



International Institute of Humanitarian Law
Institut International de Droit Humanitaire
Istituto Internazionale di Diritto Umanitario

PROYECTO “SEGURIDAD Y VIDA DEMOCRÁTICA: DESAFÍO PARA LATINOAMÉRICA”

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INTERNATIONAL INSTITUTE OF HUMANITARIAN LAW
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“SECURITY AND DEMOCRATIC LIFE: A CHALLENGE FOR LATIN AMERICA”

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Security and Democratic Life: A Challenge for Latin America

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CHAPTER X

THE ITALIAN MODEL FOR THE MAINTENANCE OF PUBLIC ORDER AND CITIZEN SECURITY

Matteo Fornari

1.- The concept of "maintenance of public order" and "citizen security" are two closely interrelated pillars of the Rule of Law so much so that, in today's understanding of public order, this notion coincides with that of citizen security (or, at least, they are two sides of the same coin).

In the context of a democracy, public order is understood as a limitation to ideological and individual freedom; or, in other words, a greater good that takes precedence over individual rights⁸⁴ whose ultimate purpose is to guarantee the enjoyment and enjoyment of rights, the security of persons and their property, health and social tranquility. In this sense, public order is established as both a guarantee and a limit to freedom⁸⁵. Therefore, the "modern" meaning of public order emphasizes its preventive and collaborative nature with the citizenry, rather than reactive action as a consequence of a crime. The transition from an authoritarian State model to a democratic State model is thus reflected in an evolution of the concept of public order and security⁸⁶. As noted by the Inter-American Commission on Human Rights of the Organization of American States⁸⁷:

"[...] citizen security is a situation in which persons are able to live free of the threats caused by violence and crime, and the State has the necessary means to guarantee and protect the human rights directly threatened by violence and crime. Taking a human rights approach, citizen security is, in practical terms, a condition in which individuals live free from the violence practiced by State and non-state actors" (official translation).

⁸⁴ Moloeznik, Marcos Pablo, "Marco conceptual y doctrinario de orden público y otras situaciones de violencia" ["Conceptual and doctrinal framework of public order and other situations of violence"]; in Haro Reyes, Dante - Villareal Palos, Arturo - Chaires Zaragoza, Jorge (coordinators), Colaboración ciudadana en las políticas de Seguridad y de Derechos Humanos, Guadalajara, 2018, p. 42.

⁸⁵ Moloeznik, Manual de sistemas comparados de policía [Handbook of comparative police systems], Guadalajara, 2010, p. 43.

⁸⁶ The concept of "public order" has been subject, in some socio-political contexts, to an "interpretative" and, therefore, "practical" involution; that is, this notion assumed a restrictive, or even pejorative, connotation, particularly in the context of Franco's Spain or in the various dictatorial regimes of Latin America in the 20th century, as a euphemism for "repression": Brotat i Jubert, Un concepto de seguridad ciudadana; available at: http://gfw.diputacionalicante.es/repo/rec/87/BROTAT_seguridad_ciudadana.pdf. As "public order" had become synonymous with security, precisely in the name of internal security the dictatorial regimes applied repressive policies of denial of the fundamental rights of the individual: Communiqué of Maina Kiai, United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, at the end of his visit to the Republic of Chile (September 21-30, 2015); see, <https://www.ohchr.org/sp/NewsEvents/Pages/DisplayNews.aspx?NewsID=16542&LangID=S>.

⁸⁷ Inter-American Commission on Human Rights, Report on Citizen Security and Human Rights, OEA/Ser.L/V/II doc. Doc. 57, December 31, 2009, para. 221.

To date, democratic states have paid attention to a police model that privileges (or should privilege) the collaboration and participation of citizens, under the condition that the protection of citizens by law enforcement agents must be carried out within a framework of legality, respect for the law and fundamental rights. In this sense, "public order" and "citizen security" are two sides of the same coin. Hence, when speaking of security, one cannot limit oneself to the fight against crime, but must pay attention to how to create a favorable and adequate environment that favors peaceful coexistence among people; that is, the concept of citizen security must place greater emphasis on the development of policies of prevention and control of the causes that generate insecurity and violence, than on simply repressive tasks reacting to crimes that have already been committed⁸⁸.

