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UNAMIR

UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

INTER-OFFICE MEMORANDUM

TO: DISTRIBUTION LIST

FROM: Maj J-G Plante *Plante*  
Force Provost Marshal

DATE: 25 Nov 94

SUBJECT: UNAMIR MILITARY POLICE COMPANY  
UNAMIR SOP, SECTION 15 (ATTACHED)  
UNAMIR MILITARY POLICE REGULATIONS

1. With the UNAMIR Military Police Company in operation, I feel that everyone should be aware of Section 15 of the UNAMIR Standing Operation Procedures. That particular Section deals with the following aspects of our work and responsibilities:

- a. Functions;
- b. Powers of Arrest;
- c. Search and Seizure;
- d. Disposal of Seized Property;
- e. General Prohibition for MP Personnel;
- f. Contingent MP;
- g. Relations with Host Country Authorities;
- h. Cooperation with other UN Missions; and

- j. Types of MP Reports.
2. Please, give this Memo the widest distribution.

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SECTION 15 - UNAMIR MILITARY POLICE REGULATIONS

15.1. UNAMIR Military Police. A composite UNAMIR Military Police Unit is established to carry out normal police duties pertaining to the force. In this connection, it is recommended that, in addition to the personnel required for its primary task, each contingent include in its organization a section of about six English and/or French speaking military policemen, including at least one sergeant and the remainder corporals, who will be detached to the Military Police Unit. The Unit will be commanded by the Force Provost Marshall. All regulations concerning the powers, authority and functions of the military police (MP) are to be approved by the LA (Legal Adviser) in writing.

15.2. Authority, Org and Comd. Under the authority of the Force Commander, for the good order and discipline of the mission, UNAMIR MPs are the only competent police element in UNAMIR, particularly concerning matters specifically listed in para 15.9 below. Unless tasked, MPs do not have the authority to act on behalf of UNAMIR and are concerned with discipline of the mil pers. Their functions are listed in para 15.9. UNAMIR MP will contact sector comd and support unit comds when entering their areas of responsibility and will seek their cooperation.

15.3. UNAMIR pers are obliged to cooperate with the MP, to identify themselves with their ID cards, to respond to interviews, to permit searches and to follow directions.

15.4. The MPs have no authority to approach non-UN persons outside UN-occupied premises, UN-controlled areas or UN vehicles. Should it become necessary to approach such persons in exceptional circumstances, the MP is obliged not to give the impression that it has such authority. Normally, all such contact will be through local authorities.

15.5. When working in teams the team will be of mixed nationality. They wear an MP arm band and carry UNAMIR MP ID card.

15.6. The MP is responsible to the Force Commander through the CMPO and COS. He is supervised by the LA and the COS in all matters concerning his powers and by the LA and CMPO in his contact with host authorities.

15.7. Military Police. In addition to personnel for the Force Military Police Unit, each battalion should include its own police component for local supervision of its own military elements. All regulations concerning the powers, authority and functions of the military police (MP) are to be approved by the LA (Legal Adviser) in writing.

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15.8. Matters requiring disciplinary action are referred to the national contingent comds.

15.9. Functions

15.9.1. Traffic Control.

- (1) Enforcement of traffic regulations on operations of UNAMIR vehicles.
- (2) Info of road conditions and traffic hazards.
- (3) Checking vehs. permits and trip tickets.
- (4) When necessary, to assist movcon at airports and harbors, borders, checkpoints and with tasks associated with movement of pers.
- (5) In necessary, searching vehs, cargo and luggage on UN flights.

15.9.2. Discipline.

- (1) Patrolling areas frequented by or out of bounds to UN pers.
- (2) Liaison with med staff and with air authorities on crime and vice problems.

15.9.3. Security. Internal security duties, investigations and checks as required and to the extent not covered by field service security pers.

