

# Policing Assistance in Armed Conflict: What Can Be Done?

## Briefing Note

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### Introduction

Policing assistance is provided in a wide range of contexts and increasingly also in fragile states<sup>i</sup> because effective and accountable policing is considered critical to both preventing conflict and post-conflict recovery.<sup>ii</sup> But can and should policing assistance also be provided while an internal armed conflict is ongoing? Fragile states lack political will and/or capacities to provide basic services including policing. Nevertheless, certain state and non-state structures are understood to be responsible for providing policing and can be targeted in policing assistance efforts. But in situations of internal armed conflict, policing structures frequently break down or are divided up between various parties to the conflict. The remnant policing structures are fragile due to the volatility of the conflict, and control over them continues to shift between the conflict parties. Conflict parties may also set up their own policing structures or transfer policing responsibilities to armed groups. The future of policing is largely uncertain in situations of armed conflict. Is it possible to provide policing assistance under such conditions?

Policing assistance, as this note discusses, is difficult in the best of circumstances. The challenges associated with policing assistance in a conflict context are enormous and so particular that common institution-building approaches to policing assistance are often inadequate and even risk fuelling the conflict. For instance, infrastructure built may be destroyed; skills and means to maintain equipment received may not be in place; armed

groups may usurp equipment provided and use it in combat; trained police officers may join armed groups; policing actors may not be permitted to perform core policing functions; or the policing actor that received assistance may not end up being entrusted with policing once the conflict comes to an end. The risks of failure, resources gone to waste, and doing harm with policing assistance “as usual” can be so high that they should not be taken.

Until such time as a peace settlement is reached and/or as appeased and relatively stable territories controlled by one or several parties to the conflict emerge, policing assistance should concentrate on incremental approaches that take the conflict realities as a starting point, have modest expectations, and aim to meet immediate policing needs in accessible areas, strengthen the legitimacy of preferred conflict parties, and prepare for post-conflict police institution building. But even incremental policing assistance remains fraught with high risks in situations of armed conflict. After carefully weighing these risks, the best option may well be to wait with providing policing assistance until a peace settlement has been reached.

This note is divided in three sections. The first section discusses policing assistance in general. The second section describes what happens to the police and other policing actors in situations of internal armed conflict. The third and final section proposes what policing assistance can realistically be provided in conflict.

### Acknowledgement

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## What is policing assistance?

The police and other policing actors need to have both capacity and integrity to carry out their functions effectively and with respect of human rights.<sup>iii</sup> Capacity refers to the skills, means and processes required to fulfil the mandated policing functions, and integrity refers to respect for basic norms and values, particularly human rights standards, when fulfilling their functions.<sup>iv</sup>

Assistance to policing aims to enhance the capacity and integrity of policing actors so that they can perform their functions

provide assistance to but should not determine processes to build the capacity and integrity of policing actors. National actors must steer such processes to ensure they meet local needs and are sustainable.

Processes to build the capacity and integrity of policing actors often come up against strong resistance to change, both at the institutional level and at the level of officers themselves. Police officers develop a strong *esprit de corps* to cope with the strains and hazards of their profession, and tend to view external interventions with suspicion. Institutions pose another layer of

Policing assistance should target not only the institution called ‘the police’ but all institutions and groups—both state and non-state—that provide policing, as well as related management and oversight bodies.

effectively and with respect of human rights. Policing capacity can be developed through, *inter alia*, professional skills training, provision of equipment, and infrastructure development. Integrity of policing can be improved through human rights training, vetting, recruiting representative personnel, developing codes of conduct, reinforcing internal discipline structures, developing civilian management functions, setting up civilian oversight mechanisms, and similar measures. Hence policing assistance should target not only policing actors but also related management and oversight bodies.

Approaches to policing assistance that fit one context may not fit another. Effective policing assistance must be tailored to the requirements of each unique context, particularly the policing needs of vulnerable population groups. External actors can

challenges. To be operationally effective, policing institutions expect officers to consent to orders and adhere to current structures and tested approaches. Their regulated approach means that policing organisations are generally hierarchical, and tend to discourage proactivity and initiative.

