



Human Rights  
Institute of Lyon (IDHL)



## Professional codes of ethics for the police, a means to prevent torture

## Elements for an African police charter

Geneva, October 2000

This paper analyses the question of the professional ethics of the police in the African human rights protection system. It emphasises the importance of the social role of the police officer and indicates what the nature of the police function should be in a democratic society.

On the basis of an evaluation of needs in respect of professional ethics in police practices in Africa, it draws attention to the advantage of codes of professional ethics for the police as instruments for the prevention of torture.

This study also contains several recommendations including, in particular, a proposal for an African police charter. This plea for a democratic police force invites us to share ideas and experiences and to conduct a deeper study of actions conforming to respect for human rights and dignity.

APT  
Founded in 1977  
by Jean-Jacques Gautier

Route de Ferney 10 Case postale 2267 CH-1211 Geneva 2  
Tel (4122) 734 20 88 Fax (4122) 734 56 49 E-mail [apt@apt.ch](mailto:apt@apt.ch)  
Internet <http://www.apt.ch> CCP 12-21656-7 Geneva  
UBS Geneva, account n° 279-C8117533.0

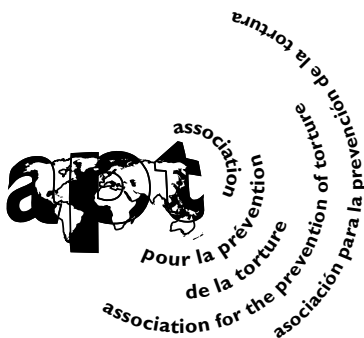
APT Africa

Africa





Human Rights  
Institute of Lyon (IDHL)



## Professional codes of ethics for the police, a means to prevent torture

---

## Elements for an African police charter

Geneva, October 2000

## Acknowledgements

1. Publication of this booklet was made possible in particular thanks to the Ministry for Foreign Affairs of Finland, Department for International Development Co-operation, which provides financial support for our project to promote professional codes of ethics for the police in Southern Africa. The Apt is very grateful for this support.
2. The APT would like also to thank the Human Rights Institute of Lyon (IDHL) for its support for the publication of the French version of this brochure.

The Human Rights Institute of Lyon is a unit of the Law, Economic and Social Sciences Faculty of the Catholic University of Lyon. It receives students and researchers from around twenty countries, of whom one third are from Africa.

The issue of Human rights is studied in a multidisciplinary approach, looking at, among others, the following issues:

- Conditions in the implementation of international law,
- The role of institutions and organisations for the promotion and the protection of human rights,
- Human rights ethics and specific cultures.

### **Human Rights Institute of Lyon (IDHL)**

25, Rue du Plat, F-69288 Lyon cedex 02

Telephone number: (00 33) 4 72 32 50 50

Fax number: (00 33) 4 72 32 51 74

E-mail: [idhl@univ-catholyon.fr](mailto:idhl@univ-catholyon.fr)

Internet: [www.univ-catholyon.fr](http://www.univ-catholyon.fr)

# ■ TABLE OF CONTENTS

<b>AUTHOR'S NOTE</b>	<b>7</b>
<b>INTRODUCTION</b>	<b>11</b>
<b>I. TORTURE AND THE POLICE IN AFRICA</b>	<b>15</b>
1. Discrepancies between rules and usage of the police as an institution	17
2. Why this situation despite the laws in force?	20
<b>II. THE POLICE IN THE AFRICAN SYSTEM OF HUMAN RIGHTS PROTECTION</b>	<b>27</b>
1. The African Charter of Human and Peoples' Rights	29
2. The police in the jurisprudence of the African Commission on Human and Peoples' Rights	30
3. The situation at international level?	32
<b>III. PROMOTION OF PROFESSIONAL CODES OF ETHICS FOR THE POLICE, A CONTRIBUTION TO THE PREVENTION OF TORTURE</b>	<b>35</b>
1. Towards an African police charter	37
A. What should be the content of an African police charter?	38
B. Meeting the need for a democratic police concept	39
2. Adoption of professional codes of ethics for the police at national level	40
A. Advantages of professional codes of ethics for the police	40
B. Formulation process	41

<b>CONCLUSIONS</b>	<b>45</b>
<b>RECOMMENDATIONS AND COURSES OF ACTION</b>	<b>49</b>
<b>NOTES</b>	<b>55</b>
<b>BIBLIOGRAPHICAL SOURCES</b>	<b>61</b>
<b>APPENDIX</b>	<b>65</b>
<b>Appendix I</b>	<b>67</b>
Décret n°269 du 4 avril 1995 portant code de déontologie de la police du Tchad	67
<b>Appendix II</b>	<b>73</b>
Code of Conduct for Law Enforcement Officials, adopted by General Assembly of the United Nations on the 17 December 1979	73
<b>Appendix III</b>	<b>81</b>
Basic Principles on the Use of Force and Firearms by Law Enforcement Officials	81
<b>Appendix IV</b>	<b>91</b>
Resolution 690 on the Declaration on the Police adopted by the General Assembly of the Council of Europe on 8 May 1979	91







## ■ AUTHOR'S NOTE

The Association for the Prevention of Torture (APT) is an international non-governmental organisation (NGO) with a mandate to prevent torture and other cruel, inhuman and degrading treatment. It was the instigator of the European Convention for the Prevention of Torture adopted by the Council of Europe in 1987.

In the fulfilment of its mission, the APT has conducted thematic studies with a view to developing ideas on the prevention of torture. It was in this context that its Africa Programme focused its attention on police codes of professional ethics as potential instruments of torture prevention, and has hence undertaken this study.

The original intention was to produce a comparative survey on police codes of professional ethics in various African countries. However, in the course of our research it became evident that in several African countries no such code existed to-date, whereas in the others, it was impossible to obtain the necessary information. The study therefore concentrates on an identification of the needs relative to police codes of professional ethics in Africa, in order subsequently to examine the possible contribution of such codes to the prevention of torture in Africa, from the point of view of a global analysis of the role and involvement of the police in the implementation of human rights.

We consider that regional institutions can be a driving force in promoting and enforcing standards of human rights protection.

At the level of the Organisation of African Unity (OAU), the recent adoption (June 1998) of the Protocol to the African Charter of Human and Peoples' Rights represents a significant step towards the attainment of the objectives of this Charter. The African system of human rights protection would be further consolidated and priority accorded to the prevention of torture, if the OAU were also to assume the responsibility for presenting African police forces with rules of professional ethics which took account of human rights and fundamental liberties.

The present aims of the OAU, as expressed during recent Summits of Heads of State and Governments held in Algiers from 12 to 14 July 1999 and Surt from 8 to 9 September 1999, would gain in credibility if they were to give prominence to law and respect for human rights as its unconditional credo, and if the competent bodies were to begin working out standards and directives so as to contribute to genuine respect for human rights.

For our part, we hope that the next stage will be the adoption of an African police charter and the promotion at national level of codes of police ethics for the prevention of torture.

Jean Baptiste Niyizurugero  
APT Programme Officer for Africa





## ■ INTRODUCTION

### ■ Torture, a widespread phenomenon in Africa

Torture is a widespread phenomenon, in Africa and elsewhere, despite the many conventions, resolutions and other international declarations prohibiting it.<sup>1</sup>

According to reports from various national and international human rights organisations, torture is still prevalent in over half the countries of the world, and exists in all continents, despite the fact that it has been categorically prohibited since the Universal Declaration of Human Rights of 10 December 1948. Africa holds the record for the highest level of torture and ill-treatment with 55% of cases, followed by Asia with 20%.<sup>2</sup> Similarly, on the African continent, recourse to torture appears to be the rule rather than the exception<sup>3</sup> in a number of countries where, for example, political detainees are systematically subjected to it.

African countries have been less than enthusiastic about adhering to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishments. At 30 January 2000, only 29 African countries had ratified this Convention. Moreover, those that have actually ratified it do not always fulfil their obligation to submit periodic reports to the Committee Against Torture (CAT). For instance, in May 1999, fourteen African States had not yet submitted their initial reports, the delay amounting to more than ten years for some, such as Uganda and Togo, which should have submitted them in 1988.

At regional level, the African Charter of Human and Peoples' Rights places a ban on torture and ill-treatment and prohibits arbitrary arrests and detention. However, the question of torture is still one of the major issues relating to human rights violations in Africa, where certain countries have elevated torture to the status of government policy.