15.9.4. Investigations.

- (1) Within the mission area as directed by Force Commander, DFC, COS and CMPO.
- (2) Into all serious matters including death, serious injury, loss or damage to property.
- (3) Into incidents involving UN pers, members of more than one contingent or likely to affect UNAMIR or its relations with local person.
- (4) Into possible serious breaches of discipline or crime, including loss of weapons, ammunition, smuggling/drug and currency offenses or black-marketing.

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- (5) Into all traffic accidents involving UN vehs and privately owned UN vehs when requested by their UN drivers.

15.10. Powers of Arrest. The power of arrest within contingents is governed by the national law of the contingent concerned. The MP may however :

- 15.10.1. Arrest a mil member whenever he is found outside contingent lines who breaches discipline or conducts himself in a disorderly manner, or who has committed, is found committing or who is reasonably suspected of having committed an offence. Such a member will be transferred as soon as possible into the custody of his national contingent comd for further action. The national contingent comd is obliged to take custody and he alone is responsible for any further detention.. Arrest or search of an officer should, where practicable, be made by an officer of equal or superior rank.
- 15.10.2. Arrest an international civ staff member whenever he/she is found, only when committing an offence which endangers the safety of persons or property.
- 15.10.3. Arresting local staff or non-UN pers only on UN premises when necessary to stop an offence or disturbance on those premises. Such persons should be delivered to and dealt with by the appropriate host country authority. The assistance of the local authorities in dealing with local people is always desirable.
- 15.10.4. Not keep anyone under detention for an extended period except for the purpose of transfer to his national contingent comd or the civil authorities or for the purpose of restraint.

15.11. UNAMIR Veh Drivers and Passengers. The MP may :

- 15.11.1. Direct drivers of UNAMIR vehs
- 15.11.2. Stop UNAMIR veh.

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- 15.11.3. Check the ID cards, driver's permit, trip tickets and work papers of drivers and passengers.
  - 15.11.4. Request drivers and passengers to get out of the veh.
  - 15.11.5. Search vehs and their contents.
  - 15.11.6. Take possession of the keys and the driver's permit, if the MP considers it dangerous or inadvisable for the driver to continue for any reason, including alcohol, drugs, fatigue or dangerous driving.
  - 15.11.7. Request the driver to take an alcohol breath analyzer test. However, the MP has no power to enforce such a test and must rely on testimony of witnesses who have observed the offender.
  - 15.11.8. Submit a report to the Force Commander which the Force Commander may refer to the CAO or national contingent cmd for disciplinary action.
- 15.12. Search and Seizure. The MP may:
- 15.12.1. Search UN premises and property on those premises.
  - 15.12.2. Search any UNAMIR veh, private veh entering or leaving UNAMIR premises or territory controlled by UNAMIR and any private veh owned by a member of UNAMIR when passing through Rwanda borders or border checkpoints.
  - 15.12.3. Search the baggage of all UNAMIR pers leaving or entering Rwanda.
  - 15.12.4. Search the person, or property of people they have arrested. Local persons may only be searched if reasonably suspected of carrying offensive weapons and only on UN premises. Any search for stolen property or other material will be conducted by the local authorities.
  - 15.12.5. Seize or secure UNAMIR pers property in 15.12.1 to 15.12.4 above when such property is considered to be in evidence.

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15.12.6. The MPs have no right to enter any private house outside UN premises unless invited by the occupant.

15.12.7. The MP may not search any civ off UNAMIR premises nor conduct any search in a private house with or without permission. Receipts are to be given for property seized.

15.13. Disposal of Seized Property. When property of any kind is seized or recovered, full evidence will be entered in a special register. Articles which have been seized for the purpose of an investigation may be returned to the rightful owner when the investigation is concluded and any required proceedings terminated. All measures will be taken to protect the seized property against damage, loss, theft, etc. All efforts will be made to locate the rightful owner of recovered property. Property for which the rightful owner cannot be located will be disposed of as follows:

15.13.1. Mil stores will be handed over to the appropriate authorities.

15.13.2. Non-mil stores will be referred to the CAO for a decision as to disposal.

15.13.3. Personal property, e.g. contraband, will be referred to LA for advice or disposal.

15.14. General Prohibition for MF Pers. Members of MP shall not:

15.14.1. Investigate matters of a purely admin nature except with the authority of the CAO.

15.14.2. Become involved in financial disputes other than those found necessary to keep the peace.

15.14.3. Be employed as perimeter guards, permanent pers access control supervisors, on sentries except as ordered by Force Commander.