Reviews of processes to build the capacity and integrity of policing actors in different contexts—from established rule-of-law to development to post-conflict settings—confirm these challenges. For instance, an evaluation of a community police training programme in the United States revealed that its impact was limited due to the effects of the police work environment and of organisational culture.<sup>v</sup> A recent assessment of several programmes to assist police reform in development contexts such as Bangladesh and Malawi showed that it hardly improved

### Policing, police, policing actors: terms and definitions

This note defines the terms policing, police and policing actors as follows:

**Policing** refers to the functions of the police and other policing actors. Core policing functions include protecting life and property; preventing and detecting crimes; maintaining public order; and assist, in various ways, persons in need. Other policing tasks may include prosecution functions; administrative tasks (such as issuing officials documents); protecting dignitaries and public buildings; prison duties; and other functions.

**Police** refers to the state institution(s) mandated to perform core and other policing functions. In order to fulfil their functions, the police are granted certain powers, particularly the powers of arrest and detention and the power to use force. The police need to respect human rights when exercising police powers (see United Nations, “Code of Conduct for Law Enforcement Officials,” A/RES/34/169, 6 February 1980).

**Policing actors** cover the range of institutions and groups that perform policing functions. Policing actors include not just the police but may also include other state agencies such as the military, border guards and customs, as well as non-state actors such as traditional authorities, informal security groups or private security companies in case they perform policing functions.

policing outcomes for vulnerable populations.<sup>vi</sup> The record of assistance programmes in post-conflict settings such as Timor-Leste, Liberia or Bosnia and Herzegovina is even patchier.<sup>vii</sup> What effects can be expected of policing assistance programmes in conflict contexts if their results in more benign settings are so

several stations of the Free Syrian Police (FSP) and seized or stole FSP equipment such as motorbikes and IT equipment throughout 2015.<sup>viii</sup> Other FSP equipment and infrastructure were damaged or destroyed in regime air strikes.<sup>ix</sup> Moreover, the FSP had to close and/or relocate several stations because the

**The volatility of the conflict weakens institutional functions of policing actors resulting in loss of control over police personnel, illegal policing and impunity.**

limited? This paper first analyses what happens to policing actors in armed conflict before it turns to the question of how policing assistance can be provided in such contexts.

frontlines shifted.<sup>x</sup> Additionally, Jabhat al-Nusra, the extremist opposition group linked to al-Qaeda, established its own police force, the Islamic Police, which to different degrees competes with the FSP and further restricts its margin of manoeuvre.<sup>xi</sup>

## What happens to the police in armed conflict?

The dynamics of each internal armed conflict vary widely, as does its impact on the police. Nevertheless, we can observe certain common trends that include not only loss of equipment, damage to infrastructure, loss of skilled personnel, and reduced operational effectiveness of policing actors but also institutional fragility; militarisation of policing; marginalisation of the police; and human rights abuses by policing actors.

As a result of such volatility, institutional functions of the police and other policing actors are weakened. The internal management systems of policing institutions often fail or are not fully respected. Police officers join, are promoted, and leave the institutions informally without following the rules and procedures of recruitment, discipline or promotion. Commonly, human resources management systems are not adequately maintained. The chain of command breaks down, rogue officers and units take the law into their own hands, and the police command does not control the activities of its officers. The fluidity and the lack of control over the personnel promote a culture of impunity in policing institutions and also create opportunities for outsiders to impersonate police officers for their own personal gain. At the time of the 2002 Sun City peace agreement, for instance, the number of police in the Democratic Republic of the Congo (DRC) was estimated between 80,000 and 110,000 officers but no exact numbers were available. The human resources management system was dysfunctional, the chain of command was not respected, and the public could not always determine who was a police officer and who was not. As a result, policing was

### Institutional fragility

Today's armed conflicts are more often internal rather than between states. Internal armed conflicts are generally highly volatile and unpredictable with frontlines that move quickly and frequently. Police stations located in areas that are relatively unaffected by fighting may end up close to the battlefield and have to close down, and police officers may resign or take up combat roles. Control over police stations may also move from one armed group to another when the frontlines shift. The police

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may be split in several institutions under the authority of different armed groups, or an armed group may create its own police structures that compete with existing the police. Such shifts are unpredictable and may occur repeatedly in the course of a conflict. In opposition-controlled regions in Syria's Aleppo and Idlib provinces, for instance, extremist armed groups closed down

ineffective, informal actors took on policing functions, and police officers abused their status for personal gain.<sup>xii</sup>

### Militarisation of policing

In internal armed conflicts, the battlefield continuously shifts and can hardly be segregated from non-conflict zones. As a result,

most segments of society get drawn into the conflict and armed actors come to dominate most aspects of civilian life.