## ■ Role of the police in torture prevention

In principle, the police represents the public authority. It is one of the main lines of contact between the citizen and the State, which holds among its prerogatives a monopoly in the use of legitimate force. As such, the function of the police officer is carried out in a context of intrinsic tension between, on the one hand, the need to maintain public order, which is necessary to the protection of human rights, and, on the other hand, the obligation of absolute respect for the person.

While, on the one hand, the police is one of the agents of protection of citizens' rights and peace, it is also exposed to the danger of violating human rights. This dichotomy places the police in a delicate situation in the field of human rights. The manner in which it fulfils this role and operates in this field is crucial, as the proper functioning of the police is an essential element in the full implementation of human rights. Indeed, while a poorly trained, badly organised and "ill-defined" police force is liable to violate human rights, one which operates with objectives adapted to needs and with clear values is more likely to give better service to society and to consolidate access to human rights for all citizens.

It is from this viewpoint that we would like to share certain ideas on the advantage of formulating codes of professional ethics for the police, in Africa and elsewhere, in the implementation of human rights in general and in torture prevention in particular.







**I.  
TORTURE AND  
THE POLICE IN AFRICA**

---



## I. TORTURE AND THE POLICE IN AFRICA

The current situation with regard to torture in Africa, which has been described in reports from various national and international human rights organisations, is a cause for concern.<sup>4</sup> The practice of torture is a real phenomenon in which the police is called into question.

It is not our intention to revert exhaustively to this state of affairs. We would merely emphasise the “misuse” of the police institution, which perpetuates “unfortunate mistakes”, practises torture and other human rights violations, and thus contribute to ideas on possible strategies of preventive action, given that any action taken to prevent torture must, among other things, seek to improve the professional conduct of the police.

### 1. Discrepancies between rules and usage of the police as an institution

All African States, in their constitutions, national laws and international conventions, recognise the inherent dignity of the human being. They also acknowledge that the police is a public service entrusted with maintenance of law and order so as to ensure public peace and safety. Torture, cruel, inhuman and degrading treatment and arbitrary arrests are categorically prohibited.

Thus, for example, in Chad, the basic law of 1996 prohibits torture and specifies that “*the State guarantees the political neutrality of the security forces*”, that these are at the service of the nation, and that “*nobody may use them for private ends*”.

Article 2 of the Constitution of Burkina Faso guarantees “*protection of the life, safety and physical integrity of the person*” and prohibits “*torture and other forms of ill-treatment*”, while Cameroon, in its Constitution, proclaims its commitment to the fundamental freedoms enshrined in the International Bill of Human Rights, and especially to the principle that “*every individual has a right to life,*

*should in all circumstances be treated humanely and may not be subjected to torture”.*

Cameroon has further enacted a law<sup>5</sup> which places the crime of torture in its penal code. This law represents a positive advance from the standard-setting point of view. Even now, very few African countries have raised torture to the status of a specific penal offence subject to prosecution and punishment.

Article 3 of the Constitution of Mali states that *“No person shall be subjected to torture or to inhuman, cruel, degrading or humiliating treatment. Any State agent found guilty of such actions, either on his own initiative or under instructions, shall be punished in conformity with the law”.*

However, the police force does not serve the same practical ends in all countries. Relations between the police, the political authorities and the citizens, as well as the interaction of these relations vary from country to country. In daily practice, the guarantees specified in the constitution and international conventions are frequently ignored.

In several African countries, *“the police and security forces are used by governments for political ends and in a discriminatory manner, in order to detain, ill-treat or even murder members of opposing political parties, human rights militants, trade union members, journalists, and to ban their peaceful, non-violent public meetings”.*<sup>6</sup>

In Cameroon, for example, *“a very large number of supporters of the main opposition parties were arbitrarily arrested at the time of the presidential election of 12 October 97. They were released after some weeks without having been charged with any offence. In the Far-Northern Province, at least 20 supporters of the National Union for Democracy and Progress (NUDP) were arrested because they had boycotted the elections. Detained in a police station, they were taken under escort to the polling station, where they were ordered to cast their vote”.*<sup>7</sup>

These examples illustrate that members of the police forces, far from playing their role as public service agents ensuring the basic rights of all citizens, often behave as “watchdogs” for the government in power. Militarised and “instrumentalised”, the police sometimes plays a socially negative role through its submission to the individual interests of governments and parties in power.

When a regime feels that its legitimacy is under threat from so-called “*enemies without and within*”, it resorts to sometimes mindless torture and repression, the object being to eliminate individuals. Torture and ill-treatment are often used against persons who fight against injustice and in favour of democratic rights in their countries, but also against ordinary citizens who have no kind of commitment or political opinion as such, but are alleged to have such, as a justification for carrying out ethnic cleansing or quite simply with the aim of terrorising civil populations in general and consolidating government power.

In many other cases, poorly paid members of the security forces often practise torture and carry out arbitrary arrests out of corruption, in order to satisfy certain interests of private individuals in a thinly disguised settlement of accounts. This is a symptom of arbitrary power and denotes absence of supervision and control over the security forces.

Apart from cases of torture and ill-treatment, the police is inclined to resort to force, especially lethal force and the use of firearms to maintain order. Recourse to violence is seldom compatible with the relevant international conventions.<sup>8</sup>

For example “*In Moundou in Chad, in October 1997, the security forces opened fire on persons who had come to be registered, in accordance with the provisions of the peace agreement concluded between the government and the Armed Forces for the Federal Republic (AFFR). Dozens of these were killed*”.<sup>9</sup>

According to reports from Amnesty International, “*in Mozambique, during the students’ strike in May 1996, the police beat students after having invaded the university campus at the moment when the students were peacefully preparing their breakfast.*”<sup>10</sup>

*"In Burkina Faso, two high-school students were killed on 16 December 1998, during the repression, by the forces of order, of a demonstration protesting at the death, in mysterious circumstances, of the journalist Norber Zongo."*<sup>11</sup>

The list of human rights violations presented above is far from exhaustive. The situation is disturbing. There are many discrepancies between constitutional provisions, enacted laws, international standards and the everyday practices of the police.

## ■ 2. Why this situation despite the laws in force?

There are several reasons which encourage the practice of torture and other failures of the police to respect human rights in Africa. In particular, one might mention:

### ■ The culture of impunity

Impunity, both *de jure* and *de facto*, is undeniably one of the main factors behind violations of human rights in general, and torture in particular. The following examples confirm this state of affairs.

*"The practice of torture is well and truly prevalent in Mali and is perpetrated with complete impunity."<sup>12</sup> In Senegal, human rights violations committed by the security forces are mainly to be attributed to the army and the police force, which have for years been acting with total impunity."<sup>13</sup>*

There are several factors underlying this impunity, including, above all, the victims' fear and their lack of support as well as the impossibility to appeal.

- **Victims' fear and lack of support**

Frequently, for fear of reprisals, the traumatised victims do not dare to relate that they have been subjected to torture. This fear prevents them from filing a complaint.

- **Absence of an appeals procedure**

Since there is no appeals authority with sufficient independence to inquire into allegations of human rights violations committed by the police, the few complaints filed can only be addressed to the police themselves. Many complaints, therefore, result in neither prosecutions nor convictions, the main concern of the police being to cover up the "unfortunate mistakes" of its members.

*In Kenya, for example "all persons arrested run the risk of being subjected to torture and other inhuman forms of treatment, which are inflicted on a large scale. This situation is all the more disturbing as impunity would appear to be the rule. Even when the victim supplies proof of ill-treatment inflicted upon him, the government is extremely reluctant to institute proceedings against the perpetrators. In 1996, 130 persons were killed by the police, and this number increased to 159 in 1997, or an average of three per week."<sup>14</sup>*

When those law enforcement officials are not obliged to answer for their actions before independent bodies mandated to investigate complaints, this obviously gives them the impression that they can act with total impunity. This once again raises the question of supervision and control over the actions of the police forces. If the police and security forces are not obliged to respond for their actions, it is because their conduct is not subject to effective supervision. It is essential that independent inquiries be conducted in the event of complaint, in order to compel the police and security forces to respond for their actions.

- **Lack of political will and confusion between the mission of the police and that of the "armed forces"**

The phenomenon of impunity referred to above is not the outcome of chance. It is often the result of a lack of political will on the part of governments to put an end to human rights violations. For certain political authorities, the police and all the other so-called security forces in general, are the expression of their power and the symbol of their authority. In some countries, the persons

responsible for law enforcement are not ordinary civil servants but members of the armed forces. In the worst cases, they belong to private militias carrying out functions normally the responsibility of the police.<sup>15</sup>

Likewise, recruitment is not conducted on the basis of clear and objective criteria dictated by a profile of individual competence. The leaders and key members of the "security" forces are often selected on the basis of their family or ideological connections with the heads of governments or because of their ethnic or regional origins.

