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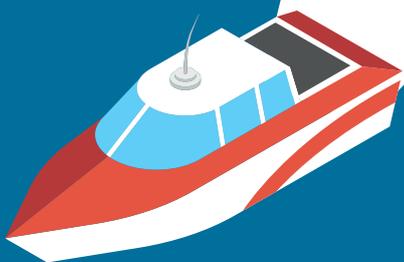
United Nations Office on Drugs and Crime

HANDBOOK

ON THE USE OF FORCE BY

PRIVATE SECURITY COMPANIES

Annex B to Maritime Crime: A Manual for
Criminal Justice Practitioners



GLOBAL MARITIME
CRIME PROGRAMME

UNITED NATIONS OFFICE ON DRUGS AND CRIME
Vienna

Handbook on the Use of Force by Private Security Companies

Annex B to Maritime Crime:
A Manual for Criminal Justice Practitioners

Global Maritime Crime Programme

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DISCLAIMER

The present Handbook does not provide legal advice and is not a legal document.

The purpose of this Handbook is to offer States, private security companies and clients guidance on how to create lawful and practical use-of-force policies in situations where private security companies have been contracted to provide security services. To that end, the Handbook has been developed on the basis of a public, regulatory and criminal law perspective.

In line with its purpose, this Handbook is not a legal manual. The responsibility for obtaining appropriate legal advice when developing use-of-force policies resides at all times with the parties to the security services contract.

FOREWORD

Private security companies play a crucial role in providing a wide range of services to governments, non-governmental organizations, private corporations and individuals. In providing such services, private security companies, through their employees are sometimes required to use force in order to protect persons and property.

Any use of force by privately contracted security personnel must comply with the laws applicable to the individual and to the geographical area in which the incident occurred. In order to ensure compliance with applicable domestic and international laws and legal regimes, it is essential that clear guidelines for the use of force are provided to such personnel by their employers. Good training in the lawful use of force, accompanied by adherence to properly developed use-of-force guidelines, can significantly reduce risks to people and property in the area of operations, as well as to individual privately contracted security personnel, private security companies and their clients. Providing guidance on the use of force by privately contracted security personnel in the maritime environment is particularly challenging owing to the myriad models of contracted security personnel arrangements and overlapping jurisdictions on the high seas.

This Handbook has been developed to provide advice to Member States on procedures and rules that could be used in the creation of use-of-force guidelines covering a wide spectrum of activities and operations that private security companies may encounter. It was prepared by a group of expert and experienced drafters, including United Nations officials, and was informed by reviews conducted in collaboration with government officials, non-governmental organizations, private security companies and academia. It provides a comprehensive and flexible framework that can be used in the regulation of private security companies. In developing the Handbook, the authors have sought to replicate the inherent flexibility and user-friendly format found in publications on rules of engagement such as the *Sanremo Handbook on Rules of Engagement*.

Understanding that rules, laws and policies are subject to continuous change and varying interpretations, it is fully expected that this Handbook will be amended from time to time. Any recommendations or comments that could assist in improving this work will be gladly received and taken into consideration for future editions.

Global Maritime Crime Programme, United Nations Office on Drugs and Crime
Colombo, Sri Lanka, September 2019

PREFACE

The present *Handbook on the Use of Force by Private Security Companies* has been developed to assist States that host or employ private security companies to ensure that those companies operate in accordance with realistic and useable policies on the use of force across the spectrum of operations. It complements other manuals, handbooks and guides on the subject of private security that have been published by United Nations entities, including the International Maritime Organization and other international organizations.

It is hoped that, in adopting standardized language and a standardized approach, as this Handbook has sought to do, governments, their law enforcement agencies and other parties engaged in private security relationships may be able to work together more effectively to ensure that private security companies provide efficient, effective and legally compliant security services.

ACKNOWLEDGEMENTS

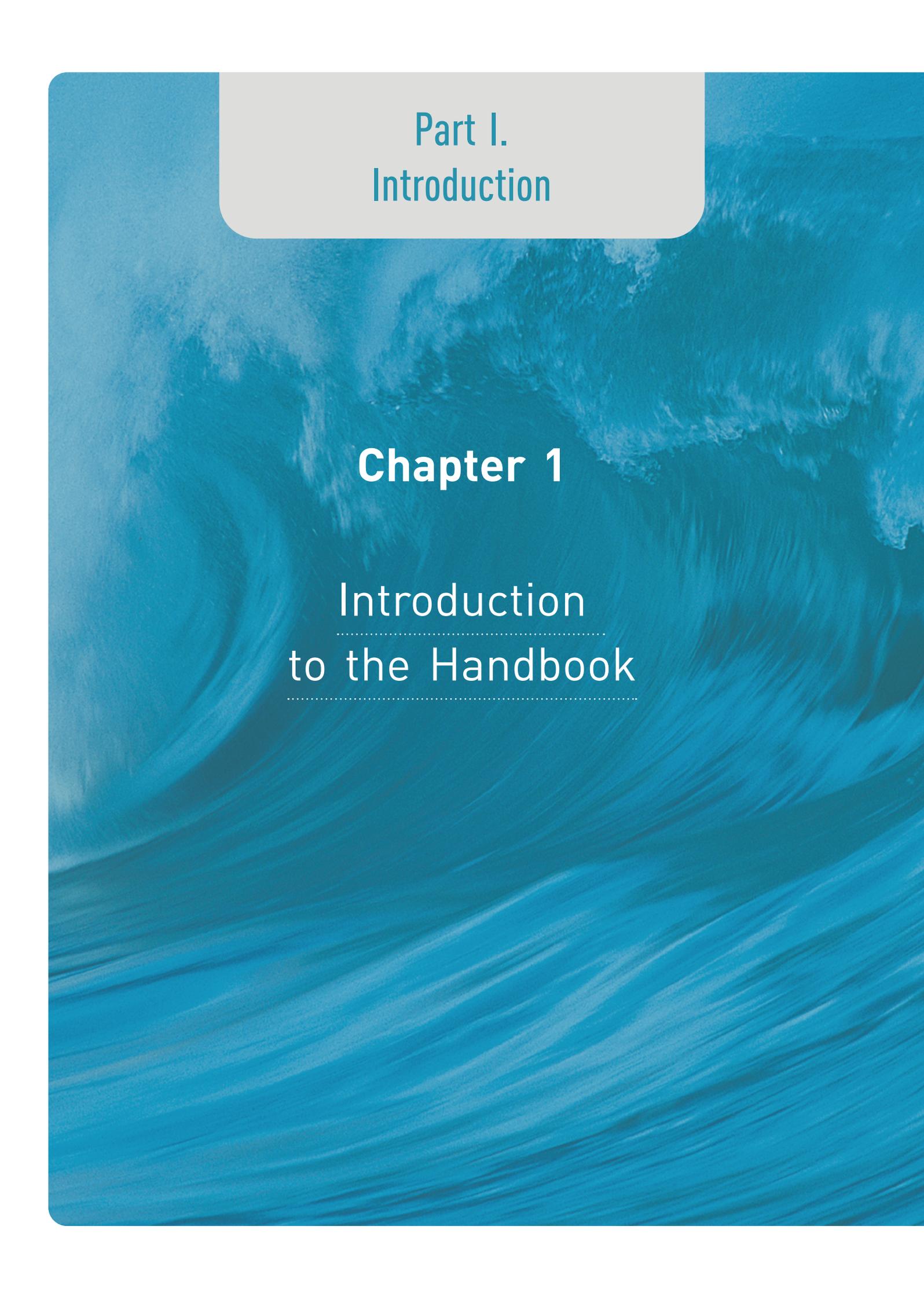
This Handbook was drafted by Associate Professor Phillip Drew of the Australian National University and Professor Rob McLaughlin of the Australian National University and the University of New South Wales – Canberra. Alan Cole, Siri Bjune, Bart Hulbosch, Siji Mangalath and the late Shamus Mangan of the Global Maritime Crime Programme of the United Nations Office on Drugs and Crime (UNODC) also contributed to the development and review of this Handbook on a continuous basis.

Prior to being published in its first edition, this Handbook underwent two substantive reviews at expert working group meetings held in London on 22 and 23 October 2014 and on 5 June 2015. Particular acknowledgement must be accorded to the valuable contributions made by the following experts both during and after those meetings: Louise Arimatsu, Chatham House; Russ Armstrong, Castor Vali; Thomas Bennett, V. Henry and Company, Mark Bennun, Foreign and Commonwealth Office; Commodore Neil Brown, Cabinet Office; Charlotte Butterworth, Protection Group International; Ioannis Chapsos, Centre for Trust, Peace and Social Relations, Coventry University; Steven Clark, G4S; Peter Cook, SAMI; Lieutenant-Colonel (retired) Daniel Drew, Canadian Army; Molly Dunnigan, RAND Corporation; Dr. Glynne Evans, Security in Complex Emergencies Group (SCEG); Paul Gibson, SCEG; Allison Hawks, King's College London; Simon Jones, Triton International Ltd.; Christopher Kinsey, King's College London; Laura Klein Croft, Talking Oak International; Colonel Christopher Mayer, (United States Army, retired), United States Department of Defense; James Malcolm, Coventry University; Commander Sean Moore, Royal Navy; Andrew Murdoch, Foreign and Commonwealth Office of the United Kingdom; the late Giles Noakes, BIMCO; Peter Roberts, Royal United Services Institute; Marc Siegel, ASIS International; Gavin Simmonds, UK Chamber of Shipping. Special appreciation is extended to Dr. Ian Ralby, who assisted in negotiating and editing the Handbook in preparation for the meeting in London in June 2015. With a view to publishing the second edition, the Handbook was then subject to further review and comments by experts from the Serious and Complex Emergencies Group in London in October 2016, and at the Maritime Law Experts Conference held by the UNODC Global Maritime Crime Programme in Colombo, Sri Lanka, from 18 to 20 June 2018.

CONTENTS

Disclaimer	iii
Foreword	iv
Preface	v
Acknowledgements	vi
Part I. Introduction	1
1. Introduction to the Handbook	1
Part II. Creating use-of-force policies	5
2. Guidance on use-of-force policies for contracted tasks	5
Part III. General principles	11
3. General principles of the use of force	11
4. General principles of self-defence	17
5. Use of force for tasks that do not fall within the bounds of individual self-defence and the defence of others	23
Part IV. Private security company operations in the land environment	27
6. Operations in the land environment	27
7. Recording and reporting of incidents	33
Part V. Private security companies protecting commercial maritime vessels and their crews	37
8. Private security services in the maritime domain	37

Annexes	41
.....
A. Menu of Rules for the Use of Force	41
.....
B. Use-of-force policy examples	51
.....
C. Report templates	57
.....
Glossary of terms	63
.....
Selected references	65
.....



Part I.
Introduction

Chapter 1

Introduction
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to the Handbook
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Governments and corporations rely on private security contractors, private security companies and other private security service providers (collectively, for the purposes of this Handbook, “PSCs”) to provide protection to persons and property in a variety of environments and security situations. In providing these services, the activities of PSCs can have both positive and negative consequences for their clients, the local population and the general security environment in the operational area.

Any use of force by a security provider entails risk. It is in the best interests of all parties in private security arrangements, be they governments, PSCs or clients, to ensure that security services are efficient, effective and legally compliant. This means that clients and PSCs must understand and respect the laws and principles that apply to the use of force in a wide range of circumstances and conditions. In order for PSCs and their clients to reduce their respective risks — including legal, operational, human rights and reputational risks — it is essential that they have adequate and legally sound use-of-force policies or rules in place for all operations in which the potential for the requirement to use of force exists.

1.1 Purpose of the Handbook

This Handbook provides member States, PSCs and their clients with guidance to support the creation of responsible and lawful use-of-force policies. As such, it is designed to satisfy the use-of-force policy requirements found in a number of regulatory documents and standards. In keeping with this purpose, the Handbook:

- Provides a flexible framework for developing use-of-force policies that can be tailored to suit applicable legal regimes, contractual requirements, and operational and policy restrictions.
- Explains the fundamental principles and procedures that apply to the use of force by PSCs.
- Provides common definitions and explanations of key concepts.
- Provides examples of use-of-force easy-reference cards and reporting templates.

1.2 Who might use the Handbook

This Handbook is intended primarily for those persons who are responsible for regulating and developing use-of-force policies and use-of-force policy training programmes. It aims to provide guidance on how to create acceptable use-of-force policies for a variety of situations that PSCs may encounter. The Handbook seeks to provide the user with background and explanations regarding principles for the use of force by private security providers.

While crafted with the requirements of armed PSCs in mind, this Handbook can be used to develop use-of-force policies for PSCs that are either not armed, or that are equipped only with non-lethal weapons.

1.3 How to use the Handbook

This Handbook provides a compendium of use-of-force rules that can be tailored to meet the use-of-force policy requirements for a wide range of PSC activities, including, but not limited to, protection of persons and property, controlling access to a facility, and protecting ships and their crews. In order to realize the maximum benefit from this Handbook, it should be read in conjunction with the various relevant international and national standards and other documents that provide guidance to the private security industry.

The rules contained in the Menu of Rules for the Use of Force (annex A) have been drafted as a series of permissions and prohibitions. In keeping with this Handbook’s restrictive philosophy towards the authorization of the use of force, if a measure is not addressed in the given use-of-force policy, then there is no authority, other than the right of individual self-defence, to carry out that measure.

1.4 Training

It is essential that personnel responsible for developing and/or authorizing use-of-force policies are appropriately trained. The training should, at the very least, include instruction on the fundamental principles of the use of force and self-defence.

Upon notification of employment for a specific task, PSC personnel who will be engaged in the assignment should be trained on the specific use-of-force policy authorized for the operation. The training must be practical and, wherever possible, scenario-driven. All scenarios must emphasize the lawful and responsible use

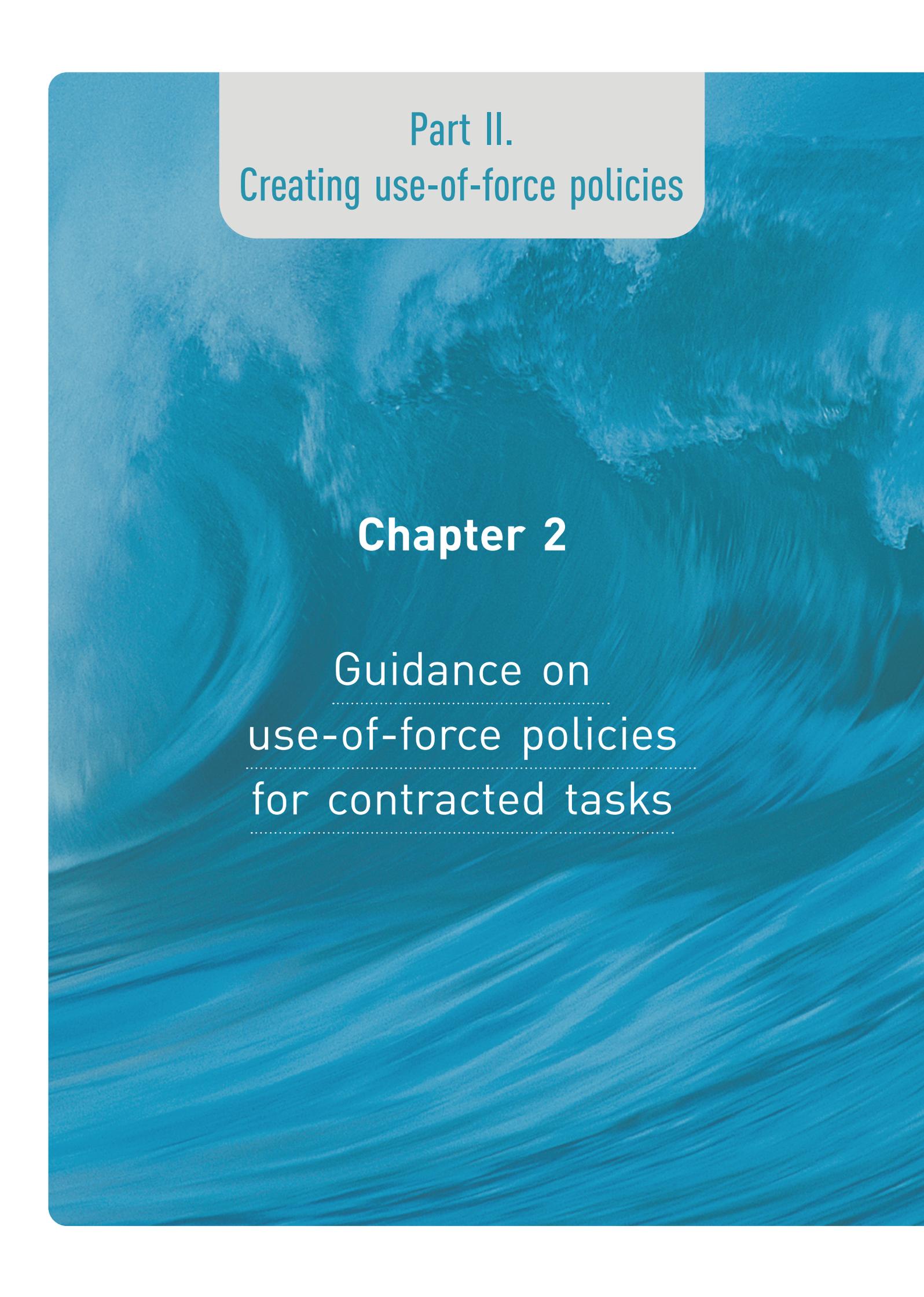
of force, based on the principle of using the minimum force necessary, understanding that, in situations involving an immediate threat to life, the use of minimum force may necessitate the use of lethal force.

1.5 Requirement for legal advice

This Handbook does not provide legal advice, but instead focuses on promoting an understanding of the general principles guiding the use of force by civilian

security service providers. It does, however, identify the requirement for PSCs to acknowledge and manage some of the respective legal, policy and operational issues that need to be considered when creating a use-of-force policy.

It is highly recommended that users of this Handbook obtain advice from relevant and appropriate legal sources when developing use-of-force policies for security tasks.



Part II.
Creating use-of-force policies

Chapter 2

Guidance on
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use-of-force policies
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for contracted tasks
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The development and implementation of effective use-of-force policies is critical to ensuring that contracted security tasks can be accomplished in accordance with relevant policies, procedures and laws. Whenever possible, use-of-force policies should be developed as part of the planning process in relation to any task that entails the protection of people, places or things.