15.14.4. Serve as members of boards of inquiry, summary investigations, or any form of court martial.

15.14.5. Assist in the execution of any form of punishment or sentence imposed on an individual or group.

15.14.6. Serve on duty roster other than those internal to FPM.

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15.15. Contingent MP. When appointed within the support units contingent MPs perform duties within their contingents and are responsible to contingent comd for police duties within their national law, order, discipline and investigation or minor incidents:

- 15.15.1. Members of the mission shall be subject to the exclusive criminal codes and jurisdiction of their respective national States. However, the UN has a duty to see that justice is done. Therefore, the results of disciplinary action taken by contingent or national authorities of members of the force should be notified to HQ UNAMIR.
- 15.15.2. Will act without delay in accidents and other incidents requiring investigation when UNAMIR MP is not available, or preserving evidence for the UNAMIR MP when they arrive.
- 15.15.3. Will assist in questioning persons in their mother tongue, it being the right of members of the mission to be questioned and to give statement in their mother tongue.
- 15.15.4. Will arrange for any med tests by contingent or national authorities on alcohol or drugs when necessary.
- 15.15.5. Will assist UNAMIR authorities in maintaining security of documents, pers and goods by providing escorts, advice on practical measures and surveys of security problems when requested.

15.16. Relations with Host Country Authorities.

- 15.16.1. The MP will liaise with local police and other local authorities but any extensive questions and any written contract or exchange of documents will be done through the LA with his authorization.
- 15.16.2. Local police may conduct investigations, e.g. into veh accidents. The MP should not interfere in their procedures. UNAMIR pers should cooperate with local police, producing their ID cards, ensuring the ID card is not

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left with the police, and giving their name, rank, unit and unit location. However, they should only make and sign statements to the MP, unless and until authorized to give statement to the local police.

15.16.3. UN vehs should only be searched by UN pers. However, if local authorities insist on searching, the UN pers should submit under protest and report to the MP.

15.16.4. A member of UNAMIR should only be taken into custody or arrested by local authorities when committing a serious crime and when the MP is not able to effect the arrest. He should be transferred immediately to UNAMIR MP.

15.17. Cooperation with Other Missions. The MP may take action in incidents when a member of some other UN peace-keeping operation is involved within their territory. Any other action will be taken by request of the authorities of the other missions and in close cooperation with them.

15.18. Reports.

15.18.1. Initial reports should be made in writing or verbally as soon as possible to COS/CMPO/CAO. After duty hours the Ops duty officer will decide who should be informed, if the case is urgent.

15.18.2. Complete reports are to follow in writing as soon as possible.

15.18.3. MP reports are confidential docs and all necessary precautions will be taken to ensure their security. No MP reports or UN docs may be delivered to anyone outside UNAMIR.

15.18.4. Unless otherwise directed by the Force Commander, distribution will be in the format of a circular with a comment sheet on top, to FC/COS/LA/CAO/CMPO/CLAIMS. CAO and CMPO will send copies to section/unit heads concerned as required.

15.18.5. The following reports may be prepared as appropriated by the MP:

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- (1) Occurrence Report. An occurrence report is to record, in outline form, the facts established in the investigation of any minor incident.
- (2) Offence Report. An offence report has eye-witness evidence of a witness who has observed or discovered the commission of a minor offence by UNAMIR pers.
- (3) Investigation Report. An investigation Report records the result of an investigation.
- (4) Med Reports and Death Certificates. UNAMIR MOs must provide MP with med reports and death certificates when they are required to document an inquiry.

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