



## Reducing harm in military security operations

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*Responsibility for maintaining law and order generally falls to civil authorities such as the police and other law enforcement agencies that are equipped, organized, and trained for such operations. However, armed forces may be called upon to support civil authorities where the level of threat, the degree of violence, or the scale of the challenge exceeds the capabilities of traditional law enforcement agencies.*

*Because military forces are often not equipped, organized, or trained for such missions, there is a risk they could cause harm to citizens and unnecessary damage to possessions and property. In this episode of **Humanity in War**, podcast host Elizabeth Rushing speaks with ICRC Advisers Philippe Cholous and Stephen Kilpatrick, and special guest Colonel Susan Mwanga from the Ugandan People's Defense Forces, on how military personnel can reduce this risk, as outlined in the latest ICRC handbook.*

*Humanity in War - Episode 15: Reducing Harm in Military Security Operations*

**Let's begin with this handbook. Can you please explain to us what are the challenges that state armed forces face in conducting security operations and why this handbook is important both for them and to reduce the harm that apparently results?**

*Stephen:* Absolutely, Lizzie. And you said a lot of it there in the introduction because state armed forces normally prepare for conflict, combat and to operate under international humanitarian law (IHL). But very often we see them tasked to support police forces or to deploy on peacekeeping operations, where international human rights law is the prevailing law.

I speak from a bit of experience in that we used to deploy to Northern Ireland with the line that, "we've got this, this is fine", because we are prepared for combat, and we scale down for law enforcement operations. But the truth is that operating under human rights law is rather more complex. And certainly, intellectually for commanders and the soldiers, it's quite demanding. So, what we've tried to do is to bring everything into one publication, a handbook for commanders, and to highlight the difference in law, the difference in principles, and to give them some guidance as to how to operate in such a situation, and that's really the aim of this handbook. And I say that we want to reduce harm not only to the citizens but also to the military themselves – so that's the whole idea behind it.

**That's a great opportunity to transition to the "why" of this topic. Philippe, could you please, based on your experience, help our audience understand why the subject of this handbook is so important for humanitarian work? What is the legal framework, specifically international humanitarian law, governing the use of force and law enforcement operations that Stephen touched upon?**

*Philippe:* On the first aspect, as you may know, humanitarian workers are mostly operating in situations of conflict or violence. As far as the protection of the population is concerned, almost all concerns are relating to the international human rights law and technically to the domestic applicable law. Therefore, it's a real challenge for the armed forces to act lawfully as law enforcement officials.

On the legal framework side, there are indeed very few rules from IHL specifically dedicated to law enforcement operations. Moreover, the international human rights law and the domestic law always remain applicable in the first way in this specific field. Hence, the importance of an ICRC document to deal with this question is more than welcome.

**I'd like to bring us back now to Stephen and the ICRC's work in the field. When it comes to working with military personnel and reducing such harm, what has our involvement looked like?**

*Stephen:* It's been a concept for quite some time in that we have engaged with military forces over time. But I suppose it came to a head during the COVID time, really, and we decided to update our involvement and our contribution to military forces in such situations. And we provided a lot of presentations for folks, in all sorts of different languages in different parts of the world where military forces were being used more and more in support of law enforcement organizations.

I think we realized that there was a need for this. We produced a handbook on planning alone, but I think what this handbook does is it really focuses more on the actions of the soldiers, and I think that's really important. I would just like to stress again that it is not only while they are supporting law enforcement agencies, but actually in the aftermath of conflict, when there is a transition from one legal paradigm to another, then the troops arguably need some guidance as to how to make that transition, both in legal terms and in practical terms.

And, of course, on peacekeeping operations, where very often the prevailing law is human rights law, and very often my colleagues in the field are supporting national battalions deploying on peacekeeping operations. So, there's a lot of engagement, and I hope we'll have more with this handbook.

**Colonel Susan Mwanga, could you please give us an idea of how the guidance in this handbook can be applied to the work of military commanders on the ground, and it would be really great if you could highlight some of your own experience as well.**

*Susan:* Thank you so much for this invitation. I'm privileged to be here and to have been nominated as a participant in this recording. First, how this handbook can be of help would be to use it as a training guide. This cannot be overemphasized because that is the way we disseminate information, both to the commanders as well as the troops on the ground. And conducting training of trainers' course in training schools, as well as training the directors and instructors of these training schools because for instance as a legal training center we can't reach everyone, but if we bring a few directing staff from various colleges and training schools of the Uganda Peoples' Defence Forces to train them, then they'll be able to relay the information in regard to human rights as well as its enforcement.

Then, dissemination through different Uganda Peoples' Defence Forces platforms, for instance, one of them is in our units, we have meetings with our troops. Personally, I have about two to three meetings in a month. So, during these meetings, passing on this information is part and parcel of my meeting and agenda.

Also, having specific or specialized training geared towards commanders only. You bring in commanders and then train them on the enforcement of human rights or the “does” and “don’ts”. For instance, during these law enforcement activities, we are called upon to train them on what are the human rights requirements. For instance, the issue of torture, it’s not discussable, it’s not debatable, and our commanders know that. So, we train them on that as well.

Then, publications such as military commanders’ handbooks, and training the legal officers because they are in the units. They come to the legal training centers, and we train them on these requirements, and then when they’re with the commanders, because the commanders will consult them on what are the “don’ts” during peace enforcement as a military officer. Then once our legal officers are aware of the laws and the requirements, they will be able to relay and advise the commanders appropriately.