2.1 What is a use-of-force policy?

A use-of-force policy identifies the circumstances and limitations that govern the use of force by PSCs in conducting operations that may require the use of force in self-defence, the defence of others and/or the protection of property. Because use-of-force policies govern the conduct of privately contracted security company personnel, it is necessary that the policies be approved by a competent authority.¹ Such policies identify the limits of the use of force acceptable to governments, clients and/or PSCs, and can be used as a tool for determining whether a particular use of force is reasonable and necessary.

2.2 Who is responsible for the creation and authorization of use-of-force policies?

The responsibility for creating a use-of-force policy for a given task generally lies with the PSC planners, who, in collaboration with the PSC, the client and other appropriate authorities (including, in some cases, government authorities), work to create a use-of-force policy that reflects the requirements and intentions of the parties to the security contract. Although the planners are responsible for drafting the use-of-force policy, the authority for final approval generally rests with senior management or other specified authorities.

The drafting of a use-of-force policy requires an understanding of the intention of the parties to the contract, the legal environment in which the PSC will be operating, and the capabilities and limitations of the company's personnel and equipment. Thus, in order to ensure that proper policies are created, PSCs should consider establishing use-of-force policy drafting teams. Such teams should be supervised by senior management, led by operations coordinators, and include legal and policy advisers, as well as relevant

operations specialists. Wherever practicable, representatives from all parties to the contract should be encouraged to participate in the creation of use-of-force policies.

In creating use-of-force policies, drafting teams must comply with contractual, legal and regulatory requirements relating to the approval of such policies. In situations in which PSC personnel will be crossing jurisdictional boundaries, those responsible for creating the use-of-force policy should ensure that they have liaised with all appropriate authorities in each of the relevant jurisdictions.

In some cases, use-of-force policies must be approved by national government authorities.² In such situations, failure to secure the appropriate authorization could render the use-of-force policy null and void, providing no authority for PSC personnel to use any level of force in any situation other than strictly personal self-defence. It is therefore essential that PSC planners be aware of, and comply with, the requirements for creating use-of-force policy in the jurisdiction(s) in which the contract in question is concluded, implemented and enforced.

In contractual cases in which the client is a government, the client, either acting alone or in consultation with the PSC, will often dictate the use-of-force policy for a given task.

2.3 Legal parameters of use-of-force policies

Use-of-force policies must comply with the laws and regulations of the various jurisdictions to which a PSC may become subject during the conduct of its tasks. It is highly recommended that the development of use-of-force policies take into account the advice and input of legal experts who specialize in use-of-force issues and jurisdictional nuance.

Use-of-force policies may further restrict the use of force even more narrowly than otherwise allowed under applicable law. For example, a policy may limit the types of weapons and ammunition that can be used by a PSC. It might also limit or otherwise restrict the amount and type of force that a PSC may use to defend others or protect property.

¹In some jurisdictions, only national authorities may authorize use-of-force policies. It is essential that PSCs be aware of the legal requirements for authorizing use-of-force policies in the jurisdiction(s) in which they are employed and operating.

²For example, the United States requires that any use-of-force policy governing PSCs contracted by the United States Government must be approved by the appropriate government authority.

Use-of-force policies cannot interfere with an individual's right to use reasonable and necessary force to defend himself or herself against a harmful act or imminent threat of harm.

Use-of-force policies do not provide blanket legal immunity for clients, PSCs or their personnel. The authorization to use force in a given circumstance means only that PSC personnel may use reasonable and necessary force, up to and including the amount of force permitted by law, and as reflected in the use-of-force policy created for the contracted security task. Thus, for example, a PSC, client and/or individual PSC operator may be held responsible for any excessive use of force, should an incident occur and it is found that the force used was not reasonable and/or necessary in the circumstances.

While the existence of a use-of-force policy may or may not affect the ultimate outcome of any legal action that may arise, the absence of an approved use-of-force policy, or the employment of a use-of-force policy that is poorly prepared, could negatively influence any legal action resulting from situations in which a PSC has used force.

2.4 The role of legal advisers

It is the role of legal advisers to ensure that use-of-force policies are consistent with the relevant laws in the relevant jurisdictions. It is therefore recommended that specialist legal advisers be consulted when creating use-of-force policies for contracted tasks.

2.5 How to create a use-of-force policy for a task

Creating a use-of-force policy for a task requires more than simply reviewing a compendium of use-of-force policies and selecting the use-of-force provisions that a PSC may wish to employ. Rather, the development of a valid use-of-force policy requires that the drafters analyse the proposed task, assess the roles and requirements established in the contract, understand the potential threats, apply the law and be familiar with any policies that may be relevant to the PSC in performing its role.

2.6 How to use the Menu of Rules for the Use of Force

Annex A contains a Menu of Rules for the Use of Force that may be used to design a use-of-force policy profile for a specific task.

The rules in the Menu are grouped into different categories of security issues and operations. Within each group is one or more series of rules, each of which governs a particular activity or context. Use-of-force policies are created by selecting appropriate rules, as required, from the menu and listing them in alphanumeric order so as to produce an itemized list.

In some cases, it may be appropriate to select more than one rule from the same series.

The nature of the task(s) for which the PSC has been contracted may require the development of additional rules not listed as options in this Handbook. In such cases, the additional rules may be assigned to the "spare" rule numbers of the relevant series, or a new series may be created. Recall always, however, that any newly created use-of-force measure must be vetted for clarity and lawfulness by planning staff and legal advisers, and of course must, along with the rest of the use-of-force policy, be approved by the competent authority.

Spare numbers are provided for the drafting of rules that may be required, but that have not been included in this Handbook. Such additional rules might relate to particular weapon types, or certain actions or conduct that was not foreseen when the Menu of Rules was created. Additionally, some of the rules include the word "specify" or other words in square brackets. When the word "specify", or other words in square brackets, are encountered in a rule, it indicates that detailed wording must be inserted to clarify and tailor the meaning of that rule. The parameters to be specified might relate to particular people or particular types of property.

In the course of drafting a use-of-force policy profile for a task, rules pertaining to the following issues, which are referred to as the "primary rules", should be given thorough consideration:

Series 10: Use of force in individual self-defence

Series 11: Use of force to protect other people

Series 12: Response to serious crime

Series 20: Use of force to protect property

Series 41: Warning shots

Series 60, 61 and 62: Carrying of firearms

Series 63: Storage of and access to firearms

2.7 Steps for creating a use-of-force policy

The creation of a valid use-of-force policy requires that planners understand the nature of the contracted service, the environment in which the task(s) will be

carried out and the legal framework(s) that may apply. For that reason, continuous review is required in developing use-of-force policies. The recommended steps for drafting a use-of-force policy are set out below:

1. *Analyse the contract.* Identify the tasks specified in the contract or in task orders under the contract. Such tasks need to be identified before any consideration can be given to drafting the use-of-force policy. The analysis must involve consideration of the resources that will be available to accomplish the tasks.
2. *Analyse the security environment.* What are the likely threats to the client, its personnel and activities? What is the principal threat to PSC personnel?
3. *Analyse the risks* likely to be encountered during each specific operation, including the potential for negative impacts on the human rights of the local population or any person who may interact with PSC personnel.
4. *Determine the levels of force that may be required.* Determine the protection measures, equipment, weapons, ammunition and techniques required to provide the client and the PSC personnel with the necessary level of protection when performing the tasks in the specific security environment.
5. *Analyse the applicable and relevant legal regimes.* Identify the legal regime or regimes applicable to the security operation. Pay particular attention to any policy, operational or legal considerations that may have a bearing on the use of force.
6. *Analyse the limitations on the use of force.* Identify the constraints placed on the use of force under each of the applicable legal regimes. Such regimes may include national laws, orders issued by occupying or controlling military powers or other existing use-of-force policies that may apply to the PSC's operations or that could be adapted specifically for that PSC.
7. *Assess whether the rules selected from the Menu of Rules (annex A) pose any particular problems.* Do the legal and policy limitations on the use of force allow for the use-of-force requirements identified in step 4? Are there unacceptable risks inherent in the choices made for each task?
8. *Prepare the draft use-of-force policy:*
 - (a) *Identify the primary rules.* Primary rules deal with matters that are fundamental to any security task and that must be addressed in any use-of-force policy, even if the rule in question is one that prohibits a

particular use of force. Every use-of-force policy must include a rule from each of series 10, 11, 12, 41, 50, 60–62 (depending on the environment) and 63;

(b) *Identify environment-specific rules.* Annex B provides examples to aid in drafting use-of-force policy for different environments, including land, maritime and air environments. In the examples, the rules most likely to be required in each particular environment are set out, but are not compulsory;

(c) *Identify task-specific rules.* Annex B also provides examples to aid in drafting use-of-force policy for specific tasks, including those relating to personal protection, convoy security, site security and assisting civil authorities. In the examples, the rules most likely to be required in each particular environment are set out, but are not compulsory;

(d) *Review the remaining rules.* Each security operation is unique. As a result, the environment- and task-specific examples provided will not always be sufficient. Drafters of use-of-force policy should therefore review each series of rules in the Menu of Rules in order to establish if any other rules are required to accomplish the contracted task or address use-of-force-related issues in the particular security environment;

(e) *Draft the rules.* The draft use-of-force policy should list rules in alphanumerical order. It is possible, and sometimes necessary, to choose two rules from the same series;

(f) *Draft "spare" rules, if required.* This Handbook does not anticipate every possible mission and rule that may be required. If a required rule is not provided in the Menu of Rules, it can be newly drafted and assigned one of the spare rule numbers, employing the same format as other rules in that series, or it can form part of a new group or series.

9. *Validate the use-of-force policy by checking it against the task requirements set out in the contract.* The policy must be checked against the required security tasks and likely threats to ensure that it supports the contract requirements, within any limitations established by the client and applicable law and policy. Testing by application to scenarios is an important additional step in the validation process. Rectify shortfalls, if any.

10. *Obtain approval.* Seek approval from the appropriate authority.

11. *Issue the approved use-of-force policy.* Once approved, the use-of-force policy should be distributed as soon as possible so that training and familiarization efforts can commence.

12. *Conduct regular reviews.* The use-of-force policy should be regularly reviewed to ensure its continuing validity, especially in changing threat environments and when transiting between jurisdictions.

2.8 Use-of-force policy approval

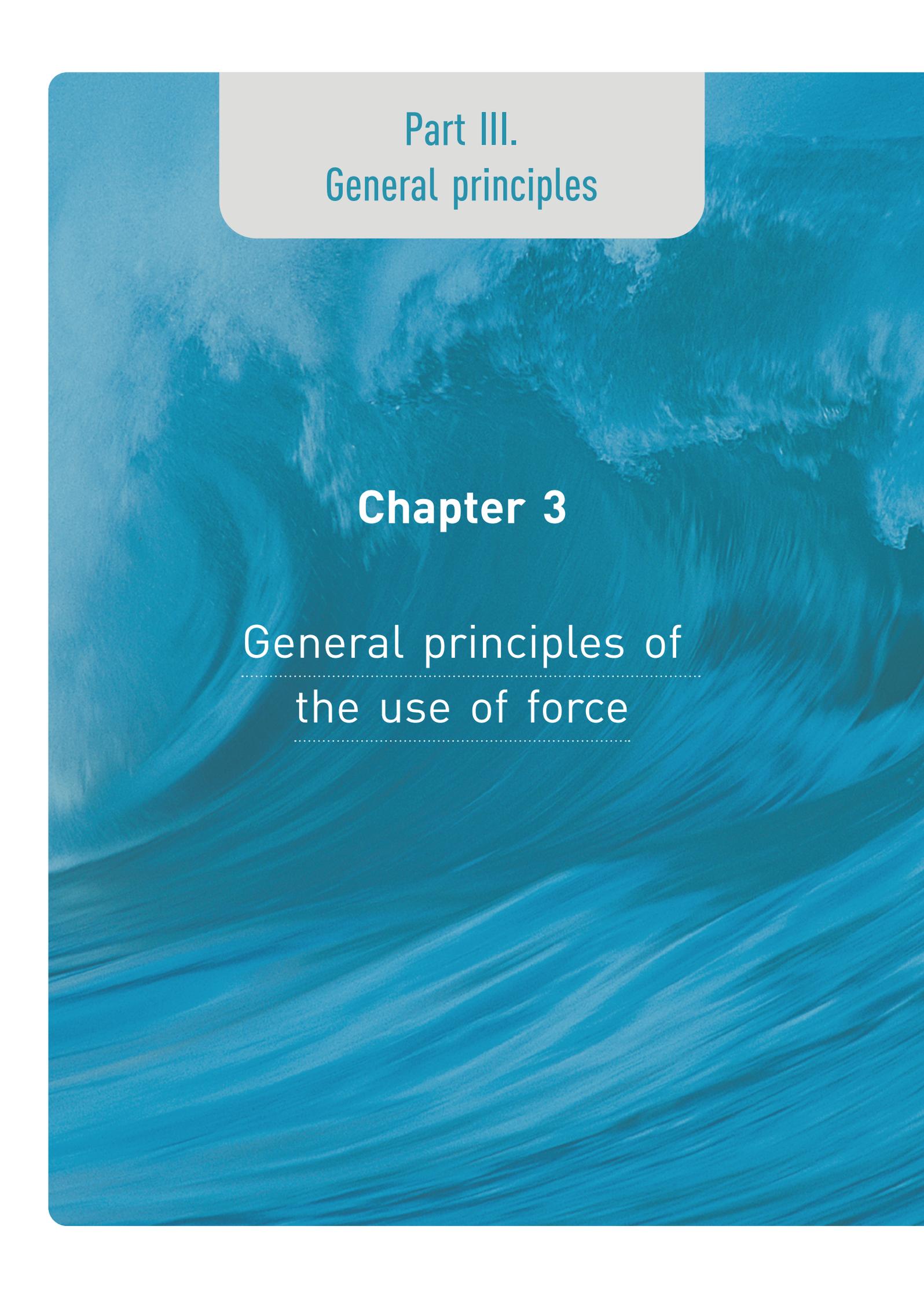
The mechanism for approving use-of-force policies will vary from State to State and from task to task. In some States, the authorization of use-of-force policies is considered to be a sovereign responsibility, thus only governmental institutions or their appointed agents may authorize use-of-force policies. In such cases, privately developed use-of-force policies may not be valid.

In situations where State approval is not required for the institution of use-of-force policies, the approval process must be determined through consultation and agreement between the PSC and the client.

2.9 Distribution of the approved use-of-force policy

The use-of-force policy for a given task should be distributed to security teams as early as possible in the planning process so that appropriate and timely training may be undertaken. It may not be necessary for each member of a security team to be provided with the complete set of use-of-force policy rules, although it is vital that all team members understand the general operating context and environment that the use-of-force policy has been designed to address. It is recommended that, at a minimum, individual team members be provided with use-of-force policy cards that summarize the principal rules applicable to the contracted security task. (For an example of a use-of-force policy card, see annex C.)

The promulgation of an approved use-of-force policy does not end the PSC's responsibilities in governing the use of force. Training programmes and regular review of all use-of-force policies are necessary to ensure that the policies are understood and remain applicable as the operational context evolves.



Part III.
General principles

Chapter 3

General principles of
.....
the use of force
.....

Because of the very nature of the services provided by PSCs, the possibility that their employees may be required to use force during the conduct of their operations must be assumed. Consequently, it is incumbent on PSC planners and trainers to ensure that they and the personnel who will be carrying out the contracted tasks are familiar with the categories of force that may need to be employed, as well as the general principles that apply to any use of force.

It is important to note that the use of any force against another person may be considered as assault. It is only when force is necessary and reasonable that its use may be defensible. The present chapter provides guidance on when, and to what extent, force may be used in the conduct of PSC tasks.

3.1 Levels of force

It is generally accepted that there are two primary categories of force in any type of security operation: deadly force and non-deadly force.

3.2 Deadly force

Deadly force is force that is intended or likely to cause death or serious injury, regardless of whether death or serious injury results.

When a use-of-force policy permits the use of deadly force, that includes authorization for the use of all lesser degrees of force permitted by law, up to and

including deadly force. PSC personnel must use only that force which is reasonable and necessary to deter, neutralize or stop the threat. In situations where the threat poses an immediate risk of serious bodily harm or death, immediate resort to deadly force may be the only reasonable option available to the defender.

The main legal characteristics of deadly force that separate it from non-deadly force are:

- *Intention.* The user of force meant to use the force, which then resulted in death or serious injury.
- *Likelihood of consequence.* The user of force may not have intended for serious injury or death to occur, but in the circumstances, there was a substantial risk that death would be the outcome of the type and level of force used.

Generally, deadly force can be justified only under conditions of extreme necessity, as a last resort, and only to protect life, when all less stringent means have failed or cannot reasonably be employed.

When acting in self-defence, a person may be justified in using deadly force if that person has a reasonable belief that deadly force is the only means available to prevent his or her own death or serious bodily harm. The person using force in self-defence must believe, at the time of the incident, that lesser means of force were either unavailable or were (or would have been) ineffective in stopping the attack.

EXAMPLE

An intruder has entered an area that a PSC operator is securing. The operator warns the intruder to stop, but the intruder advances on the operator with a raised machete. When the intruder is five metres away, he lunges towards the operator. The operator is armed with a rubber baton and a sidearm.

The PSC operator draws his sidearm and shoots the intruder in the chest. The intruder dies.

In this case, the resort to deadly force (rather than to the baton) could be considered reasonable in the circumstances. The relevant factors in determining whether the use of force was justified include:

- The immediacy of the threat: the defender had only seconds to respond.
- The nature of the threat: the attacker was wielding a long machete that, if it had struck the defender, would likely have caused serious bodily harm or death.
- The reasonableness of the response: a response that is likely to cause serious bodily harm or death may be justified in the circumstances because of the immediacy and nature of the threat.
- No readily available, less harmful alternative responses, such as using the baton against the long machete, would have been sufficient to halt the threat.

Taking an aimed shot at a person is always a use of deadly force, regardless of:

- Whether death or serious injury actually occurs, and/or
- Whether the shooter intended the result to be death or serious injury.

