

Methods used should also aim to combat the lack of a respected legal system, which can also lead to an increase in custodial deaths. When police do not follow pre-established laws and take matters into their own hands, they tend to go to extreme means such as physical and psychological torture to provide evidence in lieu of incriminating suspects. Therefore, by implementing a fair legal system for all countries in the UN to follow, more custodial deaths can be prevented, and police officers will be able to maintain peace and carry out fair investigations without using excessive violence.

Other countermeasures can also be aiming towards tackling the negative mindset adopted by the public towards law enforcement forces as a result of law enforcement brutality. This negative mindset, which pictures police forces as untrustworthy, discriminatory, and needlessly violent, must be remedied in order to restore trust in and legitimacy to law enforcement forces, so that social cohesion can be promoted and cooperation with law enforcement can be fostered.

To conclude, the methods used in combating law enforcement brutality should lean towards remedying logistical loopholes within present legal systems, as well as upholding justice for law enforcement forces guilty of excessive violence. While countermeasures can also tackle hurdles within societal mindsets, it should focus mainly on how legal systems can be improved upon where there is fair punishment for excessive violence in the means of interrogation, so as to discourage law enforcement forces from torturing suspects to reduce the number of custodial deaths, one of the main facets of the issue of law enforcement brutality.

#### **D) The UN's pivotal role in solving the issue**

A common problem throughout instances of law enforcement brutality is the lack of transparency of, as well as investigation into these law enforcement forces. As stated above (*Current Situations and Trends*), law enforcement brutality can result in an increase in

custodial deaths. However, these deaths are typically denied by law enforcement forces despite eye-witness allegations, but are also not further investigated, causing much public outrage over the unjust treatment of suspects in police custody.

Other issues include a lack of punishment for those guilty of law enforcement brutality, where officers which use excessive violence face little to no consequence, as well as a failure to abide by pre-existing legal systems meant to protect an abuse of authority against public members, which can result in an increase in custodial deaths.

All of these issues should be addressed promptly by the UN, as they require a third party's impartial and independent involvement in order to expose these internal issues of civil security. For example, in order to resolve the issue of the denial of custodial deaths, the UN should hold its own investigation. In order to resolve the lack of punishment and the failure to follow pre-existing legal systems, the UN can impose a system-wide legal system in order to enforce just punishment for those guilty of law enforcement brutality.

Therefore, it is of paramount importance that the UN places its foot down regarding law enforcement brutality as it holds an extremely unique position as a third party with the authority to carry out its own independent investigation into these cases, as well as its ability to implement a general legal system that can be used by all. As such, it is vital that delegates recognise the UN's crucial role when considering actions taken in their resolution and understand the implications of the UN's position as an independent third party.

## CAUSES AND CONSEQUENCES OF LAW ENFORCEMENT BRUTALITY

The **causes** of law enforcement brutality include, but are not limited to the following:

- a) Lack of proper training of officials
  - i) Often results in a lack of professionalism at work, as well as
  - ii) The possible use of work-related devices and equipment to solve personal matters
- b) Lack of racial diversity within policing forces
  - i) Excessive brutality inflicted on innocent civilians of certain races
  - ii) Improper racial population-to-official ratio in a particular state or city
- c) Lack of legal consequence for officers guilty of acts of excessive brutality

A framework can be drawn up that is to be strictly followed. It would dictate the various punishments of police brutality (and once again it is to be strictly adhered to) so as to cut down on officers getting away with lighter sentences for breaking the law because of corrupt officials/bias.

