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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the ST 5364/05 INIT RESTREINT UE version.

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## **DRAFT OPERATION PLAN**

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From : Secretariat

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To : Delegations

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Subject : OPERATION PLAN (OPLAN) FOR THE EU POLICE MISSION IN  
KINSHASA (DRC), EUPOL KINSHASA

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Delegations will find attached the OPERATION PLAN (OPLAN) for the EU Police Mission in Kinshasa (DRC), EUPOL Kinshasa, as forwarded by the designated Police Head of Mission/Head of Planning Team taking into account the remarks made in CIVCOM.

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## **EUPOL KINSHASA**

### **POLICE HEAD OF MISSION OPLAN FOR THE EUROPEAN UNION**

#### **POLICE MISSION IN KINSHASA (DEMOCRATIC REPUBLIC OF CONGO)**

#### **REFERENCES**

- A. The global and all-inclusive Agreement on the transition in the Democratic Republic of Congo, signed in Pretoria on 17 December 2002.
- B. United Nations Security Council Resolution (UNSCR) 1493 (2003) encourages donors to support the establishment of an integrated Congolese police unit and approves the provision by the United Nations Organisation Mission in the DRC (MONUC) of additional assistance that might be needed for its training.
- C. Official request of the DRC government addressed to the High Representative for the CFSP for the EU assistance in setting up the Integrated Police Unit (IPU), dated 20 October 2003.
- D. Council Joint Action 2004/494/CFSP of 17 May 2004 in which the European Union commit to "support the process of the consolidation of internal security in the DRC, which is an essential factor for the peace process and the development of the country, through assistance to the setting up of an Integrated Police Unit (IPU) in Kinshasa".
- E. UNSCR 1565 (2004) in which it decides to extend the deployment of MONUC until 31 March 2005. In addition the UNSC decides that MONUC will have, inter alia, the mandate in support of the Government of National Unity and Transition: "to contribute to arrangements taken for the security of the institutions and the protection of officials of the Transition in Kinshasa until the integrated police unit is ready to take on this responsibility and assist the Congolese authorities in the maintenance of order in other strategic areas".
- F. Fact Finding Mission Report on a possible ESDP mission in Kinshasa (14517/04) dated 10 November 2004.
- G. Council Joint Action 2004/847/CFSP of 9 December 2004 on the EU police mission in Kinshasa (DRC) regarding the Integrated Police Unit (EUPOL KINSHASA).
- H. Concept of Operations (CONOPS) for the EU police mission in Kinshasa (DRC), EUPOL KINSHASA (15020/3/04 rev 3) dated 1 December 2004.
- I. Risk Assessment (SN3600/04) dated 7 December 2004.

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## 1. SITUATION

### 1.1 GENERAL

The DRC (Democratic Republic of Congo) is striving slowly to recover from its war-torn past. Following the "Accord Global et Inclusif", signed in Pretoria on 16 December 2002 and the Intercongolaise Dialogue, a Transitional Government, consisting of one President, four Vice-Presidents and 36 Ministers drawn from numerous political and ethnic groupings, has been established to lead the country until the elections, due to take place in June 2005.

There is a strong International Community commitment to support the peace-keeping as well as the institution-building endeavours. MONUC is assisting in security sector reform, notably by carrying out monitoring and training activities, and contributes to security arrangements in support of the transitional process.<sup>1</sup> A number of EU Member States are engaged in bilateral assistance programs to the police, as are several third states.

However, the security situation remains highly volatile, including in the capital Kinshasa. The reform of the security sector (police, army) has not yet started and several armed factions are still active, especially in the East of the country. A number of crises have jeopardised the political process and the stability in the country since the inception of the Transitional Government.

On 20 October 2003, the government of DRC addressed an official request to the SG/HR for European Union assistance in setting up the IPU, which has the mandate to protect the DRC transitional institutions. In response to this, the EU has subsequently committed support to the IPU with training, equipment and monitoring, mentoring and advising:

the EDF has funded the rehabilitation and refurbishment of a training centre and the training of IPU staff. The EDF project is expected to come to an end in February 2005;

in addition to the EDF funded activities and in accordance with the Joint Action 2004/494/CFSP of 17 May 2004, the EU and its Member States committed themselves to provide the DRC government with the law-enforcement equipment, arms and ammunition identified as necessary for the establishment of the IPU;

with a view to monitoring, mentoring and advising the concrete implementation of the IPU's mandate after the EDF-funded training phase, the Council on 22 November 2004 agreed to the

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<sup>1</sup> United Nations Organization Mission in the Democratic Republic of the Congo

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launch of an EU police mission, in the framework of the ESDP, in support of IPU Kinshasa.

The IPU, which is expected to be fully operational by March 2005, should be a reliable asset for the Congolese authorities by providing security to the Transitional Government and possibly by helping to maintain stability in Kinshasa and by contributing to creating a safe environment during the elections. Afterwards, the inter-factional IPU could be used as a model in the future restructuring of the PNC.