3.3 Non-deadly force

Non-deadly force is defined as force that, in the circumstances being considered, is not likely to cause serious injury or death. However, there is no guarantee that the use of non-deadly force will not result in serious injury or death; sometimes other factors affect the situation and lead to an unintended result.

When a use of force is necessary, the amount of force employed must be reasonable in terms of degree and duration. Additionally, every effort should be made to de-escalate the use of force if the situation and circumstances permit. There is, however, no requirement to delay the use of force or sequentially increase the type or degree of force employed in the face of an imminent threat of serious bodily harm or death.

EXAMPLE

An intruder has entered an area that a PSC operator is securing. The operator warns the intruder to stop, but he advances on the operator anyway, shaking his fist and yelling that he is going to hurt the operator. The intruder is three metres away and lunges towards the operator. The operator has a rubber baton and a sidearm.

The operator uses the baton to strike at the threatening intruder's fist. The intruder trips and falls backwards, and hits his head on the floor. He suffers a serious head injury and later dies.

In this case, the force used was non-deadly force because it was not intended or likely to cause serious injury or death. The fact that death occurred accidentally and unexpectedly does not change the nature of the force used for the purposes of claiming self-defence.

During any use of force, the PSC operator must take reasonable precautions to minimize the risk of endangering other people and property.

EXAMPLE

A PSC is contracted to prevent unauthorized access to a warehouse containing food aid supplies. The contract stipulates, and the territorial law allows for, the use of non-deadly force to protect property. In this case, rule 22 B ("Use of non-deadly force to deny access to [specify the property or location] is permitted") of the Menu of Rules would be appropriate.

SERIES 22: DENIAL OF ACCESS TO PROPERTY OR LOCATIONS

Purpose	To control the use of force in access control tasks where PSC personnel are authorized to control access to property or locations as specified in the terms of the PSC contract.	
	22 A	Use of force to deny access to property or locations is prohibited.
	22 B	Use of non-deadly force to deny access to [specify the property or location] is permitted.
	22 C	Use of force, up to and including deadly force, to deny access to [specify the property or location] is permitted.
	22 D-Z	Spare

On the basis of rule 22 B, the PSC operator could, for example, use non-lethal means to prevent unauthorized access. Such means might include physically blocking the access of, or restraining, a person who continues to seek access after breaching a physical barrier. However, the PSC personnel must not use means that are intended or likely to cause serious injury or death, unless a situation arises where deadly force is necessary in self-defence.

3.4 Excessive force

Excessive force is defined as force that is neither reasonable nor necessary to deter, neutralize or stop a threat.

Any use of force, in particular deadly force, can have legal consequences. In particular, the use of excessive force where a less harmful, and available, option could

reasonably have achieved the aim of deterring, neutralizing or stopping the threat in the circumstances encountered may have significant long-term reputational and legal consequences for all parties involved.

In some jurisdictions, the use of excessive force in self-defence can negate or limit the ability of a PSC operator to claim the right of self-defence as a defence against a criminal charge resulting from the injury or death caused by that use of force.

Individuals are personally responsible for any force they use. A PSC operator who uses excessive force could be liable to civil and/or criminal prosecution. Additionally, the PSC, the on-scene authority and clients could also be held accountable for any unlawful and/or excessive use of force, depending on the circumstances.

An individual who uses force must be able to explain why the application of force was reasonable and necessary in the circumstances.

EXAMPLE

A PSC operator is providing access control security services at a non-governmental organization housing compound. A man without an access pass attempts to get through the barrier gate. The PSC operator warns him to stop, but the man advances, shaking his fist and yelling that he is going to hurt the operator if he doesn't let him through. The man is 10 metres from the operator and is moving towards him in a threatening manner. The operator is armed with a rubber baton, pepper spray and a sidearm.

Without providing any warning, the operator shoots the man in the chest. The man dies.

The force used was excessive because:

- (a) There was no indication that the person was armed;
- (b) The threat posed did not warrant the use of deadly force at that stage;
- (c) The defender did not follow escalation-of-force procedures, even though less harmful responses were reasonably available.

In any situation in which force is used, a post-incident report should be completed as soon as is reasonably possible after the incident and should be submitted in accordance with the relevant standard operating procedures and other contractual requirements. A template for post-incident reports is provided in annex C to the present Handbook.

Retaliation is prohibited

The use of force against an attacker after the threat has been deterred, neutralized or stopped is considered retaliation. Retaliation by PSC personnel is not permitted under any circumstances. It is important, in this context, to understand that force used to prevent the re-escalation of a situation such as the force needed to restrain an attacker until he or she can be handed

over to the appropriate authorities, is not considered retaliation. The continued use of minimum force in such situations is permitted.

3.5 Continuum of force

The use-of-force continuum begins with non-lethal force measures, such as warnings and the demonstration of capabilities, and graduates to the actual use of force, up to and including deadly force. The appropriate level of force is determined on the basis of the situation confronting the user of force – that is, the assessment as to what the minimum first response should be in the given circumstances.

Whenever the situation permits, every reasonable effort must be made to resolve a potential hostile confrontation by means other than the use of force.

EXAMPLE

Armed bandits using pickup trucks have attacked a food convoy transiting a desert region. Their attack has been successfully repulsed by the PSC personnel contracted to protect the convoy and its personnel.

The attackers have been injured and are now attempting to flee. Using firearms, the PSC personnel engage the retreating vehicles with the intention of killing the bandits.

This is not self-defence; it is retaliation. The threat has ceased and the attackers are fleeing. Any use of deadly force in such a case would be neither reasonable nor necessary.

In any situation involving the use of force, PSC personnel should use the least harmful option that time and circumstances permit. In all circumstances, force may only be used if there is no other method reasonably available to deter, neutralize or stop the threat. Generally speaking, the use of physical force is limited to situations in which measures short of force have been exhausted, are unavailable or are deemed insufficient in the circumstances.

The use of physical force should be avoided whenever practical. Depending on the circumstances, there may be a variety of measures short of using force that could be used to resolve the situation at hand. Additionally, a variety of options for using force may be available in a given situation. Such options often include the following:

- Physical presence
- Deployment and use of physical barriers and obstacles, such as fencing, gates, crash barriers, razor wire, etc.
- Verbal and visual warnings
- Manoeuvre: changing speed and/or course or direction of travel
- Breaking contact
- Carrying and display of weapons or other deterrent means
- Soft physical pressure
- Hard physical pressure: the use of non-lethal means, such as batons, fire hoses, acoustic devices and riot control agents
- Warning shots
- The use of deadly weapons (such as firearms)

The continuum of force is not, however, a mere matter of escalation, as it also includes the concept of de-escalation of force. Just as there are graduated responses that lead up to deadly force, the process of de-escalating a situation requires gradually less forceful responses, with the aim of returning to a situation in which physical presence is sufficient to deter, neutralize or stop the threat. It is vital that PSC personnel are well-trained on using this

continuum so that they can appropriately assess the need to gradually increase or decrease the use of force in any given circumstances.

3.6 Warning shots

Warning shots are authorized in self-defence and defence of property when permitted by applicable law.

Warning shots are signals that are designed to gain the immediate attention of someone who is posing a threat. A warning shot is fired with no intention of causing injury.³

In some jurisdictions, warning shots are considered an acceptable measure on the use-of-force continuum. However, simply because they are part of the acceptable measures on the continuum does not mean that an individual who fires a warning shot is not responsible for unintended harm.

Because of their potential to cause harm, or invite an unwanted response, warning shots must be strictly controlled and used only when absolutely necessary. Warning shots are intended to signal to a person, vehicle, vessel or other craft to stop or turn away, or to warn that the use of greater levels of force, including deadly force, is being immediately considered.

When contemplating the use of a warning shot, PSC personnel should ask themselves the following questions:

- Can I avoid unintended injury, death or damage to people or property, either directly or by ricochet?
- Can I clearly identify the point of aim and ensure that it is safe?
- What effect will the sound of gunfire have on others in the area?
- Is it possible that the warning shot may also provoke another party to fire back or use force in response to their own perception of a threat?

³ Some States do not consider warning shots to be a use of deadly force, while others do. It is therefore vital that the drafters of use-of-force policies understand the laws applicable to warning shots in the jurisdiction(s) in which they are operating.

When creating a use-of-force policy for a contracted task, it is vital that the applicable law be examined to determine if warning shots are a viable and lawful option. In many jurisdictions, it is prohibited to create a hazard by discharging a firearm, or to discharge a firearm without lawful cause. In such cases, the use of warning shots may not be lawful.

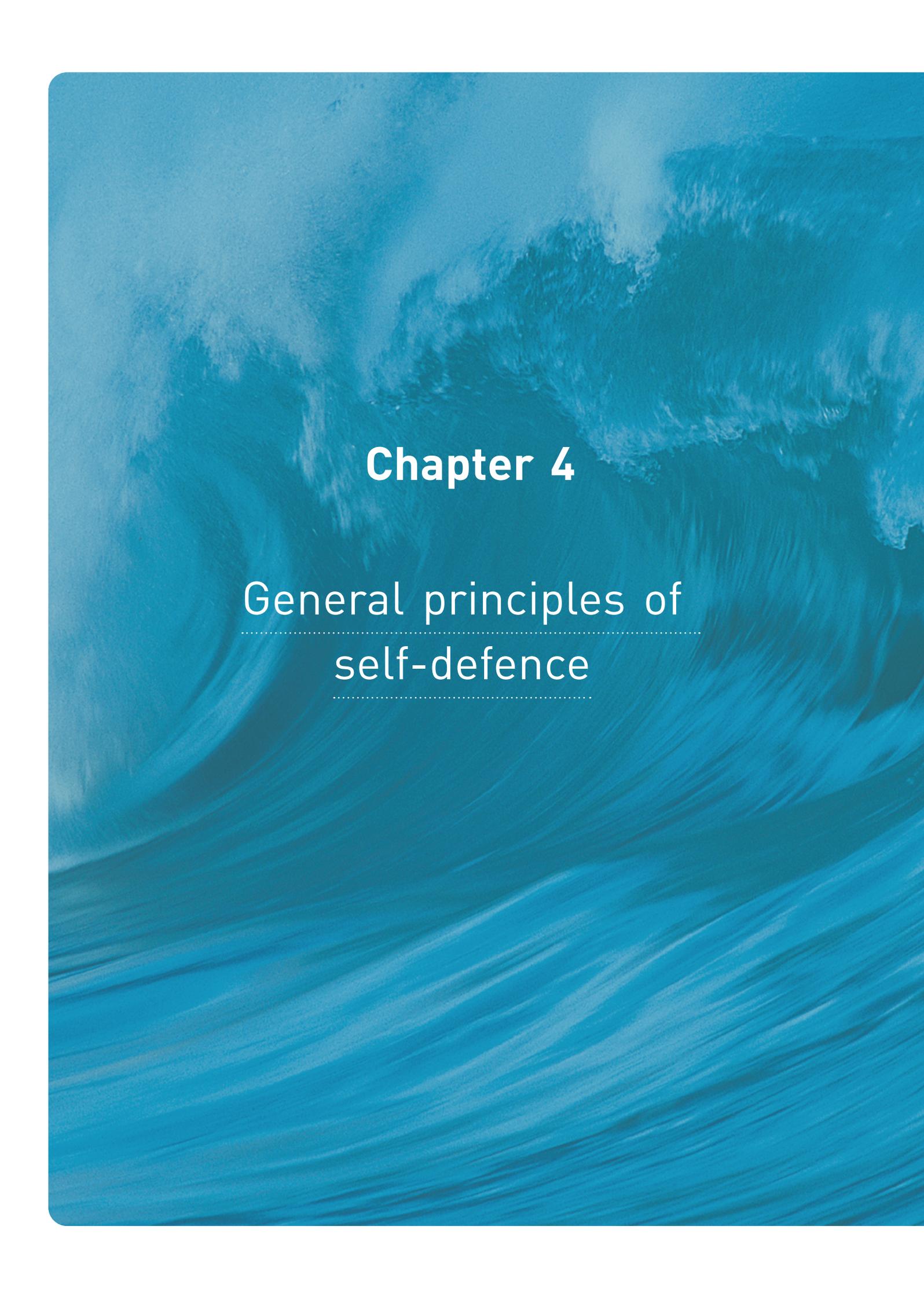
EXAMPLE

A PSC has been contracted to provide perimeter security for forward logistics base ALPHA, which is located in an area where the threat of armed robbery and violent attacks is high. Early in the evening, an open-top vehicle approaches the compound at high speed and the driver does not respond to visual signals to stop. Territorial law does not prohibit the use of warning shots, and the use-of-force policy for the task authorizes the use of warning shots on the basis of the following rule:

41 C

Warning shots in the vicinity of forward logistics base ALPHA are permitted.

The PSC operator fires a warning shot. Upon seeing the muzzle flash and the dust spurt caused by the rounds hitting the ground in front of his vehicle, the driver stops immediately and throws himself out of the vehicle onto the ground. In this situation, the PSC operator was able to properly employ a warning shot before having to resort to the use of aimed shots.



Chapter 4

General principles of self-defence

PSC personnel are civilians. Therefore, the principles of the use of force that apply to them are the same as those that apply to the general civilian population.

In any situation in which the use of force by PSC personnel may become necessary, general principles regarding the use of force apply. In the vast majority of circumstances, PSC personnel are permitted to use force only in situations of either individual self-defence or defence of others.

For the purposes of use-of-force policies, there are two categories of defence of people:

(a) *Individual self-defence.* This refers to the right of an individual to defend himself or herself against a harmful act or an imminent threat of harm;

(b) *Defence of others.* This refers to the right to defend other people against a harmful act or an imminent threat of harm.

4.1 Self-defence

The right to defend oneself from a harmful act is widely recognized in national laws. Under most national laws, individuals may use force, up to and including force that is likely to result in serious bodily injury or death, in order to protect themselves from serious harm.

National laws differ on the definition and elements of the right of self-defence. Consequently, individuals must understand and exercise this right in accordance with relevant national law or laws that are applicable in the given situation.

Generally, the amount of force employed in self-defence must be limited to that which is reasonable and necessary to deter, stop or neutralize the threat in the given circumstances. Thus, the determination of whether a use of force in self-defence is lawful is made on the basis of two linked factors:

- Is the use of force reasonable and necessary in the circumstances?
- Is the amount of force used reasonable in relation to the threat?

As the specific permissions and constraints relating to self-defence vary from jurisdiction to jurisdiction, expert legal assistance and attention to legal nuance is essential, both in the drafting of use-of-force policies and in training PSC personnel.

4.2 Harmful act

The right to use force in self-defence arises in response to a harmful act and/or an imminent threat of harm.

A harmful act is an actual incident of violence or other use of force that causes or is reasonably expected to cause injury or death to the victim. As such, harmful acts are usually easily identifiable. Examples of harmful acts include the following:

- Physical assault
- Shots fired at or in the direction of people
- The detonation of explosives
- Direct threats, where there is a reasonable belief that harm will immediately follow

In most cases, mere words, not accompanied by an assault or threatening gesture, do not qualify as harmful acts. Thus, they do not provide justification for the use of force in self-defence.

4.3 Imminent threat of harm

No person is required to suffer harm before he or she can respond in self-defence. Thus, individuals who have a reasonable belief that they are about to be harmed may use force to prevent the anticipated harm from occurring.

A determination of imminent threat of harm is made on the basis of the existence of an identifiable danger and requires both of the following to be present:

(a) *The capability to inflict harm*, that is, an apparent (to the threatened person) ability on the part of the threatening person to carry out a harmful act imminently; and

(b) *The intention to inflict harm*, that is, an apparent (to the threatened person) intention on the part of the threatening person to engage imminently in an act that may harm the threatened person or persons.

The existence of an imminent threat of harm does not necessarily mean that the anticipated use of force by the assailant will materialize. Consequently, the exercise of self-defence in response to an imminent

threat of harm requires that the individual exercising self-defence in the situation reasonably believes that:

- (a) The anticipated harm is imminent;
- (b) The last opportunity to deter, neutralize or stop the threat has arrived;
- (c) No lesser actions have so far served to, or are likely to, dissuade the assailant; and
- (d) The use of force is necessary to avoid the imminent harm anticipated.

When these subjective conditions are met, an individual may take action to prevent the anticipated harm.

In determining whether a person's actions constitute an imminent threat, PSC personnel must use their best judgment and consider all the facts and circumstances, including the following:

- Available intelligence
- Indications and warnings
- Assessments by other people who are immediately involved
- The context and environment
- All other relevant information

MEASURES TO ASSIST IN DETERMINING THE EXISTENCE OF AN IMMINENT THREAT OF HARM

Time and circumstances permitting, PSC personnel should take proactive measures to assist in determining the intent of the threatening entity. Such measures may include monitoring the threatening party's response to the following:

- Display of presence
- Verbal query
- Verbal and/or radio warning
- Visual warning
- Noise warning, e.g. a ship's horn
- The establishment of physical barriers
- Changes in course and speed to determine if the threat is continuing to maintain a hostile profile, position, approach or posture
- Warning shots (if permitted)

4.4 Individual self-defence

When individuals are attacked, they may defend themselves; to that end, they may do only what is reasonably necessary to respond to the attack.

Any use of force in self-defence must be proportionate to the threat.

In the context of self-defence, "proportionality" refers to the degree of force used in response to a specific threat, which is assessed in terms of the situational context and the people involved. Therefore, determining proportionality involves assessing the nature of the threat, whether the response was reasonable and

necessary in the circumstances, and whether less harmful options were realistically available.

The use of force in self-defence is generally authorized for as long as the harmful act or threat continues.

When force is used in self-defence, the degree and duration of the force used should not exceed that which is required to deter, neutralize or stop the threat.

It must always be kept in mind that, in order to use force in self-defence, it is the individual using the force who must have reasonable grounds to believe that the use of force is necessary. Any direction given by a bystander to use force in self-defence, where the defender does not also have reasonable grounds to believe that the use of force is warranted in the circumstances, should not be obeyed.

DEGREE OF FORCE: THE USE OF FORCE IN SELF-DEFENCE MUST BE PROPORTIONATE TO THE THREAT.