- d) Preconceived racist mindsets of law enforcement officials
  - i) Officials having certain race-related prejudices or mindsets
- e) Extraction of false confessions
  - i) Use of various methods, such as threats of violence, to obtain desired confessions (e.g. verbal confessions).
- f) Political oppression
  - i) Oppression to prevent the subversion of one's political power
  - ii) Often involvement of power-hungry political parties

The **impacts** of law enforcement brutality include, but are not limited to the following:

- 1) Racial Trauma
  - a) Increased suspicion and sensitivity to threat
  - b) Heightened perception of threat
  - c) Lower social status
  - d) Poor mental health
- 2) Lack of perceived legitimacy of law enforcement
  - a) Mistrust towards law enforcement
  - b) Treatment of police as enemies rather than protection
- 3) Rise in violent crime in response to police brutality
- 4) Social unrest
  - a) Social movements involving individuals or organizations that protest against the police such as but not limited to:
    - i) Black Lives Matter
    - ii) People's Coalition for Police Accountability
  - b) Violent protests and demonstrations which could potentially:
    - i) Compromise the safety of civilians and police officers
    - ii) Destroy both public and private property

## CURRENT SITUATION AND TRENDS

It is important to take note that this issue is becoming alarmingly frequent and widespread in recent times. For example, in the United States of America, cases of police brutality have skyrocketed in frequency in the past two years.

For instance, in the 2016 Philando Castile incident, a police officer, Jeronimo Yanez, was accused of manslaughter when he had shot Castile on accounts of suspicion towards him reaching for a firearm. A now infamous video had circulated on the Internet, documenting the entire incident and pointing towards Yanez's discriminatory behaviour resulting in him shooting Castile. Yet, Yanez was acquitted of all charges, sparking much outrage in America. The incident showcased how police brutality was typically driven at the African-American community, yet, charges against officers guilty of such offences were more often than not lifted, even though they could have been lightened rather than acquitted. This lack of consequence for those guilty of law enforcement brutality may signify a culture of impunity, which could lead to further abuse of power by authorities.

Police brutality is also not uncommon to Asia, particularly China, whose infamous "709" crackdown on July 9, 2015 is a prime example of police brutality, which saw the rounding up and interrogation of 300 human rights lawyers, legal assistants and activists. One example would be Wang Quan Zhang, who suffered electric shocks during detention, while his wife was consistently harassed by the police.

Police brutality can also be seen in India, where police officers fail to follow the Code of Criminal Procedure. This results in the detainment of a suspect for more than 24 hours, where the police often mistreat them in an attempt to gather evidence, eventually leading to custodial deaths. Examples would include the custodial deaths of Agnelo Valdaris and Shyamu Singh killed by Indian police. In these two incidents, both were brutally tortured by the police, before their eventual death in police custody, which would be refuted by the police as a train accident and suicide respectively. Shyamu Singh's brother, Ramu Singh, was further threatened by police for pursuing the death of his brother, with claims that the police told him he had become a sore wound for them and if he did not stop investigating the case, "the same thing that happened to Shyamu will happen to [him]."

In the Middle East, police brutality can be found in the form of the extraction of false confessions where police officers inflict torture to further evidence collecting, possibly leading to the death of or the deliberate shooting of the suspect to get rid of an investigation. Examples of such accusations are the violent detainment of three Qatari men, Dr Mahmoud Al Jaidah, Ali Al Hammadi and Yousef Al Mulla, who were released in 2015 under the condition of falsely stating their support for the Muslim Brotherhood. Initially promised that these confessions would not be released, they raised the issue to the Metropolitan Police after the broadcasting of their confessions after a diplomatic row broke out between a Saudi-led alliance and Qatar in June 2017.

In the instances of China and India, police officers often deny these custodial deaths, such as Shyamu Singh's death, where the police claimed that he had committed suicide despite allegations from his brother of torture, who had been arrested with Singh. As aforementioned, in India, there is a neglect of pre-established legal systems where the police bypass the Code of Criminal Procedure and hold suspects past 24 hours without producing them before a magistrate, which leads to an increase in custodial deaths.

Another trend would be the intent of these instances of police brutality as an attempt to either aid evidence collection or to extract false confessions. The aforementioned instances of law enforcement brutality in the Middle Eastern countries include violent detainment and torture to suit this goal, such as the confession of support of the Muslim Brotherhood, as well as, the signing of documents that suspects were unable to understand which led to the false confession to drug offences. These are trends across multiple countries with instances of face law enforcement brutality, which the Security Council seeks to resolve in future.

