

Cour Pénale Internationale

International Criminal Court

Administrative Instruction
ICC/AI/2004/003

Date: 20 April 2004

THE USE OF PHYSICAL FORCE AND OF FIREARMS BY ICC SECURITY OFFICERS

Section 1

Purpose of this Administrative Instruction

- 1.1 The Registrar promulgates this Administrative Instruction in order to provide ICC Security Officers (Security Officers) assigned to the premises of the Court in the host State or other premises of the Court, wherever situated, or engaged in any other official function arising out of the work of the Court, including the protection of personnel, with restrictions and guidelines regarding the use of physical force, the use of Deadly Physical Force and the use of a firearm.
- 1.2 The Registrar shall be consulted in case of any doubt concerning the application of any national or local laws in connection with this administrative instruction.

Section 2

Definitions in this Administrative Instruction

- 2.1 "Deadly Physical Force" means physical force which, under the circumstances in which it is used, is readily capable of causing death.
- 2.2 "Firearm" means a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and includes any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon.
- 2.3 "Security Officer" means a member of the staff of the Registry of the ICC under the direct control and supervision of the Chief of the Security and Safety Section whose

professional duties include the physical protection of the ICC, its staff, property and buildings and who has undertaken the Court's security induction and firearms training to the satisfaction of the Chief of the Security Section.

Section 3

General Statement of Policy

- 3.1 The ICC recognizes and respects the dignity and physical integrity of every individual. In particular, the ICC is aware that the use of physical force (including, but not limited to, Deadly Physical Force) by any staff member against another person may constitute a crime and/ or may otherwise give rise to liability for injuries caused thereby, unless such use of physical force (including, but not limited to, Deadly Physical Force) is governed by the rule and principles of law.
- 3.2 In assigning Security Officers to duties in which they could be called upon to apply physical force (including, but not limited to, Deadly Physical Force) in circumstances where they would be justified in doing so, the ICC recognizes that the duties of Security Officers to protect life and secure property must be weighed against all human interests involved.

Section 4

Guidelines and restrictions on the use of physical force and Deadly Physical Force

- 4.1 All Security Officers are bound by the guidelines and restrictions set out in this section regarding the use of physical force, the use of Deadly Physical Force and the use of firearms.
- 4.2 All Security Officers shall give due consideration to national or local laws and customs applicable to their duties and shall abide by all ICC Regulations and Rules, while exercising their duties on the premises of the Court.
- 4.3 All Security Officers shall additionally abide by national and local laws, while exercising their duties other than on the Court's premises.
- 4.4 Unless otherwise provided, this Administrative Instruction prescribes that:
 - (a) A Security Officer may use physical force only in circumstances where such use of physical force is justified and only if the actual amount of physical force used is proportionate and consistent with the lawful accomplishment of the objective for which such physical force is being used; and

- (b) A Security Officer may use Deadly Physical Force only to defend himself/herself or a person with whose care the Security Officer has been officially entrusted, or another person, from what the Security Officer reasonably believes to be the use or imminent use of Deadly Physical Force against the Security Officer, or against the person whom the Security Officer is defending.

4.5 In determining whether or not the use of physical force, but not Deadly Physical Force, is justified, Security Officers shall be guided by the following principles:

- (a) A Security Officer may use that amount of physical force which is reasonably necessary to protect a person whom the Security Officer is under a duty to protect, from inflicting injury to himself or herself or to prevent injury to such person from objects or from the imminent or actual use of physical force against such person by another.
- (b) A Security Officer may use that amount of physical force which is reasonably necessary to maintain order within the ICC premises and offices and any other offices of the Court wherever situated, when there is a threat to the general order due to an actual or imminent fire, explosion, flood, storm, or other situation of threats, or because of any act or omission of any person which the Security Officer reasonably believes to threaten the general order.
- (c) A Security Officer may use physical force if the Security Officer reasonably believes such force is necessary to arrest or prevent the escape of a person whom he or she knows, or reasonably believes, to have committed a criminal offence. The Security Officer must be absolutely certain, before making an arrest, that the person to be arrested is the person suspected of having committed a crime.

4.6 In determining whether or not the use of Deadly Physical Force is justified, all Security Officers shall be guided by the following principles:

- (a) A Security Officer may use Deadly Physical Force to defend himself or herself if the Security Officer reasonably believes that the use of physical force is inevitable to protect himself or herself or another from the unlawful use or imminent use of Deadly Physical Force against him or the person he is in charge to protect, under the circumstances, where the Security Officer cannot retreat with complete safety to himself/herself or any other person the Security Officer reasonably believes to be under life-threatening danger.
- (b) A Security Officer, while acting under the express direction of a person duly ordained in accordance with applicable national or local law as a police or peace officer, may use that amount of physical force, but not Deadly Physical Force (unless it would otherwise be justified), as the Security Officer reasonably believes is necessary to make an arrest or to prevent an escape.

Section 5

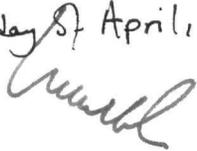
Specific provisions on the use of firearms

- 5.1 Recognizing that a firearm is a deadly weapon and that its use, whether or not it is discharged, may be considered the use of Deadly Physical Force, a Security Officer, in addition to complying with the above-mentioned guidelines and restrictions concerning the use of physical force and the use of Deadly Physical Force, shall be guided by the following prescriptions:
- (a) A firearm shall be viewed by a Security Officer only as a defensive weapon.
 - (b) Reasonable alternatives to the use of a firearm shall be utilized by a Security Officer before resorting to the use of his or her firearm.
 - (c) If a Security Officer is not in uniform, he or she shall where feasible identify himself or herself as a Security Officer prior to discharging his or her weapon.
 - (d) A firearm shall not be discharged at a threatening animal unless no other reasonable means exists for bringing the animal under control and the animal poses an imminent risk to the safety of the Security Officer or another.
 - (e) A Security Officer shall not discharge a firearm as a warning.
 - (f) A Security Officer shall not discharge a firearm as a signal to summon assistance unless the safety of the officer or another is immediately threatened and no other reasonable alternative is available.
 - (g) A Security Officer shall not carry a firearm unless the Security Officer has received training for that firearm in accordance with applicable policies of the ICC, and the Security Officer is authorized to carry the firearm (and the ammunition used therein) by the Registrar.
 - (h) A Security Officer shall only carry a firearm as and where authorized by the Registrar.
- 5.2 The list of Security Officers entitled to a firearm is determined by the Registrar upon the recommendation of the Chief of the Safety and Security Section.

Section 6

Final Provisions

- 6.1 The Chief of the Safety and Security Section shall be responsible for the day to day administration of this Administrative Instruction, under the supervision and delegated authority of the Registrar.
- 6.2 The present instruction shall enter into force on *the twentieth day of April, 2004.*


Bruno Cathala
Registrar