

Module 3



How to Support Child-sensitive Apprehension, Arrest and Detention

Learning Activity 3.1

Support the host-State police in understanding and applying child-sensitive practices in apprehension and arrest

Case Studies

Case Study 1 – Mali

You are stationed in Gao as a UNPOL officer deployed in the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). One day, you visit a local police station and meet a colleague from the host-State police who is finishing her shift. She tells you that she has just arrested a young boy for theft.

This is the story:

“I was patrolling in the market when I heard shouting. I noticed a small crowd and went to investigate. I saw a boy lying on the ground in the centre of the crowd. I managed to disperse the crowd and get to the boy. I asked the people around me what had happened, and several people said that the boy had stolen a handbag. I noticed a handbag on the ground next to the boy and picked it up as evidence.

I then helped the boy to get up and asked him if he was hurt. He told me that the crowd had started to beat him up before I intervened, and that his left leg and foot were injured. He said that his name was Ali, and that he was 13 years old. I was afraid that the crowd would become violent again, so I led him away quickly. He said that it hurt to walk.

On the way to the police station, I decided to stop at the medical centre to have Ali examined. I asked him if he agreed, and he said yes. A nurse saw him and said he only had bruises. Then I brought him to the police station and told him to sit in my office. I

immediately called his parents, and they promised to come to the station within two hours.

As I had other duties to attend to, I worked at my desk while Ali sat silently in front of me. After about an hour, his parents had still not arrived, and he said that he wanted to see his parents and to know what would happen to him. I told him they would soon come, and I gave him water and some food to eat.

Another hour passed and still no sign of his parents. As my shift was about to finish, I decided to interrogate the boy. I took him to the interview room and started asking him for his version of the story, but he refused to answer any of my questions. I considered his refusal to answer a confession, so I recommended that his case be referred to the prosecutor."

Your host-State colleague asks for your opinion of her actions. As she is not familiar with the procedure for arresting children, she would appreciate your advice.

Questions:

1. Which of the police officer's actions were done correctly in accordance with international norms and standards relating to arresting a child?
2. Which actions were NOT done correctly? What should the police officer have done to uphold international norms and standards relating to arresting a child?
3. Should the boy be treated differently if he was 8 years old? Or if he was 17 years old?

Case Study 2 – Democratic Republic of the Congo

You are stationed in Nyamilima as a UNPOL officer deployed in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). One day, as you are patrolling with a colleague from the host-State police – the only representative of the national police in this area – he tells you that, earlier in the day, he had arrested a young girl suspected of association with the armed group controlling the area.

This is the story:

“I was patrolling in the street when a girl of about 12 years old jumped in front of me and asked me to help her, as she was on the run trying to escape from the armed group. She said she was abducted a year ago and given to a General to become his wife. She was scared that they would find her and beat her for having escaped. Her right leg was injured and was bleeding.

I took her to my house to hide her because, as you know, there is no police station or medical facility in the area, and it will take at least two days to walk to the closest one. I wrapped a kitchen towel on her wound, then asked her to answer my questions about the armed group in exchange for hiding her. She became agitated and did not want to give me any information. As I had to patrol and was scared that she would run away in my absence, before I could obtain valuable information about the General of the armed group, I gave her water and some bread and locked her in the small shed beside the house and told her that I would be back in a couple of hours.”

Your host-State colleague asks for your opinion of his actions. As he is not familiar with the procedures for arresting children, he would appreciate your advice.

Questions:

1. Which of the police officer's actions were done correctly in accordance with international norms and standards relating to arresting a child?
2. Which actions were NOT done correctly? What should the police officer have done to uphold international norms and standards relating to arresting a child?
3. When would the use of force be justifiable when apprehending or arresting a child?

Case Study 3 – Colombia

You are stationed in Bogota as a UNPOL staff deployed in the United Nations Verification Mission in Colombia. One day, you meet with the Head of one of the city's police stations. He is new. He shares the station's monthly written report with you. He expresses concerns about a new police officer on his team who appears to be "a little bit robust in her interventions", as he puts it. For instance, he said that, two weeks ago, she arrested a young man, probably a migrant, without following the normal procedure.

This is the report from the new police officer:

"On Saturday 7 October 20xx, at 22h22, as I was patrolling on the harbour near to the street vendors, I noticed a young man standing idly. From his appearance, I evaluated his age at 18 years. When I approached him, he started to flee, so I ran after him and intercepted him. I handcuffed him tightly enough to control his movements and brought him to my car. He did not speak Spanish. I searched him but he did not have any identity documents. He seemed quiet and regretful for running. As it was the end of my shift, there was nothing that I could do, so I released him."

The Head of the police station asks for your opinion of the officers' actions. As he is not familiar with the procedures for arresting someone in such circumstances, he would appreciate your advice.

Questions:

1. Which of the police officer's actions were done correctly in accordance with international norms and standards relating to arresting a child?
2. Which actions were NOT done correctly? What should the police officer have done to uphold international norms and standards relating to arresting a child?
3. How could the police officer assess the age of the person?

Case Study 4 – Iraq

You are stationed in Bagdad as a UNPOL officer deployed in the United Nations Assistance Mission for Iraq (UNAMI). One day, you meet with a senior police officer in the host-State police who proudly tells you his colleagues have arrested a boy and a girl involved in terrorist activities.

This is what the senior police officer said:

“I just received a call from my team who are now on their way back to the city from the North. They have arrested a boy, aged 16 years, and a girl, aged 17 years. They are siblings. We had been looking for them for weeks. One of our police officers was killed last month in that region. We were able to arrest the man who killed him, and he confessed that the two siblings had betrayed our colleague. The boy and girl had overheard his travel plans the day before and contacted the armed group in the region. That is how the man was able to attack my colleague. We are happy we finally caught these two youngsters to avenge my colleague. They should soon arrive at the station and we will take care of them.”

Just as the senior police officer leaves, you receive a call on your mobile phone. It is the Police Commissioner, who is on his way to the police station where he will join the senior officer. He asks for your opinion about the situation of the children.

Questions:

1. Which of the senior police officer's words indicate that the apprehended children will be treated correctly in accordance with international norms and standards relating to arresting children?
2. Which words suggest that they will NOT be treated correctly? What could the police officer have said to uphold international norms and standards relating to arresting children?
3. How would you explain the obligation to respect the child's dignity and presumption of innocence to the Police Commissioner?