The police tend to become militarised in such situations, being absorbed by armed groups and used for paramilitary purposes. Frequently, members of the military or armed groups join the police and take on its command. The police may also change their uniforms and wear military fatigues. During the armed conflict in Bosnia and Herzegovina between 1992 and 1995, for instance, the police integrated soldiers without police training, served nationalist enclaves and turned into an instrument of warfare, executing the policy of “ethnic cleansing.”<sup>xiii</sup>

## Marginalisation of the police

In situations of armed conflict, the rule of law gives way to the will of the dominating armed actors, and the realm of the police is reduced. Often, the police are marginalised and limited to carrying out “softer,” non-contentious policing functions while core policing functions are transferred to armed groups. Alternatively, the police themselves may be turned into an armed actor and participate in the armed conflict. Sometimes the police become marginalised because of their previous affiliation with a now discredited regime, which can lead to their disbandment or self-dissolution during the conflict. During the uprising in Libya in 2011, for instance, the police and other internal security agencies largely disappeared in opposition-held territories while civilian volunteers formed armed groups to fight at the frontlines and to provide security in the cities. Some police officers joined the

A realistic approach to policing assistance in armed conflict ought to adopt a combination of the following three approaches: mitigate immediate policing needs; strengthen the legitimacy of a preferred party to a conflict; and prepare for post-conflict police institution building.

armed groups and resumed their duties. But there was no clear separation between military and police functions, and the armed groups took on the role of the police during and after the armed conflict in Libya.<sup>xiv</sup>

## Human rights abuses and impunity

During armed conflict, police officers and other policing actors often pursue the partisan interests of a segment of the population and disregard the rights of other groups. Regularly,

policing actors commit human rights violations and violations of humanitarian law in the pursuit of conflict goals or due to the general climate of lawlessness that marks the conflict. Usually, policing actors are not held accountable for the violations they have committed. As a result of widespread abuse and lack of accountability, the public do not trust policing actors. During the armed conflict in Nepal between 1996 and 2006, for instance, the Royal Nepal Army together with the Royal Nepal Police and the paramilitary Armed Police Force, as well as the Maoist People’s Liberation Army, were involved in massive human rights violations including rape, torture, arbitrary arrest and detention, disappearances and arbitrary executions. A government task force concluded the conflict led to at least 17,265 deaths and 1,327 disappearances.<sup>xv</sup> Despite repeated commitments, senior security and government officials have effectively resisted to this day not only criminal prosecutions but also vetting to remove officers who committed human rights violations.<sup>xvi</sup>

## What policing assistance can be provided in armed conflict?

The effects of armed conflict on policing actors exponentially increase the risks of policing assistance. For instance, equipment received, infrastructure built and skills acquired may not be sustained because the skills and means to maintain them are not in place. Or, the police and other policing actors may have the skills and equipment needed for policing but armed groups may

relegate the police to non-contentious functions such as issuing identity cards, to atypical functions such as morality policing, or to non-policing functions such as emergency services and humanitarian assistance. Another risk consists in the abuse by policing actors themselves of policing skills and equipment for conflict-related purposes. Armed groups could also usurp policing equipment such as vehicles or weapons and use them in combat. Or, police officers could be “re-hatted”, join armed groups and use the skills acquired for non-policing purposes. Even more drastically, entire police units may be forced or decide at their

own volition to join an armed group. The uncertainty of the conflict outcomes represents another risk for policing assistance. The policing actor whose capacities were developed during the conflict may not end up being entrusted with policing once the conflict comes to an end. Other actors may emerge and take on policing. Combatants who return from the frontlines have acquired legitimacy but are often without work after the conflict. As a result, they may push policing actors aside and take on policing functions.