From the former, there is no doubt that there is no security without human rights. The activity of law enforcement legitimately aimed at protecting public safety is essential to the achievement of the common good in any democratic society, and only through this is the Rule of Law can be ensured and through it, in a broad sense, social peace can be achieved.

2.- The modern meaning of public order (*rectius*, citizen security) entails that, on the one hand, the State is responsible for maintaining law and order, peace, and security within its territory⁸⁹ and, on the other, the duty to always guarantee and protect the right to peaceful assembly and demonstration⁹⁰. This is a positive obligation of the State to facilitate the exercise of the right to hold and participate in peaceful assemblies⁹¹. The free expression of thought and opinion and the right to demonstrate must always be a fundamental principle, protected and guaranteed by a State governed by the Rule of Law, even when such opinion peacefully underlines disagreement and criticism of the authorities⁹².

As far as the Italian scenario is concerned, the norm of reference is, first of all, Article 17 of the Constitution, which reads⁹³:

⁸⁸ Ibidem, para. 20.

⁸⁹ This basic concept has been underlined, for example, by the International Committee of the Red Cross (ICRC), *International Rules and Standards for Policing*, Geneva, 2015, p. 18; by the Statute of the International Criminal Court (art. 8, par. 3: War Crimes); and also by the Inter-American Court of Human Rights (IACHR), *Case of Women Victims of Sexual Torture in Atenco v. Mexico*, judgment of November 28, 2018, para. 159.

⁹⁰ The right to demonstrate publicly is intrinsically linked to the exercise of the right to freedom of expression and assembly; a connection recognized by the main international instruments on human rights and fundamental freedoms, such as the Universal Declaration of Human Rights (art. 19 and 20), the International Covenant on Civil and Political Rights (art. 19 and 21), the European Convention for the Protection of Human Rights and Fundamental Freedoms (art. 10 and 11), the African Charter on Human and Peoples' Rights (art. 9 and 11), and the American Convention on Human Rights (art. 13 and 15).

⁹¹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, UN doc. A/HRC/20/27, 21 May 2012, para. 27. See also European Court of Human Rights, *Plattform case "Ärzte für das Leben" v. Austria*, judgment of 21 June 1988, para. 32 f.

⁹² The UN High Commissioner for Human Rights stressed that "It is precisely when political tensions are high that governments should do their utmost to let people express their grievances": Kenya Must Lift Protest Ban and End Pattern of Police Brutality ahead of Poll, UN Experts Warn, October 16, 2017, at www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22238&LangID=E

⁹³ Unofficial Translation.

"Citizens have the right to assemble peacefully and without arms. For meetings, even in a place open to the public, no prior notice is required. Public assemblies must be notified to the authorities, who may prohibit them only on justified grounds of public security."

This right is clearly highlighted, for example, in the "Guidelines on optimizing governance and planning to determine the most effective measures to protect public order and safety at events and events of major importance" (hereinafter referred to as Guidelines), a document adopted by the Ministry of the Interior in 2019⁹⁴, which sets out the organizational, technical and operational solutions for dealing with and managing nationwide demonstrations and events, and on the basis of experiences derived from previous events⁹⁵. The adoption of these measures must be instrumental to the objective of "guaranteeing the right of every citizen or social group to demonstrate in order to freely express their opinion, ensuring that this right complies with the other rights guaranteed by the Constitution and ensuring the orderly development of civil life"⁹⁶ (unofficial translation). It is therefore essential to engage in a fruitful dialogue between the authorities and the promoters and organizers, aimed at realizing and maintaining, through dialogue and mediation, effective forms of negotiation or cooperation, in a perspective of balance between the full right to freely manifest one's thought and the requirement for the protection of legality and the rights of citizenship⁹⁷.