## 1.2 POLITICAL

With the establishment of the transitional national government (TNG) on 30 June 2003, the political process in the DRC entered a new phase with the official beginning of the transition period agreed upon in the Accord Global et Inclusif (AGI), signed in Pretoria on 16 December 2002 and in the Intercongolaise Dialogue, concluded in Sun City on 2 April 2003. On 22 August the Parliament (National Assembly with 500 members and Senate with 120 members designated by the composantes et entités) was officially established.

The first half year of the transition was characterised by a certain cohesion among the "espace présidentiel" and the composantes and entités, despite the crisis in Ituri which was successfully defused by the deployment of the EU military operation in the DRC (ARTEMIS). At the beginning of 2004 the transition process stagnated and was affected by several cabinet "crises". This situation was marked by increasing unrest and violence in the East and culminated in two ambiguous and unsuccessful attempted "coups d'état". At the same time the country witnessed a standstill in the political process as well as confusion and a lack of progress in Disarmament, Demobilisation and Reintegration (DDR) and Security Sector Reform (SSR). Issues related to the extension of state authority over the whole of the territory and legislation in preparation for elections experienced similar delays.

In June 2004 the DRC experienced its most serious crisis since the beginning of the transition period when dissident forces under the command of Col. Jules Mutebutsi and Brig. Gen. Laurent Nkunda - both RCD Goma/ex-ANC - took control of the town of Bukavu. Despite the difficult situation, with rumours of Rwandan support for the dissidents and riots against MONUC, the TNG, in particular the espace présidentiel, managed to retain throughout the crisis an image of unity vis-à-vis the Congolese population. However, it became clear that the unity inside the TNG remains fragile and full of contradictions. The underlying problems (delays and blockages in the transition

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process, hidden private agendas, the existence of parallel structures at political and military level etc.) have not been solved and have, according to most observers, even deepened. It is apparent that persistent negative forces, in the East as well as in Kinshasa, are ready to take any opportunity to further derail and block the process.

The massacres of Congolese refugees of Tutsi origin in Gatumba/Burundi on 13 August 2004 demonstrated again the problem of security in the East of the DRC. The question of nationality of the Banyamulenge population continues to be one of the root causes of instability in this region. With regard to the regional dimension of the Gatumba attack, concern focused also on the lack of progress with the transition process in the DRC. Restoring state control over the East should be of the highest priority and negative forces should be targeted and isolated to prevent the emergence of new and changing coalitions, only interested in sustaining conflict.

The latest government crisis in August, when Vice President Ruberwa announced the suspension of the participation of RCD in the transitional institutions, was mainly related to the marginalised position of this composante which has very little popular support and is still partly under the influence of Rwanda. The crisis, once solved by active mediation from South Africa and the EUSR, created an opportunity to review seriously the lack of progress in the transition, in particular the inactivity in integrating the army, the persistent insecurity in the country and the continued existence of parallel political and defence structures with the active presence of a multitude of armed groups.

## 1.3 ELECTIONS

Elections are supposed to be held within the 24 months following the beginning of the transition (i.e. end of June 2005). For reasons specifically linked to the organisation of the elections, the transition period can be extended by 6 months. If circumstances require, and upon proposition by the Independent Electoral Commission (CEI), a reasonable, justified joint decision of the Parliament (Senate and National Assembly) can extend the period for another 6 months (June 2006).

The respective law (loi organique) on the organisation and functions of the CEI was passed in June 2004. Only after that decision could the CEI officially start to work. The 21 members of the CEI were nominated only at the end of August 2004. At present the CEI is establishing an electoral calendar with the different phases for the preparation of the elections.

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In order to respect the deadlines in the preparation of the elections, several laws remain to be adopted. As the most urgent prerequisite, the chief concern at the moment is the law on voter registration and nationality. The facts that there have been no elections for more than 40 years, there are no data available on the population, and that people do not hold identity cards, constitute serious impediments to the holding of elections in the immediate future.

The CEI claims that the voter registration process should take no more than two months. However, before this can start preparatory measures need to be undertaken (e.g. establishment of registration centres throughout the country, selection and training of registration agents, etc.); if these measures are not carried out before the onset of the rainy season, the rains will make many rural parts of the country inaccessible and thus further delay the process. In parallel, a draft for the new Constitution has to be adopted by Parliament and, according to the timetable, it will be submitted to a referendum in April or May 2005. The electoral law, another precondition for the holding of the elections, can be adopted only after the referendum on the Constitution has passed.

In March 2004 the President promulgated the law on political parties and the deadline for registration in order to participate in the elections was set for September 2004. Although the CEI has not yet received an official report, there have been about 240 parties that have registered before the adoption of the present law.

The preparatory process for the elections has been delayed to such an extent that many observers consider it unlikely that elections could be held in June 2005. The President of the CEI already indicated that in the given circumstances it would be more appropriate to focus on a possible election date in September 2005 at the latest.

## 1.4 LOCAL POLICE

The Congolese National Police (PNC) is not at present in a position to maintain law and order in DRC. The PNC, which is thought to number some 80,000 to 90,000 personnel, suffers from a large number of flaws and shortcomings, even though a positive step was taken when the warring factions agreed that their respective police components be merged into the National Police.

The reform and the restructuring of the PNC are part of the commission on the Security Sector Reform (SSR). In accordance with the Constitution and the relevant legislation as well as international applicable human rights standards, the objective is to transform the national police into

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a professional, non-politicised/neutral body that is responsible for the internal security of the country.