Police brutality also comes in the form of excessively violent responses from law enforcement. When a crisis arises, and law enforcement forces are deployed to address the issue, excessive force may be utilised when handling these situations, such as border control, the detainment of refugees and policing demonstrations and protests. In countries such as France and Nepal, peaceful demonstrations often spiral out of control due to police response, which can include the unnecessary deployment of tear gas and flash balls and those in the demonstrations may be illegally detained without a lawyer. The Security

Council could work towards devising more non-violent measures, which can help reduce law enforcement brutality in its responses.

These recent incidents show that police brutality is indeed an up-and-coming global issue that needs to be dealt with urgently. Although movements against police brutality have been taken, more countermeasures must be set in place in order to achieve concrete results, and the UN must step in as a third party in order to do so.

## STANCES OF COUNTRIES

*Below are the general stances that can be the pivotal point of your General Speaker's Lists. However, the chairs would like to remind delegates that these stances are here for reference, and your speeches, arguments and resolutions should be formed on the basis of additional, independent research on your part. The chairs sincerely hope that the delegates will exercise diligence and integrity when researching on the issue of law enforcement brutality, in lieu of promoting fruitful and conducive discussion.*

Countries List		
Yemen	Nepal	Colombia
USA	UK	China
Sri Lanka	Russia	Congo
Iraq	Switzerland	Burundi
Central African Republic	France	Myanmar
Mali	India	Austria
Ivory Coast	UAE (United Arab Emirates)	Somalia
Germany	Sudan	Bosnia
Mexico	Portugal	Hungary

### MIDDLE EAST

#### United Arab Emirates

Law enforcement brutality in the UAE comes predominantly from the extraction of false confessions through torture. In the incident involving 3 Qatari men, Dr Mahmoud Al Jaidah, Ali Al Hammadi and Yousef Al Mulla, those detained were subjected to sleep deprivation, beatings, sexual abuse, electric shocks and mental torture. While detained, they were released in 2015 under the condition of falsely stating their support for the Muslim Brotherhood. Initially promised that these confessions would not be released, they raised the issue to the Metropolitan Police after the broadcasting of their confessions on state television as a result of a diplomatic row between a Saudi-led alliance and Qatar in June 2017

Another example is the torturing of two Britons after their arrest due to drug charges, where they were repeatedly kicked, and threatened with rape. When detained, they were forced at gunpoint to sign documents written in Arabic, which they did not understand and would later learn that they had confessed to drug offences which could potentially lead to a death penalty.



The UAE has come under heavy fire for law enforcement brutality and is also accused of backing torture and disappearances in Yemen. As of now, UAE's officials and police are under scrutiny and accusations of using excessive violence in attempts to extract false confessions.

References: <https://www.thepeninsulagatar.com/opinion/20/09/2017/UAE%E2%80%99s-brutality-exposed-layer-by-layer>  
<https://www.aljazeera.com/news/2017/06/hrw-uae-backs-torture-disappearances-yemen-170622094158991.html>

## **Bosnia**

In 2017, Bosnian police have been accused of an excessively violent response to a peaceful assembly in a village in the municipality of Vitez in Central Bosnia and Herzegovina, Kruščica, leaving 20 injured and 23 under arrest. The group had gathered to protest against the building of a mini hydropower plant and were subsequently stripped of personal belongings and violently dragged into buses, where they would be taken to the police station for detainment.

In 2018, the death of David Dragicevic raised many issues about police brutality in Bosnia. David had vanished on March 17-18, and when his body was found six days later, police of Banja Luka ruled it out as suicide. However, David's father, Davor, claims that forensic evidence from sympathisers within the police force points to David being tortured and sexually abused before his death in police custody, and further CCTV footage provides evidence of police planting evidence of a burglary to frame David. This sparked a public outcry across Bosnia, culminating in May with a joint rally in Sarajevo demanding justice for David Dragicevic and Dzenan Memić, who had died under similar circumstances. Mr. Davor Dragicevic states, "This is a case that proves there is no law in this country. It showed you can kill people with impunity if you are powerful."

