

**Resolution 476/X of the Parliament of Catalonia, approving the conclusions of the Report by the Study Committee on Security and Public Order Models and the Use of Anti-Riot Material in Mass Events**

Proceeding 260-00001/10

**Adoption**

Plenary Assembly of the Parliament of Catalonia

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PLENARY ASSEMBLY OF THE PARLIAMENT OF CATALONIA

The Plenary Assembly of the Parliament of Catalonia, at its meeting held on 18 December 2013, discussed the findings of the Report by the Study Committee on Security and Public Order Models and the Use of Anti-Riot Material in Mass Events.

Finally, the Assembly adopted the following

RESOLUTION

I. ACKNOWLEDGEMENT TO THE PERSONS WHO APPEARED BEFORE THE STUDY COMMITTEE

1. The Parliament of Catalonia acknowledges and appreciates the work of the organizations and professionals who appeared before the Study Committee on Security and Public Order Models and the Use of Anti-Riot Material in Mass Events and made a decisive contribution to the carrying out of the assignment. In particular, it expresses its gratitude to the trade unions of the Mossos d'Esquadra (Police Force of the Government of Catalonia), the lawyers, a doctor, the experts and in particular the victims of rubber bullets for their presence and courage in face of the irreparable damage caused to them, in "Stop Bales de Goma" (Stop Rubber Bullets) and "Ojo con tu Ojo" (Watch out for Your Eyes). The Parliament approved a special motion of thanks and recognition for their work.

II. REJECTION OF URBAN VIOLENCE

2. The Parliament of Catalonia shall promote social isolation and rejection of urban violence and public disorder. In this regard, the Parliament urges all citizens and the media to help express the rejection of urban violence, each in their own area.

III. THE PUBLIC SECURITY MODEL

3. The police public security model aims to ensure the right balance between the fundamental right to demonstrate and the peaceful use of public roads by all citizens.

The management of security and public order begins before the planning of police resources for intervention in mass events. There is therefore a fundamental need for fluid communication and coordinated action by the various public administrations and the public and private actors directly involved.

The police model of public security and mass events should be based on the principle of minimum intervention with violent means, in accordance with the legal requirement of proportionality, timeliness and consistency in police action.

The political will is that it is essential to review the current model in order to promote a paradigm shift, to further consolidate democracy and to foster civic values with a vision of police effectiveness. The changes should lead to improved public service and increased prestige of the Mossos d'Esquadra.

The procedures and protocols for action shall be reviewed thoroughly to achieve the greatest guarantees of security and safeguarding of the rights of individuals involved in any event in the public space on the basis of the rule of law, in accordance with the evolution of European democratic polices.



## PARLAMENT DE CATALUNYA

4. A Catalan law of public space shall be drawn up and, among other provisions, it shall establish the criteria for reconciling the right to demonstrate freely with the right of citizens to enjoy a safe public space.

5. Protection of the dignity and good name of the Mossos d'Esquadra should not be based on words of support from the Catalan Ministry of Home Affairs but on a policy that guarantees decent working conditions and the possibility of sufficient technical means to properly carry out their work. Accordingly, the Catalan Ministry of Home Affairs should immediately call the police trade unions to negotiate the many outstanding claims, some of which have even been approved by resolutions of the Parliament of Catalonia.

6. The mechanisms necessary to promote and increase communication of the organizers of demonstrations and rallies to the Catalan Ministry of Home Affairs shall be designed. Furthermore, systems and strategies shall be studied for involving the organizers in the good order and suitable carrying out of demonstrations.

7. The Government of Catalonia shall promote actions to publicize the obligation to inform the Catalan Ministry of Home Affairs of calls to demonstrations and rallies and the applicable of penalties if the demonstrations and rallies fail to comply with the prevailing regulations.

8. Law 10/1994, of 11 July, on the Mossos d'Esquadra, which determines that officers must always prove their identity, shall be made effective, as shall Decree 217/2008, of 4 November, on the use of the professional identity number on certain parts of the uniforms of the Mossos d'Esquadra, in any situation that requires the action of officers of the Mossos d'Esquadra who carry out duties of public order, so that each officer exhibits clearly and visibly on their uniform the number of the professional identification card (TIP) and the police operation number (NOP).

9. In the long-distance public order model, the Government of Catalonia shall implement stability policies for the officers in specialized public order units to ensure that they are continuously trained specifically in public order, and shall avoid applying policies of rotation of officers that are not duly justified. The expertise of these units in their ability to deal with public disorder and in their training requires the application of stability policies.