Due to different factors the progress expected from this undertaking has been close to zero since the TNG was installed. Delays in the appointment of a unified command led to delays of other important projects. It was only in August 2004 that a seminar on the planning of national police reform, including other services in the public security sector, took place with the assistance of MONUC. The report of this seminar is so far the only document existing that outlines the objectives, priorities, conditions and requirements in the short-, mid- and long-term (until 2009).

Various international actors have emphasised that a major problem has been the lack of co-ordination among bilateral initiatives and the fact that MONUC only partially assumes the role of bringing together different actors to present a coherent approach.

The Local Police organisation is reflected in Annex A.

## 1.5 RULE OF LAW

### 1.5.1 Judicial System

The penal judicial system in DRC is based on the following structure from bottom to top:

- Peace Tribunals ("Tribunaux de paix"). The competence of these tribunals lies in the domain of crimes with a maximum sentence of five years. Only 53 out of the 180 Tribunals foreseen are in place so far.
- Tribunals of First Instance ("Tribunaux de grande instance"). The competence lies with crimes with a sentence longer than five years. In addition these tribunals are competent to deal with the appeals of the sentences made in the peace Tribunals. There are only 39 tribunals in the whole country.
- The Appeal Courts ("Cours d'appel"). This Court is competent to judge in first instance infractions committed by judges and senior functionaries. In addition the Court is competent to deal with appeals of the sentences given by the Tribunal of First Instance.
- The State Security Court ("Cour de Sûreté de l'Etat"). This Court is competent for some special cases like attacks against State security, offences against the President of the State, subversive propaganda, the trafficking of precious material, and so on.



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- The Supreme Court of Justice ("Cour Suprême de Justice"). This Court is at the top of the judicial hierarchy. The Court is competent to judge in first instance infractions committed by members of the government, Deputies, Senators, the judges of the Supreme Court and the governors of the provinces.

In addition, the Prosecutor's Office ("Ministère Public") is in charge of carrying out all the instructions to present the case to the corresponding tribunal, and afterwards to maintain the accusation on behalf of the State.

In total there are 1,950 "magistrats" out of which 1,575 are within the Prosecutor's Office. A large proportion of this personnel is in Kinshasa (183 judges and 475 prosecutors).

The general situation of the Judicial system does not differ a lot from other parts of the Rule of Law in DRC. The minimum conditions to perform its work with efficiency are not in place and both capacity and competence are lacking in practically all the domains, be it training, human resources, material and technical resources, and infrastructure.

### 1.5.2 Penitentiary System

The penitentiary system in DRC is under the Ministry of Justice, and the staff is composed of administration, surveillance, and educational personnel. There are in DRC a total of 200 civilian prisons, 3 military prisons, and 10 centres for young offenders.

The population in these prisons is estimated at approximately 8,300 (July 2004), out of which 2,700 are in Kinshasa. Living conditions are very poor due to the overpopulation of some prisons and the precariousness of the infrastructure. The budget for feeding the prisoners does not cover basic needs, and the lack of all type of resources (finance, staff, and logistics) is so evident that the government has the tendency to hand over responsibility to ensure minimum living conditions for the prisoners to their families or NGOs.

There is no efficient registration of the prisoners in place and no normal archive system. The controls are carried out by using very basic means, such as hand-written reports.

## 1.5.3 The situation after the war

The war had an extremely negative impact on the respect for human rights and on the basic security of persons and goods in the DRC. Indeed the conflict, characterised by a multiplicity of armed groups and forces, provoked an extraordinary variety of crimes. All these crimes should be investigated and prosecutions undertaken in order to contribute to sustainable national reconciliation and the consolidation of the peace process; the situation of impunity should be ended. However, the justice sector is obviously not able to take over this task.

The justice system seems therefore to be characterised by:

- Serious gaps, contradictions, incoherence of the legal texts in force, some of which are completely outdated;
- An almost total absence of independence of the legal power;
- A overburdening of the legal system all over the territory generating very serious inequalities of persons before the law;
- Very poor working conditions: infrastructure which has deteriorated or been destroyed, lack of equipment, insufficiency or even absence of legal texts, absence of an operational budget;
- Legal staff not properly paid, causing the phenomenon of privatisation and corruption of justice;
- Absence of well trained staff and loss of knowledge; schools have not been operating for years;
- A lack of the citizens' confidence in the legal system.

## 1.6 EU INVOLVEMENT IN THE AREA

The EU has recently renewed the mandate of the Special Representative (EUSR) for the African Great Lakes Region with a view to his continuing his work in the region viz. to establish and maintain close contact with, among others, all parties in the transition process to contribute to the implementation of, and to engage constructively with, the signatories of the peace agreements. The EUSR has to report on the possibilities for EU intervention in the peace and transition process and on the best way of pursuing EU initiatives. He contributes also to a better understanding of the EU's role among opinion leaders in the region.