Persons recruited and promoted in such circumstances do not have the broader vision of their functions which would place their institutions at the service of all citizens, regardless of their place of birth, ethnic origin or economic status.

Such suspect dealings and behaviour patterns could not be imagined in a country under the rule of law. They are more widespread in countries where there is a general ethos of restriction on democratic action than they are in others.

### ■ The restriction of democratic latitude

One of the principles contained in the Universal Declaration of Human Rights is that *"Everyone has the right to take part in the government of his country, directly or through freely chosen representatives"*. This principle is reaffirmed by Article 13 of the African Charter of Human and Peoples' Rights.

It is generally recognised that a democratic society is one that is characterised in particular by pluralism, transparency and tolerance, and that the conduct of free and democratic elections is one way of demonstrating this pluralism and transparency.

However, in Africa, when elections are organised, they are sometimes no more than "window-dressing" exercises designed merely to consolidate the internal power of putschists or former single party chiefs and to create a semblance of legitimacy in the eyes of international public opinion.<sup>16</sup>



The example, mentioned above, of arrests of supporters of the opposition parties in Cameroon, who were detained during the presidential election and released without charge after the election, demonstrates that police forces sometimes compromise democratic freedom of expression by practices contrary to professional ethics.

This raises the question of whether the police owes allegiance to the government in office or whether it should obey the principles contained in the constitution.

### ■ **Insufficient training of police officers**

While certain types of police behaviour which are contrary to respect for human dignity may be the result of a deliberate policy, many such abuses are also due to a lack of adequate training both at the professional level and in respect of human rights and professional ethics.

For example, many police officials still believe an investigation is successful only if a confession has been obtained. They are led to this conviction by a certain "culture" of the confession which is prevalent in judicial circles, where many courts consider a confession to be the principal evidence of a suspect's guilt. Field surveys conducted by human rights organisations have shown that torture and ill treatment cease once the victim has made a confession, however inconsistent it may be.

Amnesty International points out, in its April 1997 report that, generally speaking, the police in African countries do not receive adequate training in respect of people's basic rights.<sup>17</sup>

It further emphasises that, when police personnel receive instruction on the subject of human rights, it appears to be dissociated from the rest of their training, and such instruction is not integrated into their day-to-day operations.

Moreover, in the career management of police officials, promotion in the service is often contingent on the number of arrests made by the police official during the year, the ostensible purpose being to reduce crime or delinquency. This system of promotion associ-

ated with nepotism or other quantitative rather than qualitative criteria is not likely to give priority to professional experience. Such experience, on the other hand, is normally the concrete expression of the basic or further training received. It combines theory with the everyday realities of the profession and should be accorded preference.

Does the African system of human rights protection have a possible remedy for the dysfunction of the police, a situation that is by no means unique to Africa?





## **II. THE POLICE IN THE AFRICAN SYSTEM OF HUMAN RIGHTS PROTECTION**

---



## II. THE POLICE IN THE AFRICAN SYSTEM OF HUMAN RIGHTS PROTECTION

In 1981, Africa instituted a regional human rights instrument by adopting, within the framework of the Organisation of African Unity (OAU), the African Charter of Human and Peoples' Rights.

From the point of view of standard-setting, this was a significant step forward in the field of the rights of the person and of basic freedoms, since the African Charter of Human and Peoples' Rights represents a treaty binding on all States that ratify it. It contains implementation machinery, the supervisory body of which is the African Commission on Human and Peoples' Rights<sup>18</sup>, whose Secretariat has its permanent base in Banjul, Gambia.

The African Charter of Human and Peoples' Rights, together with the African Commission on Human and Peoples' Rights, constitutes the core of the African system of human rights protection. What function does this confer on the police in the combat against torture?

Does either body possess a jurisprudence concerning the professional ethics of the police or its role in relation to human rights?

### 1. The African Charter of Human and Peoples' Rights

This document, which entered into force on 21 October 1986, contains, among other things, provisions concerning the right to life, to equality before the law and in respect of legal protection, prohibition of torture and ill-treatment, the right to a fair trial and a guarantee of the liberty and safety of the individual. Article 5, in particular, proclaims the right of respect for the "inherent dignity of the human being" and the prohibition of torture.

By virtue of these provisions, the police force, which is one of the bodies responsible for law enforcement, is required to be permanently aware of the fact that nothing can justify subjecting a human being to torture or inhuman or degrading treatment, even if he has contravened the law and regardless of the seriousness of

the offence committed. Thus, persons under sentence, irrespective of the crimes or offences of which they have been convicted, have the right, as human beings, to be treated humanely and with respect.

Since the African Charter of Human and Peoples' Rights is a binding international treaty, torture and other cruel, inhuman or degrading punishments are still prohibited in all circumstances and without possibility of deviation. The charter is intended, both implicitly and in principle, for police forces carrying out their daily duties. The basic principles stated therein do not necessarily have to be itemised in a special legal provision, in order for them to be respected.

However, it might be hoped that this duty of respect for the dignity of the human being will be reaffirmed through the adoption of new specific standards, concrete measures or the establishment of precise rules for those responsible for law enforcement.

At the level of the OAU, apart from the general provisions of the African Charter of Human and Peoples' Rights, there is no statement, resolution or other legal document relating to the conduct of those responsible for law enforcement in general or the professional ethics of the police in particular.

## ■ 2. The police in the jurisprudence of the African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights naturally bases its proceedings on the text of the Charter, but it may also take its inspiration from international law concerning human and peoples' rights. In respect of torture, in particular, it may refer to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly on 10 December 1984, which has the advantage of providing a definition of torture, whereas the Charter does not define it.



According to Article 1 of the Convention against Torture, the perpetrator of torture is presumably “*a public official or other person acting in an official capacity or at the instigation of or with the consent or acquiescence of a public official*”.

Torture is thus recognised as “*official torture*”, that is to say that it is carried out or ordered by persons in an official capacity, and does not apply to torture practised between private individuals.<sup>19</sup> Thus, the police are among the only principal virtual perpetrators of the practice of torture defined by the Convention.

The African Commission on Human and Peoples’ Rights, whose mandate is to promote human rights and ensure protection of these rights, cannot disguise this at once theoretical and definite role of the police in the practice of torture or the role that the police could play in its prevention. However, so far, the African Commission on Human and Peoples’ Rights has not yet developed an appropriate jurisprudence which could provide a standard reference for national institutions and tribunals.

Similarly, no resolution or recommendation has been pronounced by this body specifically concerning the police and its importance in the field of human rights and as one of the principal institutions on which adherence to the ban on torture depends. In the reports of the Commission, the question of torture is treated as a human rights violation like any other and has never been mentioned from the viewpoint of its perpetrator.

It is essential that the African Commission on Human and Peoples’ Rights, whose mandate is to “*disseminate information and elaborate principles and rules allowing the enjoyment of human rights*” should take up the challenge and address the question of the police in Africa. It might be appropriate to conduct a public awareness campaign on the importance of the police in the implementation of human rights and in the democratisation of society, and to initiate a process of change of mentality concerning the image and the “*utilisation*” of the police institution.

### ■ 3. The situation at international level?

On 17 December 1979, the United Nations General Assembly, in its Resolution No. 34/169, adopted a code of conduct for law enforcement officials.<sup>20</sup> In the commentary to Article 1, it is stated that the term "persons responsible for law enforcement" encompasses all representatives of the law carrying out police functions, in particular the power of arrest and detention. The police is thus primarily concerned in this text.

In 1990, the 8th Congress of the United Nations on the prevention of crime and the treatment of delinquents, held in Havana, Cuba, from 27 August to 7 September, adopted the "*Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*". At United Nations level, other provisions were adopted, such as the "*Standard Minimum Rules for the Treatment of Prisoners*".

Nonetheless, all these legal documents are not binding and the principles advanced by them can be observed only after they have been incorporated into internal legislation or practice, as is explained in the commentary to Article 8 of the code of conduct for law enforcement officials. These documents provide guidelines, but offer no adequate solution to the problem.

Without binding international legal standards, could the incorporation of these principles into internal legislation and practice or the codification of police professional ethics at national level provide an alternative? As regards Africa, what role can the OAU play in this process, as a regional institution primarily concerned with human rights?