Milorad Dodik, the president of Republika Srpska, acknowledged a crisis of confidence in law enforcement agencies, stating that there is a need to "rehabilitate trust in the institutions of the system and the police". Bosnia has attempted to introduce reform into its policing system, but has failed to produce any results, and political control still plays a predominant role behind excessive violence in law enforcement.

References: <https://crd.org/2017/11/08/statement-condemning-police-violence-in-bosnia-and-herzegovina/>  
<https://www.telegraph.co.uk/news/2018/07/09/raped-killed-alleged-police-murder-sparks-fury-protests-bosnia/>  
<https://www.tandfonline.com/doi/full/10.1080/17502970701810856>

## *EUROPE*

### **United Kingdom**

Police brutality in the UK has seen an increase, in particular, a 79% increase in use of force from 2017-2018. The UN Human Rights Watch (HRW) has also highlighted structural racism at the core of British society, where people from black and minority ethnic groups were three times more likely to be subjected to the use of stun guns by the police.

A report last year by David Lammy, the Labour MP for Tottenham, found racial disparities across the criminal justice system, stating that young black men feel as though they

are living in a police state and that a different standard of policing is applied to black youths, compared with whites. In 2017, at least 5 black men died in police restraint in the UK yet, there had never been a successful prosecution of a police officer for a death in police custody. This points to the lack of accountability and the impunity with which law enforcement and state agencies operate.

The UK has, however, has made efforts to combat law enforcement brutality, as well as racism which may lead to custodial deaths. A Home Office spokesperson said: "The government takes allegations of police racism very seriously and expects all allegations to be investigated thoroughly and perpetrators dealt with robustly." The spokesperson also noted "every death in police custody is a tragedy. In October 2017, we published a major independent review into deaths and serious incidents in police custody alongside our response, setting out the steps we are taking to address the recommendations and the progress made to date."

#### References:

<https://www.independent.co.uk/news/uk/home-news/stephen-lawrence-murder-25-years-changed-a-nation-police-institutional-racism-macpherson-anniversary-a8307871.html>

<https://www.theguardian.com/world/2018/apr/27/racism-british-society-minority-ethnic-people-dying-excessive-force>

<https://www.theguardian.com/uk-news/2018/oct/08/met-polices-use-of-force-jumps-79-in-one-year>

#### **France**

The Yellow Vest movement, a movement seeking economic justice, has resulted in an escalation of state violence through French President Emmanuel Macron's response, which involved repression and a militarised police force in place of a political response. Journalists have reported the excessive use of Flash-balls and tear gas, and a high number of protestors have lost eyes and hands as a result of these Flash-balls as well as grenades.

In Calais, the French police have committed 972 human rights violations towards refugees in 2017. There have been at least 124 reports of physical violence, and there has been reports of sexual exploitation of refugees in Calais. Many of these refugees are evicted daily with no legal justifications by the French police but are not given any humanitarian aid.

Therefore, the French brutality have been accused of excessive violence in both its response to peaceful demonstrations, as well as its handling of the refugee situation in Calais.

#### References:

- *Unnecessary violence in student demonstrations*

<https://www.trtworld.com/opinion/how-the-french-protests-shed-new-light-on-police-brutality-22713>

- *French police abuse Libyan refugees*

<https://www.independent.co.uk/news/world/europe/calais-women-girls-refugees-rape-police-brutality-eritrea-france-a8036571.html>

<https://www.aljazeera.com/news/2018/12/groups-allege-systematic-french-police-brutality-refugees-181204225010696.html>

#### **Portugal**

Portugal has one of the highest rates of police violence in Europe as per the European Committee for the Prevention of Torture. A video in 2015 portraying policemen beating a middle-aged man in a football stadium had sparked a national scandal, and the policeman in the video has been charged with assault, giving a misleading statement, and malfeasance and denial of justice.

In October 2018, 17 officers of the Portuguese Polícia de Segurança Pública, or PSP were charged with physical assault, aggravated kidnapping, inhumane treatment and inciting racially-motivated discrimination, hatred and violence as well as slander, falsifying witness testimonies and falsifying documentation. This was in relation to an incident in 2015, in Cova da Moura, where witnesses claim that six alleged victims were dragged forcefully into custody, and were held for two days without being charged, during which they were racially abused and physically assaulted.

