

Forum: United Nations Peacebuilding Committee (UNPBC)

Issue #2: Addressing the issue of arbitrary arrests and unlawful use of violence during political protests

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Guiding Questions as you Read

What difficulties has your nation faced regarding unlawful use of violence?

What different methods of conflict resolution would your nation implement in order to solve this issue?

How would your nation and your nation's arbitrary system react to the actions of the different protests arising throughout the world?

Introduction

Key Terms

Police Brutality
Arbitrary Arrest
Legality
Forced Dispersal

According to the Organization of American States (OAS) the use of violence in a protest is viewed as a last resort that must satisfy the principles of legality, absolute necessity, and proportionality. Although it is recommended by a worldwide organization, violence in protests usually rises given the circumstances with the police and protesters. As an example, Mansoor alleges at the Time newspaper that 93% of the Black Lives Matter protests were peaceful in terms of the protesters. The reaction of the police though, was never shed under a favorable light given reported arbitrary arrests and unlawful use of violence. Many countries are quick to resort to the police and stronger forces in order to calm or shut down protests that regard political or systemic questioning as exemplified previously with the Black Lives Matter Protests.

The term police brutality and unlawful protest violence from mediating parties has gone relatively viral since the occurred injustice with innocent black citizens around the globe. As the UN Human Rights Council, European Convention on Human Rights and domestic laws around several countries consider that the unauthorized or unanticipated protests aren't to be considered unlawful. These systems recognise that restrictions may be imposed on the time, place and manner of a protest. However, the HRC holds that no person can be arrested for failing to notify or secure authorisation without showing how they also disrupted public order. Nevertheless, some countries failing to meet notification requirements have been criminalised organisers for public disorder. Finally, knowingly failing to comply with any conditions imposed on the assembly by the police has also been criminalised for both participants and organisers, although exceptions apply.

Comprehension Question(s): How does conflict within two groups end up in a violent demeanor? How could politics intervene and divide countries in such threatening way?

Definition of Key Terms

Police Brutality - The excessive and unwarranted use of force by law enforcement. It refers to human rights violations by the police. This may include beatings, racial abuse, unlawful killings, or torture. In this context it is seen whenever the use of these tactics are done during political demonstrations

Arbitrary Arrest - The arrest or detention of an individual in a case in which there is no likelihood or evidence that they committed a crime or did an unlawful action. Meaning the imprisonment of someone when there is no evidence for their detention. It is used in many cases during protests or demonstrations as a way to silence voices and exert force.

Legality - The quality or state of being in accordance to the law

Forced Dispersal - Practice of spreading out armed officials or soldiers and vehicles

Imprisonment - The state of physically incarcerated or confined in a prison

Unlawful - Not according or acceptable to the law.

Human Rights - Universal rights that are inherent to us all. Meaning rights that are given to every human regardless of specific characteristics. These rights are meant to be protected by the law, however in this case we can see that they're being abused by law officials

Current Situation



Due to the current uprising in political protests over the last decade, the instance of arbitrary detention and police violence has increased exponentially. Political protests are done by citizens to attract media attention, raise public concern, and hopefully cause legislative and political changes to harmful practices and systems. This however, increases the amount of law enforcement patrol, which can often turn violent rapidly. Violence on behalf of

law enforcement not only violates human rights to freedom, security, freedom from arbitrary detention and freedom of expression and peaceful assembly. This issue has now grown to a huge scale. For example, since public demonstrations started in Iraq in October of 2019, the OHCHR documented the deaths of 487 protesters and injuries of 7,715 protesters at several protest sites.