**III.  
PROMOTION OF  
PROFESSIONAL  
CODES OF ETHICS  
FOR THE POLICE,  
A CONTRIBUTION  
TO THE PREVENTION  
OF TORTURE**

---



# **PROMOTION OF PROFESSIONAL CODES OF ETHICS FOR THE POLICE, A CONTRIBUTION TO THE PREVENTION OF TORTURE**

## **1. Towards an African police charter**

As mentioned above, the United Nations General Assembly on 17 December 1979 adopted a code of conduct for law enforcement officials. For its part, the Parliamentary Assembly of the Council of Europe adopted a "Declaration on the police"<sup>21</sup> contained in Resolution 690 of 8 May 1979, reiterated by the European Council of Police Unions in 1992 in drawing up a European Police Charter.

Would it be merely an imitation, were Africa to follow suit by establishing an African police charter? At a time when torture constitutes one of the principal human rights violations in Africa, and bearing in mind the present state of police organisation and operation in many African countries, such an initiative would be justified and should be encouraged.

As the Universal Declaration of Human Rights and the various earlier regional conventions concerning human rights protection have been used as precedents for the formulation of the African Charter of Human and Peoples' Rights, the Declaration on the Police adopted by the Council of Europe Parliamentary Assembly could well provide a source of inspiration to the OAU authorities in the adoption of a similar code.

Such a code, which need not necessarily be in the form of a convention, offers two advantages. In the first place, its declaratory character would make it possible to obtain maximum consensus on the subject, and its adoption might lead to the eventual initiation of a broad debate on such questions as: police and human rights, function of the police in a democratic society, organisation and operation of the police, which are still more or less taboo subjects in Africa. Secondly, it might stimulate the debate among various actors (NGOs, and other institutions and organisations) in respect of the development of projects and plans of action in this field.

The question then arises concerning the content of such an instrument and the advantage and impact at individual country level.

### — A. What should be the content of an African police charter?

We do not aspire to define in detail the content of an eventual African police charter. We would merely indicate certain principles which might guide its formulation.

Article 12 of the 1789 French Declaration of Human and Citizens' Rights stipulates that *"the guarantee of human and citizens' rights requires a public force which is thus established for the benefit of all and not for the private advantage of those to whom it is entrusted"*.

This extract from the text in question which, in the course of the history of human rights, has left the private domain and passed into the general heritage of humanity, has remained the cornerstone on which could be built any manner of charter for the police and presents at least three guiding principles for the police institution, namely absolute respect for the human being, integrity and impartiality.

- **"Absolute respect for the dignity of the person"**  
 Since the mission of the public authority is to guarantee the rights of the person, the police official may not in any way harm the individual. This implies total and unconditional respect for the person regardless of his or her origin, social status, political, religious or other affiliation.
- **"Integrity"**  
 The principle of integrity presupposes that police officers should not be partial. They should not allow themselves to be corrupted, nor should they make use of their authority to gain an advantage. In the case of Africa, creating awareness of this at regional level would be justified bearing in mind the context and the practices of certain African police forces, which, as



we pointed out earlier, resort to torture, arbitrary arrest and other forms of ill-treatment, simply for reasons of corruption.

- **“Impartiality”**

Impartiality implies that the police officer, in the fulfilment of his functions, must set aside his own opinions or ethnic, religious, political and other loyalties, and be always guided by principles of objectivity and the equality of all in the eyes of the law.

The charter should define the relationship between Law and Ethics, which is one of the key elements in the implementation of fundamental freedoms, by building bridges reconciling the duty of maintaining public order and the obligation to respect physical integrity.

At professional level, the charter should also indicate the principal elements of the police officer’s professional culture and thus contribute to a clarification of the value and the function of the police in a democracy and demystify the institution of the police and its activity.

## ■ **B. Meeting the need for a democratic police concept**

The formulation, at OAU level, of a police code of conduct would give the authorities responsible for these services a greater awareness of the importance of the police function. This might induce them to review their definition of the police and regard it in a more democratic light, considering it as a public service. The adoption of an African police charter would also lead to a modification of traditional notions of the professional practice of the police.

This approach implies a change of mentality among the political authorities responsible for the use of the police institution so as to make of it not *“a force of power against the citizens but a power of the citizens”* for the respect of their rights.

This would be the beginning of a process of social change easing

relations between the police and the citizen. The latter frequently, and not without reason, fears the police, not knowing it under any other aspect but that of repression. A police charter would also help to make members of the police aware of their responsibilities vis-à-vis the population that they are supposed to serve, by reinforcing the notion of equality before the law and respect for the human being.

## ■ 2. Adoption of professional codes of ethics for the police at national level

We consider that the adoption of basic principles within a regional institution would serve as a source and indicator to encourage, in each country, the creation of a new awareness and to lead governments to revise their view of the police institution and adopt, where necessary, national codes of police conduct.

The question then would be that of knowing whether the codes of police conduct would in any way benefit the cause of human rights.

### ■ A. Advantages of professional codes of conduct for the police

A priori, it may be considered that questions of professional ethics would be of greater concern to members of the liberal professions than to public servants such as the police. However, professional ethics can also be important in the police profession, by its very nature and the conditions in which its members fulfil their function. A police officer has extensive powers conferred on him, and he exercises these powers in the context of professional duties, hence the necessity of an internalised ethic, which would certainly gain from a codification. Through such a code of professional ethics, the legal provisions normally contained in the general regulations for public servants are raised to the level of professional moral imperative. The code of professional ethics is then seen as a means of transmitting a standard, the purpose of which would be to induce police officers to adhere to a system of values combining professional efficiency with respect for basic liberties.

Indeed, if one refers, for example, to the code of police ethics in Chad, which is in turn based on the French code of police ethics, one realises that a code of police ethics is, first and foremost, an instrument promoting human rights. It asserts the major principles ensuring fundamental rights, as is illustrated in Article 7 which, among other things, requires of the police officer "*absolute respect of the individual*", and Article 10 which categorically establishes the "*physical protection of the human person*."

This code also constitutes an instrument protecting police ethics. It guarantees supervision of the police officer's actions while protecting him against the deviations of the hierarchy (Articles 11 and 17). It defines the essential regulations and duties imposed on the police officer, but it also establishes his rights (Articles 7 to 12). At professional level, the adoption of national codes of professional ethics would encourage the development of professionalism and the emergence of police trade-unionism, which hardly exists in Africa.

But one might ask whether codes of professional ethics would only have advantages. In our opinion, codes as such cannot harm the cause of human rights. Their potential weaknesses would lie at the level of the design or implementation and not in the principle itself. For this reason, the process of drawing up such codes and the supervision of their implementation are very important. Indeed, overall adoption of such a code would not be sufficient. The stated values and principles must be internalised and be given effective support and implementation by the parties concerned.

## ■ B. Formulation process

In order to be effective, such codes must enjoy the support of those primarily concerned, the police officials themselves, especially those in the lower echelons, who have the closest contact with the public and are therefore decisive in the popular perception of the police. To this end, the formulation of such codes must involve members of the police force and be the subject, within that force, of broad consultation concerning, among other things, the definition and understanding of the values contained therein, so that, ultimately, these values will be a product of internal decision-

making, and not one imposed from outside. We consider that the fact that members of the police force give thought, individually and collectively, to these values is essential, since it will reflect their own vision, motivation, aims and the significance of their work.

With such an approach, the code of professional ethics would appear, in the eyes of the police officer who must apply them, as a synthesis of shared values rather than a simple codification of obligations, and it is only under these conditions that we can hope for satisfactory implementation.





## **CONCLUSIONS**

---





## CONCLUSIONS

To conclude, we consider that the formulation of codes of professional ethics could provide the police with an opportunity to examine their own values in respect of the exterior, all the while seeing themselves as part of society.

However, codes of professional ethics should not be an end in themselves, but an instrument for the improvement of the police function.

From this point of view, promotion of codes of professional ethics for the police in each country would contribute to the prevention of torture and the promotion of human rights, to the extent that they are designed to ensure greater protection of the population, through the promotion, within the police forces, of a high quality of public service and professional conscience.

Their effectiveness would nevertheless depend on the manner in which they were applied, on the value accorded to them in the daily practice of police work. Codes of professional ethics would be doomed to failure if there were no commitment on the part of the hierarchy to seeing that the content was respected, and that its violation would entail consequences. This effectiveness would also depend on the way in which they were disseminated and communicated to newcomers to the profession. Here also there are various possibilities, ranging from relegation to desk drawers, public display on the walls of the police stations, to incorporation into the work contract.

Regardless of the method of dissemination, the content of codes should be dealt with in basic training, or even further training courses. It should also be periodically updated to ensure that it still corresponds to the social realities and needs of the time.