- **Commission:** The Commission is assisting the Government of DRC with the setting up of the IPU. Experts provided to the Commission by MS have been contracted under the EDF Budget to train the 1008 police officers. Most of them will have been trained by the end of February 2005. The EDF has also funded the rehabilitation and refurbishment of the IPU training centre as well as equipment necessary for the operability of the IPU. In addition, the EC funds the

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rehabilitation and refurbishment of the IPU Headquarters.

In accordance with the Joint Action of 17 May 2004, arms, ammunition and law-enforcement equipment are provided through the CFSP budget and bilaterally by MS.

The Commission has also foreseen the financing (9 M€) of a programme enhancing the security surrounding the electoral process. The conceptual phase has been launched in collaboration with the national Congolese police, the MONUC and DFID.

Finally, the Commission is financing (20 M€) the World Bank-managed Great Lakes Area Trust Fund for DDR, of which the DRC is the main beneficiary.

- **France:** In order to prevent the possible destabilisation of public order, France has been active since 2003 in a programme of modernisation of equipment and introduction of the principles of human rights in the PIR (Rapid Intervention Police) active in the capital. As of today, about 1000 police officers are operational and aware of international democratic principles. In 2005 two more Battalions will be trained, which will bring the number of trained officers to 2000 before the elections. In parallel to this project, in 2004 another 180 trainers have been trained individually in France but specially in African schools for regional training. This training includes public order maintenance as well as other projects (especially investigations). Finally, specific training for agents of all Ministries involved in the Airport control has been performed on the spot for air security and control of documents.
- **Belgium:** in the area of the integration of the army, the training of one integrated brigade in Kisangani was completed in June 2004 which is now deployed in Ituri. In another programme "train the trainers" it has recently finished a programme in Belgium for 260 officers. In the context of the IPU project Belgium provides several trainers but does not have bilateral programmes in this sector.
- **United Kingdom:** the interest consists mainly in funding activities in the area of SSR and in particular of the police and is aiming at filling gaps and avoiding overlap. At the moment the UK is considering funding for South African training plans, either directly or via a trust fund. Taking into account the gaps in MONUC's capacity the UK is providing experts to MONUC for the preparation of the necessary documents and programmes for the preparation of the elections. In addition, it is ready to support planning in a longer-term perspective, in particular assistance in the post-election period.

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## 1.7 INTERNATIONAL PRESENCE

### 1.7.1 CIAT

The task of the Comité international d'accompagnement de la transition (CIAT) is to guarantee the implementation of the AGI and the programme of the transition. The CIAT has 14 members: the five permanent members of the UNSC (China, France, Russia, UK, US), EU (EC and Presidency), AU (incumbent Presidency), Angola, Belgium, Canada, Gabon, South Africa and Zambia. It had its first meeting in February 2003 and it has been meeting since then on a weekly basis at Ambassador level to discuss the open issues of the transition.

In the margins of the UN General Assembly in September 2004 the Ministers of the member countries of CIAT met for the first time. It called for the establishment of a mechanism for sustained dialogue between CIAT and the transitional institutions, in particular with the *espace présidentiel*. A first meeting of this kind took place on 6 October discussing among other matters the road map for the transition including the elections. President Kabila requested the establishment of a follow-up commission of a technical nature composed of experts nominated by each of the members of the *espace présidentiel*, the presidents of the two chambers of Parliament and the five institutions supporting the transition on the one hand and experts from CIAT on the other.

Apart from the contacts with the main institutions, CIAT regularly publishes press statements with the objective to maintain pressure on the actors to respect their obligations stemming from the AGI, the transitional constitution and other instruments.

### 1.7.2 UN - MONUC

Following the recommendations of the third report of the Secretary General (of 16 August 2004) the UN Security Council decided on 1 October 2004 to extend until 31 March 2005 the deployment of MONUC acting under Chapter VII of the Charter of the UN. The Security Council authorised the increase of MONUC's strength by 5,900 personnel, including up to 341 civilian police, as well as the deployment of appropriate civilian personnel. The present strength of civilian police accounts for about 115 personnel.

The mandate of MONUC comprises among other tasks "to contribute to arrangements taken for the security of the institutions and the protection of officials of the Transition in Kinshasa until the integrated police unit for Kinshasa is ready to take on this responsibility and assist the Congolese authorities in the maintenance of order in other strategic areas". Within its capacity and without

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prejudice to carrying out other tasks, MONUC will provide advice and assistance to the TNG and authorities, including support to three commissions to be established aimed at providing a mechanism of interaction with the TNG on (a) essential legislation, (b) Security Sector Reform (SSR) and (c) elections. The commission on the SSR will include the integration of national defence and internal security forces together with DDR and in particular, the training and monitoring of the police.

The Secretary General has been requested to report by the end of October 2004 to the SC on reforms necessary to improve the command structures, the control and management of military information within MONUC, and to rationalise the civilian and police components of MONUC.

## 1.7.3 African Union (and SADC)

Apart from resolutions and declarations on the peace process in general and some specific events in particular there has been no direct involvement of these two organisations in specific programmes in the area of SSR. Nonetheless, the involvement of South Africa, due to its Presidency of the AU during July 2002 - July 2003 and now as the Chair of the SADC organ on Politics, Defence and Security Co-operation could have been in this capacity of chairmanship to advance the peace process in the DRC.