10. The Government of Catalonia shall review the protocols of action of the Mossos d'Esquadra so that persons who commit violent acts or vandalism are identified and arrested at the time of the demonstration or rally, or at a later time, thanks to the use of the appropriate technological means: security cameras, video tapes recorded by the media or the police themselves, and so on.

11. Where appropriate, the Government of Catalonia shall use the website to identify the persons who have allegedly carried out urban violence and have participated in public disorders, meeting the requirements and criteria stated in the Opinion of the Public Prosecutor's Office, which analysed whether fundamental rights were violated in the use of this page.

12. The Government of Catalonia shall intensify cooperation with the Public Prosecutor's Office and the judiciary to implement, under prevailing law, a more effective penal response to those responsible for violence exercised in public disorders, and to compensate for the damage they have caused.

13. The appropriateness of all police files containing personal data shall be guaranteed under the current legislation on data protection, and it shall be ensured that there are no files outside the control of the bodies and agencies that guarantee compliance with this legislation.

14. The protocol for action by the media covering public disorder shall be drawn up or revised. This protocol shall guarantee the right of citizens to information, the professional work of the media, the physical integrity of citizens, journalists and police officers and effective action by the police forces. Said protocol shall be drafted by the Government of Catalonia together with the Catalan College of Journalists.

15. The Government of Catalonia shall immediately ask the media to blur the faces of officers of the Mossos d'Esquadra and the local police forces when the identification of the agent has no relevance to the information.

The Government of Catalonia shall promote the necessary legal reforms for the faces of officers of the Mossos d'Esquadra and the local police forces to be blurred when the identification of the agent has no relevance to the information.

16. The Government of Catalonia, together with the local authorities with police forces, shall draft a protocol which clearly defines the functions to be fulfilled by each police force in joint actions concerning public order.

17. The Government of Catalonia shall provide town councils with the necessary legal coverage in relation to the ordinances that they approve regarding security and public space, and with the means to increase mediation leading to the inclusion in society of all persons with the same rights and obligations.

#### IV. PREVENTION AND MEDIATION

18. A mixed model of proximity in dialogue and distance in intervention, according to the actions and circumstances of the operations, shall be promoted. A model shall be developed for maintaining public order in mass events, based on dialogue and planning, maintenance of distance, and mobility of police units. However, it shall be adapted with elements of policing models applied in the neighbouring countries of Catalonia that have succeeded in managing mass events, especially regarding the mediation in conflict situations that other European police anti-riot units carry out prior to using the minimum force necessary.

19. To promote efficiency in preventing behaviour contrary to public order, the planning of police operations shall be strengthened, in coordination with the various authorities and organizations and the social movements that organize the events. Police actions shall be governed by the guidelines on controlling routes, using megaphones and protective fencing, and isolation of violent people if necessary.

20. Defining a strategy for preventing public disorder and avoiding actions that are merely reactive shall be a priority in the design of strategies and protocols for dealing with public disorder. To this end, close coordination and collaboration with the Spanish Public Prosecutor's Office are necessary in order to define preventive actions to avoid riots and damage, and also to provide an effective penal response, especially when the violence is organized and planned.

21. The Government of Catalonia shall strengthen the Central Information Unit on Public Order (UCIOP) so that it can carry out preventive rather than merely reactive action against groups organized to practice violence and public disorders. Furthermore, the technological means shall be provided for violent actions to be recorded and presented as proof in legal proceedings, so that citizens can know everything that happened in a public disorder.

22. Mediation shall continue to increase as a tool for avoiding escalation of any conflicts, and it shall always be attempted to seek the most suitable solution for ensuring the peaceful use of public roads and protecting the fundamental rights of all citizens.

Policies of prevention and alternative means of resolving conflicts shall be promoted by drafting a standardized operating procedure (SOP) for community mediation by the police. This procedure shall include actions satisfying the principles of peaceful settlement of conflicts in addition to persuasion, negotiation and mediation in all potential risk situations that may arise in mass events on public roads. Whenever possible, dialogue with the protesters or demonstrators shall be sought and it shall be guaranteed that in all deployments there is a mediation unit or officers trained and able to carry out functions of dialogue and mediation (tactical communicators). Tactical communicators shall be appointed and carry an identifying badge. Tactical communicators are officers who facilitate permanent dialogue with the demonstrators and they shall represent police action by informing of the measures that will be taken through megaphones and other means.