As it stands, law enforcement brutality in Portugal predominantly stems from institutional racism, and results in custodial violence.

#### References:

<http://www.theportugalnews.com/news/portugal-has-one-of-europes-highest-rates-of-police-violence/44886>

- *Police beat up Benfica fan in front of son*

<https://www.theguardian.com/world/2015/may/20/outrage-in-portugal-over-police-beating-of-man-in-front-of-his-children>

- *Custodial violence and forced confession*

<https://www.aljazeera.com/indepth/features/young-black-portuguese-men-police-brutality-case-court-181026215738680.html>

### **Switzerland**

There appears to be a lack of police brutality in Switzerland, largely due to its law on use of police force. Article 9 of the 2008 Swiss Federal Law on Use of Force specifies that police use of force must be proportionate to the circumstances, and the age, sex, and health of the persons concerned must be taken into account. Cruel, inhuman, or degrading treatment are explicitly prohibited. Switzerland has also agreed to establish an independent complaints mechanism for victims of police brutality and plan to launch independent investigations into alleged cases of excessive use of force during the expulsion of illegal immigrants.

However, there is no independent federal police oversight body in Switzerland, which means that individuals may use the ordinary courts to seek a remedy to an alleged violation of human rights arising from unlawful police use of force. This results in a lack of impunity for police officers who use excessive violence, which acts as a further deterrent, resulting in a reduction in law enforcement brutality.

Overall, Switzerland seems to be largely against police brutality, and actively seeks to remedy any aspects of its legal system which may result in a decrease in law enforcement brutality.

#### References:

[https://www.swissinfo.ch/eng/politics/un-human-rights-council\\_switzerland-to-set-up-independent-police-complaints-commission/43976136](https://www.swissinfo.ch/eng/politics/un-human-rights-council_switzerland-to-set-up-independent-police-complaints-commission/43976136)

<https://www.policinglaw.info/country/switzerland>

### **ASIA**

#### **India**

As aforementioned, police brutality in India manifests largely in custodial violence, resulting in a staggering number of custodial deaths. However, this custodial violence is often a

result of a lack of proper training, oversight, or resources to gather evidence, which results in police mistreating criminal suspects in police stations to obtain information or confessions.

Police do not follow rules initially laid down by the Supreme Court to prevent custodial abuse in the 1997 case of *D.K. Basu v. West Bengal*, which have since been incorporated into the Code of Criminal Procedure. According to government data, in 67 of 97 deaths in custody in 2015, the police either failed to produce the suspect before a magistrate within 24 hours or the suspect died within 24 hours of being arrested, both of which are procedures listed in the Code of Criminal Procedure. Therefore, when police bypass these procedures, they often use excessive violence in an attempt to gather evidence, which can lead to custodial deaths.

India has signed but has yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which seeks to deter torture and other grave abuses against persons in custody. As such, this results in the problem seen today; where there are pre-existing legal systems and procedures meant to deter these instances of brutality and hold police officers accountable but are not put in place or enforced. It can be said that India is against these civil rights violations, but does not enforce its proposed actions, resulting in a culture of impunity regarding law enforcement brutality.

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### **Myanmar**

In Jan 2018, Myanmar police fired upon demonstrators in Rakhine States, leaving 7 dead and 12 injured. Despite this being a violent demonstration, The United Nations in Myanmar called on authorities to “investigate any disproportionate use of force or other illegal actions that may have occurred in relation to this incident”, urging respect for the rights to peaceful assembly and freedom of expression, and calling for the security forces and demonstrators to act with restraint and to avoid further violence

In Jan 2017, a video emerged showing police beating Muslim Rohingya, prompting a launching of an investigation into police brutality against the Rohingya, marking the first time the government was launching an investigation into such brutality in Rakhine State. The issue of the Rohingya states from the fact that Myanmar does not grant them citizenship and continually persecutes them, forcing them to seek asylum in Bangladesh. However, the extent of Myanmar’s persecution has resulted in accusations of ethnic cleansing, with rape, killing, burning villages and torture being listed as allegations in Myanmar’s security forces during its crackdown on the Rohingya. This has resulted in the UN carrying out a formal investigation into the issue.