## 1.7.4 DRC neighbouring countries:

- **South Africa:** has signed a bilateral agreement aiming at the training of a small and effective army to be deployable soon. Due to the delay in the co-ordination of the activities of other international partners on the one hand, and the delay in the DDR process on the other, South Africa decided to invite other partners to join in. In the police sector, activities are focused on training Congolese police on different subjects (cross-border crime, diamond trafficking, criminal intelligence in the context of elections, crowd management, telecommunications, management training, etc.). Upon a request from VP Ruberwa, South Africa is also providing training for VIP protection linked to the CPC (training of operational commanders and rapid reaction based on the French concept of PIR).
- **Angola:** according to several sources and the information given by the Angolan Ambassador in Kinshasa, Angola has for some time been involved in the training of the army and police. Before the TNG was established Angola had trained some 2500 persons in the area of rapid intervention (PIR) and other areas. Apart from this general information, however, it was

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difficult to obtain further detailed indications on its activities in the reform of the army and the police. Actually, Angola is facing similar problems to the French in that the Congolese Authorities were supposed to provide training centres but have failed to do so.

## 1.7.5 Others

- **Japan:** according to information provided by South Africa, Japan is financially supporting projects launched by South Africa (e.g. training course for senior police staff).
- **Turkey:** has signed a MoU on the army with the Minister for Defence and a proposal has been forwarded by the Ambassador in Kinshasa that Turkey should also engage in the restructuring of the police.

## 1.8 EU JOINT SITCEN RISK ASSESSMENT Reference I

The EU Joint SITCEN risk assessment will be reviewed on a regular basis and taken fully into consideration.

## 2 COUNCIL GUIDANCE

### 2.1 POLITICAL OBJECTIVES FOR THE EUROPEAN UNION

A strong commitment of the International Community in DRC is necessary to contribute to building a secure, self-sustaining democracy in DRC. The United Nations Security Council has the primary responsibility for the maintenance of international peace and security, but the European Union as a global player should contribute to preserving peace and strengthen international security.

#### Long and Medium term objectives

- To support peace and security in Africa as part of a coherent EU policy towards Africa, in which ESDP activities and the Peace Facility are combined with other instruments of the Common Foreign and Security Policy and the Cotonou Agreement and with bilateral actions by Member States.
- To contribute, as part of the wider international effort, to the establishment of a well-governed democratic state in DRC and a rule of law based international order.
- To contribute, in co-operation and co-ordination with the international community effort, to the organization of elections in accordance with international standards in order to provide DRC with a democratically elected government.

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## Short term objectives

- To contribute towards putting in place confidence-building measures that make possible the process of transition to a democratically elected government.
- To support security sector reform and to contribute to the process of the consolidation of internal security in the DRC, which is an essential factor for the peace process and the development of the country, through assistance to the setting up of an Integrated Police Unit (IPU) in Kinshasa.

## **2.2 POLITICAL LIMITATIONS AND ASSUMPTIONS**

- 1) The EU police mission will need the clear support and strong commitment of the Local Authorities in facilitating the achievement of the Mission objectives and in doing so to foster the principle of local ownership. This commitment should be clearly set out in a political declaration by the Congolese authorities. Close co-ordination with, and information to, other relevant local actors must be ensured to guarantee their support.
- 2) The success of the EU police mission will significantly depend on the Transitional Authorities' commitment to deliver on their pledge to support the establishment and proper functioning of the IPU, in particular with respect to salaries and operational running costs, including provisions for the accommodation of the police officers of the IPU. Commitment at the highest level should be secured from the Transitional Authorities: firstly, to support the envisaged EC-funded refurbishment of the IPU compound in order to accommodate the personnel as quickly as possible; and secondly, to fulfil their agreement to the co-location of the Mission members within the IPU chain of command and the payment of the salaries of the IPU. The implementation of these commitments should be verified on the ground.
- 3) The prevailing instability in the region is highly likely to have an impact upon the situation in the DRC and particularly in Kinshasa. The potential for crisis in the area will have to be closely followed by the EU police mission and the risk assessment of the SITCEN updated accordingly, as any such crisis can be expected to raise the level of threat towards the Transitional Authorities and can jeopardise the transition process and the IPU itself.
- 4) The EU police mission will have to co-ordinate closely with the main international stakeholders which have some interest and activities in the policing area, notably MONUC, which plays the role of overall co-ordination in Security Sector Reform (SSR).

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- 5) At this point in time international observers highlight difficulties which could delay the electoral process.
- 6) As a result, the duration of the Mission mandate, which is closely tied to the election timetable, is still subject to a degree of uncertainty.
- 7) During the course of the Mission the involvement and political support of the Member States will be indispensable towards achieving the goals of the EU police mission in Kinshasa.

## **3 MISSION**

### **3.1 MISSION STATEMENT**

The EU police mission in Kinshasa will monitor, mentor, and advise the setting up and the initial running of the IPU in order to ensure that the IPU acts in accordance with the training received in the Academy Centre and according to international best practices in this field. These actions should be focused on the IPU chain of command to enhance the management capability of the IPU and to monitor, mentor, and advise the operational Units in the execution of its tasks.

