



**Code on the Use of Force and Firearms by  
Members of the Palestinian Security Forces**

**Resolution Number (211)**  
**On the Issue of the Code on the Use of Force and Firearms by Members of the Palestinian Security Forces**

Having reviewed the amended Palestinian Basic Law of 2003 as amended, the Criminal Procedure Code No. 3 of 2001, the Jordanian Penal Code No. 16 of 1960, the sets of Revolutionary Criminal Legislations for the PLO of 1979, the Law on the Correction and Rehabilitation Centers No. 6 of 1998 as amended, the Law of Service in the Palestinian Security Forces No. 8 of 2005 as amended.

Having reviewed the regional and international conventions which protect human rights and particularly: The United Nations Code of Conduct for Law Enforcement Officers, the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officers and the Code of Conduct for European Police.

And by virtue of the authority vested in us by law and for public necessities, hereby decide as follows:

**Article (1)**

The security forces officers, warrant officers and members shall enforce the provisions of the instructions embodied in the Code of Conduct on the Use of Force and Firearms attached to this resolution.

**Article (2)**

Without prejudice to the provisions of these instructions, the commanders of the security forces shall issue their internal instructions for the purposes of enforcing the provisions of the Code of Conduct on the Use of Force and Firearms attached to this resolution.

**Article (3)**

All relevant authorities each within its scope of responsibility shall implement the provisions of this resolution which shall become effective from the date on which it is issued.

**Issued in the City of Ramallah in December/2011**

**Minister of the Interior**  
**Dr. Said Abu-Ali**

## **Chapter 1**

### **General Provisions and Principles**

#### **Article (1)**

##### **Entry into Force**

This Code shall be called “The Code of Conduct on the Use of Force and Firearms by Member of the Palestinian Security Forces”. It shall become effective from the date on which it is issued by resolution of the Minister of Interior.

#### **Article (2)**

##### **Definitions**

For the purposes of implementing these instructions, the following terms and phrases shall have the meanings designated to them below unless the presumption shows otherwise:

1. **Security Forces:** Palestinian Security Forces.
2. **Officer:** Every officer, warrant officer or member of any security force.
3. **Firearm:** Every firearm outlined in the lists attached to the Law on Firearms and Ammunitions No. (2) - 1998.
4. **People of special needs:** Handicapped persons who are subject to the provisions of Law on the Rights of the Handicapped No. (4) – 1999.
5. **The child:** Every person who did not attain 18 years.
6. **The Code:** The Code of Conduct on the Use of Force and Firearms by the Member of the Palestinian Security Forces.
7. **Illegal Gatherings:** Are the gatherings that are against the restrictions provided for in the Law on Public Gatherings, the by-laws, the decisions needed to implement its provisions and any other pertinent laws.

#### **Article (3)**

##### **Objectives**

1. Protect the civil rights and freedoms of the Palestinian citizen in compliance with the provisions of regional and international conventions and national legislation.
2. Ensure compliance with the principles of necessity and proportionality when using force and firearms.
3. Determine the necessary legal framework for accountability since it provides for a clear dividing line between legal and illegal conduct which would contribute to maintaining the good elements within the security establishment and the dismissal of whoever harms its reputation or prejudices its regulations and instructions.
4. Enable members of the security forces to review their mandates, the procedures which shall be adopted and determine the prohibited actions during the course of their duty.
5. Reconcile the requirements of maintaining security and public order with those for the general safety of the Palestinian citizen through the prohibition of the arbitrary use of force or firearms by members of the security forces during the performance of their duties.
6. Strengthen public trust and confidence on the basis of high professionalism, faithfulness, loyalty, impartiality and fairness in the enforcement of the law.

#### **Article (4)**

The use of force by all officers is an exceptional measure in all circumstances. Officers shall always use non-violent methods as a basic option when dealing with the public. Force may not be used except in the circumstances deemed necessary to achieve the legitimate objective. Under no circumstances shall force be used arbitrarily.

Force used shall be proportional and necessary and only to the extent required to achieve the legitimate objective taking into consideration the application of the use of force continuum.

#### **Article (5)**

During the performance of their duties, officers shall protect human life and shall preserve basic human rights and freedoms. In the process of achieving criminal justice, they shall be specifically guided by the principles of integrity, non-discrimination and equality among all citizens.

#### **Article (6)**

##### **Non-Violent Methods**

Non-violent methods are those which do not involve any physical force or special equipment such as giving verbal instruction to the targeted person, giving a warning that force will be used, or deployment of a visible physical presence of officers in official uniform.