23. The Government of Catalonia shall strengthen policies for prevention and alternative means of resolving conflicts by drafting a standardized operating procedure (SOP) on the methodology of community mediation by the police.

#### V. MATERIAL MEANS

24. All the instruments, techniques and tools that make up the public order management model make sense in their entirety, because they constitute a balance that allows them to be used gradually and progressively. For this reason, rubber bullets shall begin to be withdrawn immediately and shall be replaced gradually so that they are effectively prohibited by 30 April 2014. The new gradual and mixed model shall in all cases ensure the availability of robust tools that allow a range of different tactical options.

25. The Catalan Ministry of Home Affairs shall within four months draft the protocol of provision and specification of the technical and material means of the mobile brigade (Brimo) and the regional areas of operational resources (ARRO), which shall be up-to-date and include specific regulations on their use. Rotation of professionals specialized in the use of the devices and in the organization of shifts and continuance shall be promoted, so as to avoid fatigue or stress of officers in the most demanding tasks.

26. The Government of Catalonia shall review the standardized operating procedure (SOP) on the use of projectile-firing weapons, water cannons and tear gas to ensure compliance at all times by police officers and by the Public Prosecutor's Office of the recommendations on the use of projectile-firing weapons issued by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as follows:

- a) Use of these weapons shall be comprehensively regulated and controlled by a protocol, so no doubt about this use is possible.
- b) Use of these weapons and the defined protocol shall comply with the principles and guidelines established in the jurisprudence of the Spanish Supreme Court and the criteria defined by law.
- c) These weapons shall only be used by properly selected police officers who have suitable training and preparation.
- d) A medical examination shall be offered and guaranteed to all persons against whom these weapons have been used.
- e) A detailed report and a subsequent evaluation of each situation in which these weapons have been used shall be drafted.

27. The Government of Catalonia shall ensure that, in protocols drafted for this purpose, the use of rubber bullets and water cannons is conceived as a last resort that shall only be used in serious situations of exercise of violence, situations in which there is an imminent risk to the physical safety or life of citizens and police officers, and situations in which there is a significant destruction of property.

The Government of Catalonia shall also ensure that there is a gradation in the use of the tools assigned to the Mossos d'Esquadra for guaranteeing public order, according to the intensity of the violence, the destruction of property, the risk to the physical integrity or life of citizens and police officers and the greatest efficiency of each instrument.

28. The Government of Catalonia shall review and modify the existing work protocols to ensure and certify the use of projectile-firing weapons and the effective counting of projectiles on departure from and return to the police station. Written proof shall be kept of this certification of the use and counting of projectiles, and practices of verbal communication shall be eliminated.

29. Uniforms and items of personal protection of members of units specialized in public order shall be reviewed and improved in line with the conclusions of the above review.

30. The Catalan Ministry of Home Affairs shall design a strategy for determining the impact of new technologies in the exercise of urban violence and public disorders and shall define an effective police response to their use. The units specialized in public order shall be provided with the material means necessary to deal with the use of these new technologies.

31. In communication with citizens, the Government of Catalonia shall introduce improvements that combine the use of social networks and the acquisition of instruments for direct communication with demonstrators when they are demonstrating or assembling.

#### VI. INTERNAL INFORMATION SYSTEM AND TRACEABILITY

32. The proper and complete traceability of police actions, including the orders issued and the use of all types of anti-riot material in each police action shall be guaranteed; it shall also be guaranteed that after each action the material that each unit has used shall be reported and inventoried in order to facilitate subsequent investigations in the event of incidents, for the benefit of both the public and the Mossos d'Esquadra.

33. In each police action the traceability of weapons and ammunition of all types, including less lethal or potentially lethal ones, shall be guaranteed. The computerization of the inventory that each unit makes after each action and the improvement of the systems for geotagging the position of each police unit with

functions of maintenance of public order shall be guaranteed in order to facilitate subsequent investigations in the event of incidents, for the benefit of both the public and the Mossos d'Esquadra.

34. Public order units shall be provided with latest generation technological tools (geolocation and imaging of officers, etc.) to ensure the effectiveness of police actions and improve subsequent analysis.

Effective and less harmful tools for guaranteeing public order shall be permanently sought in the market and evaluated. Whenever the existence of new tools is established, the old ones shall be replaced if it is considered necessary. The Mossos d'Esquadra, like any modern police force, need coercive means to be applied when it is absolutely necessary in order to ensure the peaceful use of public roads and to protect the fundamental rights of citizens. Security is based on the free exercise of fundamental rights by all citizens.