### **3.2 DESIRED END STATE**

The IPU performing its tasks according to international best practices without any further need for external monitoring and mentoring presence on a sustainable basis and appropriately integrated into the reformed Congolese National Police.

### **3.3 DURATION**

The Mission is intended to monitor, mentor and advise the IPU during the transition process until the holding of the elections (scheduled in June 2005), and a period of consolidation after the elections (estimated at three months). Due to the uncertainty over the date of elections with a likely delay of at least three months, the estimated duration of the EU police mission in Kinshasa will be until 31 December 2005.

## **4 EXECUTION**

### **4.1 PLANNING ASSUMPTIONS**

- 1) In order to have a smooth and seamless transition with the EDF project, the EUPOL Kinshasa should deploy as soon as possible in early 2005 taking into consideration the



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following assumptions:

- The IPU operational base is ready to set up the IPU Headquarter and to allow the operational work of the Units.
  - The most important part of the IPU's equipment will be in Kinshasa ready to be used by the operational Units.
  - The IPU accommodation facilities are available and the payment of salaries and running costs are assured.
  - EUPOL Kinshasa core staff have been selected and they are ready to start the deployment.
  - Administrative preconditions are in place to deploy the initial EUPOL Kinshasa core team.
- 2) An appropriate status of mission agreement or equivalent for the EUPOL Kinshasa has been agreed with the DRC authorities.
  - 3) The Congolese commitment to the project is key to the successful implementation of the EU police mission in Kinshasa.
  - 4) The members of the IPU will not be deployed to carry out operational tasks until its members have been fully equipped and trained in the use of equipment.
  - 5) The equipment supplied by the European Union, in particular the weapons, will not be used by the members of the IPU to carry out operational tasks until an appropriate mechanism for monitoring and mentoring will be in place.
  - 6) The EU police mission in Kinshasa will not have executive powers. The international police officers seconded to the EU police mission shall be allowed to have recourse to firearms (sidearms) for self-defence, subject to a decision by the Head of Mission according to modalities contained in Annex C of this OPLAN. The possibility for the Mission members to bear arms shall have the agreement of the Congolese Government.
  - 7) All Mission members will meet the relevant job descriptions in full and be professionally qualified.
  - 8) The Commission will make available appropriate resources from the CFSP budget, as outlined in the Joint Action on the EU police mission in Kinshasa.

## 4.2 POLICE HEAD OF MISSION'S ANALYSIS

### 4.2.1 Mission Objectives

The EU police mission should aim at the following objectives in order that the chain of command

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exercises an appropriate management of the IPU, and the operational units reach an appropriate standard level in accomplishing the operational tasks assigned to the IPU:

- 1) A smooth and seamless transition to take over the responsibilities of the 'Neutral Force' regarding the security of the Transitional Government is ensured.
- 2) The link between the IPU and the Congolese Ministry of Interior, in particular with the Police Inspectorate General, is ensured. In this context, a plan for the future of the IPU after the transition period should be carefully developed.
- 3) The chain of command is able to prepare and implement the planning for the different areas of action, including contingency planning.
- 4) Operational procedures for the different tasks of the IPU are in place, including the procedures for the setting up of an appropriate operations room.
- 5) A mechanism for collecting and analysing relevant information is in place.
- 6) A functional administrative, logistics and personnel management system is in place.
- 7) The IPU is suitably equipped and this equipment is maintained and used properly for the accomplishment of the IPU tasks.
- 8) The cohesion and team spirit is maintained within the different levels of the IPU. The integration of the various factions is achieved and the IPU is free of political interference.

## 4.2.2 Risk to mission accomplishment

The main issues that could affect the implementation of the Mission are as follows:

1. The possible resumption of the conflict in Eastern Congo, a political crisis or the ongoing power struggle between the still divided factions could seriously put at risk the development of the EU police mission in Kinshasa and lead to the break-up of the IPU;
2. The possible lack of interest or political will on the part of the Transitional Government to support the IPU project;
3. The political interference from the current different factions can jeopardize the internal cohesion of the IPU;
4. The possible clash between the presidential guard and the IPU when carrying out its duties of protection of the Transitional Authorities;
5. Failure properly to pay (including accommodation) the IPU members will prompt demoralisation and corrupt practices, as is currently the case within the PNC.
6. The delay in the refurbishment of the IPU operational base and the delay in the availability of

the IPU equipment;

7. The delay in the setting up of the EU police mission in Kinshasa causing a gap with the EDF project;
8. A delay in holding the elections could trigger violent protests against the government throughout the country;
9. Widespread criminality in Kinshasa is the main security problem, which could potentially affect the freedom of movement of the ESDP Mission members;

## 4.3 POLICE HEAD OF MISSION INTENT

I intend to ensure the follow-up of the EDF training project avoiding gaps between the two EU initiatives that can jeopardise the continuity of the comprehensive EU support to the establishment of the IPU.

Close co-ordination of effort with the European Commission, in particular the EDF project will be put in place to ensure the coherence and complementarity of the EU support to the IPU.

I intend that the IPU, when performing its tasks, reaches an appropriate standard level by putting in place an effective mechanism for monitoring, mentoring and advising. This mechanism should be based on a co-location system along the IPU chain of command that allows an intensive presence with the relevant levels of IPU command positions. An effective co-location system will require that the EUPOL HQ and the advisers and monitors are physically located in the same place that the IPU HQ.