For example, if a drunken man attacks another person with his fists, a response with deadly force (for example, using a firearm) would, except in the most extreme circumstances, be considered disproportionate. Depending on the size and strength of the victim, as compared to the attacker, a more proportionate response might be for the defender to tackle the attacker and knock him to the ground, or if necessary, to use a baton or other non-lethal weapon to subdue the individual.

If the same attacker charges at a person with a knife, the use of a firearm in self-defence might be considered proportionate to the threat. This is because the attacker poses a genuine and immediate threat of serious bodily harm or death.

Duration of force: Once the threat has ceased, it is unlawful to continue inflicting harm upon the assailant, as the need to do so in self-defence has ceased.

For example, if the defender were to strike the knife-wielding drunkard with a stick, thereby rendering him unconscious, it would be unlawful for the defender to continue striking the attacker, since the attacker no longer poses a threat.

EXAMPLE

If a PSC operator is behind a solid barrier, and a man approaches the barrier shaking his fist and shouting at the operator, it is neither necessary nor reasonable for the operator to respond with deadly force. In such a case, the man poses no immediate threat. If, however, the man approaches the barrier with a grenade, then the use of deadly force against the man may be justifiable if the operator has reasonable grounds to believe that the man poses an immediate threat to his or her life or the lives of others. Whenever non-deadly options are available to deter, neutralize or stop a threat, they should be utilized.

4.5 Self-defence and use-of-force policies

Because PSC personnel are civilians, they have no legal right to participate directly in hostilities. For the same reason, there are no rules in this Handbook permitting any type of offensive action or any other action not related to the protection of people, places and things.⁴

No use-of-force policy can restrict an individual's right of self-defence from a harmful act or imminent

threat of harm. Although the right to use force, up to and including deadly force, is implicit, whenever a use-of-force policy is drafted using the rules provided in this Handbook, it is recommended that rule 10 A be included. For this reason, rule 10 A is considered a primary rule.

As noted in chapter 2, when a use-of-force policy is created, the policy rules are listed in alphanumerical order. Thus, all use-of-force policies should contain rule 10 A as their first rule.

SERIES 10: USE OF FORCE IN INDIVIDUAL SELF-DEFENCE		
Purpose	To control the right to use force in individual self-defence. ^a	
	10 A	Use of force, up to and including deadly force, in individual self-defence is permitted.
	10 B-Z	Spare

^aNothing in these rules revokes the right of individual self-defence.

⁴The United States and some other countries employ civilians, including contractors, in functions that may be considered by some to be direct participation in hostilities. In such cases, the contracting State should provide to the PSC personnel the rules of engagement, not the use-of-force policy.

4.6 Defence of others

The extent of the right or obligation to protect others differs from jurisdiction to jurisdiction.

The right to use force to defend others may be limited by applicable law or policy, and this must be reflected in the use-of-force policy.

While it is generally accepted that an individual may use force to protect another person from serious injury or death, the specific legal parameters in that regard differ from State to State. For this reason, it is vitally important that the PSC personnel responsible for creating the use-of-force policy for an operation be familiar with the appropriate laws and policies regarding the defence of others in the jurisdictions where the operation will be conducted.

Although in most States a citizen is permitted to use reasonable and necessary force to prevent other individuals from suffering serious injury or death, in

some States the right to use force to defend others may be restricted to the use of non-deadly force only.

Depending upon the given situation, PSC personnel may be prohibited from using force to defend others, or certain others, from harm. To ensure clarity, it is mandatory that all use-of-force policies include rules on the defence of others. Such rules are found in series 11 to 13.

It is entirely possible that a contract for private security services might prohibit or limit the authority of PSC personnel to use force to defend others. In such cases, rule 11 A would be appropriate.

In some jurisdictions, there is a legal obligation to come to the assistance of others who are in peril, as long as doing so does not also place the rescuer in danger of grievous bodily harm or death.

SERIES 11: USE OF FORCE TO PROTECT OTHER PEOPLE

Purpose	To control the use of force in protecting other people.	
	11 A	Use of force to protect other people is prohibited.
	11 B	Use of non-deadly force to protect other people in [specify the group and/or location] is permitted.
	11 C	Use of force, up to and including deadly force, to protect other people in [specify the group and/or location] is permitted.
	11 D	Use of force, up to and including deadly force, to protect other people is permitted.
	11 E-Z	Spare

4.7 Command and control relationships

Clients often require PSCs to be prepared to undertake certain tasks and roles that call for the use of force in self-defence and the protection of others. In developing use-of-force policies for operations, it is vital that drafters understand the legal status of the PSC and its personnel, and the control relationships between the various parties.

The primary parties are the PSC, its personnel, the client and the on-scene authority.

The primary jurisdictions that may influence the development of use-of-force policies in the land environment are the territorial State, the home State, and, if on a government contract, the contracting State.

The primary jurisdictions that may influence the development of use-of-force policies in the maritime domain are the flag State, the port State, the coastal State, the home State (State of PSC registration) and the State of nationality of the individuals involved.

PSC personnel must comply with the instructions of the on-scene authority.

The senior PSC representative is answerable to the on-scene authority for all contracted security and safety tasks.

When dealing with security matters, as time and other conditions permit, the team leader must inform the on-scene authority (and, if relevant, the client's representative) about the use-of-force plan and any intention to use force.

The team leader and on-scene authority should agree in advance on the general conditions, requirements and circumstances that will govern the response to, and management of, incidents involving the use of force.

A decision to use force in self-defence nevertheless rests with the individual using such force. When that force, however, is found to be unlawful, it is usually the user of the force who bears the primary responsibility for the consequences.

No person can order any other person to engage in conduct that is unlawful. Any request or order to use excessive force is unlawful.

EXAMPLE

A PSC operator is tasked with guarding a food distribution warehouse. Rule 11 D is included in the use-of-force policy for this task.

11 D	Use of force, up to and including deadly force, to protect other people is permitted.
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The PSC operator has been warned that suicide bombers are planning attacks in the area.

Early one evening, a truck approaches the compound that the PSC operator is guarding. It does not stop or slow down as it approaches the barrier, even after a warning signal. The on-scene authority determines that the truck is not currently a threat because he recognizes the truck and the driver, and he knows that the driver generally does not stop at that first warning sign. He advises the PSC operator not to open fire on the truck.

Unless he believes himself to be under imminent threat of serious injury or death, the PSC operator must not open fire on the truck and/or driver. If he ignores the on-scene authority's instructions, claiming that he fired in self-defence, there is a real risk that his claim to self-defence will be considered unreasonable.

EXAMPLE

A convoy is transiting through a busy urban area. A group of teenagers approaches the convoy. None of them seem to be armed. The client, sitting in the back of one of the vehicles, orders the PSC operator to open fire on the teenagers and "take them out".

This is an unlawful command. It must not be followed.

Before making any decision to employ weapons, the PSC operator must first ascertain the nature of the threat and use minimal force procedures to frustrate any possible attack. Increasing the speed of the convoy, changing course, manoeuvring and other escalation-of-force procedures should be attempted. The use of lethal force would only be authorized in cases where the operator develops a reasonable belief that his or her life or the lives of persons he or she is protecting are in imminent danger.

Senior PSC representatives may be responsible for the actions of PSC personnel under their authority.

In addition to the liabilities incurred by PSC personnel who use force, corporate directors and/or their supervisors may also be liable for violations of national and/or international law committed by PSC personnel under their authority and control.

In addition to their liability under various jurisdictions, PSC personnel may be held legally responsible by and answerable to the PSC that employed or contracted them.

4.8 Limits of the team leader's authority

While a team leader can restrict PSC personnel from using force in situations that do not involve self-defence, he or she cannot authorize PSC personnel to engage in activities that are prohibited by the use-of-force policy. If a PSC operator is concerned that the existing use-of-force policy is not sufficient, then clarification must be requested through the PSC and the relevant jurisdictional representatives.

Chapter 5

Use of force for tasks
that do not fall within
the bounds of individual
self-defence and the
defence of others

PSC personnel must not engage in any use of force that goes beyond what is required and authorized by their use-of-force policy.

Unless specifically authorized, PSC personnel are not permitted to use force other than in self-defence. While some tasks, such as apprehending criminals, protecting property and controlling access to an area may be required under a contract, such tasks can only be carried out if the PSC and/or client have the legal authority to engage in such activity. It follows, therefore, that no use-of-force policy can permit the use of force other than in self-defence unless the PSC has verified that it and its personnel have the authority under law to use such force. The responsibility to ensure that such authority is in place rests with the parties to the contract, not the individual PSC operator.

5.1 Defence of property

In most jurisdictions, only non-deadly force may be used to defend property.

The defence of property is generally considered to be separate from the right of individual self-defence.

Significant limitations exist in most jurisdictions on using force to protect property where there is no threat to people. The level of force authorized to defend property will be based upon the national law(s) applicable in a given incident and location.

To minimize the legal complexities involved in the use of force to protect property, all reasonable attempts should be made to protect property by employing preventive measures such as physical security systems, barriers and deterrence procedures.

When creating rules to protect property, it is important to understand the local law in order to determine whether rule 20 A or 20 B is appropriate.

In some situations, even though the general rule is that PSC personnel have no authority to use force to protect property (rule 20 A), a particular piece of property or location may nevertheless be of such importance (e.g. a dam or a nuclear power station) that the local authorities permit specially authorized PSCs to use force in order to protect it. In such situations, an extra rule dealing with that special class of property may be required. For example, rule 21 B may be used.

SERIES 20: USE OF FORCE TO PROTECT PROPERTY		
Purpose	To control the use of force in protecting property.	
	20 A	Use of force to protect property is prohibited.
	20 B	Use of non-deadly force to protect property is permitted.
	20 C–Z	Spare

SERIES 21: PROTECTION OF VITAL POINTS OR OTHER SPECIALLY DESIGNATED PROPERTY		
Purpose	To control the use of force in the protection of vital or other specially designated property where the authority of PSC personnel to protect that property is covered under the terms of the PSC contract.	
	21 A	Use of force to protect vital points or other specially designated property is prohibited.
	21 B	Use of non-deadly force to protect [specify the vital points or other specially designated property] is permitted.
	21 C	Use of force, up to and including deadly force, to protect [specify the vital points or other specially designated property] is permitted.
	21 D	Use of force, up to and including deadly force, to protect vital points or other specially designated property is permitted.
	21 E–Z	Spare

Defence of property in situations where damage to, or destruction of, the property would create an immediate threat to life may actually be an exercise of the right of individual self-defence or the right to protect others, rather than the mere defence of property.

In situations such as an attack on a munitions storage facility located within a populated area, where it appears the attackers are trying to explode the munitions stored there, the use of deadly force to protect

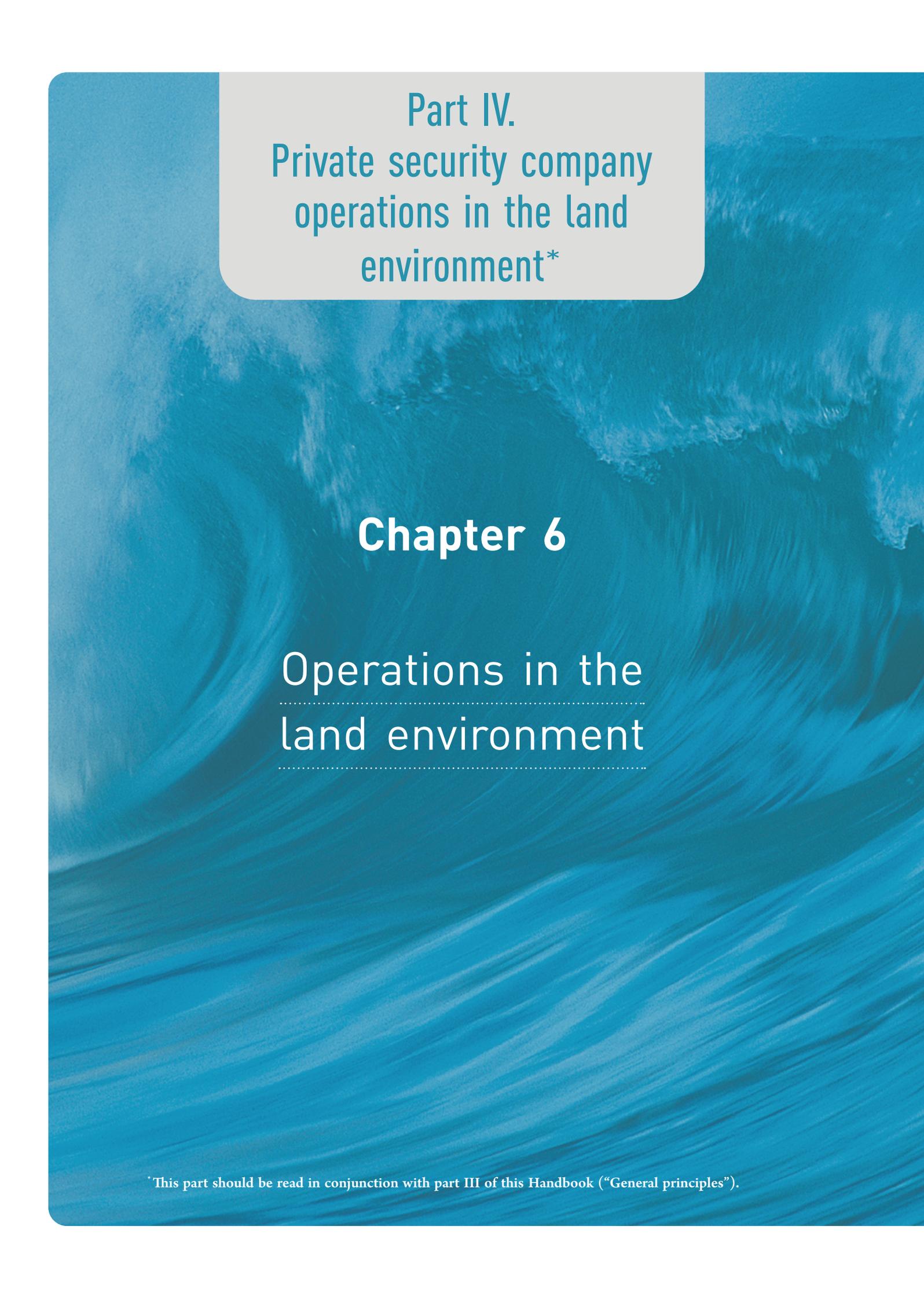
the facility may be lawful even if no one is inside it. This is because of the potential for death or serious injury to people in the surrounding area if the munitions are detonated. In such a case, deadly force is not used to defend the facility itself, but rather to defend the lives of nearby people who would likely be killed in any resulting explosion.

In cases in which an attack on a facility would likely cause death or serious injury to persons, rule 13 D may be suitable.

SERIES 13: USE OF FORCE TO PROTECT PROPERTY WHERE DAMAGE TO, OR DESTRUCTION OF, THE PROPERTY IS LIKELY TO LEAD TO THE SERIOUS INJURY OR DEATH OF OTHER PEOPLE

Purpose	To control the use of force for protection of property where damage to, or destruction of, that property is likely to lead to serious injury or death.	
	13 A	Use of force in defence of property is prohibited where there is a likelihood that damage to, or destruction of, that property will lead to the serious injury or death of people.
	13 B	Use of non-deadly force in defence of property is permitted where there is a likelihood that damage to, or destruction of, that property will lead to the serious injury or death of [specify the people].
	13 C	Use of force, up to and including deadly force, in defence of property is permitted where there is a likelihood that damage to, or destruction of, that property will lead to an imminent threat to the life of [specify the people]. ^a
	13 D	The use of force, up to and including deadly force, in defence of property is permitted where there is a likelihood that damage to, or destruction of, that property will lead to an imminent threat to life. ^a
	13 E-Z	Spare
Series 14-19	Spare	

^aThe defence of property in such situations is an exercise of the right of individual self-defence or the right to protect the specified people. See series 20 for rules regarding the use of force to protect property where no imminent threat to life exists.



Part IV.
Private security company
operations in the land
environment*

Chapter 6

Operations in the land environment

* This part should be read in conjunction with part III of this Handbook (“General principles”).

6.1 Access control

One of the most common tasks assigned to PSCs is access control. Because there is no immediate threat to PSC personnel in most situations involving access control, any use of force to prevent persons from gaining unauthorized access to a place must be specifically authorized. Therefore, all access control tasks must include a corresponding provision in the use-of-force policy.

As a condition of being given access to an area, the entity that owns or controls the area may require that every person seeking access submit to a security search of his or her person or personal property. In such cases, if a person refuses to submit to a search when requested to do so, the PSC operator controlling access may deny access to that person.

EXAMPLE

A PSC is contracted to control access to a facility being utilized for the storage and distribution of United Nations humanitarian aid. It is possible that PSC personnel will encounter individuals who are not authorized to be in the restricted facility area. The PSC's access control task may include the requirement to physically remove unauthorized persons from the restricted area.

Removing intruders from the restricted area will require a specific use-of-force policy. In this example, the appropriate rules may be rule 22 B and rule 24 B, tailored to the specific location:

22 B	The use of non-deadly force to deny access to the restricted facility area is permitted.
24 B	The use of non-deadly force against people who have entered the restricted facility area without permission and who have failed to depart when warned is permitted.

For these two rules to be lawfully available, the PSC must have the legal authority to use force for these purposes. Such authority may be provided under an overarching arrangement with the territorial State and/or some other form of specific authority.

SERIES 22: DENIAL OF ACCESS TO PROPERTY OR LOCATIONS		
Purpose	To control the use of force in access control tasks in which PSC personnel are authorized to control access to property or locations, as specified in the terms of the PSC contract.	
	22 A	Use of force to deny access to property or locations is prohibited.
	22 B	Use of non-deadly force to deny access to [specify the property or location] is permitted.
	22 C	Use of force, up to and including deadly force, to deny access to [specify the property or location] is permitted.
	22 D–Z	Spare

SERIES 24: REMOVAL OF INTRUDERS FROM A ZONE		
Purpose	To control the removal of intruders from declared zones in land, maritime and air environments in which PSC personnel are authorized to engage in zone management as specified in the terms of the PSC contract. ^a	
	24 A	Use of force against people who have entered [specify the zone] without authority and failed to depart when warned is prohibited.
	24 B	Use of non-deadly force against people who have entered [specify the zone] without authority and failed to depart when warned is permitted.
	24 C	Use of force, up to and including deadly force, against people who have entered [specify the zone] without authority and failed to depart when warned is permitted. ^a
	24 D–Z	Spare

^a Deadly force must only be used as a last resort and only when the intruder(s) carry out a harmful act or pose an imminent threat of harm to people under protection within the zone.