The volatility of armed conflict undermines institution-building approaches to policing assistance. Support to institution building presupposes a settlement of some kind in which the parties resolved to manage conflict without violence and agreed on fundamental constitutional matters such as the basic roles and functions of key institutions including the police and other policing actors. The parties ought to have agreed, in principle, which institutions are mandated to perform what policing functions, and how security responsibilities are distributed between the military and policing actors. Building the capacity and integrity of policing actors without such a foundation can easily go to waste.

The conditions of armed conflict are so particular that common institution-building approaches to policing assistance rarely work. The risks of failure and doing harm with policing assistance “as usual” can be so high that they should not be taken. How then should policing assistance be approached in conflict? In appeased and relatively stable areas dominated by one or several parties to the conflict that are likely to play a key role following a peace settlement, police institution building may be a viable approach. But generally, policing assistance in conflict should forego a high-risk institution-building approach and adopt a combination of the following three tactics:

### Mitigate immediate policing needs

In armed conflict, a variety of actors may perform policing functions: remnants of a police may patrol communities; a court may detain suspects; an emergency corps may search for victims and remove rubble after bombings; community volunteers may regulate traffic; or a community council may issue identity cards and marriage certificates. Rather than strengthening policing

structures that may easily be abused, policing assistance could focus on alleviating the immediate suffering of the population by improving the limited policing services that are being provided. The primary goal here would not be long-term institution building but providing immediate humanitarian relief to the population and meeting urgent policing needs in a conflict-affected area. A focus on mitigating immediate policing needs can not only produce quick results but is also likely to be less costly than institution building. Realistically, this is perhaps the best that can be done in armed conflict.

### Strengthen the legitimacy of a preferred conflict party

In addition to alleviating the suffering of the population, external actors engage in a conflict zone to influence the conflict outcomes. Such interventions are not limited to various forms of military assistance or support to mediation efforts but may also strengthen the capacities of a preferred party to a conflict to provide basic services including policing in order to increase its legitimacy and present it as a viable alternative to other armed groups. The overall success of a party in an internal armed conflict depends in part on the services it can provide to the population in areas under its control. Military might and success are not sufficient. A conflict party also needs to provide services such as electricity, water and food, as well as judicial and policing functions to gain the population’s trust. For instance in opposition-controlled areas of conflict-affected Syria, Jabhat al-Nusra, an extremist opposition group affiliated with al-Qaeda, set up service organisations that claim credit for electricity and water infrastructure projects, has subsidised bread and fuel, and provides religious education for children and orphans.<sup>xvii</sup> The group also seeks to maintain control of security provision and policing in areas it dominates, has established its own court arm (Dar al-Qada’) and its own police (the Islamic Police), and often limits the role of the Free Syrian Police (FSP). Conversely, in Aleppo, some Free Syrian Army (FSA) brigades and other armed groups readily accept the services of the FSP, which allows them to concentrate their resources on combat roles.<sup>xviii</sup> However even in Aleppo, FSP social media and opposition media reports suggest that the FSP’s responsibilities are often limited to “softer” policing functions like controlling traffic, operating checkpoints, and responding to petty crime.<sup>xix</sup>

Providing policing assistance to a preferred party to a conflict would take its existing skills and resources as a starting point and see how these can be adapted for policing purposes. The conflict party may, for instance, be encouraged to establish close working relationships with existing structures that perform policing functions, or to set up a separate unit with dedicated policing responsibilities. The members of this unit may be drawn from the party's combatants but wear police badges to be recognisable as police, not carry military weapons but side-arms,

the transition from policing in armed conflict to policing in a state governed by the rule of law. Another way of preparing for post-conflict police institution building would be to support initiatives to establish a database on the background of police and other security officers so that they can be vetted, and possibly be prosecuted, once the armed conflict has come to an end.<sup>xxi</sup> Or, conflict parties preparing for or attending peace talks may be advised on police development in post-conflict settings and how police-related topics should be reflected in an eventual