The monitoring, mentoring and advising will be focused on two main areas:

- 1) *The IPU chain of command* to help them in the management of the Unit, including the setting up of systems and procedures for planning, operations, collection of relevant information and administration and support. Advisers with experience in management in these issues will be deployed to deal with the first area.
- 2) *The operational units* to ensure that they execute their operational tasks according to international best practices and to ensure that they maintain and improve their skills through an appropriate programme of training. Monitors with extensive operational experience in his type of Units will be deployed to deal with the second area.

Special attention should be paid to the security concerns in Kinshasa. The risks should be properly addressed through the establishment of detailed evacuation and security plans and in particular by putting in place an appropriate early warning mechanism. This mechanism should be carefully co-ordinated with the International Community, and especially with MONUC. After a thorough assessment of the security situation I will decide on a case-by-case basis the authorisation of

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carrying weapons for self-defence.

Close co-ordination with MONUC, and the Local Authorities, in particular the Ministry of Interior and the General Directorate of the Congolese National Police will be established by dedicated liaisons officers.

## 4.4 CONDUCT OF OPERATIONS

EUPOL KINSHASA will be conducted according to the following phases:

- 1) The planning phase, already ongoing in Brussels until the official start of the Mission in Kinshasa scheduled for early 2005. In this phase a close co-ordination with the EDF project will be crucial to avoid any gap between the training and equipment of the operational units and its deployment to carry out operational tasks. Special attention should be paid to the control of the equipment, in particular weapons and ammunition provided by the EU to the IPU. Appropriate contingency planning should be taken into account and coordinated with the EDF project in order to face possible delays in the setting up of the IPU, in particular the commitment of the Local Authorities, the availability of the operational base and the proper use of the equipment.
- 2) The build-up phase, taking place until March 2005, intended to ensure a smooth take-over from MONUC ("the Neutral Force") which is currently performing the IPU missions until such time as the IPU is fully operational.
- 3) The development phase, until the end of the election period, aimed on achieving the Mission objectives.
- 4) The exit phase, assessed at three months after the elections, aimed at consolidating the IPU in the new scenario after the elections and to ensure an appropriate integration of the IPU into the reformed Congolese National Police. An exit plan will be prepared in a timely manner.

## 4.5 STRUCTURE OF THE MISSION (Annex B)

The HQ of the mission will be placed in the IPU operational base. The HQ will consist of:

- 1) The Office of the Police Head of Mission, including the Political Advisor and the report, analysis and archive cell.
- 2) The monitoring, mentoring and advising section. The Head of this section will be at the same time the Deputy Head of Mission.
- 3) The administration and support section.
- 4) Liaisons Officers with MONUC and with the Local Authorities.

## 4.6 TASKS

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## 4.6.1 Office of the Police Head of Mission

### a) Political Adviser

- To support, assist and advise the Head of Mission on all political and media issues.
- Analyse the political development of the Great Lakes region, in particular those which could affect EUPOL KINSHASA.
- To prepare precise summaries and reports concerning political issues arising in the mission and advising mission members accordingly.
- To manage the institutional image of the mission proficiently, providing advice and guidance on this issue.
- To assist in drafting press releases and act as the alternative mission public spokesperson when required. To assist in conducting and co-ordinating press conferences.
- Liaise with political advisors from the relevant international organisations, in particular MONUC.

### b) Report and analysis cell

- **To establish a benchmarking system in order to allow for a systematic assessment of mission progress.**
- To collect and analyse all the reports produced internally by the mission and other reports coming from other partner organisations.
- To produce reports according to the mission needs, in particular the regular reports to be sent to the chain of command in Brussels.
- To collect and file the relevant documents produced within the mission, including all classified and restricted access material, ensuring immediate access to the required documents.
- To ensure collecting, recording and dispatching of mail and correspondence within the mission, overseeing the correspondence process to ensure timely and appropriate responses

## 4.6.2 Monitoring, mentoring and advising section

### a) Advisers to IPU Operations and Planinng

- To mentor and advise the IPU Deputy Commander for Operations and Planning in his/her managerial capacities.
- To mentor and advise the IPU staff dealing with operations and planning to help them in preparing the planning for the execution of IPU operations; and to monitor, mentor and advise the follow up of the implementation of these plans and operations.
- To contribute, in co-ordination with MONUC/Neutral Force, to develop a plan for a smooth and

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seamless transition in taking over the Neutral Force tasks regarding the security of the DRC Transitional Government.

- To contribute, in co-operation with the IPU Chain of Command, to develop operational procedures for the employment of the IPU Units in accomplishing their operational tasks.
- To assist and advise the IPU Chain of Command in setting up an operation room with appropriate procedures. To monitor, mentor and advise the running of the operation room in the daily work.
- To contribute, in co-operation with the IPU Chain of Command, to develop appropriate security plans for the government buildings and residences under the IPU responsibility.
- To contribute for the establishment of an appropriate system for collecting and analysing relevant operational information.
- To assist the IPU Chain of Command in setting up an internal control mechanism to investigate possible infringements of the code of conduct.
- To assist the IPU Chain of Command in building up an effective co-ordination and co-operation with other actors involved in the security of Kinshasa. Appropriate contingency planning, including the possibility of common exercises, should be developed to foresee the scenarios in which the IPU Units can support other police forces in providing security to Kinshasa.
- To assist the IPU Chain of Command in developing a programme for continuous refreshing training of the IPU operational Units, including exercises, in order to maintain and improve the operational skills of the IPU members.
- To identify additional training needs for the IPU Chain of Command, in particular managerial capacities in the fields of operations and planning.