SERIES 53: USE OF RESTRAINTS		
Purpose	To control the use of restraints on people who have been lawfully apprehended. ^a	
	53 A	Use of restraints is prohibited.
	53 B	Use of [specify the type of restraint, e.g. handcuffs] on apprehended people in [specify the circumstances, e.g. "cases where they continue to pose a threat"] is permitted.
	53 C–Z	Spare
Series 54–59	Spare	

^aThe use of restraints is a use of force and therefore must be closely controlled and limited to situations where it is necessary for safety and security reasons.

In rare situations, such as the protection of nuclear facilities, territorial State law may permit the use of deadly force to prevent intruders from gaining access to a specified area. In such situations, rule 24 C may be authorized, but only if rule 21 D has also been authorized, and the territorial State has specifically permitted the PSC personnel to use deadly force in such cases. See also series 50 and 51, regarding apprehension.

6.2 Restraining people for removal from a restricted area

In cases where the PSC has the authority to manage access to an area, such authority generally includes the authority to remove unauthorized intruders from the area.

In cases where the use of limited force to remove intruders from an area is authorized, the use of restraints may be authorized as a means to ensure security during the removal. In such cases, rule 53 B would likely be appropriate. However, any such restraint must be reasonably necessary and must be removed at the earliest opportunity.

6.3 Apprehending and temporarily detaining people

On occasion, a PSC may be contracted to engage in tasks that require limited authorization to temporarily

apprehend and hold people until law enforcement officials respond to the incident. Where the situation is not one of self-defence, there must be a separate and specific legal authority to engage in apprehension. Any authority to apprehend implicitly includes the right to search the individual for security purposes. Searches must be conducted in strict accordance with all legal obligations relating to privacy, respect for personal dignity and liberty.

PSC personnel are liable for the proper treatment of people under their control. PSC personnel must not engage in torture, sexual or gender-based violence, or any other cruel, inhuman or degrading treatment or punishment against any person under their control. Indeed, PSC personnel must not physically handle a person under their control (which is generally, under the law, considered as assault) any more than is required to restrain, search and move the person. Any order given by any person for a PSC operator to engage in such conduct must be refused on the grounds that it would be illegal to do so. Any such request or command must be reported to the appropriate authorities.

In situations where the PSC has been afforded the lawful authority to apprehend in support of law enforcement operations, rule 50 C may be appropriate.

SERIES 50: APPREHENDING AND TEMPORARILY DETAINING PEOPLE		
Purpose	To control the apprehension and temporary detaining of people for purposes of self-defence, or when tasks involving the defence of property or access control are authorized for the PSC personnel under the terms of the PSC contract. ^a	
	50 A	Apprehension and detention of people is prohibited.
	50 B	Apprehension and detention of people found to be committing a serious crime is permitted.

SERIES 50: APPREHENDING AND TEMPORARILY DETAINING PEOPLE (CONTINUED)		
	50 C	Apprehension and detainment of people found to be committing a crime is permitted.
	50 D	Apprehension and detainment of people attempting to leave the scene after having committed a serious crime is permitted.
	50 E	Apprehension and detainment of people who are present in a [specify the designated area, vessel, aircraft or vehicle] without authorization is permitted.
	50 F	Apprehension and detainment of people on the authority of a master of a vessel is permitted.
	50 G–Z	Spare

^aTerritorial State police forces or other authorized State authorities are primarily responsible for crime prevention and apprehension of suspects. In some cases, PSCs may be authorized to engage in law enforcement activity by a State authority. In such cases, PSC personnel may be authorized to apprehend or temporarily hold people. Whenever a person is apprehended and/or temporarily detained, that person should be handed over to the competent law enforcement authority or, in the maritime context, to the master and crew, as soon as possible.

In almost all situations, the authority to apprehend also requires the authority to search the apprehended people for dangerous items that they could use to harm themselves or others. In such situations, rule 51 B is likely to be warranted.

However, as noted previously, it is essential that there be a legal authority for all apprehension and related search tasks. Such tasks, if undertaken without

any foundational authority, are susceptible to being characterized as assault, deprivation of liberty, degrading treatment or other offences under territorial State, host State or flag State law.

All apprehended and/or detained people must be treated in accordance with international and national standards.

SERIES 51: SEARCH OF APPREHENDED PERSONS		
Purpose	To control the search of people who have been apprehended by PSC personnel. ^{a, b}	
	51 A	Use of force to search apprehended people is prohibited.
	51 B	Use of non-deadly force to search apprehended people for weapons or other items that could pose a threat to the safety of other people is permitted.
	51 C–Z	Spare

^aNational and international human rights standards and, where applicable, international humanitarian legal standards apply to apprehended and detained people at all times.

^bIn order to authorize a use-of-force policy rule under series 51, the power to apprehend must be authorized under use-of-force policy series 50.

Articles 9 (1) and 10 (1) of the International Covenant on Civil and Political Rights provide in part that:

9 (1) Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

10 (1) All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Any detention must comply with the following minimum requirements:

Length of detention

- Detained persons must be delivered to an appropriate law enforcement authority as soon as possible.

Initial actions

- Ensure an initial apprehension report is created for each apprehended person. The report must include any details on injuries or wounds. (For a sample report template, see annex C.)
- Create and maintain a record of items confiscated during the apprehension, indicating which persons they were confiscated from, and store the items in a secure place.
- Maintain a record of any access to the items, as such a record will be vital for evidence and chain-of-custody requirements.

Treatment

- The dignity of all human beings must be respected at all times.
- Apprehended and/or detained persons must not be ridiculed or abused.
- Religious observance and dietary requirements should be respected and facilitated to the greatest extent possible.

Conditions of apprehension and/or detention

- Apprehended persons must have access to light and air, and to adequate daily food and exercise.
- Apprehended persons should only be restrained for vital security purposes, and should not be restrained when locked in a secure place.
- Remove from apprehended persons any items that they could use to harm themselves or others.
- A child who is, or appears to be, under the age of 18 should not be held in the same holding area as an adult who is not his or her parent.

- Women should not be secured in the same place as men.
- Never permit untrained people to deal with apprehended persons.

Monitoring

- The instructions of the on-scene authority must be sought in order to ensure that the specific conditions of apprehension and/or temporary detaining are appropriate.
- Adequate regular checks on conditions must be carried out.
- Record all daily activities of, and interactions with, apprehended and/or temporarily detained persons in a log. Include details such as questions asked, meals eaten, opportunities for exercise and ablutions, etc.
- Wherever possible, video-record all interactions with apprehended and/or temporarily detained persons.
- Never deal with apprehended and/or temporarily detained persons alone; always have a witness present in all interactions with such persons.
- Do not take weapons into areas where apprehended and/or temporarily detained persons are held.

Handover

- Persons who have been apprehended and/or temporarily detained must not be turned over to jurisdictions in which they would be at risk of torture or inhuman or degrading treatment. This is a very complex legal question and advice must be sought from the PSC or other relevant authority prior to PSC personnel or assets being utilized in any such handover.
- In the maritime context, it is generally the master who makes such a determination. However, it is important that the PSC team leader receive guidance from his or her senior management on who to consult in the matter.
- In some cases, it might be necessary to release the individual.

6.4 Armed conflict

In situations of armed conflict, PSC personnel who engage in combat operations, attacks or activities aimed at weakening the enemy's military capacity and supporting one party to the conflict against the other may be considered to be directly participating in hostilities.

Persons forfeit their protection as civilians, and may be targeted and directly attacked, for such time as they directly participate in hostilities.

Civilians directly participating in hostilities do not have combatant immunity, meaning that they may be held criminally liable for any force they use while directly participating in hostilities.

It should be noted that, in some circumstances, PSCs and PSC personnel may be formally incorporated into a State's armed forces. This Handbook is not designed for use in such situations. Rather, the proper regime for governing the use of force by the PSC in such cases would be the relevant rules of engagement⁵ issued through the responsible military chain of command.

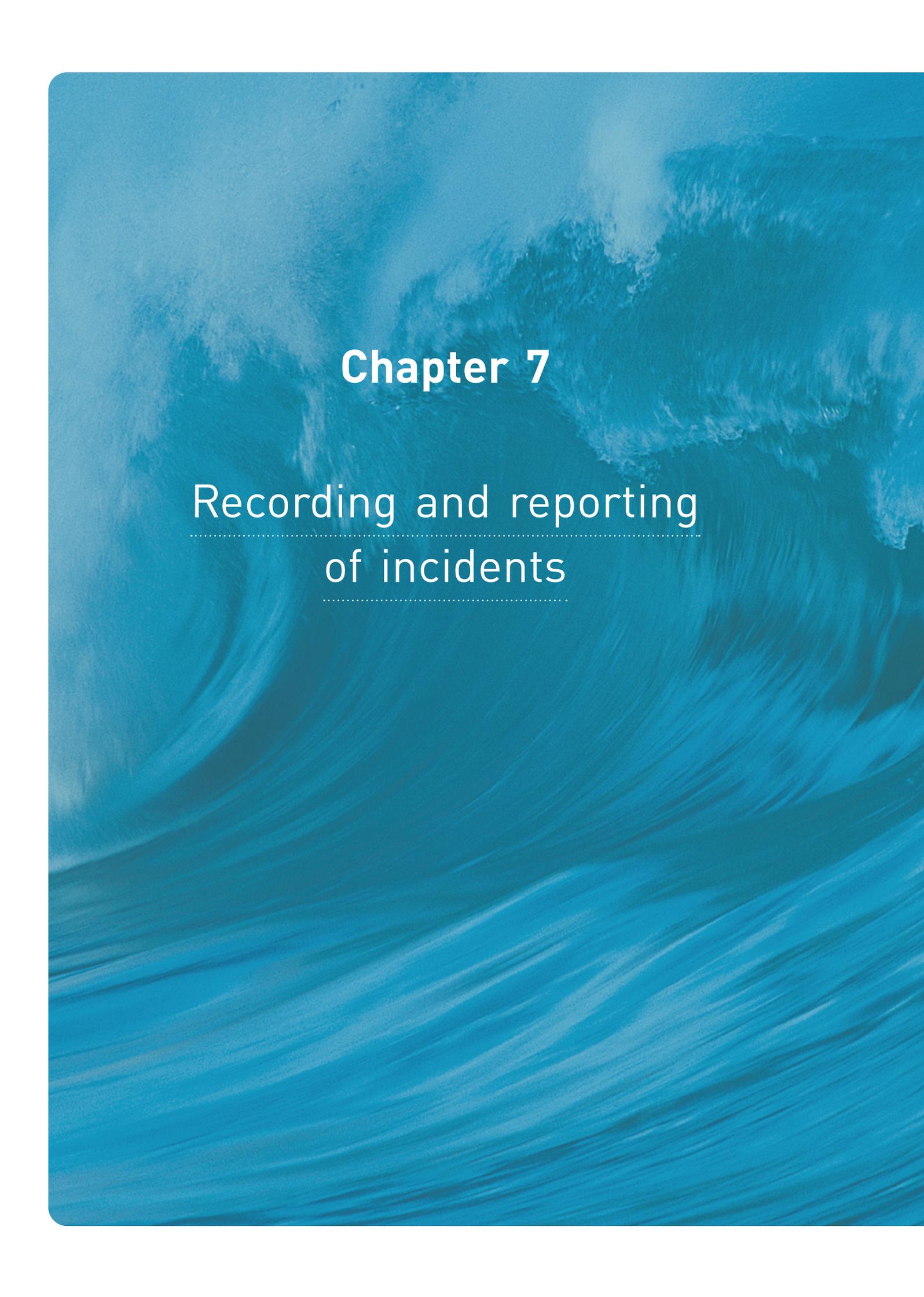
PSC personnel are required to respect international norms and standards.

In all situations, including when operating in conflict zones, PSCs and PSC personnel may incur legal obligations in accordance with the law of armed conflict and/or other international legal regimes, as applicable.

PSCs and PSC personnel that are not under contract by a government are generally not covered by status of forces agreements or similar arrangements.

It is rare for PSC personnel to be afforded the same level of jurisdictional immunity from territorial State law and legal processes as members of the armed forces or other State representatives (or in certain situations, representatives of the United Nations); in most cases, PSC personnel have no such immunity and thus may be subject to local State investigation, arrest and prosecution in relation to the use of force, the carrying of weapons and other criminal acts.

⁵ See, for example, Alan Cole et al., *Sanremo Handbook on Rules of Engagement* (Sanremo: International Institute of Humanitarian Law, 2009).



Chapter 7

Recording and reporting of incidents

Whenever a security incident occurs, there are a variety of actions that must be undertaken, including:

- (a) Recording the incident;
- (b) Reporting the incident;
- (c) Handling and treatment of persons involved in the incident; and
- (d) A subsequent investigation of the incident (particularly in situations where the use of force has resulted in injury or death).

7.1 Recording of incidents

Wherever possible, security incidents should be recorded.

There are two primary reasons for recording all security incidents. The first is to provide a record of the incidents. Such a record, whether in audio, video or written form, may serve as evidence in the event that legal action is taken against the PSC personnel or PSC. The second is to ensure that each incident is a learning opportunity; by recording such incidents, the PSC can derive lessons learned and use those lessons to develop additional training tools and scenarios.

Wherever possible, video recordings should be made of all incidents involving the use of force or where the use of force was considered. This can serve to protect the PSC personnel and PSC from spurious complaints and can also provide valuable evidence, should a PSC operator be required to defend or explain his or her actions.

7.2 Reporting of incidents

In the event that force is used, a post-incident report must be compiled as soon as reasonably possible after the incident has been resolved.

Any attack or other incident in which PSC personnel resort to the use of force to protect persons or property should be reported immediately. In any case in which firearms or other forms of potentially deadly force have been used, the PSC must report the incident to the appropriate national authorities. In the case of vessels, this means that the flag State must always be notified, and that, if the incident occurred inside territorial waters, the coastal/port State must be notified. It may also be necessary or prudent to inform the home State (either where the PSC is registered, or where the individual PSC operator holds nationality).

7.3 Collecting and handling evidence

During and after any security incident, it is crucial that evidence of the incident be preserved and/or protected. Wherever possible, evidence should not be disturbed until law enforcement authorities arrive and take control of the scene.

Where there are witnesses to an event, those witnesses should be identified for questioning by the local authorities. In the event that witnesses have taken photographs or have otherwise recorded the event(s), efforts should be made to ensure that those items can be protected and provided as evidence.

The questioning of individuals is fraught with legal technicalities that can easily derail an investigation. In most cases, witnesses to an event should not be questioned by PSC representatives. Instead, their names should be recorded, and they should be identified to the appropriate law enforcement authorities.

When evidence is gathered, it must be recorded and protected from tampering. This means that it must be locked in a secure facility to which access is limited to only those who have the responsibility for handling evidence. Failure to follow correct handling procedures can result in the evidence being dismissed, should a case go to court.

If evidence is handed to local law enforcement authorities, the transfer must be recorded, and the names and signatures of the accepting custodian(s) must be obtained.

7.4 Rendering assistance after an incident

In situations where action by PSC personnel has resulted in the injury or incapacitation of an individual, the personnel must, when circumstances permit, ensure that the injured person is provided with medical care.

In situations where a person has been killed, the body of the deceased must be treated with respect. The body is also a vital component of any subsequent investigation. If in a vessel, the master will determine if the body can be kept in cold storage pending arrival at the next port of call. The master and the senior PSC representative or team leader should discuss this issue in advance of the transit.

7.5 Post-incident apprehension and/or temporary detainment

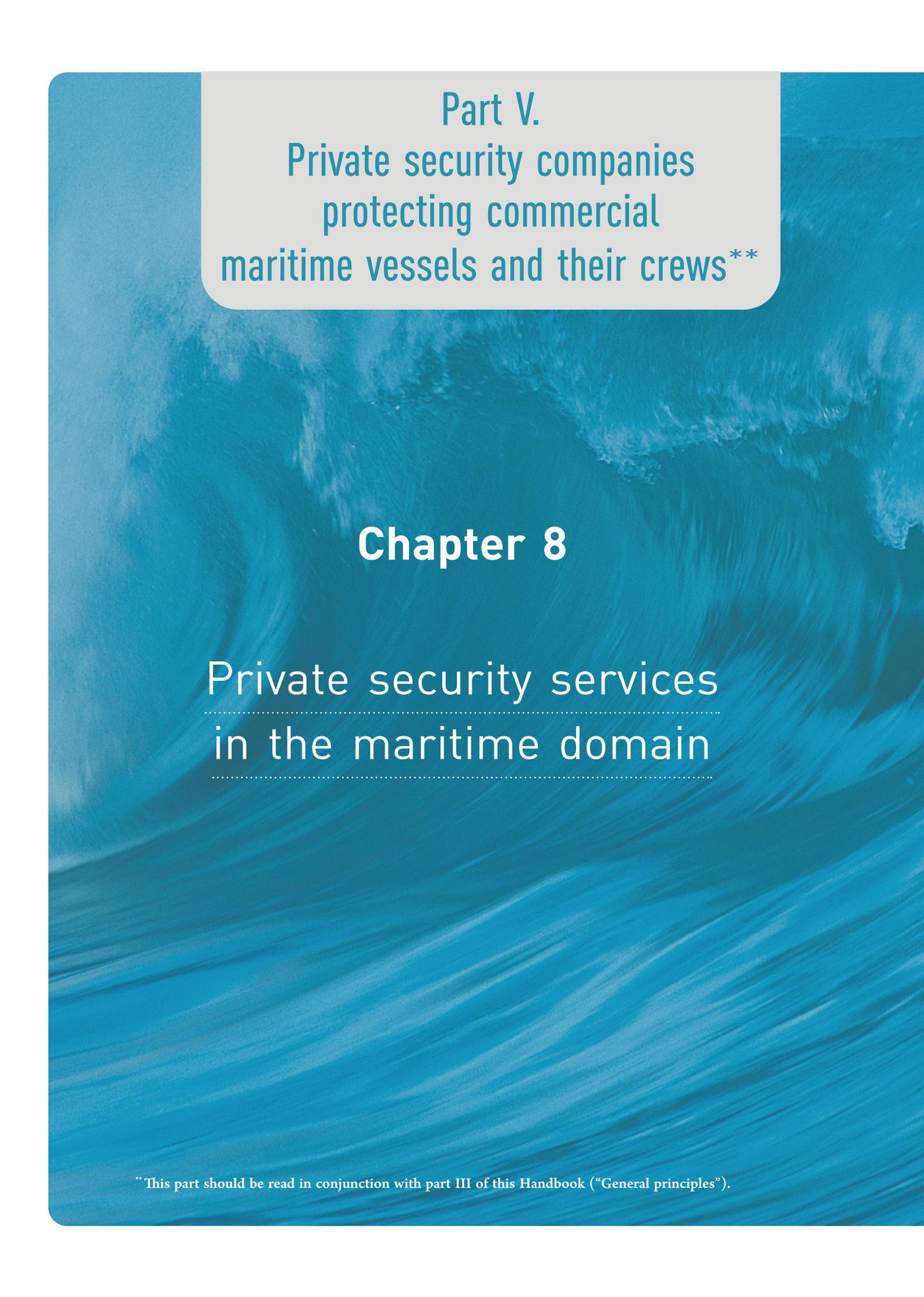
People apprehended or detained by PSC personnel (or by an authority, such as a ship master, who is utilizing PSC assets or personnel for that purpose) must be transferred to law enforcement or military authorities as soon as possible.