Arbitrary Arrests

As stated before, arbitrary arrests occur when an individual is detained by the government without legitimate reasons, or without the protections of a free trial. In many cases, arbitrary arrests occur during political demonstrations as a way to silence activist voices, control large groups and put an unlawful stop to protests. In Syria, there were at least 4,671 arbitrary arrest cases documented in the year 2019

Black Lives Matter

One of the main controversies involving political protests are the Black Lives Matter protests which had an exponential increase following the murder of George Floyd. These protests resulted in many injuries, deaths and arbitrary arrests. There have been at least 19 people killed during the Black Lives Matter protests. There has been an excessive use of force on behalf of the police during the protests in which between May and June of 2020, six incidents of baton usage, 13 incidents of rubber bullets, and huge amounts of unnecessary use of tear gas and pepper spray upon peaceful protesters.

Rights of the police

One of the main controversies that arises from this issue is whether these actions from the police can be considered legitimate methods of conflict resolution in order to stop violence. In most cases however, protests begin peacefully, and only through the interaction of law enforcement with the population do things escalate and become violent. When protests are peaceful, violence and force becomes unnecessary and harmful to citizens.

Comprehension Question(s): How are arbitrary arrests a violation of human rights? How is law enforcement expected to act during public demonstrations?



Major Parties Involved and Their Views

United States

The United States has been historically characterized with this issue. The country is in fact divided between supporting the movement due to the political involvement. The then republican president Donald Trump alleged he did not support the movement, the democrat party in the US which is now in office does in fact support it and other movements such as the LGBTQ+. Back in the 60's, when the civil rights movement arose, the only strategy to cease racial injustice whilst still not dividing the country were peaceful protests. In the late 60's, the black community saw fellow black citizens being brutalized on television, helping the initiation of a more militant way of the civil-rights movement, endorsing violence in self-defense. In 2020, the first day of the Minneapolis protests, graphic images went viral, causing a violent reaction from the protesters. Stores were going up in flames, and the focus in reporting tends to shift from a justice frame to a crime frame, this is quite unfortunate for any protest seen as it undermines the real purpose of them.

Colombia

For the past 2 or 3 years, countries around the world, especially Latin America have begun to protest about decisions the governments have taken. Ecuador held quite a significant one back in 2019 and another one in Chile through 2019 and 2020. In May of 2021 protests in the cities of Colombia arose due to the higher taxes to uplift the damaged economy caused by the COVID-19 pandemic, induced by the president, Iván Duque Márquez. Protesters demanded the elimination of the tax proposal, which the president granted. But over time petitions have grown to include the increase of the minimum wage, which is believed to not do enough to fix systemic problems Colombia faces. This follows a heavy civil conflict in which political parties used the police against each other. Protesters remark on the use of violence; stating the police opened fire on peaceful protesters who had come out to memorialize others killed in the protests. This act has been noted by NGOs, the UN, particularly the HRC. There even exist accusations of police officers of killing civilians, excessive use of force, and the use of firearms, including similar past events.

Venezuela

Neighboring Colombia, Venezuela has experienced several protests in the past years due to the government's corruption. Since the creation of the unit Special Actions Force of Venezuela (FAES) as a branch of the Bolivarian National Police in 2017, police with the unit have reportedly engaged in serious human rights violations. Its abusive policing practices in low-income communities are consistent due to discontent with the present government. A report from the Office of the United Nations High Commissioner for Human Rights on Venezuela has led to a number of debates about the state of civil and political rights. According to the paper, 5287 deaths are caused by the state security forces per year; making up around one third of the reported homicides in Venezuela every year. That same year, Venezuelan authorities reacted to massive protests in support of Juan Guaidó, a politician running for president challenging Nicolás Maduro. With violence and widespread detentions and targeted violence against journalists covering articles on the protests, many accusations follow in that fashion.

Russia

The question of the communist government of Russia is a long narrative, especially

regarding the use of police when public disagreements between Russian citizens and the government occur. The questioning of corruption from the Russian government has led to an opposing leader, Alexei Navalny has become a great part of the media. In 2017, the BBC reported he was arrested at an anti-corruption protest he organised in Moscow. This 2021, occasional peaceful pro-Navalny protests from the citizens broke out and caused around 5000 arrests nationwide. Researchers in the area informed about the numerous incidents of police brutality caught on cameras. The police arrested and attacked the homes of Navalny's associates, in a clear effort to stop the protesting whilst promoting intimidation. The government's aim has been to maintain the ongoing situation secret or disregarded but multiple mainstream news outlets have consistently kept informing the citizens across Russia and the world.