# **RECOMMENDATIONS AND COURSES OF ACTION**

---



## ■ Recommendations and courses of action

The purpose of this paper was to make a contribution to the debate on the prevention of torture and the promotion of human rights. Without claiming to be exhaustive, this study has enabled us to emphasise certain shortcomings and lead us to submit certain recommendations to African decision-makers. We shall also attempt to indicate possible ways in which an NGO or other player could act with a view to *“effectively supporting human rights and basic freedoms for all”* including such persons as have been deprived of their freedoms.

### ■ Recommendations

- At regional level, there is no standard-setting or legal document of reference on the question of professional police ethics, and this at a time when Africa holds the record for torture practices, and when, in certain countries, the police institution is regularly diverted from its function and used for private ends.

The African system of human rights protection would be reinforced if the police were to be provided with rules of conduct which took human rights and fundamental freedoms into account. The idea of an African police charter, so far largely ignored, should be examined in greater depth.

The OAU, through the intermediary of the African Commission on Human and Peoples' Rights, the principal regional body concerned with human rights, or through its legal service, should be made aware of the importance and the role of the police in a democratic society. To this end, it should approve a charter containing the rules and major principles of the operation of a professional, modern police force that respects human rights. Once such an instrument has been adopted, it should then encourage member States to refer to it in order to create the police force that society demands and adopt national professional codes of ethics for the police.

- At national level, in certain countries, there is a considerable gap between the legal texts guaranteeing human rights and fundamental freedoms and their implementation by the police forces.

The texts (constitutions, international conventions, etc.) guaranteeing human rights should be regarded not as objectives or an ideal to be attained, but as legal regulations to be respected and implemented as such.

- For certain countries, the structure, organisation and function of the police institution give cause for concern. Selection and promotion are based on non-objective criteria such as ethnicity or region of origin.

There is need for legislation organising the security forces separating the police and the army into two distinct institutions and defining the scope of each.

A clear definition is needed of objective, qualitative and professional criteria for recruitment and promotion of police officers.

- In countries where the police is organised, difficulties of all kinds, such as lack of material and insufficient trained personnel, prevent it from correctly fulfilling its function.

It is necessary to give adequate attention to the professional training of police officials, and to provide initial and further training concentrating on methods of inquiry and conduct of interrogations, and providing a solid basis in matters of human rights.

In this respect, instruction in human rights and respect for the human person should be an integral part of the curriculum of basic training for police officers because, in the few countries where such instruction is provided, it appears to be given for information only and is often separated from the structural and official framework of training.

It is essential that police officers be given the material means necessary to the fulfilment of their function.

## ■ Courses of action?

Confronted with the enormous needs of the police in Africa, the ultimate action would be that which seeks to make the police a natural channel for the prevention of torture in the cause of "*full human rights for all*".

To this end, action is necessary with a view to

- Encouraging and promoting the democratisation process, the establishment of the rule of law and a human rights culture in Africa.
- Contributing to the structure and organisation of the police force.
- Providing members of the police force with basic and further training involving the study of human rights and professional investigation and interrogation techniques.
- Participating in the promotion of national police codes of professional ethics. The adoption and, above all, the implementation of such codes would constitute a major step in the direction of the liberation of the police forces, which would no longer be at the sole discretion of the powers that make use of them, and this for the greater good of the population.
- Encouraging African States to ratify the protocol to the African Charter of Human and Peoples' Rights, adopted at Ouagadougou on 9 June 1998, concerning the creation of an African Court of Human and Peoples' Rights.
- The effective and rapid establishment of a judicial body is valuable for the realisation of the objectives of the African Charter of Human and Peoples' Rights and the reinforcement of the entire African system of human rights protection.
- Conducting the necessary lobbying activities to induce the decision-making bodies of the OAU to adopt an African police charter.





## NOTES

---



## NOTES

- 1 To this effect, we might mention in particular Article 5 of the Universal Declaration of Human Rights; Article 7 of the International Covenant on Civil and Political Rights; the Geneva Conventions of 12 August 1949 and their protocols of 8 June 1977; the 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force in 1987.
- 2 OMCT statistics, quoted in the joint APT-OMCT press release of 26 June 1998, "Eleven years of the Convention against Torture and still just as many victims".
- 3 Amnesty International report entitled "Concern regarding the human rights situation in Sub-Saharan Africa", September 1997-March 1998. AFR 01/02/98 of 15 May 1998.
- 4 See, for example, the 1998 Amnesty International Report.
- 5 Act No. 97/009 of 10 January 1997
- 6 Amnesty International Report, Index AI: AFR 03/02/97
- 7 Amnesty International Report, Index AI: AFR 01/02/98
- 8 Article 3 of the Code of Conduct for Law Enforcement Officials adopted by the United Nations General Assembly in its resolution 34/169 of 17 December 1979, stipulates that "law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."

According to Clause 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. "Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."
- 9 Amnesty International Report 1998, p. 354
- 10 Amnesty International Report AFR 03/02/97, April 97
- 11 The newspaper *Liberation* of Thursday 17 December 98

- 12 Amnesty International Report AFR 03/0298/F, October 98
- 13 Amnesty International Report AFR 01/02/98 - EFAL, dated 25 May 98
- 14 Letter of the International Human Rights Federation No. 5 of 19/11/98
- 15 The cases of Somalia, where the life of the country depends solely on the good will of rival militias, of Congo when the "Cobras" or the "Ninjas" represent the law, of Rwanda when the "Interahamwe" carry out genocide, are not the only ones in Africa.
- 16 The case of the 1998 elections in Togo, in which President Eyadema, after 31 years in office, was re-elected under circumstances in which a large part of public opinion claimed there had been fraud and that the elections were won by the opposition candidate, is not unique in Africa.
- 17 Moreover, the lack of such training, at least in countries that have ratified the Convention against Torture, constitutes a breach of Article 10 which states that: "Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment."
- 18 Article 45 of the Charter defines the function of the Commission as follows:
- "1. To promote human and peoples' rights and in particular:*
- a) to collect documents, undertake studies and research on African problems in the field of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights and, should the case arise, give its views or make recommendations to Governments;*
- b) to formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislations;*
- c) to co-operate with other African or international institutions concerned with the promotion and protection of human and peoples' rights.*
- 2. To ensure the protection of human and peoples' rights under the conditions laid down by this Charter.*
- 3. To interpret any provision of the present Charter at the request of a State Party, an OAU institution or an African organization recognized by the OAU."*

- 19 Attention should be drawn to the current trend which would make the State responsible by omission, negligence or incompetence. Those who subscribe to this idea, which is not yet unanimous, consider that the crime of torture should be recognized and the responsibility of the State invoked in cases where the State fails, by omission or negligence, to protect citizens against acts of torture perpetrated by non-governmental actors such as armed or paramilitary gangs.
- 20 See Appendix 3.
- 21 See Annex 4.



## **BIBLIOGRAPHICAL SOURCES**

---





## BIBLIOGRAPHICAL SOURCES

1. Amnesty International, *Au delà de l'Etat (Beyond the State)*, French language edition of Amnesty International, Paris 1992.
2. Amnesty International, "Disappearances" and Political Assassinations in the 1980-90s, ***l'Inacceptable***, French language edition of Amnesty International, Paris 1993.
3. Amnesty International, Annual Report 1998.
4. Amnesty International, Report on Torture, GALLIMARD, 1974.
5. Council of Europe, Human Rights and the Police, Human Rights Department of the Council of Europe, Publications Division, Strasbourg 1984.
6. JOURNES Claude, GATT-DOMENACH Jacqueline, GLEIZAL Jean-Jacques, *La police - le cas des démocraties occidentales*, PUF, Collection "Thémis", Paris 1993.
7. LAFURIE, A propos d'un code international de déontologie policière, in *Revue de la gendarmerie nationale* No. 138, January 1984.
8. LONE JACOBSEN & KNUD SMIDT-NIELSEN, *Surviving Torture - Trauma and Rehabilitation*, IRCT Editions, Copenhagen 1997.
9. MARCUS Michel, *La nuit du décret*, in *Revue de science criminelle* No. 3, July-September 1986.
10. MBAYE Keba, *Human Rights in Africa*, A. Pedone Editions, Paris 1992.
11. SUSINI Jean, *Déontologie et police*, in *Revue de science criminelle* No. 3, July-September 1980.