It should be noted that the freedoms of assembly and demonstration, albeit of protest, are a right and, therefore, should not be subject to prior authorization by the authorities; on the other hand, it is clear that, in order to guarantee citizen security, the competent authorities must be in a position to do so. In this respect, it is important to create a system of advance notice, the purpose of which would be to enable the authorities and the security forces to facilitate the exercise of demonstration, and simultaneously to take measures to protect public safety and order, as well as to protect the rights and freedoms of others. This advance notice must not be unjustifiably premature, but should allow sufficient time for the competent authorities to prepare adequately for the demonstration. As regards Italy, the Consolidated Text of the Public Security Laws ("Testo Unico delle Leggi di Pubblica Sicurezza", adopted with Royal Decree of 18 June 1931, n. 773) requires the organizers of a gathering in a public place to give at least three days' notice to the Quaestor (Article 18).

The importance of the preparatory and preventive phase of a demonstration by the competent authorities and public security forces seems evident. The Italian Ministry

⁹⁴ Ministero dell'Interno, Linee Guida recanti indicazioni per l'ottimizzazione dell'attività di governo e pianificazione ai fini dell'individuazione dell'individuazione delle misure più efficaci a tutela dell'ordine e della sicurezza pubblica in occasione di manifestazioni ed eventi di particolare rilievo, March 8, 2019 (at https://www.prefettura.it/FILES/AllegatiPag/1146/linee_guida_manifestaz_eventi_2019.pdf) (author's translation).

⁹⁵ Ibidem, p. 9.

⁹⁶ Ibidem, p. 6 and p. 50

⁹⁷ Ibidem, p. 51.

of the Interior's Guidelines emphasize "the need to carry out specific preventive activities, with the primary objective of achieving the highest security conditions in all the places where the initiative is carried out and in the places connected with it"⁹⁸ (unofficial translation). These preventive activities pass, first of all, through a fundamental phase of acquisition and evaluation of all news and information concerning the event to be managed. Therefore, from the first moments of the planning phase it is of strategic importance to start the informative activity. Particular attention should be paid to the organization of the event (typology, regulatory framework, bodies responsible for the organization), to the program and modalities of the event, to the venues of the event, to the type and number of participants, and to the analysis of the territorial context in which the event will take place⁹⁹.

An optimal evaluation of this last aspect, for example, seems to have been lacking with regard to the choice of the city of Genoa as the venue for the 2001 G-8¹⁰⁰ (the adoption of the Guidelines by the Ministry of the Interior is also a consequence of what happened at the G-8 in Genoa). The choice of Genoa immediately gave rise to considerable perplexity, due to the topography of the city (the historic center of the city is made up of a multiplicity of narrow streets that are difficult to control), which did not lend itself well to an event of such magnitude. After the events that took place, this decision was questioned in the light of the unfortunate management of public order and the morphology of the city¹⁰¹; moreover, although Genoa and Naples are topographically similar, the latter was discarded precisely because of the difficult control of public order, a problem that was widely verified in Genoa. It seems, therefore, that what happened in Genoa was also and, above all, determined by a lack of coordination and communication between the political authorities that chose the city and their public safety peers¹⁰².

⁹⁸ Ministero dell'Interno, cit. supra note 11, p. 26

⁹⁹ Ibidem, p. 22

¹⁰⁰ From July 19 to 22, 2001, demonstrations were held in the city of Genoa against the G-8 summit, that is, a counter-summit organized by the anti-globalization movement as a critical response to the economic policies of the most industrialized countries. The situation deteriorated on July 20, when members of the so-called Black Bloc infiltrated the peaceful demonstrations provoking violent clashes with the police and carabinieri, with the use of Molotov cocktails, stones and sticks, with the consequent devastation of several neighborhoods of Genoa; the forces of law and order responded with tear gas and charges against the violent demonstrators. On the events in Genoa, see the newspaper chronicles of those days, summarized at: https://it.wikipedia.org/wiki/Fatti_del_G8_di_Genova as well as at: https://es.wikipedia.org/wiki/Contracumbre_de_Génova.