Saudi Arabia

In the past years, Saudi Arabia's citizens have shown efforts to increase Women's rights, despite the heavily religious orientation Saudi Arabia has. Additionally, the dispute between the Sunni's and the Shias muslims takes place in Saudi Arabia since the Shias claim to lack representation. Another reason for protest in the territory are Egyptians who reportedly become victims of police brutality. Although there's no undeniable proof, citizens and the media report repression of the rights to freedom of expression, association and assembly intensified, harassment, arbitrary detentions, prosecuted and jailed government critics. Uprisings widely known by the media started in 2011, when women, Egyptians and Shias started protesting for their own cause as they represent minorities in the country. Peaceful demonstrations and any form of protest remained prohibited until an order issued by the Ministry of Interior of that year lawfully allowed them.

UN Involvement

The United Nations Human Rights Office of the High Commissioner created an organization called the Working Group on Arbitrary Detention. This a group of five independent human rights experts. They investigate individual cases related to arbitrary detention in order to produce reports and opinions. They receive and verify many sources of information related to cases of arbitrary detention in order to investigate

cases and dictate whether detention was done arbitrarily or otherwise. This group meets three times a year in Geneva. The members composing the group switch out regularly. The purpose of their meetings is to present mandates to the Human Rights Council.

As for police violence during protests, several UN experts have condemned the actions on behalf of the police including the excessive use of force during peaceful protests. UN experts have also called for the overhaul of the police. This basically means that they believe the police and law enforcement system should be taken apart and rebuilt to ensure the protection of human beings instead of putting them at risk, especially those belonging to minority groups. The UN has already passed several resolutions concerning racial violence specifically and violence during peaceful demonstrations, showing how the UN has been actively involved in the seek for justice.



Timeline of Events

Date	Description of event	Effects:
1872	USA first reported beating by police of a civilian	The Chicago Tribune reported the beating of a civilian who was under arrest at the Harrison Street Police Station.
1913	Women's Suffrage Parade	One of the greatest protests in

		Washington, granting women's rights to vote and promoting equality between genders and also peace.
June, 1945	The United Nations Charter on Human Rights	In accordance with the International Court of Justice, the Charter on Human Rights regards the standards any person in the world deserves. Some of the clauses promote economic, social, health, and related problem solutions.
1963	The March on Washington for Jobs and Freedom	This protest was the next great one. It also happened in the US that spread globally to prevent racism, specifically in the job industry. Martin Luther King and many more black figures of freedom
March, 1976	International Covenant on Civil and Political Rights	The product of the 21st general assembly, the agreement goes in accordance with the original charter and clearly states that "No one shall be arbitrarily deprived of his life" reinforcing the prohibition of arbitrary arrest internationally.
1991	Working Group on Arbitrary Detention	In hopes to follow the report of the Sub-Commission, the Commission on Human Rights, in its resolution of 1991 set up the Working Group on Arbitrary Detention.

2004	International Human Rights Standards for Law Enforcement	A document outlined by the UN to promote the responsible behavior of police during times of social hardships or uprisings.
2014	Umbrella Hong Kong Protests	A peaceful demonstration in which the protesters used umbrellas as a tool for passive resistance to the police's use of pepper spray to disperse the crowd and to demand more transparent elections.
May, 2020	George Floyd's death and protests	George Floyd, an American black man, died after a police officer in Minneapolis, Minnesota kept his knee on his neck for about nine minutes.

