

Books and reviews

Cees de Rover, *To serve and to protect: Human rights and humanitarian law for police and security forces*, International Committee of the Red Cross, Geneva, 1998, 455 pages

The manual *To serve and to protect: Human rights and humanitarian law for police and security forces*, by Cees de Rover, Coordinator for Police and Security Forces at the ICRC, represents a significant and welcome departure from the ICRC's traditional view of its role in disseminating the law of war and of the target groups it addresses. The manual also reflects the ICRC's pragmatism in acknowledging the changing nature of conflicts and the increasingly significant part police and security forces play in maintaining peace and order in society. This is especially true in the current environment marked by the emergence of a wide variety of situations of internal violence which cause misery and suffering even greater than that generated by international or non-international armed conflicts. In the preface to the manual ICRC President Cornelio Sommaruga rightly states: "The ICRC has recognized that in order to ensure adequate protection and assistance to victims of situations of armed violence, it is important — indeed essential — to focus attention on members of police and security forces". The book seeks to further this objective. Cees de Rover, with his background in training and as a field police officer, brings his vast international experience and legal knowledge to this comprehensive and well-structured document. In sponsoring and publishing it, the ICRC has rendered a great service to police and security forces.

The manual comprises six main sections divided into a total of 16 chapters. Each section deals with separate but closely related subjects centred around the core issues of international law in general, human rights law and international humanitarian law, such as law enforcement powers and responsibilities, identification of specific duties and obligations, and patterns of liability.

The section entitled "Legal framework" contains background information which is especially valuable for police trainers and senior officers.

Issues pertaining to custom and treaties, national and international criminal jurisdiction, matters of State and diplomatic immunity, etc., are put in proper perspective. The chapters on human rights law and international humanitarian law and their interrelationship are well presented. The part devoted to “Enforcement mechanisms and machinery” is especially informative and offers answers to the probing and at times irreverent questions that users of the manual are likely to encounter.

In the section entitled “Basic premises of law enforcement” the author states: “Law enforcement officials must not only know the powers and authorities given to them by law — they must also understand their potentially harmful (and potentially corrupting) effects”, and “Law enforcement is not a profession that consists of applying standard solutions for standard problems (...). It is rather the art of understanding both the letter and the spirit of the law, as well as the unique circumstances of a particular problem in hand”. He advises all law enforcement officials to ask themselves three questions before exercising their authority or power: (1) Is the action they propose to take legal? (2) Is it strictly necessary? and (3) Is it in proportion to the seriousness of the situation? The police should hone their professional skills, temper them with moral and ethical codes of conduct based on the rule of law, and serve society with tools acceptable to the community. The author repeatedly emphasizes that in pursuing an objective one ought not to forget to apply “means and methods” conforming to professional ethics.

Maintaining public order, the author insists, is not merely a matter of regulating assemblies, processions and demonstrations. Correct handling of such situations may be of critical importance when they rapidly change from peaceful to violent. History is full of examples where the mishandling of a single incident resulted in the eruption of a violent movement. The risks of abuse of power by law enforcement officials and/or armed forces tempted to use “disappearances” or extrajudicial killings to prove their effectiveness are appropriately highlighted. The author also points out that the enactment of repressive laws or the proclamation of a state of emergency in order to cope with a developing situation is no justification or excuse for the waiving or wanton violation of human rights. This chapter is relevant not only for law enforcement officials but also for lawmakers and national security strategists.

Chapters 8, 9 and 10 — entitled “Arrest”, “Detention” and “Use of force and firearms” respectively — deal expertly with the relevant concepts, principles and safeguards. Very well documented, these guidelines, supplemented by national laws and regulations, could become standard

operating procedure for police officers of any country. The material on detention is well presented and most useful for all law enforcement officials engaged in the administration of criminal justice.

Juvenile delinquency is a serious social problem and as such should be handled by police in a sensitive and compassionate manner. Issues relating to other vulnerable groups, like victims of crime or abuse of power, particularly women, are also treated with sensitivity. Current political upheavals and ethnic, social and economic crises have aggravated the plight of internally displaced persons, refugees and economic migrants, and this in turn has implications for police forces. The author advises law enforcement officials to develop “an empathic capacity to understand the particular situation and circumstances of individual refugees” so as to ensure that protection, care and appropriate treatment do not remain empty words. He also highlights the very special role and mandate of the ICRC in helping refugees and internally displaced persons.

At the beginning of each chapter a list of key questions establish a framework for the issues to be discussed and explain their relevance to the subject. These questions enable the instructor to gauge the capacity of his audience and to set the level of instruction. Chapter highlights and study questions aimed at testing knowledge and understanding further enhance the quality of the manual. The study questions at the end of each chapter comprise a short section entitled “Application”, which in fact distils the essence of the topic covered. These small but useful tips, coupled with selected references and a detailed bibliography, make the manual an indispensable guide for instructors and a handy reference work for anyone wishing to learn more about how police and security forces function.

This book is more than a mere compilation of the rules of international humanitarian law and human rights law. As an instructor’s manual it is readable, comprehensive and immensely usable, and sets international standards for police work.

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