¹⁰¹ The then Minister of the Interior, Claudio Scajola, admitted, but only a posteriori, that Genoa was "topographically inadatta alla gestione dell'ordine pubblico" ("topographically unsuitable to the management of public order"): Nazzi, Cosa successe al G8 di Genova, July 19, 2021, at <https://www.ilpost.it/2021/07/19/g8-genova-venti-anni-dopo>.

¹⁰² It should be recalled, moreover, that the authorities were mindful of the possible difficulties deriving from the choice of Genoa as the venue for the Summit, as can be seen from the parliamentary debates on the analysis of the events in Genoa, in which it was noted that "the determination of Genoa as the venue for the Summit is due above all to the desire to compensate the Region for the exclusion of some European Union funds, even at the cost of encountering foreseeable and serious difficulties deriving from the orographic and urbanistic configuration of the city." Statement by the then President of the Liguria Region, Dr. Sandro Biasotti, contained in Atti Parlamentari, Camera dei Deputati, XIV Legislatura, Disegni di Legge e Relazioni,

Establishing a detailed and in-depth information framework is therefore a decisive and priority objective, which is built up progressively and must be continuously updated, even during the event management phase. A continuous flow of information and data, as up to date as possible, is of utmost importance; information and data that must be constantly exchanged between law enforcement officers. Only with a complete mastery of data and information, which determine an optimal knowledge of the scenario in which law enforcement will operate, will it be possible to identify possible vulnerabilities, assess the level of possible and future threats and the risks involved. Everything must be aimed towards the achievement of the objectives of the security system for the protection of public order and safety, that is, to ensure the regular development of the planned event; the protection and safety of personalities and other participants; the right of every citizen or social group to assemble and demonstrate to freely express their opinion, ensuring that this right is balanced with the other freedoms and rights constitutionally guaranteed; the orderly development of civil life and respect for legality, preventing and avoiding accidents or the realization of any form of illegality or action aimed at impeding or interrupting the development of ordinary activities in the various sectors of society; preventing or otherwise containing disturbances of public order, or the outbreak of moments of conflict between opposing groups; ensure the protection of sensitive objectives; prevent and, in any case, minimize any potential risk to the population; carry out any response or conflict action in a manner increasingly appropriate and proportionate to any emergency or disturbance¹⁰³.

3.- In Italy, the maintenance of public order and security is the exclusive competence of the "police forces" at the State level, the State Police (Polizia di Stato), under the Ministry of the Interior; the Arma dei Carabinieri, under the Ministry of Defense; and the Fiscal Police (Guardia di Finanza), under the Ministry of Economy and Finance¹⁰⁴. These bodies have the task of contributing to the maintenance of public order and security; they are therefore instrumental to the government's duty to preserve internal public order.

The task of maintaining order is structured at the national (central) and provincial (local) levels¹⁰⁵. At the national level, the security system is based on the Ministry of the Interior and the Department of Public Security. The different police bodies

Documenti; available at: http://leg14.camera.it/_dati/leg14/lavori/documentiparlamentari/indiceetesti/017/001/pdf001.pdf

¹⁰³ Ministero dell'Interno, cit. supra note 11, p. 35.

¹⁰⁴ The Guardia di Finanza is a military structured police force with financial competence, active in the fight against organized crime, drug trafficking and corruption.

¹⁰⁵ Article 1 of the Royal Decree of 18 June 1931, n. 773 (Consolidated Text of the Public Security Laws); Article 1 of the Royal Decree of 6 May 1940, n. 635 (Regulation for the application of the Consolidated Text of 18 June 1931, n. 773 of the Public Security Laws). The territory of the Italian State is organized into local territorial entities, i.e. 20 Regions, 107 Provinces and Municipalities. The Regions constitute the first level of territorial subdivision of the Italian State; each Region is composed of several Provinces, and each Province has a city as its capital, in addition to a series of smaller inhabited centers (municipalities): see Title V of the Constitution of the Italian Republic.