Myanmar has detained four border police officers after the release of the now infamous video and has announced that they will be punished. The government has “time and again stressed the need to be careful with each and every action, to make sure there is no violation of human rights and to act in line with the law”. Myanmar was previously criticised for its inaction against security forces guilty of human rights violations as a result of state-sanctioned police violence in Rakhine State, but it seems that its leader, Aung San Suu Kyi, has begun to crack down on law enforcement brutality.

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## China

In China, the infamous “709” crackdown on July 9, 2015 is a prime example of law enforcement brutality and involved the rounding up and interrogation of 300 human rights lawyers, legal assistants and activists. However, China has come under allegation of torturing these detainees in custody and while most have been released, at least three are held while pending trial and two more are serving prison sentences. One example is Wang Quan Zhang, who was charged with “subversion of state power”. Reports have claimed that he was tortured with electric shocks in detention, while his wife has been continually harassed by the police, being forced out of rental homes and the denial of enrollment for her child in local kindergartens. Those released have been continually monitored by the police and isolated from their friends and family, such as Li Heping being forced to wear an electronic surveillance device after his release in April 2017, as well as the installation of security cameras police outside Xie Yanyi’s home, who was released in January 2018.

Many of those released have claimed to be tortured while being detained, such as being forced to take unknown medication which blurred their vision and made their muscles hurt. Others have been treated violently, placed in shackles which resulted in sleep deprivation, endured indefinite isolationism in the form of solitary confinement and have experienced mental trauma as a result of their detention. By carrying out the 709 crackdowns, the Chinese government has expressed that they treat legal defense works as anti-state activity, resulting in much brutality in law enforcement when treating these human rights lawyers.

In September 2018, China’s Ministry of Public Security has released a draft regulation protecting the authority of the police. In the “Regulation on the public security organ safeguarding the authority of the police”, it states that those who damage the police’s authority should be punished according to laws or regulations, and police officers will not bear legal responsibility for damages caused. While this has been said to aid police officers in the line of duty, many Chinese feel that this further leads to a lack of punishment for those guilty of police brutality, leading to a further loss in trust in the Chinese police.

In conclusion, China is unique in the sense that there is police brutality in the form of custodial violence, particularly towards human rights lawyers. Yet, China’s government seems to want to protect police officers, even victimising them as subjects to verbal abuse from the people. This seems to indicate that the Chinese government does not oppose police brutality in China, but rather supports it, leading to a true culture of impunity where there are no legal ramifications regarding law enforcement forces guilty of excessive force.

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## POSSIBLE SOLUTIONS

*Below are suggested countermeasures that can be considered when writing your resolution.*

*The chairs hope that delegates use their own background knowledge based on their own research, and supplement these solutions in order to produce a resolution that has an in-depth approach to the issue of law enforcement brutality*

There are a multitude of possible immediate ways to resolve or manage police brutality include. For example, one solution is body worn cameras which should deter officers from using excessive violence since their actions are being filmed. However, there are some drawbacks, such as the fact that they are rather costly, as seen from how the United States Department of Justice had to supply at least US\$20 million for their implementation. Another possible solution could be the introduction of civilian review boards which allow civilians to criticize and provide feedback for the police department and hopefully improve police-civilian relations.

Possible long-term solutions include but are not limited to: Provision of proper training and regulation for law enforcement officials which include police education on boundaries involving manhandling as well as performing psychological evaluations on officers before allowing them into the field. More drastic, and more challenging measures include stationing of UN peacekeepers in countries with severe cases of police brutality to act as moderators. In addition, to undo the damage caused by said violence, trauma rehabilitation centres should be established, which provide medical and psychological aid to those affected by police brutality. Stricter laws and punishments should also be exerted on officers who exercise excessive violence.

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