Past International Action

United Nations Human Rights Council International Covenant on Civil and Political Rights

The covenant or agreement was signed in 1976, 10 years later after its proposal. The ideals it follows accord with the initial UN charter of Human Rights as previously mentioned. The articles include several social protections, especially to minorities, among those are, slavery, genocide, arbitrary torture or arrest, and limited suffrage culmination. The document presented at its time a leap forward in what the social injustices for freedom of speech regarded, and although there is evidence that countries struggle to apply it, it is essential to mention the UN has put its efforts in resolving this ongoing issue.

United Nations General Assembly in December 1988 of the Body of Principles for the

Protection of All Persons under Any Form of Detention or Imprisonment

The United Nations in the 43rd General Assembly, accordingly followed and discussed the question of arbitrary arrests and police brutality in protests in efforts to increase other movements and agreements momentum. These principles apply for the protection of all persons under any possible form of detention or imprisonment. Amongst the main principles is the prohibition by law of any act contrary to the rights proposed. That being remarked, a person shall not be detained without being given an effective opportunity to be heard promptly by a judicial or other authority. Another principle suggests that the fairly arrested individual should be able to notify a family member or any person of the future prisoner's will that the person is being detained. By working through the principles and rightfully following them protests and demonstrations throughout countries would enhance positive messages and non-violent actions by any party involved.

Possible Solutions

There have been many solutions proposed overtime in order to combat this issue. One of the solutions that have been proposed is the increase of education and training for police officers. This would require funding and resources, however it could provide for a greater amount of knowledge and skill for police officers to use while in the field. In this case, officers would be better equipped to deal with situations. Although this may be true, it is seen through this issue that violence on behalf of law enforcement is done due to racial intent, or in a blatant unnecessary way. This means that the re-education of police officers may not be the most effective way to approach the problem, however it is one commonly suggested solution

Another solution that has been proposed by the public is the reform/defunding of the police. What this basically entails is the breaking down of the current system that we as a collective use as law enforcement, and either reforming the system, or utilizing the money for facilities that offer protection and support for minority groups. This is proposed due to the fact that the current system being utilized is not one that is protecting citizens, especially citizens of color or of minority groups. Although this is an idea that is

mainly spoken about in the US, it is something that could be applied elsewhere



Sustainable Development Goal (SDG)

This issue connects to the Sustainable Development Goal of Reduced Inequalities. Although there could be many takes on the topic as in racial or sex inequality. The issue presented calls upon nations to prevent the abuse of authority to silence former citizen complaints generating unbalanced communities. By the resolution of this issue, a great step to reaching the goal will be taken, as exemplary and equal police-protester relations have been threatened in past demonstrations. Additionally, arbitrary arrests during protests have been clear evidence there needs to be light brought into this SDG. Achieving this Sustainable Development Goal would be a leap forward the United Nations' vision by 2030.

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Useful Links for Research

- I. CIA World Factbook
<https://www.cia.gov/the-world-factbook/>
 - A. This website has a lot of information on different countries all around the world. It is a great starting point to start getting familiar with your country. Every delegate should start their research process here.
- II. United Nations Human Rights Office of the High Commissioner
<https://www.ohchr.org/EN/pages/home.aspx>
 - A. This UN resource will give you an insight on the UN involvement of several human rights issues.
- III. Amnesty International
<https://www.amnestyusa.org/issues/deadly-force-police-accountability-police-violence/>
 - A. Amnesty International is a widely recognized NGO who works on spreading news coverage on many issues around the world. They advocate for action and promote collaboration to solve social issues. The link provided takes you directly to a page on police violence, however searching for more information from the general Amnesty International site is also recommended.
- IV. Working Group on Arbitrary Detention
<https://www.ohchr.org/en/issues/detention/pages/wgadindex.aspx>
 - A. As mentioned before, this is a group of independent experts who work within the UN to investigate and write reports on cases of arbitrary

detention. This will give you a background on some UN involvement and will also give you some insight into some of the work they have done in the past.