(Police, Carabinieri, Fiscal Police), although belonging to different ministries, always depend on the Minister of the Interior for technical-operational coordination¹⁰⁶, through the Chief of Police, who heads the Department of Public Security. It is an articulation of the Ministry of the Interior, with the function of implementing the public order and security policy and coordinating under the technical-operational level the police forces; as well as, at the general level, of the overall planning and coordination of common police, logistic and administrative services of the police, and of the classification, analysis and evaluation of data for the protection of public order and security, as well as for the prevention and repression of crime¹⁰⁷.

At the provincial level, the maintenance and control of public order and security (and, therefore, the management of the public force) are centered on two figures, the Prefect ("*Prefetto*") and the Quaestor ("*Questore*"). The Prefects are the local representatives of the Minister of the Interior, in charge of an office called "Prefecture-Territorial Office of the Government" ("*Prefettura-Ufficio territoriale del Governo*"); they establish, in application of ministerial directives, coordinated plans for control of the territory, which the heads of the police forces must implement, and have the power to issue urgent ordinances to deal with situations that endanger public order and safety¹⁰⁸; while the Quaestor is the highest level of the Polizia di Stato in a province, to whom is entrusted the direction, responsibility and technical-operational coordination of the public order and security services, as well as the use of the police forces at his disposal, gathered in a Police Station (*Questura*). The Quaestor, who must be informed in a timely manner by the local Commanders of the Carabinieri Force and of the Fiscal Police about what is relevant to public order and security, also exercises all the activities of the security police and of the administrative police, which take the form of acts such as orders, notices, permits, authorizations.

Thus, in the Minister-Prefect and Minister-Police Chief-Quaestor relationship, it can be observed that the Prefect is the direct interlocutor of the Minister and guarantor of the congruence of the activities established by the police forces in the province, while the Minister-Police Chief-Quaestor relationship is developed within the Department of Public Security. The Prefect is the provincial public security authority at the political-administrative level, the Quaestor is the public security

¹⁰⁶ Article 1 of Law no. 121 of April 1, 1981: "Powers of the Minister of the Interior: 1. The Minister of the Interior is responsible for the protection of public order and security and is the national public security authority. He has the high direction of the public order and security services and coordinates the functions and activities of the police forces. 2. The Minister of the Interior adopts measures for the protection of public order and security.

¹⁰⁷ See; <https://www.interno.gov.it/it/ministero/dipartimenti/dipartimento-pubblica-sicurezza>

¹⁰⁸ In the Italian administrative system, the Prefect is a State body under the Ministry of the Interior: see Cassese, *Il prefetto nella storia amministrativa*, in *Rivista trimestrale di diritto pubblico*, 1983, n. 4, pp. 1449-1457; Cassese, *Il prefetto come autorità amministrativa generale*, *Relazione alla cerimonia di inaugurazione della nuova sede della Scuola Superiore del Ministero dell'Interno*, Roma, 14 novembre 1991; available at: https://culturaprofessionale.interno.gov.it/FILES/docs/1260/instrumenta12_16_cassese.pdf; and <https://sicurezza pubblica.wiki dot com/autorita-provinciale-di-pubblica-sicurezza>

authority at the technical-operational level. Hence, the application of security policy corresponds jointly to the Minister himself, the Chief of Police and the Prefect at his headquarters¹⁰⁹.

Ultimately, it is up to the Prefect to determine the general orientation and objectives of the activities for the protection of public safety; the Quaestor, for his part, must establish the operational modalities to achieve the objectives set by the Prefect and enact the program formulated by the latter. The close collaboration that must exist between the Prefect and the Quaestor in the management of situations that may endanger public order and safety is evident. This synergy is well highlighted in the above-mentioned Guidelines of the Ministry of the Interior, which recommend to the Prefect and the Quaestor the periodical activation of their consultative bodies, the Provincial Committee for Order and Public Safety ("Comitato provinciale per l'ordine e la sicurezza pubblica") and the Technical Bureau ("Tavolo tecnico"). The former is a collegiate consultative body created in each Prefecture, chaired by the Prefect and composed of the Quaestor, the Mayor of the provincial capital municipality and the commanders of the Carabinieri and the Fiscal Police; while the Technical Bureau, chaired by the Quaestor, allows to develop and execute —through constant liaison and operational exchange with all offices and agencies involved— an effective operational planning and precise intervention strategies, which will be incorporated in the Service Order¹¹⁰.