Basically, it’s all about training and ensuring that the relevant parties, starting from the commanders, the troops, as well as the advisers are aware of these requirements during law enforcement activities.

**Could you please also share any obstacles that we could envision and how international organizations such as the ICRC could help overcome those obstacles?**

*Susan:* One of the biggest obstacles I see in law enforcement as regards to the military is public perception. I was doing some research with a few civilian individuals and I asked some of the questions, like when there are riots and you see the military coming, how do you feel? They say they think the military uses excessive force, but I wouldn’t call it excessive force. It’s because at the time the military is brought in, it doesn’t come at the initial step when, for instance, riots are broken out. They always come out at a later stage to support the police and other civil agencies.

So, when they come in, they’re a bit tough. The military is not soft. They’re a bit tough, but I cannot say that they violate the law, no. They come when they plan the operation within the legal framework. People are used to the police because it’s within the community. But when the military comes in, of course, you see people running away; they feel like it’s excessive force. That’s the obstacle: perception, not acceptance. When the military comes in, we should assume that people should start moving away because they know that the situation has escalated beyond mere riots.

How would other organizations help in the intervention? One, is to continue support and cooperation because these are civilian organizations. I think they shouldn’t be biased against the military activities. Everything is done to stabilize the situation so that peace can prevail and the rule of law. I believe that the agencies should cooperate, continue to cooperate and support the defense forces in the enforcement of the law during these civil disturbances.

I was some time back in northern Uganda. This was a situation of war, a post-conflict situation. I would pick an example from there. When the situation was hot, we had riots for over a week. During that time, an organization like ICRC can be very active, even on the radio to sensitize the population why they should obey the law, so the ICRC can participate in media to sensitize the population on how they should behave.

Then I think some of these claims that the military is high-handed would go down because the civil population would know that we are supposed to do this, we should not do this. If we see the military coming in, that means we’ve behaved maybe beyond a certain level that the police cannot handle. So, we need to back down and possibly have different avenues to address our problems.

**Turning back now to Philippe and Steven. We’ve heard about the ICRC and external military involvement. At the end of the day, who needs to hear this message? And what would be the three top takeaways that you would like to share?**

*Stephen:* From my point of view, certainly military commanders are the real target audience, and those from battalion of commanders of about 500 to company of 100 and down to a platoon of about 30 troops, because they are the people who are effectively responsible for the actions of their troops.

And, of course, as you say, ICRC folk need to understand what the troops are taking on. I also hope it’s appropriate for law enforcement officers and police officers, because I think it’s written in a way that it’s straightforward, and it highlights the principles. I think it’s relevant for them.

The three top takeaways. Well, firstly, it’s different. The difference of operating from combat to law enforcement operations is so very different. And that’s the really important takeaway.

The second one is it’s complex, and in the sense that it’s scaling down from combat, therefore it’s more straightforward. That’s nonsense. It’s really difficult for commanders and it’s really difficult for soldiers under their command to understand the rules governing the use of force, the whole business of the escalation of force, the carriage of weapons, all this sort of thing. And that’s the second takeaway.

And the final one. I heard Susan talking about the value of training there. And I really emphasize the use of talking through different scenarios. I found this with my soldiers. They didn’t want to see what was written down. They want to talk about what it means on the ground when they’re confronted by a particular situation.

So, I would urge commanders to read what’s written there and then run scenarios that their soldiers are likely to encounter on the ground and then talk about the application of the principles.

*Philippe:* As far as I’m concerned, I think that this document is very useful both for police commanders and military ones, because when the military are involved in security operation, of course there is the topic is shared between these two kinds of forces. You have the question of the joint operations, the

handover of the joint intelligence, the limit of that, you know, and the collaborative work and the way the suspects are handing over from the military to the police. So, it's sort of a common business.

The three takeaways from each. First of all, to keep in mind that globally military are always more involved in law enforcement. It's a major trend which must be seriously considered.

The second one is that it's a real challenge for the military because they are fitted and trained for combat and they must stay like that, even while many are acting sometimes as law enforcement officials and being fully accountable for that, which is a great pressure on them.

And the last one, I think that the ICRC MiSO handbook is a great resource thanks to Stephen, and these are useful and pragmatic tools both for ICRC delegates and the armed and security forces that they are working with in very demanding contexts.

**Susan, do you have any other last points that you would like to share with our audience from your experience?**

*Susan:* I would like to thank the ICRC for continued support, relentless support to us, the legal training center as well as the UPDF. I request that they continue with that support. They should not reduce on it. So in your plans, know that you shouldn't really reduce that support, I'm telling you, because it's really, really key. We've been with the ICRC since the inception of the legal training center, and they've really been instrumental in disseminating some of this information.

For instance, when we started training with that element of direct participation in hostilities, it is the ICRC that came in, they even gave us some books. So, for me, I think ICRC participation and presence is very, very key. I was in Somalia in 2013-14, in a place called Jowhar towards the northeast of Somalia, and an internal conflict broke out. Already there is that, but then there was also another smaller one between tribes and the police. And so, at the end of that day, there was our camp, UPDF camp, was swamped by over 2,000 internally displaced persons (IDPs) who had nothing. We had even pregnant mothers, and our troops had to help deliver them. But the first group of support that came was the ICRC. Already it was them helping to supply food, and providing medical attention. So, ICRC is really, really key in all situations of conflict, whether armed or civil disturbances.

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