PSC and PSC personnel generally have no authority to apprehend or detain individuals. In the event that an individual is apprehended and detained as a result of an incident, arrangements must be made to hand the individual over to law enforcement authorities as soon as possible.

PSC personnel must not engage in torture, sexual or gender-based violence, or any other cruel, inhuman or degrading treatment or punishment against any person under their control. Any request made by a PSC or a client for a PSC operator to engage in such conduct must be refused. Any such request or command must be reported to the appropriate authorities.

PSC personnel are liable under territorial State law (and in the maritime context, flag State law), and potentially other legal regimes, for the proper treatment of people under their control.

Many jurisdictions consider control to have commenced once the individual has actually been stopped or otherwise delayed, and reasonably believes that he or she is not free to leave (see also section 6.3).



Part V.
Private security companies
protecting commercial
maritime vessels and their crews**

Chapter 8

Private security services in the maritime domain

**This part should be read in conjunction with part III of this Handbook (“General principles”).

While most of the use-of-force principles discussed in this Handbook are universal, there are some that apply particularly in the context of PSCs engaged in the protection of non-State-owned, civilian maritime vessels. These principles recognize the distinct legal environments of national waters and international waters, as well as the responsibilities and obligations applicable to mariners under a variety of international treaties and agreements and the customary law of the sea.

In discussing PSC activities in the maritime domain, it is important to note that PSCs often engage in activities other than the mere protection of the civilian vessels they have been specifically contracted to guard. Some States also contract for security patrols of their harbours, coastal areas and exclusive economic zones (e.g., to protect fisheries). Use-of-force policies in these circumstances will be dictated by the contracting State. In such cases, coastal State law will apply to operations in national waters. For operations in the exclusive economic zone, a mixture of coastal State law, and other law (including the law of the sea) will apply.

It is important to note that vessels of the flag State are under flag State jurisdiction and thus any laws and regulations imposed by the flag State concerning the use of PSC personnel or privately contracted armed security personnel⁶ apply to such vessels. Furthermore, port and coastal States' laws may also apply to such vessels.

8.1 Maritime zones

The United Nations Convention on the Law of the Sea defines various maritime zones, as well as the rights and obligations of States with respect to each zone.

The maritime zones recognized under international law include internal waters, the territorial sea, the contiguous zone, the exclusive economic zone, the continental shelf and the high seas.

8.2 Territorial sea

Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines. Within its territorial sea, a coastal State has sovereignty, together with broad prescriptive and enforcement jurisdiction, subject to the right of innocent passage by foreign vessels. Waters seaward of the territorial sea are recognized as international waters.

⁶“Privately contracted armed security personnel” is the term used by the International Maritime Organization and many States to describe persons who are employed by or otherwise in the service of private maritime security companies.

Foreign vessels are entitled to innocent passage through territorial seas as long as they do not engage in conduct that is prejudicial to the peace, good order or security of the coastal State. A coastal State must not hamper the innocent passage of foreign ships through the territorial sea except in accordance with the provisions of the law of the sea. It is generally accepted that the mere carrying of weapons on board a vessel transiting the territorial sea during innocent passage is not an activity that is considered to be prejudicial to the peace, good order or security of the coastal State.⁷ However, exercising or practising with weapons while in innocent passage is considered to be prejudicial to the peace, good order or security of the coastal State. Unless there are security concerns that warrant other measures, weapons carried on board civilian vessels in territorial seas should be secured below decks or bonded during innocent passage. In addition, it should be noted that, under some port State legal regimes, transit from international waters into ports, roadsteads or anchorages may not constitute innocent passage. It can be anticipated that coastal States may invoke rules to restrict or prohibit vessels or persons from carrying firearms on board in such circumstances.

8.3 Waters seaward of a State's territorial sea

Beyond the territorial sea, a coastal State may claim a contiguous zone that can extend up to 24 nautical miles from its baselines. In the contiguous zone, coastal States may enforce customs, fiscal, immigration and sanitary laws.

Unless flag State laws or PSC policy prohibit the possession of firearms, the carrying and/or display of firearms is generally permitted in international waters — that is, all waters seaward of the territorial sea.

In spite of the general consensus that coastal States have no legal authority to regulate the carrying of firearms in the contiguous zone, some States claim the authority to restrict or prohibit the carrying and/or possession of firearms within the zone. It is important to be aware of the relevant coastal State's interpretation of its right to enforce such prohibitions before entering its contiguous zone.

⁷While most States acknowledge that the presence of weapons on board vessels during innocent passage is not prejudicial to the coastal State, not all States agree. It is prudent, therefore, to understand different coastal States' interpretations of the parameters of innocent passage.

8.4 Legal jurisdiction in maritime zones

Flag State law always applies on ships. In addition to flag State laws, there are other laws that apply to both the vessel and to the persons on board that

change as the vessel enters and departs the various maritime zones of coastal States. For the purposes of PSCs and privately contracted armed security personnel (PCASP), the primary distinction to be made is between territorial waters and international waters.

Table. Applicable national law by geographic location

Location	Alongside a foreign port	Territorial sea (up to 12 nautical miles from baseline)	Contiguous zone (up to 24 nautical miles from baseline)	Exclusive economic zone (up to 200 nautical miles from baseline)	High seas
Applicable law	Flag State law	Flag State law	Flag State law	Flag State law	Flag State law
	Port State law	Coastal State law	Coastal State laws (relating to fiscal, immigration, sanitation and customs matters only)	Coastal State laws (relating to fisheries and resources)	
	Home State law that applies extraterritorially	Home State law that applies extraterritorially	Home State law that applies extraterritorially	Home State law that applies extraterritorially	Home State law that applies extraterritorially

8.5 Command and control of vessels

Masters of vessels are responsible for the safety of people, property and objects under their control.

A master of a vessel (often also called the captain) is a licensed mariner who commands a vessel.

Masters have authority over all persons on board a vessel, including officers and crew and other on-board staff members and passengers. PCASP are subject to the master's authority at all times. The master exercises overall command of the vessel and is ultimately responsible for the safe navigation of the vessel and the security of all persons on board.

The PSC team leader is answerable to the master for all assigned security and safety tasks. The PSC team leader and individual privately contracted armed security operators on board a vessel must obey all lawful commands of the master.

In order to ensure that this process works smoothly, the PSC team leader and master should make every effort to agree in advance on the general conditions,

requirements and circumstances that will govern the response to, and management of, incidents involving the use of force.

8.6 Command and control during security incidents

In the event of any act or threat of piracy, violence against, or seizure of the vessel by third parties, the PSC team leader must advise the master or the officer on watch that he or she intends to invoke the use-of-force policy and that the PCASP will take reasonable and necessary measures to protect the vessel and crew from the threat.

Each privately contracted armed security officer is responsible for any decision that he or she takes to use force. Any use of force must be carried out in accordance with the use-of-force policy and must comply with applicable national laws. Masters of vessels may direct PCASP to cease firing or to stop using force. Such orders must not interfere with, or otherwise derogate from, the privately contracted armed security officer's right of individual self-defence.

EXAMPLE

A ship is transiting through an area that has a high incidence of pirate attacks. The master of the ship notices a small boat approaching at significant speed from the starboard quarter. No weapons have been spotted on the approaching boat, but a boarding ladder is visible. Concerned that the approaching boat may be a pirate vessel, the PSC team leader tells the master that he intends to open fire on it.

The master responds that the boat is not currently a threat that warrants the use of deadly force because the ship can increase speed, change course, manoeuvre or take some other evasive action.

Unless he believes himself to be under imminent threat of serious injury or death, the privately contracted armed security operator must not open fire on the boat. If he ignores the master's directions, claiming that he fired in self-defence, there is a real risk that his claim to self-defence will be considered unreasonable.

8.7 Apprehending and detaining persons at sea

In exceptional circumstances, a master may direct a privately contracted armed security operator to apprehend and detain a person in accordance with applicable law. Such action should be addressed as a possibility in the use-of-force policy. It is the responsibility of the master to ensure that the temporarily detained person is properly accommodated. Any such temporary detainment is the responsibility of the master and crew, and should not involve the PCASP.

However, if for some reason PCASP are involved in any way, they will be liable under flag State and/or territorial State law, and potentially under other legal regimes, for the proper treatment of people while they are under their control.

Any authority to apprehend implicitly includes the right to search the individual for security purposes. Searches must be conducted in strict accordance with legal obligations relating to privacy, respect for personal dignity, and liberty (see also section 6.3).

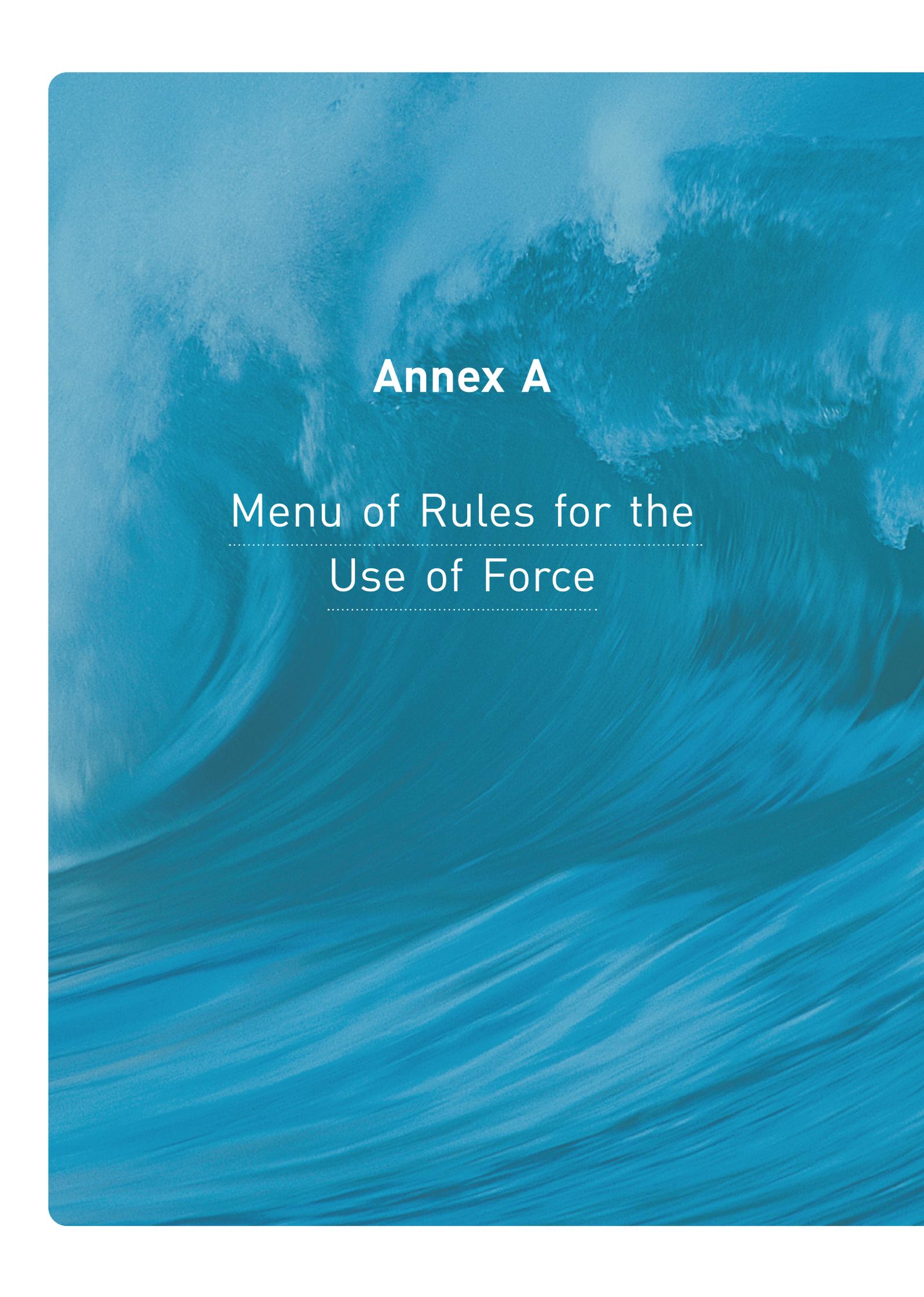
8.8 Restraining people for removal from a vessel

In cases where PCASP have the authority to manage access to a vessel, or a part of a vessel, such authority generally includes the authority to remove unauthorized intruders from that vessel or part.

In cases where the use of limited force to remove intruders from an area is authorized, the use of restraints may be authorized as a means to ensure security during the removal. However, any such restraint must be reasonably necessary and must be removed at the earliest opportunity (see also section 6.2).

In almost all situations, the authority to apprehend also requires the authority to search the apprehended people for dangerous items that they could use to harm themselves or others.

However, as noted previously, it is essential that there be a legal authority for all apprehension and related search tasks. Such tasks, if undertaken without any foundational authority, may be considered as assault, deprivation of liberty, degrading treatment or other offences under territorial State, host State or flag State law (see also section 6.3).



Annex A

Menu of Rules for the Use of Force

The following Menu of Rules for the Use of Force provides rules, grouped by category, that planners can use to formulate use-of-force policies for specific tasks.

Group 10. Self-defence

SERIES 10: USE OF FORCE IN INDIVIDUAL SELF-DEFENCE		
Purpose	To control the right to use force in individual self-defence. ^a	
	10 A	Use of force, up to and including deadly force, in individual self-defence is permitted.
	10 B–Z	Spare

^aNothing in these rules negates the right of individual self-defence.

SERIES 11: USE OF FORCE TO PROTECT OTHER PEOPLE		
Purpose	To control the use of force in protecting other people.	
	11 A	Use of force to protect other people is prohibited.
	11 B	Use of non-deadly force to protect other people in/of [specify the group or location] is permitted.
	11 C	Use of force, up to and including deadly force, to protect other people in/of [specify the group or location] is permitted.
	11 D	Use of force, up to and including deadly force, to protect other people is permitted.
	11 E–Z	Spare

SERIES 12: SERIOUS CRIME		
Purpose	To control the use of force in the face of crime or serious crime. ^a	
	12 A	Use of force to protect other people from the commission of a crime is prohibited.
	12 B	Use of non-deadly force to prevent the commission of a crime against [specify the people and/or property] in the absence of law enforcement officials is permitted.
	12 C	Use of non-deadly force to prevent the commission of a crime against [specify the people and/or property] is permitted.
	12 D	Use of force, up to and including deadly force, to prevent the commission of a serious crime in the absence of law enforcement officials is permitted.
	12 E	Use of force, up to and including deadly force, to prevent the commission of a serious crime is permitted.

^aGenerally, territorial State police forces or other authorized State authorities are primarily responsible for crime prevention. In some cases, intervening to stop serious crime may be seen as interference in a conflict or as taking sides. In such cases, intervention to prevent or stop crime may be prohibited or limited.

SERIES 13: USE OF FORCE TO PROTECT PROPERTY WHERE DAMAGE TO, OR DESTRUCTION OF, THE PROPERTY IS LIKELY TO LEAD TO THE SERIOUS INJURY OR DEATH OF OTHER PEOPLE		
Purpose	To control the use of force for protection of property where damage to, or destruction of, that property is likely to lead to serious injury or death.	
	13 A	Use of force in defence of property is prohibited where there is a likelihood that damage to, or destruction of, that property will lead to the serious injury or death of people.
	13 B	Use of non-deadly force in defence of property is permitted where there is a likelihood that damage to, or destruction of, that property will lead to the serious injury or death of [specify the people].

	13 C	Use of force, up to and including deadly force, in defence of property is permitted where there is a likelihood that damage to, or destruction of, that property will lead to an imminent threat to life of [specify the people]. ^a
	13 D	Use of force, up to and including deadly force, in defence of property is permitted where there is a likelihood that damage to, or destruction of, that property will lead to an imminent threat to life. ^a
	13 E–Z	Spare
	Series 14–19	Spare

^aThe defence of property in such situations is an exercise of the right of individual self-defence or the right to protect the specified people. See series 20 for rules regarding the use of force to protect property where no imminent threat to life exists.

Group 20. Protection of property

SERIES 20: USE OF FORCE TO PROTECT PROPERTY		
Purpose	To control the use of force in protecting property.	
	20 A	Use of force to protect property is prohibited.
	20 B	Use of non-deadly force to protect property is permitted.
	20 C	Use of force, up to and including deadly force, to protect property is permitted.
	20 D	Use of force, up to and including deadly force, to protect [specify the property] is permitted.
	20 E–Z	Spare

SERIES 21: PROTECTION OF VITAL POINTS OR OTHER SPECIALLY DESIGNATED PROPERTY		
Purpose	To control the use of force in the protection of vital or other specially designated property where the authority of PSCs and PSC personnel to protect that property is covered under the terms of the PSC contract. ^a	
	21 A	Use of force to protect vital points or other specially designated property is prohibited.
	21 B	Use of non-deadly force to protect [specify the vital points or other specially designated property] is permitted.
	21 C	Use of force, up to and including deadly force, to protect [specify the vital points or other specially designated property] is permitted.
	21 D	Use of force, up to and including deadly force, to protect vital points or other specially designated property is permitted.
	21 E–Z	Spare

^aThis series provides specific permission to protect limited categories of property. Rules 21 C or 21 D can be used even if rules 20 A or 20 B are in effect for general property.