With regard to the need to prioritize the preparatory and preventive phase of any critical event, in an integrated security perspective, the coordination of the provincial public security authorities constitutes the privileged place for analysis, comparison, evaluation and sharing of options with all the actors involved. It goes without saying that a complete and updated information framework in relation to the context makes it possible to identify and determine precisely the required operations, as well as to define accordingly the objectives and intervention priorities of the overall public order and security action to be carried out¹¹¹.

4.- It should be noted that it is not uncommon for a demonstration to be infiltrated by violent demonstrators who often distort a legitimate peaceful protest (authorized by the competent authorities) into a situation of degradation characterized by clashes and attacks against law enforcement, to the point of reaching a true context of urban guerrilla warfare. In this scenario, an adequate and correct preparation of the forces competent to guarantee order and enforce the law —law

¹⁰⁹ Francini, Amministrazione della pubblica sicurezza; available at: <https://questure.poliziadistato.it/statics/06/autorita--amm.ne-p.s.-corretta.pdf>

¹¹⁰ Ministero dell'Interno, cit. supra note 11, p. 17 and 52.

¹¹¹ *Ibidem*, p. 31.

enforcement officers¹¹²— is essential and fundamental for them to be able to distinguish and correctly manage a situation of peaceful demonstration from a violent one.

In the same event, manifestations with acts of violence or infiltrated by disruptive or violent elements, violence may manifest itself with different degrees of severity, which should result in appropriate and proportionate reactions from the actors. But it should be borne in mind that these demonstrations or protests, although violent, take place in a peaceful scenario and, therefore, the State and its agents must react in accordance with national legislation and international legal instruments for the protection of human rights.

Unlike the Armed Forces deployed in internal armed conflicts (governed by International Humanitarian Law), for which the so-called "rules of engagement"¹¹³ are in force, the use of force by a police officer assumes much more complex aspects, susceptible to adaptability to different cases and above all always subject to the possible implementation of a judicial procedure by the police officer, since his actions are always subject to the control of the judiciary.

However, due to violent acts or the degradation of the event itself, there may be a need for police officers to resort to "gradually coercive" measures. Whether in an individual confrontation between two subjects or in a collective confrontation, a situation arises in which phases will inevitably take place that present degrees of progression or regression of the confrontation; or, in other words, levels of use of force, constituting a concept of balance between attack and defense. It is, to use the Anglo-Saxon expression, the "use-of-force continuum", i.e. a "progression of confrontation" between a police officer and an individual resisting authority, a set of actions and behaviors that allow law enforcement officers to increase verbal and physical deterrents in specific circumstances.

In this framework, it is possible to summarize —albeit in a simplified manner— the actions of the demonstrators and the reactions of the agents in the following table, from which it follows that the use of force for a police operator is not only the use of weapons, but is expressed through the levels that represent the so-called "action index":

¹¹² The International Committee of the Red Cross recommends that such State officials maintain as a reference tool the Code of Conduct for Law Enforcement Officials (at: <https://www.ohchr.org/sp/professionalinterest/pages/lawenforcementofficials.aspx>) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (at www.ohchr.org/sp/professionalinterest/pages/useofforceandfirearms.aspx) adopted by the United Nations in 1979 and 1990, respectively. According to the Code of Conduct, law enforcement officials are "all law enforcement officers, whether appointed or elected, who exercise police functions, especially the powers of arrest or detention" (art. 1, comment a). These are soft law instruments, i.e. not legally binding as such, but nevertheless contain useful guidance on specific issues related to the maintenance of law and order: International Committee of the Red Cross, *Violence and the Use of Force*, Geneva, 2012, p. 13.