# APPENDIX

---



# ■ APPENDIX

## ■ Appendix I

### ■ **DECRET N° 269 Portant Code de Déontologie de la Police Nationale du Tchad<sup>1</sup>**

LE PRESIDENT DE LA REPUBLIQUE  
CHEF DE L'ETAT  
PRESIDENT DU CONSEIL DES MINISTRES

- Vu la Charte de Transition;
- Vu le Décret n° 282/PR/93 du 09 Avril 1993, portant publication de la Charte de Transition;
- Vu le Décret n° 728/PR/93 du 09 Novembre 1993, portant désignation du deuxième Premier Ministre de Transition;
- Vu le Décret n° 513/PR/PM/94 du 13 Décembre 1994, portant remaniement du Gouvernement de Transition;
- Vu l'Ordonnance 002/PR/91 du 15 Avril 1991, portant Statut Général des Personnels du Corps de la Sûreté Nationale;
- Vu le Décret n° 089/PR/MEI/SE/DG/91 du 15 Juin, portant organisation de la Sûreté Nationale;
- Vu le Décret 102/PR/91 du 26 Juin 1991, portant délégation de signature au Ministre de l'intérieur et de la Sécurité;

SUR PROPOSITION DU MINISTRE DE L'INTERIEUR ET DE LA SECURITE, DECRETE:

#### ■ **TITRE PRÉLIMINAIRE**

**ARTICLE 1:** La Police Nationale concourt sur l'ensemble du Territoire National, à la garantie des libertés et la défense des institutions de la République, au maintien de la Paix et de l'ordre public et à la protection des personnes et des biens.

**ARTICLE 2:** La Police Nationale s'acquitte de ses missions dans le respect de la déclaration des droits de l'homme et du citoyen, de la constitution, des conventions internationales et des lois.

**ARTICLE 3:** La Police Nationale est organisée et placée hiérarchiquement sous l'autorité du Ministre de l'intérieur sous réserve des règles posées par le code de procédure pénale en ce qui concerne les missions de police judiciaire.

**ARTICLE 4:** La Police Nationale est ouverte à tout citoyen Tchadien satisfaisant aux conditions de recrutement fixées par les lois et règlements.

**ARTICLE 5:** Le présent code de Déontologie s'applique aux fonctionnaires de Police Nationale et aux personnes appelées à participer à ses missions.

**ARTICLE 6:** Tout manquement aux devoirs définis par le présent code expose son auteur à une sanction disciplinaire sans préjudice, le cas échéant, des peines prévues par la loi pénale.

## ■ **TITRE I: DROITS ET DEVOIRS GÉNÉRAUX DES FONCTIONNAIRES DE LA POLICE NATIONALE**

**ARTICLE 7:** Le fonctionnaire de la Police Nationale est loyal envers les institutions républicaines. Il est intègre et impartial; il ne se départit de sa dignité en aucune circonstance. Placé au service du public, le fonctionnaire de police se comporte envers celui-ci d'une manière exemplaire.

Il a le respect absolu des personnes, quelles que soient leur nationalité ou leur origine, leur condition sociale ou leurs convictions politiques, religieuses ou philosophiques.

**ARTICLE 8:** Le fonctionnaire de Police Nationale est tenu même lorsqu'il n'est pas en service, d'intervenir de sa propre initiative pour porter assistance à toute personne en danger, pour prévenir ou réprimer tout acte de nature à troubler l'ordre public et protéger l'individu et la collectivité contre les atteintes aux personnes et aux biens.

**ARTICLE 9:** Lorsqu'il est autorisé par la loi à utiliser la force et en particulier de se servir de ses armes, le fonctionnaire de police ne peut en faire qu'un usage strictement nécessaire et proportionné au but à atteindre.

**ARTICLE 10:** Toute personne appréhendée est placée sous la responsabilité et la protection de la police; elle ne doit subir de la part des fonctionnaires de police ou des tiers aucune violence ni aucun traitement inhumain ou dégradant.

Le fonctionnaire de police qui serait témoin d'agissements prohibés par le présent article engage sa responsabilité disciplinaire s'il n'entreprend rien pour les faire cesser ou néglige de les porter à la connaissance de l'autorité compétente.

Le fonctionnaire de police ayant la garde d'une personne dont l'état nécessite des soins spéciaux doit faire appel au personnel médical et, le cas échéant, prendre des mesures pour protéger la vie et la santé de cette personne.

**ARTICLE 11:** Les fonctionnaires de police peuvent s'exprimer librement dans les limites résultant de l'obligation de réserve à laquelle ils sont tenus et des règles relatives à la discrétion et au secret professionnel.

**ARTICLE 12:** Le Ministre de l'Intérieur défend les fonctionnaires de la Police Nationale contre les menaces, les violences, les voies de faits, les injures, diffamations ou outrage dont ils sont victimes dans l'exercice ou à l'occasion de l'exercice de leurs fonctions.

## **■ TITRE II: DEVOIRS RESPECTIFS DES FONCTIONNAIRES DE POLICE ET DES AUTORITÉS DE COMMANDEMENT**

**ARTICLE 13:** L'autorité investie du pouvoir hiérarchique exerce les fonctions de commandement. A ce titre, elle prend les décisions et les fait appliquer; elle les traduit par des ordres qui doivent être précis et assortis des explications nécessaires à leur bonne exécution.

**ARTICLE 14:** L'autorité de commandement est responsable des ordres qu'elle donne, de leur exécution et de leurs conséquences. Lorsqu'elle charge un de ses subordonnés d'agir en lieu et place, sa responsabilité demeure entière et s'étend aux ordres que le subordonné accomplit régulièrement dans le cadre de ses fonctions et des ordres reçus. Le fonctionnaire de la Police Nationale doit exé-

cuter loyalement les ordres qui lui sont donnés par l'autorité de commandement. Il est responsable de leur exécution ou des conséquences de leur inexécution.

**ARTICLE 15:** L'autorité de commandement transmet ses ordres par la voie hiérarchique. Si l'urgence ne permet pas de suivre cette voie, les échelons intermédiaires en sont informés sans délai.

**ARTICLE 16:** Hors les cas de réquisition, aucun ordres ne peut être donné à un fonctionnaire de police qui ne relève pas de l'autorité fonctionnelle de son auteur si ce n'est pour faire appliquer les règles générales de la discipline.

**ARTICLE 17:** Le subordonné est tenu de se conformer aux instructions de l'autorité, sauf dans le cas où l'ordre donné est manifestement illégal et de nature à compromettre gravement l'intérêt public.

Si le subordonné croit se trouver en présence d'un tel ordre, il a le devoir de faire part de ses objections à l'autorité qui l'a donné en indiquant expressément la signification illégale qu'il attache à l'ordre litigieux.

Si l'ordre est maintenu et si, malgré les explications ou l'interprétation qui lui ont été données, le subordonné persiste dans sa contestation, il en réfère à la première autorité supérieure qu'il a la possibilité de joindre.

Tout refus d'exécuter un ordre qui ne répondrait pas aux conditions ci-dessus engage la responsabilité de l'intéressé.

**ARTICLE 18:** Tout fonctionnaire de police a le devoir de rendre compte à l'autorité de commandement de l'exécution des missions qu'il en a reçues ou le cas échéant des raisons qui ont rendu leur exécution impossible.

**ARTICLE 19:** Outre le contrôle du parquet général qui s'impose à eux lorsqu'ils accomplissent des actes de police judiciaire, les personnels de la Police Nationale sont soumis au contrôle hiérarchique et à celui de l'Inspection Générale des Services de Police Nationale.



**ARTICLE 20:** Le Ministre de l'Intérieur et de la Sécurité est chargé de l'exécution du présent Décret qui sera publié au journal Officiel de la République.

N'DJAMENA, le 4 avril 1995

---

1 This decree exists in French only.



## ■ Appendix II

### ■ Code of Conduct for Law Enforcement Officials

(Adopted by General Assembly resolution 34/169 of 17 December 1979)

#### ■ Article 1

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against all illegal acts, consistent with the high degree of responsibility required by their profession.

##### **Commentary:**

- a. The term “law enforcement officials” includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.
- b. In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.
- c. Service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid.
- d. This provision is intended to cover not only all violent, predatory and harmful acts, but extends to the full range of prohibitions under penal statutes. It extends to conduct by persons not capable of incurring criminal liability.

## ■ Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

### **Commentary:**

- a. The human rights in question are identified and protected by national and international law. Among the relevant international instruments are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subject to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, the Convention on the Prevention and Punishment of the Crime of Genocide, the Standard Minimum Rules for the Treatment of Prisoners and the Vienna Convention on Consular Relations.
- b. National commentaries to this provision should indicate regional or national provisions identifying and protecting these rights.