#### **Article (7)**

##### **Less Lethal Force**

Less lethal force is the use of a certain level of force by an officer against a targeted person to deter him from the commission of an act or to induce him to abide by instructions given to him. In determining the level of less lethal force it is expected that its use would not endanger the life of an ordinary person who is in good health or causing grievous injury to him. The levels of the use of less lethal force shall be determined as follows:

1. **Empty hand control:** The officer's physical skills to control the targeted person without the use of special equipment or weapons as follows:
  - a) Soft empty hand techniques: The use of the hand to guide, hold, restrain, applying pressure and taking the person down.
  - b) Hard empty hand techniques: Use of kicks, punches or other striking techniques which have a moderate chance of causing injury.
2. **Special equipment:** Equipment provided to the security forces aimed at controlling the targeted person such as: pepper spray, tear gas, batons, TASER, police dogs, water hoses and rubber bullets.

#### **Article (8)**

##### **Use of Force Continuum**

1. Officers shall, whenever possible, use non-violent methods while performing their duties as a first step before resorting to the less lethal force, unless such methods are ineffective or are not expected to achieve the legitimate objectives.

2. When resorting to less lethal force, the officer shall resort to the control measures by using the soft or hard empty hand control methods before resorting to the equipment referred to in article 7 (2) of this Code, unless such methods are ineffective or are not expected to achieve the legitimate objectives.

3. Firearms shall only be used – as a last resort – in cases of extreme necessity to protect human lives but after exhausting all non-violent methods and less lethal force unless such methods are ineffective or are not expected to achieve the legitimate objectives.

4. Before using force or firearms and when identifying the type of force to be used, the officer shall take into consideration all the circumstances related to the incident, the type of crime he is dealing with, the degree of danger to innocent persons who are present on the scene and the mental and psychological state of the person against whom force or firearms are to be used.

### **Article (9)**

#### **Rehabilitation and Training**

Direct commanders and commands of the various security forces shall ensure that members of the security forces under their command who are designated to carry firearms are physically and psychologically qualified to carry firearms through the provision of the necessary rehabilitation and training needed for that purpose.

### **Article (10)**

#### **Availability of Suitable Equipment and Tools**

1. The competent authorities of the security forces shall whenever possible ensure the availability of a suitable variety of special equipment, firearms and ammunition for the differentiated use of less lethal force and firearms, taking into consideration the necessity of providing suitable training.

2. In fulfillment of the same objective, officers shall be given the chance to have self-defense equipment such as: shields, helmets, bullet proof vests and safe means of transportation to reduce the need to resort to arms of whatever sort.

## **Chapter 2**

### **Legitimate Objectives for the Use of Force and Firearms**

#### **Article (11)**

##### **Legitimate Objectives for the Use of Force**

Officers may use less lethal force to the extent necessary to perform their duties if non-violent methods are not expected to achieve the legitimate objectives. In such cases, force shall be used in the following circumstances:

1. When the officer faces force or the threat of illegitimate force during the performance of his duties.
2. When a detained or imprisoned person attempts to escape from the place of detention.
3. To prevent the commission of an act punishable by law; or an act which threatens life, health, valuable property or has a big impact on the environment.

4. When indispensable measures or actions are taken to preserve security and public order which cannot be preserved otherwise.
5. To stop a vehicle when its driver fails to obey the instructions of the officer to stop.

#### **Article (12)**

##### **Legitimate Objectives for the Use of Firearms**

Officers shall be prohibited from using firearms except when non-violent methods and less lethal are ineffective or are not expected to achieve the legitimate objectives. The use of firearms shall be limited to the following circumstances:

1. In legitimate self-defense or in defense of others against immediate threat of death or serious injury.
2. To prevent the perpetration of a very serious crime involving grave threat to life.
3. To free hostages in compliance with the provisions of the relevant operating procedures pertaining to “the intervention teams/or Special Forces”;
4. To arrest a person resisting the officer or to prevent his escape if this poses an imminent threat of death or serious injury to the officer or to others.
5. To stop a vehicle and cause damage to it if it is clear that the driver did not obey the instructions of the officer to stop the vehicle which constitutes an imminent danger to the lives of others or there are strong suspicions that the driver has committed or has attempted to commit very serious crimes.
6. To stop or obstruct animals posing danger to life and health of a person.
7. The circumstances for the use of firearms outlined in chapter 7 of Law No. 6 of 1998 pertaining the Correction and Rehabilitation Centers as amended.

#### **Chapter 3**

##### **Pertinent Procedures on the Use of Force and Firearms**

#### **Article (13)**

**In the circumstances when it is imperative for the officer to use force or firearms, he shall comply with the following procedures:**

1. Identify himself clearly and unambiguously.
2. Give a firm warning in a clear voice of his intention to use force or firearms against the targeted person if he fails to comply with the instructions given to him. The officer shall specify the means intended to be used against the targeted person and shall give him a timeline which allows him to refrain from the criminal act and comply with the instructions given to him.
3. If the above procedures are of no avail, warning shots may be fired at a safe target while safeguarding that no person is injured.
4. In all circumstances, it shall be taken into consideration the mitigation of damage whenever possible and the respect of human life.
5. The officer shall seek the prior approval of his superior officer or the pertinent operations command of the relevant security agency to which he belongs, of the need to use firearms if the circumstances of the incident so permit.