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and receive basic policing training. Lessons on how to establish such units may be based on gendarmerie-type models of policing that are closer affiliated with the military than civilian policing models. Helpful lessons may also be drawn from situations in which armed forces had to perform interim policing and judicial functions in the absence of regular police and judicial systems in conflict and immediate post-conflict periods.<sup>xx</sup>

Better policing in areas controlled by a preferred party to a conflict could entail several positive effects. For one, better policing can immediately improve the security and human rights situation of the population. Better policing can also boost the credibility of the conflict party and make it a viable alternative to other, less acceptable armed actors. Dedicated policing capacities could free up some of the party's military capacities for combat duties, thereby enhancing its chances to emerge victorious from the armed conflict. Moreover, an enhanced ability to provide policing services prepares a party to a conflict for the responsibilities it might have to take on once the armed conflict comes to an end.

## **Prepare for post-conflict police institution building**

A range of activities can be undertaken to prepare and be ready for post-conflict police institution building. For instance, popular consultations could be organised to identify policing needs, and find out what police and possibly other policing actors are needed and wanted after the conflict. Planning could take place to develop a common understanding of future policing and guide

settlement. Other potential activities might relate to strengthening the expertise of communities in exile on how they may contribute to police development and broader security sector reform after the conflict has come to an end. For instance, the Day After project brought together, in 2012, Syrian participants with international experts to develop a shared vision of Syria's democratic future, and define goals and principles of a transition.<sup>xxii</sup> Whatever these preparatory steps consist in concretely, the emphasis remains on preparing for, rather than doing, police institution building.

Until such time as appeased and relatively stable territories controlled by one or several preferred parties to a conflict emerge, policing assistance should focus on incremental approaches that take the conflict realities as a starting point, have modest expectations, and aim to address immediate policing needs, strengthen the legitimacy of preferred conflict parties, and prepare for post-conflict police institution building. But also incremental policing assistance remains fraught with high risks in conflict. After carefully weighing these risks, the best option may well be to wait with providing policing assistance until a peace settlement has been reached in which the parties agree to solve conflict without violence and in which core constitutional matters including the main functions of the key policing and justice providers are settled.