SERIES 22: DENIAL OF ACCESS TO PROPERTY OR LOCATIONS		
Purpose	To control the use of force in access control tasks where PSCs and PSC personnel are authorized to control access to property or locations as specified in the terms of the PSC contract.	
	22 A	Use of force to deny access to property or locations is prohibited.
	22 B	Use of non-deadly force to deny access to [specify the property or location] is permitted.
	22 C	Use of force, up to and including deadly force, to deny access to [specify the property or location] is permitted.
	22 D–Z	Spare

SERIES 23: DENIAL OF ACCESS TO A ZONE		
Purpose	To control denial of access to declared zones in land, maritime and air environments where PSCs and PSC personnel are authorized to engage in zone management as specified in the terms of the PSC contract.^a	
	23 A	Use of force against people entering or attempting to enter [specify the zone] without authorization is prohibited.
	23 B	Use of non-deadly force against people entering or attempting to enter [specify the zone] without authorization, after being warned, is permitted.
	23 C	Use of force, up to and including deadly force, against people entering or attempting to enter [specify the zone] without authorization, after being warned, is permitted. ^a
	23 D–Z	Spare

^aIn rare situations, such as the protection of nuclear facilities, territorial State law may permit the use of deadly force to prevent intruders from gaining access to a specified area. In such situations, rule 23 D may be authorized, but only if rule 21 D has also been authorized and the territorial State has specifically authorized the PSC personnel to use deadly force in such cases.

SERIES 24: REMOVAL OF INTRUDERS FROM A ZONE		
Purpose	To control the removal of intruders from declared zones in land, maritime and air environments where PSCs and PSC personnel are authorized to engage in zone management as specified in the terms of the PSC contract.^a	
	24 A	Use of non-deadly force to remove people who have entered [specify the zone] without authority and failed to depart when warned is prohibited.
	24 B	Use of non-deadly force to remove people who have entered [specify the zone] without authority and failed to depart when warned is permitted.
	22 C	Use of force, up to and including deadly force, to deny access to [specify the property or location] is permitted.
	24 D–Z	Spare

^aSee series 50 and 51, regarding apprehension.

SERIES 25: DISARMING OF INTRUDERS WITHIN A ZONE		
Purpose	To control the disarming of intruders within declared zones in land, maritime and air environments where PSCs and PSC personnel are authorized to engage in zone management as specified in the terms of the PSC contract.^a	
	25 A	Use of force to disarm people within [specify the zone] is prohibited.
	25 B	Use of non-deadly force to disarm people within [specify the zone] is permitted.
	25 C	Use of force, up to and including deadly force, to disarm people within [specify the zone] is permitted. ^a
	25 D–Z	Spare
	Series 26–29	Spare

^aSee series 50 and 51, regarding apprehension.

Group 30. Freedom of movement

SERIES 30: PROTECTION OF FREEDOM OF MOVEMENT OF PEOPLE		
Purpose	To control the use of force in ensuring freedom of movement of people where the authority of PSCs and PSC personnel to ensure such freedom of movement is covered under the terms of the PSC contract.	
	30 A	Use of force to prevent interference with the freedom of movement of people is prohibited.
	30 B	Use of non-deadly force to prevent interference with the freedom of movement of [specify the people] is permitted.

	30 C	Use of force, up to and including deadly force, is permitted to prevent interference with the freedom of movement of [specify the people] when such interference is likely to result in the death of or serious injury to those people.
	30 D–Z	Spare

SERIES 31: PREVENTION OF INTERFERENCE WITH SHIPS, AIRCRAFT OR VEHICLES

Purpose	To control the circumstances in which force may be used to prevent unauthorized boarding, entry or seizure of ships, aircraft or vehicles.^a	
	31 A	Use of force to prevent unauthorized boarding, entry or seizure of ships, aircraft or vehicles is prohibited.
	31 B	Use of non-deadly force to prevent unauthorized boarding, entry or seizure of [specify the ships, aircraft or vehicles] is permitted.
	31 C	Use of force, up to and including deadly force, to prevent unauthorized boarding, entry or seizure of [specify the ships, aircraft or vehicles] is permitted. ^a
	31 D–Z	Spare
	Series 32–39	Spare

^aIn rare situations, such as the protection of transfers of nuclear material, territorial State law may permit the use of deadly force to prevent intruders from gaining access to the vessel, aircraft or vehicle in which the material is being transported. In such situations, rule 31 D may be authorized, but only if rule 21 D has also been authorized, and the territorial State has specifically authorized the PSC personnel to use deadly force in such cases. See also series 50 and 51, regarding apprehension.

Group 40. Warnings and obstacles

SERIES 40: USE OF WARNING DEVICES

Purpose	To control the use of warning devices that have the potential to cause bodily harm (e.g. long-range acoustic devices).^a	
	40 A	Use of acoustic devices to warn is prohibited.
	40 B	Use of acoustic devices to warn is permitted.
	40 C	Use of laser dazzlers to warn is prohibited.
	40 D	Use of laser dazzlers to warn is permitted.
	40 E	Use of [specify the warning device] directed towards [specify the threat] is permitted.
	40 F	Use of [specify the warning device] is permitted.
	40 G–Z	Spare

^aNothing in this series prohibits an individual, vehicle, vessel or aircraft from communicating or displaying a warning signal. For rules on the use of warning shots, see series 41.

SERIES 41: WARNING SHOTS

Purpose	To control the use of warning shots.^{a, b}	
	41 A	Warning shots are prohibited.
	41 B	Warning shots in the vicinity of [specify the people or places] are prohibited.
	41 C	Warning shots in the vicinity of [specify the people or places] are permitted.
	41 D	Warning shots are permitted.
	41 E–Z	Spare

^aIn some jurisdictions, the use of warning shots may constitute a criminal offence if the situation is not considered adequately threatening to justify their use.

^bFor rules on the use of warning devices other than warning shots, see series 40.

SERIES 42: USE OF DISABLING FIRE		
Purpose	To control the use of disabling fire.	
	42 A	Use of disabling fire is prohibited.
	42 B	Use of disabling fire in [specify the circumstances] is permitted.
	42 C	Use of disabling fire is permitted.
	42 D–Z	Spare

SERIES 43: USE OF OBSTACLES AND BARRIERS		
Purpose	To control the use of obstacles and barriers where the authority of PSC personnel to use obstacles and barriers is covered under the terms of the PSC contract.	
	43 A	Use of obstacles and barriers is prohibited.
	43 B	Use of a [specify the type of obstacle or barrier, e.g. razor wire] is prohibited.
	43 C	Use of non-explosive obstacles and barriers in [specify the circumstances and/or location] is permitted.
	43 D	Use of a [specify the type of obstacle or barrier] in [specify the circumstances and/or location] is permitted.
	43 E–Z	Spare
	Series 44–49	Spare

Group 50. Apprehending and searching people

SERIES 50: APPREHENDING AND TEMPORARILY DETAINING PEOPLE		
Purpose	To control the apprehension and detainment of people for purposes of self-defence, or when tasks involving the defence of property or access control are authorized for the PSC personnel under the terms of the PSC contract.^a	
	50 A	Apprehension and detainment of people is prohibited.
	50 B	Apprehension and detainment of people found to be committing a serious crime is permitted.
	50 C	Apprehension and detainment of people found to be committing a crime is permitted.
	50 D	Apprehension and detainment of people attempting to leave the scene after having committed a serious crime is permitted.
	50 E	Apprehension and detainment of people who are present in [specify the designated area, vessel, aircraft or vehicle] without authorization is permitted.
	50 F	Apprehension and detainment of people on the authority of a master of a vessel is permitted.
	50 G–Z	Spare

^aTerritorial State police forces or other authorized State authorities are primarily responsible for crime prevention and apprehension of suspects. In some cases, PSCs may be authorized to engage in law enforcement activity by a State authority. In such cases, PSC personnel may be authorized to apprehend or temporarily hold people. Whenever a person is apprehended or temporarily detained, that person should be handed over to the competent law enforcement authority or, in the maritime context, to the master and crew, as soon as possible.

SERIES 51: SEARCH OF APPREHENDED AND/OR TEMPORARILY DETAINED PERSONS		
Purpose	To control the search of people who have been apprehended and/or temporarily detained by PSC personnel.^{a, b}	
	51 A	Use of force to search apprehended and/or temporarily detained people is prohibited.

	51 B	Use of non-deadly force to search apprehended and/or temporarily detained people for weapons or other items that could pose a threat to the safety of other people is permitted.
	51 C–Z	Spare

^a National and international human rights standards and, where applicable, international humanitarian legal standards apply to apprehended and and/or temporarily detained people at all times.

^b In order to authorize a use-of-force policy rule under series 51, the power to apprehend and/or temporarily detain must be authorized under use-of-force policy series 50.

SERIES 52: PREVENTION OF ESCAPE

Purpose:	To control the use of force against people attempting to escape from lawful detainment where such control tasks are authorized for the PSC and PSC personnel under the terms of the PSC contract.	
	52 A	Use of force to prevent the escape of apprehended and/or temporarily detained people is prohibited.
	52 B	Use of non-deadly force to prevent the escape of apprehended and/or temporarily detained people is permitted.
	52 C	Use of force, up to and including deadly force, is authorized when it reasonably appears to be necessary to prevent the escape of an apprehended and/or temporarily detained person who has committed a serious crime, and continues to pose an imminent threat of death or serious bodily harm to people in the vicinity.
	52 D–Z	Spare

SERIES 53: USE OF RESTRAINTS

Purpose	To control the use of restraints on people who have been lawfully apprehended and/or temporarily detained.^a	
	53 A	Use of restraints is prohibited.
	53 B	Use of [specify the type of restraint, e.g. handcuffs] on apprehended and/or temporarily detained people in [specify the circumstances, e.g. "cases where they continue to pose a threat"] is permitted.
	53 C–Z	Spare
	Series 54–59	Spare

^a The use of restraints is a use of force and therefore must be closely controlled and limited to situations where it is necessary for safety and security reasons.

Group 60. Employment of weapons

SERIES 60: CARRYING OF FIREARMS BY LAND-BASED PSC PERSONNEL

Purpose	To control the carrying of firearms during land-based tasks.^a	
	60 A	Carrying of firearms by PSC personnel is prohibited.
	60 B	Carrying of firearms by PSC personnel in [specify the location and/or situation] is prohibited.
	60 C	Carrying of firearms by PSC personnel while engaged in [specify the task] is permitted.
	60 D	Carrying of firearms by PSC personnel in [specify the areas] is permitted.
	60 E	Carrying of firearms by PSC personnel is permitted.
	60 F–Z	Spare

^a Any permission allowing PSC personnel to carry firearms must be authorized by the relevant territorial State. In situations where the territorial State does not have effective jurisdiction, any permission allowing PSC personnel to carry firearms while within the territory of that State must be authorized by the contracting State or international organization (e.g. the United Nations), as appropriate.

SERIES 61: CARRYING OF FIREARMS BY MARITIME PCASP		
Purpose	To control the carrying and display of firearms while on board vessels.^a	
	61 A	Carrying of firearms by PCASP on board vessels is prohibited.
	61 B	Carrying of firearms by PCASP in the [specify the maritime zone or zones: internal waters, territorial sea and/or archipelagic waters] of [specify the States] is prohibited.
	61 C	Display of firearms by PCASP in the [specify the maritime zone or zones: internal waters, territorial sea and/or archipelagic waters] is prohibited.
	61 D	Carrying of firearms by PCASP in the [specify the maritime zone or zones: internal waters, territorial sea and/or archipelagic waters] is permitted.
	61 E	Display of firearms by PCASP in the [specify the maritime zone or zones: internal waters, territorial sea and/or archipelagic waters] is permitted.
	61 F	Carrying of firearms by PCASP while alongside port in [specify the ports and States] is prohibited.
	61 G	Carrying of firearms by PCASP while alongside port in [specify the ports and States] is permitted.
	61 H	Display of firearms by PCASP while alongside port in a [specify the ports and States] is prohibited.
	61 I	Display of firearms by PCASP while alongside port in a [specify the ports and States] is permitted.
	61 J	Display of firearms by PCASP while under way in the territorial sea of [specify the State] is permitted.
	61 K	Carrying of firearms while in international waters is permitted.
	61 L	Display of firearms while in international waters is permitted.
	61 M–Z	Spare

^aSecurity against shore-based threats in a port is the responsibility of the territorial State. In the event that PCASP are tasked to provide security on a wharf (i.e. off of the vessel), rules from series 60 must be authorized.

SERIES 62: CARRYING OF FIREARMS IN AIRCRAFT		
Purpose	To control the carrying and display of firearms while in aircraft.^{a, b}	
	62 A	Carrying of firearms by PSC personnel on aircraft is prohibited.
	62 B	Carrying of firearms by PSC personnel on [specify the aircraft] for [specify the purpose] is permitted.
	62 C	Carrying of firearms by PSC personnel on [specify the aircraft] is permitted.
	62 D–Z	Spare

^aThis series is primarily designed to control the carrying of firearms by PSC personnel tasked with duties such as protecting cargo and transferring convicted criminals in aircraft.

^bSecurity measures against threats to aircraft on the ground at an airport is the responsibility of the territorial State. In the event that PSC personnel are tasked to ensure aircraft security on a tarmac, rules from series 60 must be authorized.

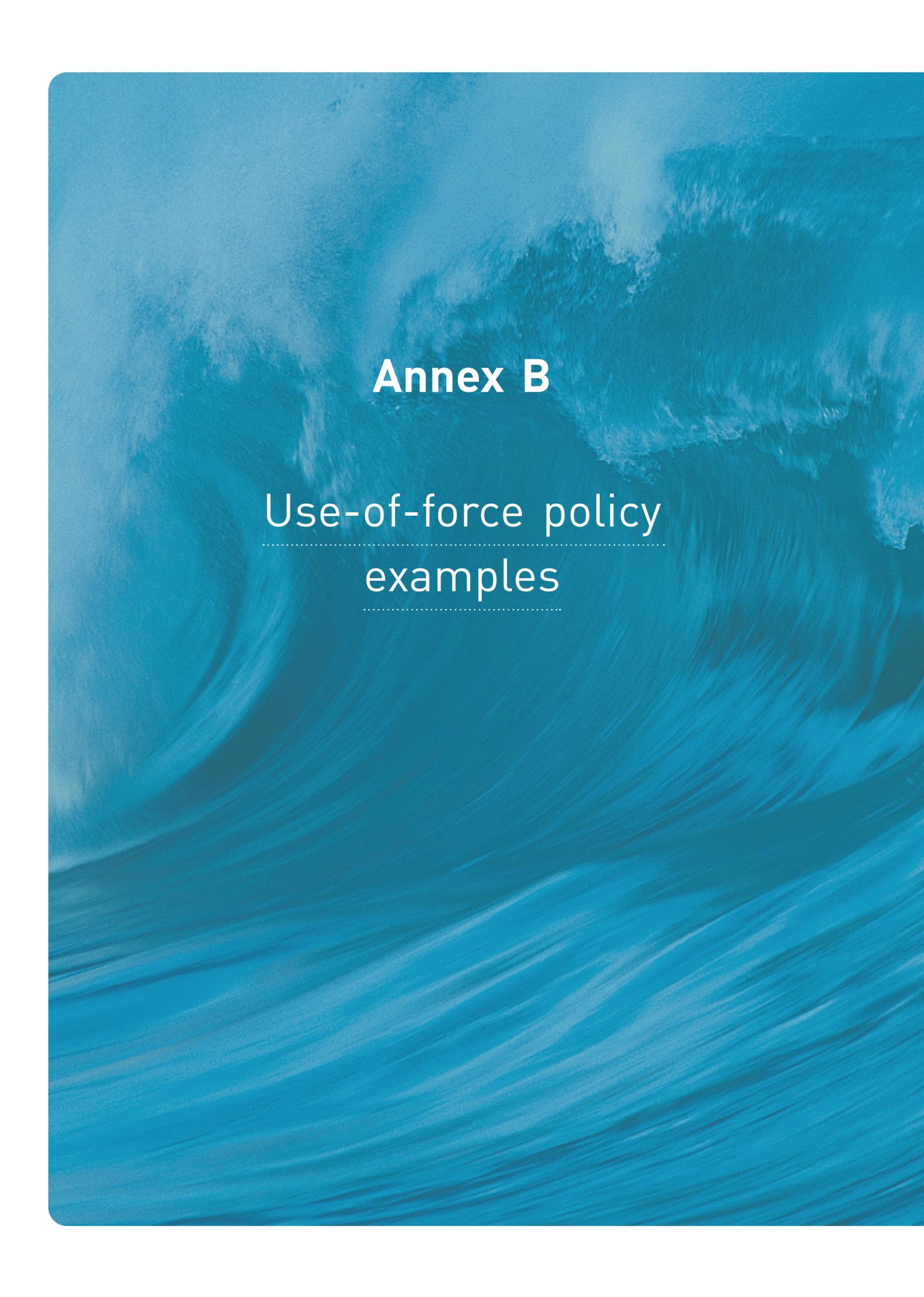
SERIES 63: STORAGE OF AND ACCESS TO FIREARMS		
Purpose	To control access to firearms.	
	63 A	Firearms must be stored at all times, except in emergencies.
	63 B	Firearms must be stored when the operator of the firearms is not on watch or duty.
	63C	Firearms may be carried for the duration of the task.
	63 D-Z	Spare
	Series 67-69	Spare

SERIES 64: CROWD AND RIOT CONTROL		
Purpose	To control the use of force in riot control tasks where such tasks are authorized for the PSC and PSC personnel under the terms of the PSC contract.	
	64 A	Use of force during riot control is prohibited.
	64 B	Use of non-deadly force during riot control in [specify the circumstances] is permitted.
	64 C-Z	Spare

SERIES 65: NON-LETHAL DEVICES^a		
Purpose	To control the use of non-lethal devices against people.	
	65 A	Use of non-lethal devices is prohibited.
	65 B	Use of [specify the non-lethal devices] is prohibited.
	65 C	Use of [specify the non-lethal devices] in [specify the circumstances] is permitted.
	65 D-Z	Spare

^aFor rules on the use of acoustic devices for warnings, see series 40.