35. The internal information system on the actions in the operations of the Brimo and ARRO shall be regulated; training, protocols and technical and material resources shall be provided. Delivery of all information relating to the police operation, the location of vehicles, identification, the chain of command, voice records of the operational coordination centre (Cecor) and cameras shall be guaranteed.

36. The Government of Catalonia shall review all geolocation systems of the vans and specialized public order units so that senior police officers can be aware at all times of the location of these vehicles and units.

## VII. TRAINING

37. The training of agents shall be systematically reviewed and updated to ensure optimum maintenance of the skills that enable them to carry out their speciality. Good policing practices shall be identified and permanent training programmes shall be designed to ensure the correct use of the instruments and tools with which the police are provided, from the perspective of the principles and guarantees arising from international instruments on human rights and police intervention.

Specific training in mediation, persuasion, negotiation and peaceful resolution of conflicts in the context of mass events shall be promoted.

38. The resources and tools available for specific training of the officers who have to act in tasks of public order shall be increased, on the basis of the principles and guarantees arising from international instruments on human rights and policing, and domestic law. Said resources and tools regarding techniques of persuasion, negotiation and mediation, particularly in the context of mass events, shall be increased.

39. The Government of Catalonia, through the Catalan Public Security Institute (ISPC), after consultation with the senior and junior officers of the specialized public order units, shall review the specific training received by these officers and make the necessary improvements as a result of this review. The evaluation shall involve experts from outside the Catalan Public Security Institute and the specialized public order units.

40. The Catalan Ministry of Home Affairs shall guarantee an annual offer of continuing training to officers of specialized public order units to allow them, among other things, to adapt to the changes arising in the exercise of urban violence and to provide them with tools for strengthening self-control and dealing with situations of stress and risk.

41. The Government of Catalonia shall submit to Parliament, within three months, a report by the Catalan Public Security Institute on the reforms and improvements made in the training of members of the Mossos d'Esquadra who can exercise anti-riot duties, whether they belong to the Brimo, the ARRO or any other unit.

## VIII. RESPONSIBILITY

42. Procedures shall be established to circumscribe responsibilities in carrying out orders along the chain of command as far as possible, and individual responsibility shall be required in cases of officers who fail to act properly using ethical control systems.

43. The full cooperation of the Mossos d'Esquadra with the Spanish Public Prosecutor's Office in carrying out their work and in the judicial investigation of the facts arising on public roads in mass events shall be guaranteed, even if the facts reveal possible responsibilities of members of the force. The right to

defence of these members shall be respected but the proper functioning of the administration as a public service shall be ensured and suitable legal assistance shall be provided to members of the force who are accused of actions carried out in the exercise of their functions.

44. The Parliament of Catalonia shall call on the judiciary, the Catalan Forensic Medicine Institute and the Spanish Public Prosecutor's Office to adopt the Istanbul Protocol (United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) as a tool for proving the existence of torture or ill-treatment in judicial proceedings in which they are alleged.

45. The use and establishment of the indicators of the Istanbul Protocol in investigations shall be promoted and the current criteria shall be adapted to those of this instrument, in coordination with the public prosecutors and the forensic and judicial bodies.

46. The Government of Catalonia shall disseminate and publicize the Istanbul Protocol to all members of the legal profession in Catalonia, directly or through the Catalan Public Security Institute.

#### IX. COMPENSATION

47. The Catalan Ministry of Home Affairs shall draft a protocol for providing damage compensation to victims of actions by the Mossos d'Esquadra when the objective responsibility of the public administration has been proven. This protocol shall also include retroactive application of compensation for people who have been hit by rubber bullets or other containment tools. This compensation shall not condition the rights of victims to legal action.

The protocol shall take as a model the ones prevailing in the neighbouring countries of Catalonia and shall also establish a system for monitoring and caring for victims of situations of unrest or public disorder and for offering any assistance and psychological, medical and social support that they need.

The Catalan Ministry of Health shall establish specific psychological assistance to the victims of any situations of disturbances that correspond to their specificity.

48. The financial liability of the public administration shall be promoted as an ordinary and preferential channel for damage compensation, without prejudice to any criminal prosecution that may be appropriate.

Mechanisms of compensation to people who have suffered temporary or permanent injuries as a result of police action shall be established, even if this action has been fully lawful, in accordance with the principles of the concept of objective liability.

Palace of Parliament, 18 December 2013

The second Secretary  
Pere Calbó i Roca

The President of Parliament  
Núria de Gispert i Català