## ■ Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

### **Commentary:**

- a. This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.

- b. National law ordinarily resists the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.
- c. The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

#### ■ Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

##### **Commentary:**

By the nature of their duties, law enforcement officials obtain information which may relate to private lives or be potentially harmful to the interests, and especially the reputation, of others. Great care should be exercised in safeguarding and using such information, which should be disclosed only in the performance of duty or to serve the needs of justice. Any disclosure of such information for other purposes is wholly improper.

#### ■ Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a

threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

**Commentary:**

- a. This prohibition derives from the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly, according to which:  
“[Such an act is] an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights [and other international human rights instruments].”
- b. The Declaration defines torture as follows:  
“... torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.”
- c. The term “cruel, inhuman or degrading treatment or punishment” has not been defined by the General Assembly but should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental.

■ **Article 6**

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

**Commentary:**

- a. "Medical attention", which refers to services rendered by any medical personnel, including certified medical practitioners and paramedics, shall be secured when needed or requested.
- b. While the medical personnel are likely to be attached to the law enforcement operation, law enforcement officials must take into account the judgement of such personnel when they recommend providing the person in custody with appropriate treatment through, or in consultation with, medical personnel from outside the law enforcement operation.
- c. It is understood that law enforcement officials shall also secure medical attention for victims of violations of law or of accidents occurring in the course of violations of law.

■ **Article 7**

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

**Commentary:**

- a. Any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within their agencies.
- b. While the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of or in connection with one's duties, in response to gifts, promises or incentives demanded or accepted, or the wrongful receipt of these once the act has been committed or omitted.
- c. The expression "act of corruption" referred to above should be understood to encompass attempted corruption.

## ■ Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

### **Commentary:**

- a. This Code shall be observed whenever it has been incorporated into national legislation or practice. If legislation or practice contains stricter provisions than those of the present Code, those stricter provisions shall be observed.
- b. This Article seeks to preserve the balance between the need for internal discipline of the agency on which public safety is largely dependent, on the one hand, and the need for dealing with violations of basic human rights, on the other. Law enforcement officials shall report violations within the chain of command and take other lawful action outside the chain of command only when no other remedies are available or effective. It is understood that law enforcement officials shall not suffer administrative or other penalties because they have reported that a violation of this Code has occurred or is about to occur.
- c. The term “appropriate authorities or organs vested with reviewing or remedial power” refers to any authority or organ existing under national law, whether internal to the law enforcement agency or independent thereof, with statutory, customary or other power to review grievances and complaints arising out of violations within the purview of the Code.
- d. In some countries, the mass media may be regarded as performing complaint review functions similar to those described in subparagraph (c) above. Law enforcement officials may, therefore, be justified if, as a last resort and in accordance with the laws and customs of their own countries and



with the provisions of Article 4 of the present Code, they bring violations to the attention of public opinion through the mass media.

- e. Law enforcement officials who comply with the provisions of this Code deserve the respect, the full support and the co-operation of the community and of the law enforcement agency in which they serve, as well as the law enforcement profession.



## ■ Appendix III

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

(Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990).

**Whereas** the work of law enforcement officials\* is a social service of great importance and there is, therefore, a need to maintain and, whenever necessary, to improve the working conditions and status of these officials,

**Whereas** a threat to the life and safety of law enforcement officials must be seen as a threat to the stability of society as a whole,

**Whereas** law enforcement officials have a vital role in the protection of the right to life, liberty and security of the person, as guaranteed in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights,

**Whereas** the Standard Minimum Rules for the Treatment of Prisoners provide for the circumstances in which prison officials may use force in the course of their duties,

**Whereas** article 3 of the Code of Conduct for Law Enforcement Officials provides that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty,

**Whereas** the preparatory meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Varenna, Italy, agreed on elements to be considered in the course of further work on restraints on the use of force and firearms by law enforcement officials,

**Whereas** the Seventh Congress, in its resolution 14, inter alia, emphasizes that the use of force and firearms by law enforcement officials should be commensurate with due respect for human rights,

**Whereas** the Economic and Social Council, in its resolution 1986/10, section IX, of 21 May 1986, invited Member States to pay particular attention in the implementation of the Code to the use of force and firearms by law enforcement officials, and the General Assembly, in its resolution 41/149 of 4 December 1986, inter alia, welcomed this recommendation made by the Council,

**Whereas** it is appropriate that, with due regard to their personal safety, consideration be given to the role of law enforcement officials in relation to the administration of justice, to the protection of the right to life, liberty and security of the person, to their responsibility to maintain public safety and social peace and to the importance of their qualifications, training and conduct,

The basic principles set forth below, which have been formulated to assist Member States in their task of ensuring and promoting the proper role of law enforcement officials, should be taken into account and respected by Governments within the framework of their national legislation and practice, and be brought to the attention of law enforcement officials as well as other persons, such as judges, prosecutors, lawyers, members of the executive branch and the legislature, and the public.

## ■ General provisions

1. Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. In developing such rules and regulations, Governments and law enforcement agencies shall keep the ethical issues associated with the use of force and firearms constantly under review.
2. Governments and law enforcement agencies should develop a range of means as broad as possible and equip law en-

forcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons. For the same purpose, it should also be possible for law enforcement officials to be equipped with self-defensive equipment such as shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.

3. The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.
4. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.
5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:
  - a. Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
  - b. Minimize damage and injury, and respect and preserve human life;
  - c. Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
  - d. Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.
6. Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors, in accordance with principle 22.

7. Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.
8. Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.

### — Special provisions

9. Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.
10. In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.
11. Rules and regulations on the use of firearms by law enforcement officials should include guidelines that:
  - a. Specify the circumstances under which law enforcement officials are authorized to carry firearms and prescribe the types of firearms and ammunition permitted;
  - b. Ensure that firearms are used only in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm;

- c. Prohibit the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk;
- d. Regulate the control, storage and issuing of firearms, including procedures for ensuring that law enforcement officials are accountable for the firearms and ammunition issued to them;
- e. Provide for warnings to be given, if appropriate, when firearms are to be discharged;
- f. Provide for a system of reporting whenever law enforcement officials use firearms in the performance of their duty.

### ■ Policing unlawful assemblies

- 12. As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.
- 13. In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.
- 14. In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.

### ■ Policing persons in custody or detention

- 15. Law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened.

16. Law enforcement officials, in their relations with persons in custody or detention, shall not use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in principle 9.
17. The preceding principles are without prejudice to the rights, duties and responsibilities of prison officials, as set out in the Standard Minimum Rules for the Treatment of Prisoners, particularly rules 33, 34 and 54.

### — **Qualifications, training and counselling**

18. Governments and law enforcement agencies shall ensure that all law enforcement officials are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional training. Their continued fitness to perform these functions should be subject to periodic review.
19. Governments and law enforcement agencies shall ensure that all law enforcement officials are provided with training and are tested in accordance with appropriate proficiency standards in the use of force. Those law enforcement officials who are required to carry firearms should be authorized to do so only upon completion of special training in their use.
20. In the training of law enforcement officials, Governments and law enforcement agencies shall give special attention to issues of police ethics and human rights, especially in the investigative process, to alternatives to the use of force and firearms, including the peaceful settlement of conflicts, the understanding of crowd behaviour, and the methods of persuasion, negotiation and mediation, as well as to technical means, with a view to limiting the use of force and firearms. Law enforcement agencies should review their training programmes and operational procedures in the light of particular incidents.



21. Governments and law enforcement agencies shall make stress counselling available to law enforcement officials who are involved in situations where force and firearms are used.

## — Reporting and review procedures

22. Governments and law enforcement agencies shall establish effective reporting and review procedures for all incidents referred to in principles 6 and 11 (f). For incidents reported pursuant to these principles, Governments and law enforcement agencies shall ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control.
23. Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependants accordingly.
24. Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.
25. Governments and law enforcement agencies shall ensure that no criminal or disciplinary sanction is imposed on law enforcement officials who, in compliance with the Code of Conduct for Law Enforcement Officials and these basic principles, refuse to carry out an order to use force and firearms, or who report such use by other officials.

26. Obedience to superior orders shall be no defence if law enforcement officials knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it. In any case, responsibility also rests on the superiors who gave the unlawful orders.

---

\* In accordance with the commentary to Article 1 of the Code of Conduct for Law Enforcement Officials, the term "law enforcement officials" includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention. In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.