#### **Article (14)**

##### **Exception from the Procedure on the Use of Force and Firearms**

The officer shall refrain from using all or part of the procedures on the use of force and firearms referred to in the previous article if its enforcement would unduly place him or others at risk of death or serious injury or would clearly be inappropriate or pointless in view of the circumstances of the incident.

#### **Article (15)**

##### **Prohibition on the Use of Force or Firearms**

It shall be prohibited to use force or firearms against persons with signs of special needs, children, elderly persons or women showing signs of pregnancy except in cases when responding to their aggression, if any one of them is armed or constitutes danger to the life or health of others.

#### **Article (16)**

##### **Provision of Medical Assistance**

The appropriate authorities of the security agencies shall provide medical aid to the injured person at the earliest possible time, transferring him to hospital if possible, or shall move him to a safe place if the surrounding environment of the place where the incident took place was not safe.

#### **Article (17)**

##### **Notifying the Family of the Injured Person**

The appropriate authorities of the security agencies shall notify the family, relatives or close friends of the injured person at the earliest possible opportunity of the incident and its place.

#### **Article (18)**

##### **Reporting Duty**

1. The officer in charge at the place where firearms or force was used shall promptly notify the Operations Administration of the relevant security agency he is affiliated to and his superior officer of the incident where use of force or firearms has occurred, the scene location, the number of injured persons and the state of their health. He shall subsequently write a detailed report outlining all the facts of the incident and the accompanying circumstances and shall present it to the appropriate authorities according to the applicable legal procedures.
2. Moreover, the officer who used force or firearms shall also write a detailed report outlining all the facts of the incident and shall submit it to his direct commander or superior.

#### **Article (19)**

##### **Fact Finding Procedures**

The pertinent authorities of the security agency shall promptly carry out an investigation of the incident where use of force or firearms has occurred for fact finding purposes. If there are suspicions that the officer violated the provisions of the law, the file shall be referred to the competent judicial authorities for legal action.

**Chapter 4**  
**Procedures for the Use of Force and Firearms to Disperse Illegitimate Gatherings**

**Article (20)**

**Dispersal of Non-Violent Gatherings**

1. Officers shall be prohibited from using force to disperse illegitimate but non-violent gatherings unless such illegitimate dispersal is for the protection of citizen's lives. The use of force shall be according to the provisions of this Code.
2. Officers shall be prohibited from using firearms to disperse illegitimate gatherings which are not accompanied by violent acts.

**Article (21)**

**Dispersal of Violent Gatherings**

1. To disperse illegitimate gatherings accompanied by violence, the use of force shall be according to the provisions of this Code.
2. To disperse illegitimate gatherings accompanied by violence, the use of firearms shall be according to the provisions of this Code.

**Article (22)**

The officer shall comply with the following procedures when dispersing illegitimate gatherings:

1. Give a firm warning in a clear voice of his intention to use force against the targeted people gathering if they do not obey instructions to disperse and leave the place.
2. Give a suitable timeline to the targeted people gathering to obey the instructions given to them.
3. The warning given to the people gathering shall specify the methods intended to be used if they fail to obey the instructions.
4. After exhausting all the steps outlined in this article, when same are ineffective or are not expected to achieve the legitimate objectives, the officer may use force according to the provisions of this Code.

**Chapter 5:**  
**Final Provisions**

**Article (23)**

**Violation of the Instructions and Orders**

Whoever violates the provisions of this Code or the internal instructions given by commanders of the security forces for the purpose of its implementation shall be held criminally liable according to the provisions of the law but without prejudice to the disciplinary penalties.

**Article (24)**

**Legal Consequences when Issuing or Enforcing Illegitimate Orders**

1. The officer shall not be exempted from liability based on the order of his commander or superior if the illegitimacy of the order is clear and unambiguous. However, if there is a



suspicion in the legitimacy of the order and the commission of the criminal act by the officer in enforcement of the order given to him by this commander, in this case, responsibility shall befall on the person who gave the order.

2. The commander or responsible person who gave the illegitimate orders to his subordinates to use force or firearms shall be punished whether the subordinate enforces the order or refuses to do so.

#### **Article (25)**

##### **Implementation of the Provisions of this Code**

1. All Palestinian security forces shall take the appropriate measures to notify its members of this Code and to raise awareness of its provisions.
2. The commanders of the security forces, of the units and the administrations shall supervise the implementation of the provisions of this Code.
3. These instructions are under study for six months from the date of issue and circulation to the Palestinian security forces and its various units to assess the extent to which the anticipated legitimate objectives are achieved.