SERIES 66: RIOT CONTROL AGENTS		
Purpose	To control the use of riot control agents in situations where such authority is granted to the PSC and PSC personnel under the terms of the PSC contract.	
	66 A	Use of riot control agents is prohibited.
	66 B	Use of [specify the riot control agents, e.g. pepper spray or tear gas] is permitted in [specify the circumstances].
	66 C-Z	Spare

The background of the page is a photograph of blue waves, likely from the ocean, with white foam visible at the crests. The waves are moving from the top right towards the bottom left, creating a sense of motion and depth. The overall color palette is various shades of blue, from light to dark.

Annex B

Use-of-force policy examples

EXAMPLE OF A USE-OF-FORCE POLICY FOR MARITIME SECURITY TASKS

Rules for the Use of Force

PSC name	International Seaborne Security Inc.
Client	Madama Shiplines
Tasking	Maritime Vessel Security (MV HAPPY SAILOR)
Date(s)	12 December 2017 to 31 January 2018
Location	From: Mombana, Kunyi To: Jixar Port, Sudabia; Kuwala City, Kuwala; Minima, Barandia; Mumbay, Indrania; and Mombana, Kunyi.

RULE NO.	RULE
10 A	Use of force, up to and including deadly force, in individual self-defence is permitted.
11 C	Use of force, up to and including deadly force, to protect the crew and other people on board MV HAPPY SAILOR is permitted.
12 B	Use of non-deadly force to prevent the commission of a crime against MV HAPPY SAILOR and its crew in the absence of law enforcement officials is permitted.
12 E	Use of force, up to and including deadly force, to prevent the commission of a serious crime is permitted.
13 C	Use of force, up to and including deadly force, in defence of MV HAPPY SAILOR is permitted where there is a likelihood that damage to, or destruction of, the vessel would lead to an imminent threat to the life of the crew and other people on board the vessel.
20 B	Use of non-deadly force to protect property is permitted.
31 B	Use of non-deadly force to prevent unauthorized entry into or boarding or seizure of MV HAPPY SAILOR is permitted.
40 B	Use of acoustic devices to warn is permitted.
41 C	Warning shots fired in the vicinity of approaching vessels that pose a threat to MV HAPPY SAILOR and its crew are permitted.
42 B	Use of disabling fire against vessels that continue to close in after warning shots are fired is permitted.
43 D	Use of razor wire on access points and guard rails is permitted.
50 E	Apprehension and/or temporary detainment of people who have gained access to MV HAPPY SAILOR without authorization is permitted.
51 B	Use of non-deadly force to search apprehended and/or temporarily detained people for weapons or other items that could pose a threat to the safety of other people is permitted.
52 B	Use of non-deadly force to prevent the escape of apprehended and/or temporarily detained people is permitted.
53 B	Use of hand restraints on people who have been apprehended and/or temporarily detained on board MV HAPPY SAILOR is permitted.
61 B	Carrying of firearms by PCASP in the internal waters, territorial sea and/or archipelagic waters of Sudabia, Kuwala, Bahrandia and Indrania is prohibited.
61 D	Carrying and displaying of firearms by PCASP while under way in the territorial sea of Kunyi is permitted.
61 E	Display of firearms by PCASP while under way in the territorial sea of Kunyi is permitted.
61 H	Carrying of firearms by PCASP while alongside the port in Kunyi is prohibited.
61 K	Carrying of firearms while in international waters is permitted.
61 L	Display of firearms while in international waters is permitted.
63 B	Firearms shall be stored when the operator of the firearms is not on watch.
65 H	Use of water cannons and/or fire hoses to prevent unauthorized boarding of MV HAPPY SAILOR is permitted.

EXAMPLE OF A USE-OF-FORCE POLICY FOR LAND-BASED SECURITY TASKS

Rules for the Use of Force

PSC name	Prisoner Transfers Inc.
Client	Give Aid International
Tasking	Access Control to Give Aid International Base Camp and Logistics Centre "Camp Storage"
Date(s)	1 July 2017 to 30 June 2018
Location	Nastyville, Badlandia

RULE NO.	RULE
10 A	Use of force, up to and including deadly force, in individual self-defence is permitted.
11 C	Use of force, up to and including deadly force, to protect people in Camp Storage is permitted.
12 C	Use of non-deadly force to prevent the commission of a crime against staff members and property of Give Aid International is permitted.
13 C	Use of force, up to and including deadly force, in defence of property is permitted where there is a likelihood that damage to, or destruction of, that property will lead to an imminent threat to the life of people in Camp Storage.
20 B	Use of non-deadly force to protect property is permitted.
21 B	Use of non-deadly force to protect food storage sites is permitted.
22 B	Use of non-deadly force to deny access to Camp Storage is permitted.
24 B	Use of non-deadly force against people who have entered Camp Storage without authorization and failed to depart when warned is permitted.
25 B	Use of non-deadly force to disarm people within Camp Storage is permitted.
30 B	Use of non-deadly force is permitted to prevent interference with the freedom of movement of Camp Storage personnel engaged in the delivery of aid.
31 B	Use of non-deadly force to prevent the unauthorized seizure of Give Aid International vehicles is permitted.
40 E	Use of laser dazzlers directed towards vehicles approaching access points at excessive speed is permitted.
41 A	Warning shots are prohibited.
42 B	Use of disabling fire is permitted in situations in which a vehicle continues to approach at excessive speed after having been warned.
43 C	Use of non-explosive barriers and obstacles at Camp Storage is permitted
50 B	Apprehension and/or temporary detainment of people found committing a serious crime is permitted.
50 D	Apprehension and/or temporary detainment of people attempting to leave the scene after having committed a serious crime is permitted.
50 E	Apprehension and/or temporary detainment of people who are present in Camp Storage without authorization is permitted.
51 B	Use of non-deadly force is permitted to search apprehended and/or temporarily detained people for weapons or other items that could pose a threat to the safety of other people.
52 B	Use of non-deadly force to prevent the escape of apprehended and/or temporarily detained people is permitted.
52 C	Use of force, up to and including deadly force, is authorized when it reasonably appears to be necessary to prevent the escape of an apprehended person who has committed a serious crime and who continues to pose an imminent threat of death or serious bodily harm to people in the vicinity.
53 B	Use of hand restraints on apprehended and/or temporarily detained people until territorial State law enforcement personnel arrive is permitted.
60 C	Carrying of firearms by PSC personnel while engaged in the protection of Camp Storage is permitted.
63 B	Firearms shall be stored when the operator of the firearms is not on watch.
65 C	Use of laser dazzlers is permitted.

EXAMPLE USE-OF-FORCE POLICY FOR THE TRANSFER OF CONVICTED PRISONERS BY AIRCRAFT

Rules for the Use of Force

PSC name	Prisoner Transfers Inc.
Client	United Nations
Tasking	Transfer of convicted persons (by aircraft)
Date(s)	12 December 2018
Location	Victorville, Seychenia to Bossalana, Somandia.

RULE NO.	RULE
10 A	Use of force, up to and including deadly force, in individual self-defence is permitted.
11 C	Use of force, up to and including deadly force, to protect the crew and other people on the transfer aircraft is permitted.
13 C	Use of force, up to and including deadly force, in defence of property is permitted where there is a likelihood that damage to, or destruction of, that property will lead to an imminent threat to the life of the crew and other people on the transfer aircraft.
20 B	Use of non-deadly force to protect property is permitted.
31 C	Use of force, up to and including deadly force, to prevent transferees from gaining access to the flight deck of the transfer aircraft is permitted.
51 B	Use of non-deadly force to search transferees for weapons or other items that could pose a threat to the safety of other people is permitted.
52 C	Use of force, up to and including deadly force, is authorized when it reasonably appears to be necessary to prevent the escape of a transferee who continues to pose a threat of death or serious bodily harm to people in the vicinity.
53 B	Use of hand and leg restraints on transferees for the duration of the transfer is permitted.
62 C	Carrying of firearms by PSC personnel on transfer aircraft is permitted.
63 C	Firearms may be carried by PSC personnel for the duration of the task.
65 C	Use of tasers is permitted.

Example of a quick-reference card outlining the basic principles of the use of force

BASIC PRINCIPLES OF THE USE OF FORCE BY PRIVATE SECURITY COMPANY PERSONNEL

INDIVIDUAL SELF-DEFENCE. Private security company (PSC) personnel may always exercise individual self-defence in response to a harmful act or imminent threat of harm.

USE FORCE ONLY AS A LAST RESORT. PSC personnel may use force only as a last resort. Any force used must be the minimum necessary to deter, neutralize or stop the threat.

CONTINUUM OF FORCE. When time and circumstances permit, PSC personnel must follow escalation-of-force procedures with the goal of de-escalating the situation and resolving it without using greater levels of force.

REASONABLE FORCE. Any use of force, viewed in its context and circumstances, must be reasonable and necessary in degree and duration, to counter the threat.

USE OF DEADLY FORCE IN THE DEFENCE OF OTHERS. PSC personnel may use deadly force to deter, neutralize or stop a harmful act or imminent threat of harm only when all lesser means have failed or cannot reasonably be employed in time, and it reasonably appears necessary to do the following:

- Protect persons of the contracting party when the PSC operator reasonably believes that there is an imminent threat of death or serious bodily harm
- Protect oneself and other PSC personnel from the imminent threat of death or serious bodily harm
- Protect other persons in the vicinity from the imminent threat of death or serious bodily harm, **but only as permitted by the use-of-force policy**

NOTIFICATION OF LAW ENFORCEMENT AUTHORITIES. Wherever possible, the appropriate law enforcement or military authorities must be notified as soon as is practical if a confrontation appears likely, and in all circumstances, immediately after a confrontation.

SAFETY. Exercise due regard for the safety of bystanders when using force.

SECURITY INCIDENTS. Ensure that all security incidents are reported to the appropriate authorities.

VIOLATIONS OF THE USE-OF-FORCE POLICY. Report any violation of, or non-compliance with, the use-of-force policy.

The background of the page is a vibrant blue with a dynamic, wavy pattern that resembles ocean waves. The waves are rendered in various shades of blue, from light to dark, creating a sense of movement and depth. The overall effect is a textured, fluid background.

Annex C

Report templates

Significant Incident Report

(to be completed by each PSC operator or representative involved in the incident)

Name of PSC operator:	
(surname)	(first name)
Name of employing PSC:	

The incident:

Date and time of incident: (day/month/year) _____

Number of individuals involved in the incident: _____

Overview of the incident:

Did police attend? No Yes

Was the incident recorded on video or in photographs or sound recordings? No Yes

Who, if anyone, sustained injury? Self Security worker(s) Subject(s) Other(s)

Names of injured person(s):

Who, if anyone, sustained fatal injury? Security worker(s) Subject(s) Other(s)

Names of person(s) killed:

Was medical attention required by any person? No Yes

If so, what action was taken?

Threatening person/group

Threatening person's behaviour: Harmful act Imminent threat of harm

Serious crime Refusal to comply with instructions Other

Describe the behaviour:

Did the person(s) possess any weapons? No Yes *If yes, answer the following:*

If the weapon was a firearm, were shots fired? No Yes *If yes, how many shots did the subject fire? ____ shots.*

Were any other weapons used or visible? No Yes

Describe all weapons used or carried by subject(s):

Actions of PSC personnel

Security dog deployed? No Yes N/A **Restraints used?** No Yes

Subject apprehended? No Yes **Non-lethal weapons used?** No Yes

Firearm(s) used? No Yes *If yes, number of rounds fired: ____.*

Describe the use-of-force and escalation-of-force procedures employed:

Signature: _____

Date signed: _____

Report on the Apprehension of an Individual

Name of PSC operator: <p style="text-align: center;">(surname) (first name)</p>
Name of employing PSC:

Apprehended individual:

(surname) (first name) (middle name)	
Photo	Date of birth: Age:
	Sex: Weight: Height: Eye colour:
	Place of birth:
	Nationality: Religion:
	Marital status: Next of kin:
Address of next of kin:	
Scars and other identifying marks:	
Impounded property and money:	

Details of the apprehension

Where taken into custody:	Date/time apprehended:
Where apprehended:	Medically examined by:
Date of release or transfer:	
Reason for apprehension:	
Physical condition when captured:	

Signature of apprehending PSC operator

Date

Name and signature of witness to apprehension

Date

Details of the accepting authority

Transferred to:	
	(name of military or police force unit)
Date of transfer:	

Signature of apprehending PSC operator

Date

Name and signature of witness to apprehension

Date

GLOSSARY OF TERMS

Client – The State, company, organization or other entity that has contracted the services of a private security company.

Contracting State – In cases where the client is a State, the State that has contracted the services of a private security company.

Deadly force – Force intended or likely to cause death or serious bodily injury, regardless of whether death or serious bodily injury results. For the purposes of this Handbook, “lethal force” has the same meaning as “deadly force”.

Temporary detainment – The act of temporarily holding a person against his or her will for lawful purposes such as prosecution or maintenance of public safety, or pursuant to some other lawful authorization, until the person can be handed over to law enforcement or other appropriate authorities.

Disabling fire – Gunfire directed at a vessel, aircraft or vehicle so as to impair its manoeuvrability (but not, in the case of a vessel, its seaworthiness).

Firearm – A barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death. Examples of firearms include, but are not limited to, pistols, revolvers, rifles, light machine guns or shotguns.

Flag State – The State of registry or licence of a vessel or aircraft.

Harmful act – An incident of violence or other use of force that causes, or is reasonably expected to cause, bodily injury or death to the victim.

Home State – The State of nationality of a client, private security company or privately contracted security operator.

Imminent threat of harm – The threat of an imminent harmful act.

National waters – Waters subject to the territorial sovereignty of coastal States. National waters include internal waters, territorial seas and archipelagic waters.

Neutralize – To render ineffective, either temporarily or permanently.

Non-deadly force – Force that is not intended or likely to cause death or serious bodily injury. In some jurisdictions, the term “non-lethal” is used. For the purposes of this Handbook, the terms are interchangeable.

On-scene authority – The master of a vessel, pilot of an aircraft, military officer, law enforcement agent or, in the absence of such an official, other individual who is the designated on-scene representative of the client.

Primary rules – The rules in the Menu of Rules for the Use of Force that must be considered whenever a use-of-force policy is being developed.

Privately contracted armed security personnel (PCASP) – Persons employed in the maritime domain, either through direct hire or under some other form of contractual relationship with a shipping or associated company, whose security duties include the carrying and/or control of weapons and the use of force aboard or from vessels.

Private security company (PSC) – Any private sector company whose business activities include protecting people, property and information, conducting investigations or otherwise safeguarding an organization’s assets. PSC services may include, but are not limited to, protection of people and armed guarding of places, objects and property (including vessels, aircraft, vehicles and buildings).

Private security company (PSC) personnel/operator – Persons employed, through direct hire or under some other form of contractual relationship, by private security companies, and whose duties include the carrying and/or control of weapons and the use of force such as apprehension.

Retaliation – A use of force in response to a harmful act or an imminent threat of harm after the need for self-defence has ceased.

Self-defence – The use of necessary and proportional force, and in some circumstances, up to and including deadly force, to defend oneself or others from a harmful act or imminent threat of harm.

Senior management – The highest level of management in an organization or business, including the heads of various divisions or departments led by the chief executive.

Serious crime – Murder, rape, aggravated assault, armed robbery, abduction or any other crime that could reasonably be expected to cause serious bodily injury or death.

Team leader – A member of the assigned private security company team designated by the private security company as the team leader, holding additional responsibilities, and identified as such to the appropriate authorities.

Territorial State – The State in which a private security company operator is located at a given time.

Warning shot – A shot fired in the vicinity of a person, vessel, vehicle or aircraft as a signal to immediately cease activity, but not intended to cause damage or injury.

Warning signal – A signal intended to warn people of a potential hazard or of a potential use of force in response to a perceived threat.

SELECTED REFERENCES

African Charter on Human and Peoples' Rights

www.achpr.org/files/instruments/achpr/banjul_charter.pdf

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

www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx

BIMCO GUARDCON and Guidance on Rules for the Use of Force by Privately Contracted Armed Security Personnel in Defence of a Ship

www.bimco.org

Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships of the International Maritime Organization

www.imo.org/en/OurWork/Security/PiracyArmedRobbery/Guidance/Documents/A.1025.pdf

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

http://oceansbeyondpiracy.org/sites/default/files/SUA_Convention_and_Protocol.pdf

Convention for the Unification of Certain Rules of Law relating to Assistance and Salvage at Sea

www.admiraltylawguide.com/conven/salvage1910.html

European Convention on Human Rights

www.echr.coe.int/Documents/Convention_ENG.pdf

Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Geneva Convention (IV))

www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=939D728BA83A8250C12563CD0051C61A

Interim Guidance to Private Maritime Security Companies Providing Privately Contracted Armed Security Personnel on board Ships in the High Risk Area (International Maritime Organization, MSC.1/Circ.1443 of 25 May 2012)

www.imo.org/en/OurWork/Security/PiracyArmedRobbery/Guidance/Documents/MS.1-Circ.1443.pdf

International Code of Conduct for Private Security Service Providers

Available at www.icoc-psp.org

International Convention for the Safety of Life at Sea, 1974

<http://treaties.un.org/doc/Publication/UNTS/Volume%201184/volume-1184-I-18961-English.pdf>

International Covenant on Civil and Political Rights

<http://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf>

ISO 18788:2015 — Management system for private security operations

www.iso.org/obp/ui/#iso:std:iso:18788:ed-1:v1:en

The Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict

www.icrc.org/eng/assets/files/other/icrc_002_0996.pdf

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www.imo.org/en/OurWork/Security/PiracyArmedRobbery/Guidance/Documents/MSC.1-Circ.1408-Rev1.pdf

Sanremo Handbook on Rules of Engagement

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www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Ebook0.pdf

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www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

Other publications in this series are available online:
www.unodc.org/unodc/en/piracy/manual-and-annexes.html



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www.unodc.org/unodc/en/piracy/index.html