## ■ **Appendix IV**

### ■ **Resolution 690<sup>1</sup> on the Declaration on the Police**

(Adopted by the General Assembly of the Council of Europe on 8 May 1979)

#### ■ **The Assembly**

1. Considering that the full exercise of human rights and fundamental freedoms, guaranteed by the European Convention on Human Rights and other national and international instruments, has as a necessary basis the existence of a peaceful society which enjoys the advantages of order and public safety;
2. Considering that, in this respect, police play a vital role in all the member states, that they are frequently called upon to intervene in conditions which are dangerous for their members, and that their duties are made yet more difficult if the rules of conduct of their members are not sufficiently precisely defined;
3. Being of the opinion that it is inappropriate for those who have committed violations of human rights whilst members of police forces, or those who have belonged to any police force that has been disbanded on account of inhumane practices, to be employed as policemen;
4. Being of the opinion that the European system for the protection of human rights would be improved if there were generally accepted rules concerning the professional ethics of the police which take account of the principles of human rights and fundamental freedoms;
5. Considering that it is desirable that police officers have the active moral and physical support of the community they are serving;
6. Considering that police officers should enjoy status and rights comparable to those members of the civil service;

7. Believing that it may be desirable to lay down guidelines for the behaviour of police officers in case of war and other emergency situations, and in the event of occupation by a foreign power;
8. Adopts the following Declaration on the Police, which forms an integral part of this resolution;
9. Instructs its Committee on Parliamentary and Public Relations and its Legal Affairs Committee as well as the Secretary General of the Council of Europe to give maximum publicity to the declaration.

*Appendix to Resolution 690 on the Declaration on the Police*

— **Declaration on the Police**

— **A. Ethics<sup>2</sup>**

1. A police officer shall fulfil the duties the law imposes upon him by protecting his fellow citizens and the community against violent, predatory and other harmful acts, as defined by law.
2. A police officer shall act with integrity, impartiality and dignity. In particular he shall refrain from and vigorously oppose all acts of corruption.
3. Summary executions, torture and other forms of inhuman or degrading treatment or punishment remain prohibited in all circumstances. A police officer is under obligation to disobey or disregard any order or instruction involving such measures.
4. A police officer shall carry out orders properly issued by his hierarchical superior, but he shall refrain from carrying out any order he knows, or ought to know, is unlawful.
5. A police officer must oppose violations of the law. If immediate or irreparable and serious harm should result from per-

mitting the violation to take place he shall take immediate action, to the best of his ability.

6. If no immediate or irreparable and serious harm is threatened, he must endeavor to avert the consequences of this violation, or its repetition, by reporting the matter to his superiors. If no results are obtained in that way he may report to higher authority.
7. No criminal or disciplinary action shall be taken against a police officer who has refused to carry out an unlawful order.
8. A police officer shall not co-operate in the tracing, arresting, guarding or conveying of persons who, while not being suspected of having committed an illegal act, are searched for, detained or prosecuted because of their race, religion or political belief.
9. A police officer shall be personally liable for his own acts and for acts of commission or omission he has ordered and which are unlawful.
10. There shall be a clear chain of command. It should always be possible to determine which superior may be ultimately responsible for acts or omissions of a police officer.
11. Legislation must provide for a system of legal guarantees and remedies against any damage resulting from police activities.
12. In performing his duties, a police officer shall use all necessary determination to achieve an aim which is legally required or allowed, but he may never use more force than is reasonable.
13. Police officers shall receive clear and precise instructions as to the manner and circumstances in which they should make use of arms.

14. A police officer having the custody of a person needing medical attention shall secure such attention by medical personnel and, if necessary, take measures for the preservation of the life and health of this person. He shall follow the instructions of doctors and other competent medical workers when they place a detainee under medical care.
15. A police officer shall keep secret all matters of a confidential nature coming to his attention, unless the performance of duty or legal provisions require otherwise.
16. A police officer who complies with the provisions of this declaration is entitled to the active moral and physical support of the community he is serving.

## ■ B. Status

1. Police forces are public services created by law, which shall have the responsibility of maintaining and enforcing the law.
2. Any citizen may join the police forces if he satisfies the relevant conditions.
3. A police officer shall receive thorough general training, professional training and in-service training, as well as appropriate instruction in social problems, democratic freedoms, human rights and in particular the European Convention on Human Rights.
4. The professional, psychological and material conditions under which a police officer must perform his duties shall be such as to protect his integrity, impartiality and dignity.
5. A police officer is entitled to a fair remuneration, and special factors are to be taken into account, such as greater risks and responsibilities and more irregular working schedules.
6. Police officers shall have the choice of whether to set up professional organisations, join them and play an active part therein. They may also play an active part in other organisations.



7. A police professional organisation, provided it is representative shall have the right:
  - to take part in negotiations concerning the professional status of police officers;
  - to be consulted on the administration of police units;
  - to initiate legal proceedings for the benefit of a group of police officers or on behalf of a particular police officer.
8. Membership of a police professional organisation and playing an active part therein shall not be detrimental to any police officer.
9. In case of disciplinary or penal proceedings taken against him, a police officer has the right to be heard and to be defended by a lawyer. The decision shall be taken within a reasonable time. He shall also be able to avail himself of the assistance of a professional organisation to which he belongs.
10. A police officer against whom a disciplinary measure has been taken or penal sanction imposed shall have the right of appeal to an independent and impartial body or court.
11. The rights of a police officer before courts or tribunals shall be the same as those of any other citizen.

### — **C. War and other emergency situations - occupation by a foreign power<sup>3</sup>**

1. A police officer shall continue to perform his tasks of protecting persons and property during war and enemy occupation in the interests of the civilian population. For that reason he shall not have the status of "combatant", and the provisions of the Third Geneva Convention of 12 August 1949, relative to the treatment of prisoners of war, shall not apply.
2. The provisions of the Fourth Geneva Convention of 12 August 1949, relative to the protection of civilian persons in time of war, apply to the civilian police.

3. The occupying power shall not order police officers to perform tasks other than those mentioned in Article I of this chapter.
4. During occupation a police officer shall not:
  - take part in measures against members of resistance movements;
  - take part in applying measures designed to employ the population for military purposes and for guarding military installations.
5. If a police officer resigns during enemy occupation because he is forced to execute illegitimate orders of the occupying power which are contrary to the interests of the civilian population, such as those listed above, and because he sees no other way out, he shall be reintegrated into the police force as soon as the occupation is over without losing any of the rights or benefits he would have enjoyed if he had stayed in the police force.
6. Neither during nor after the occupation may any penal or disciplinary sanction be imposed on a police officer for having executed in good faith an order of an authority regarded as competent, where the execution of such an order was normally the duty of the police force.
7. The occupying power shall not take any disciplinary or judicial action against police officers by reason of the execution, prior to the occupation, of orders given by the competent authorities.

- 
- 1 **Assembly debate** on 1 February 1979 (24th Sitting of the 30th Session) (see doc. 4212. report of the Legal Affairs Committee).  
**Text adopted by the Assembly** on 8 May 1979 (2nd Sitting of the 31st Session).
  - 2 Parts A and B of the declaration cover all individuals and organisations, including such bodies as secret services, military police forces, armed forces or militias performing police duties, that are responsible for enforcing the law, investigating offences, and maintaining public order and state security.
  - 3 This chapter does not apply to the military police.



## ■ The APT's Africa Programme

The Association for the Prevention of Torture (APT) is a non-governmental organisation (NGO) based in Geneva. Its mandate is the prevention of torture and cruel, inhuman or degrading treatment or punishment. The APT played an essential role in establishing the European Convention for the Prevention of Torture, which was adopted by the Council of Europe in 1987. It actively promotes the United Nations' adoption of a similar mechanism for visiting detention centres. In addition to its UN programme, the APT has programmes covering activities in Africa, Europe and Latin America.

In Africa, the APT collaborates with the Organisation for African Unity's (OAU) Department of Judicial Affairs, the African Commission on Human and Peoples' Rights, and supports the mandate of the Special Rapporteur on Prisons and Conditions of Detention in Africa. The APT maintains partnerships with NGOs and national African institutions most notably in the domains of elaboration and implementation of norms and standards concerning the prevention of torture and inhuman treatment, of reinforcement of systems that monitor arrests, of conditions of detention, of increasing public knowledge and awareness concerning the Convention Against Torture, and of training and sensitising the police.

### **Association for the Prevention of Torture (APT)**

Route de Ferney 10  
Case Postale 2267  
CH – 1211 Genève 2  
Tél. (4122) 734 20 88  
Fax. (4122) 734 56 49  
E-mail: [apt@apt.ch](mailto:apt@apt.ch)  
Internet: [www.apt.ch](http://www.apt.ch)