## References

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- <sup>ii</sup> Stabilisation Unit, “Policing the Context: Principles and Guidance to Inform International Policing Assistance,” *What Works Series*, March 2014, at [http://sclr.stabilisationunit.gov.uk/attachments/article/520/Stabilisation%20Unit\\_Policing%20the%20Context%20What%20Works-%20March%202014.pdf](http://sclr.stabilisationunit.gov.uk/attachments/article/520/Stabilisation%20Unit_Policing%20the%20Context%20What%20Works-%20March%202014.pdf).
- <sup>iii</sup> OECD, *The OECD DAC Handbook on Security System Reform (SSR). Supporting Security and Justice* (Paris: OECD, 2007), 60-61. See also United Nations, “Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,” A/CONF.144/28/Rev.1 at 112 (1990).
- <sup>iv</sup> The concepts of capacity and integrity as used here largely correspond to the core goals of security sector reform, effectiveness and accountability. See United Nations, “Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform. Report of the Secretary-General,” A/62/659-S/2008/39, 23 January 2008, par. 15.
- <sup>v</sup> Robin N. Haarr, “The Making of a Community Policing Officer: The Impact of Basic Training and Occupational Socialization on Police Recruits,” *Police Quarterly* Vol. 4, No. 4, December 2001.
- <sup>vi</sup> Independent Commission for Aid Impact, “Review of UK Development Assistance for Security and Justice,” Report 42, 5 March 2015, at <http://icai.independent.gov.uk/report/uk-development-assistance-for-security-and-justice/>.
- <sup>vii</sup> Alexander Mayer-Rieckh, “Time to Be Serious about Post-Conflict Police Development,” *Security and Peace* Vol. 28, No. 2 (2010), 81-88.
- <sup>viii</sup> Ali, A.S. (2015) ‘Jabhat al-Nusra competes with Ahrar al-Sham in Idlib’, *Al Monitor*, (10 July) available at: <http://www.al-monitor.com/pulse/security/2015/07/syria-idlib-battle-nusra-front-isis-ahrar-sham-power-control.html#> and al-Tamimi, A.J. (2015) ‘Archive of Jabhat al-Nusra Dar al-Qada Documents’, *Pundicity*, (3 March) available at: <http://www.aymenjawad.org/2015/03/archive-of-jabhat-al-nusra-dar-al-qaa-documents>.
- <sup>ix</sup> As reported by the Free Syrian Police on their social media accounts and evidenced in multiple videos they posted online showing the damage. For example, see Free Syrian Police (2015) ‘Aleppo Free Syria Police: Watch the al-Salahin police station targeted by Russian airstrikes’, YouTube, (30 October) available at: <https://www.youtube.com/watch?v=SxedM8bDmp4>.
- <sup>x</sup> Aleppo Free Police Leadership (2016), ‘Tel Rifa’at FSP Status’, Facebook (15 March) available at: <https://www.facebook.com/AleppoPolice1/posts/1003482659741498>.
- <sup>xi</sup> al-Ansar, S. (2016) ‘The Islamic Police: Jabhat al-Nusra’s new body in Idlib’, *Arabi 21*, (21 March) available in Arabic at: <http://bit.ly/22Ui8u0>.
- <sup>xii</sup> Alexander Mayer-Rieckh, “Time to Be Serious about Post-Conflict Police Development,” *Security and Peace* Vol. 28, No. 2 (2010), 14.
- <sup>xiii</sup> Alexander Mayer-Rieckh, “Vetting to Prevent Future Abuses: Reforming the Police, Courts and Prosecutor’s Offices in Bosnia and Herzegovina”, in Alexander Mayer-Rieckh and Pablo de Greiff (eds.), *Justice as Prevention: Vetting Public Employees in Transitional Societies* (New York: Social Science Research Council, 2007), 180–220.
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<sup>xv</sup> As reported by Nepal's Ministry for Peace and Reconstruction on March 29, 2011, using figures compiled by an official task force responsible for ascertaining the loss of life and property during the conflict (see report by the Nepal Monitor at [http://www.nepalmonitor.com/2011/07/recording\\_nepal\\_conf.html](http://www.nepalmonitor.com/2011/07/recording_nepal_conf.html)). These figures do not distinguish between lawful and unlawful killings. Early estimates suggested that at least half of the state victims were killed unlawfully. See Amnesty International, *Nepal: A Deepening Human Rights Crisis* (New York: Amnesty International, December 19, 2002).

<sup>xvi</sup> United Nations, "Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence," A/70/438, 21 October 2015, 10-11.

<sup>xvii</sup> See, for instance, Charles R. Lister, *The Syrian Jihad. Al-Qaeda, the Islamic State and the Evolution of an Insurgency* (London: Hurst, 2015).

<sup>xviii</sup> See, for instance, the news report depicting the leadership of the FSP in Aleppo with the Conquest of Aleppo military alliance, agreeing that the FSP will look after public and private property, while the armed groups in the alliance will concentrate on fighting. Orient News (2015), 'The Aleppo police announce they agree to protect public and private properties after the liberation of the city' (21 May) available at: <https://www.youtube.com/watch?v=fY6dIDgoVSM>.

<sup>xix</sup> See, for instance, various videos published on the FSP in Aleppo's YouTube channel, 'Aleppo Free Police Leadership' available at: <https://www.youtube.com/channel/UCGXwm733uN15w8kzvWJV6KA> and posts of their activities on their Facebook page by the same name available at: <https://www.facebook.com/AleppoPolice/>.

<sup>xx</sup> See, for instance, Michael J. Kelly, Timothy L. H. McCormack, Paul Muggleton & Bruce M. Oswald, "Legal Aspects of Australia's Involvement in the International Force for East Timor," *International Review of the Red Cross* 841 (2001), 101-139.

<sup>xxi</sup> Office of the United Nations High Commissioner for Human Rights, *Rule-of-Law-Tools for Post-Conflict States. Vetting: an Operational Framework* (New York and Geneva: United Nations, 2006).

<sup>xxii</sup> The Day After, "The Day After Project: Supporting a Democratic Transition in Syria," August 2012, at <http://www.usip.org/the-day-after-project>.

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