¹¹³ See, International Institute of Humanitarian Law, *Sanremo Manual on the Rules of Engagement*, Sanremo, 2009; available at: <https://iihl.org/wp-content/uploads/2018/04/ROE-HANDBOOK-SPANISH-16-05-2011PRINT-OFF.pdf>.

| <i>Demonstrator action</i> | <i>Police reaction</i> |
|-------------------------------|---------------------------|
| Intimidating posture | Dialogue |
| Verbal or physical resistance | Distancing and dispersion |
| Unarmed aggression | Use of defense tools |
| Armed aggression | Lethal force |

5.-Some conclusions can be drawn from the above. In the first place, the preparation and training of police officers, of every order and hierarchy and in any temporal phase, are of utmost importance. This means that this aspect begins in the previous phase of selection of personnel to be engaged. The public authorities and police authorities must ensure that all members of the forces of law and order are selected through appropriate procedures that guarantee the moral qualities and psychological and physical requirements necessary for the proper exercise of their functions and that they receive constant and complete professional training; hence the convenience of periodically checking whether the agents are still suitable for the exercise of these functions. Secondly, the State has the duty to make its law enforcement officials aware of the applicable national law and international standards relating to the protection of human rights. This implies that the hierarchically superior levels of the police have the duty to make their officers aware of the relevant regulations and, above all, to monitor compliance with them, as well as to carry out prompt and adequate investigations to determine the possible responsibility of the officers. It must be accepted that a superior officer is responsible for the infringement of the relevant legislation by a subordinate, when he knew or was in a position to know that the infringement was being committed and did not intervene to put an end to it.

Furthermore, the Rule of Law must base its existence on the trust that citizens have in the institutions that represent them. This trust is based on a continuous dialogue between law enforcement and citizens and social or political groups or representations (and even dissidents or protestors). This trust in police officers is built through continuous dialogue and concrete actions on the part of law enforcement. Experience suggests that the recordings could be an informative tool about the events that occurred to compare them with the information disseminated by the media or on social networks. In this sense, equipping officers with body cameras means defending the truth about what happened, since the camera allows recording the situation at all times and obtaining an objective testimony of the facts, without the possibility of being manipulated. It is also worth noting the dissuasive element of the body camera, insofar as it dissuades the suspect to be less aggressive when they sees that they are being recorded. Consequently, cameras can provide greater transparency to legal processes and provide greater evidentiary guarantees in trial.

Another measure that could favor and develop a climate of mutual trust between police officers and local citizens would be the introduction of community policing (or neighborhood policing), such as, for example, active community policing in American or Italian urban centers, to promote a policy of intra- and inter-

institutional collaboration that is vital today for good local governance¹¹⁴. The "neighborhood police" develops a cognitive control of the territory, being close to the people to understand and prevent crime. The creation of the "neighborhood police" project has its origin in a double requirement: on the one hand, to establish a new relationship between the citizen and the police forces on easier and more immediate channels of access and use of the various institutional services; on the other hand, to integrate the device of control of the territory. In addition to the police weapon, community policemen (State Police, municipal police and Carabinieri) are equipped with a tablet and a radio to contact the nearest patrol, aerosols or other devices for self-defense. It should be noted, however, that in urban contexts with serious socioeconomic problems and disarticulations, which often lead to violence or urban guerrilla scenarios, even with the use of weapons with high firepower and lethality, the proximity policing mechanism could hardly work.

A State governed by the Rule of Law must guarantee public order and citizen security. This task is achieved effectively and efficiently through the use of adequate instruments and equipment. Today's technology makes it possible to equip police forces with various instruments, called "less lethal weapons", i.e., means specifically designed and used to achieve a given effect, minimizing the risk of causing permanent damage or even death, if used in accordance with established standards. Their use is intended to bridge the gap between the use of traditional (lethal) weapons and non-use of weapons (verbal intimidation, self-defense techniques).

¹¹⁴ See, Francini, La polizia di prossimità: una rivoluzione culturale nella politica della prevenzione e del controllo del territorio, Ministero dell'Interno, Istituto Superiore di Polizia, Roma, 2004; available at: <https://www.comitatithiene.it/rozzampia/wp-content/uploads/sites/3/2014/07/Polizia-di-Prossimit%C3%A0.pdf>.