## **b) Adviser to IPU Administration and Support**

- To mentor and advise the IPU Deputy Commander for Administration and Service Support in his/her managerial capacities.
- To contribute, in co-operation with the IPU Chain of Command, to develop an appropriate personnel management system, including relevant guidelines and directives.
- To contribute, in co-operation with the IPU Chain of Command, to develop an appropriate logistics and finance management system, including relevant guidelines and directives.
- To monitor, mentor and advise the performance of the IPU administration, personnel and logistic departments in carrying out their duties.
- To monitor, mentor and advise the IPU managers and staff on transport and general equipment/supplies related matters, ensuring the necessary storage, inventory, distribution and

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allocation.

- To monitor that the equipment provided by the EU is maintained and used properly for the accomplishment of the IPU tasks.
- To identify additional training needs for the IPU Chain of Command, in particular managerial capacities in the fields of administration and support.

## c) Monitors

- To co-operate with the Advisers to Operations and Planning in defining the programme for continuous refreshing training of the IPU operational Units. To monitor, mentor and advise the operational units during the implementation of the refreshing training, including exercises.
- To monitor, mentor and advise the operational units when executing their tasks, including operations on the ground on a selective basis.
- To mentor and advise the Commanders of the operational units in the tactical management of their units.
- To monitor, mentor and advise the operational units following the operational procedures and guidelines defined by the IPU Chain of Command assisted by the Advisers for Operations and Planning.
- To contribute to monitoring that the equipment provided by the EU is maintained and used properly for the accomplishment of the IPU tasks.
- To cooperate with and support other members of the EUPOL KINSHASA according to the guidelines provided by the PHoM or his Deputy.

## 4.6.3 Administration and support section

- To provide assistance and advise to the Head of Mission on all administrative and financial issues.
- To put in place and implement the financial accounting systems and procedures for the mission according to the European Financial Regulations and the internal guidelines of the mission.
- To develop, manage and co-ordinate the mission procurement processes in accordance with established professional and transparent procurement policies and procedures of EU legislation and regulations
- To be responsible for the human resources management of police officers, international civilian and local staff within the EUPOL KINSHASA.
- To develop suitable induction training packages for the members of the mission.
- To put in place a management system for the logistical support needed to the mission.

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- To establish a transport management system that includes control of mileage, fuel consumption, maintenance of the vehicles, damages in vehicles, road accidents and insurance cover.
- To establish and maintain an appropriate communication and information system for the mission.

## 4.6.4 Liaison Officers

- To establish and maintain co-ordination and liaison with the relevant DRC authorities, in particular with the General Directorate of the Congolese National Police in all the issues that can have an impact on the IPU.
- To monitor, mentor and advise the IPU representatives in the mechanisms of co-ordination for the security in Kinshasa, in particular the CCOS ("Centre de coordination des operations de securite") and the CCPI ("Coordination centrale de la protection des institution et de hautes autorites de la transition").
- To assist the DRC authorities (General Directorate of the Congolese National Police) in developing a plan for the appropriate integration of the IPU in the structure of the reformed DRC police after the elections.
- To establish and maintain close co-ordination and liaison with MONUC, in particular with CIVPOL in all relevant police issues.
- To co-ordinate with MONUC the development and periodical update of a detailed evacuation and security plan for the members of the EUPOL KINSHASA.
- To participate and liaise with the security mechanisms put in place by the International Community in general and MONUC in particular to deal with the security aspects of the International presence in DRC.
- To co-ordinate and liaise with other relevant actors in Kinshasa.

## 4.7 COORDINATING INSTRUCTIONS

### 4.7.1 Co-ordination with other main actors in Kinshasa

- 1) EU SPECIAL REPRESENTATIVE for the Great Lakes Region. The EUSR shall provide local political guidance to the Police Head of Mission. The EUSR shall ensure co-ordination with other EU actors as well as relations with host authorities.
- 2) EUROPEAN COMMISSION. The Mission will seek coherence and co-ordination with the EC, notably with regard to policing-related activities drawing on relevant experience. The inter-pillar co-ordination should be ensured both in Brussels and in the mission area.
- 3) LOCAL AUTHORITIES. An adequate mechanism for co-ordination and co-operation with the



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DRC Authorities will be established from the planning phase to ensure their involvement in facilitating the development of the Mission, and in doing so to promote the principle of local ownership.

- 4) MONUC. Close co-ordination between the Mission and MONUC through the possible exchange of liaison officers is critical, notably with respect to possible evacuation/extraction, information sharing and regional security issues.
- 5) OTHER. Close co-operation with other relevant International actors should be explored, including Member States Diplomatic Missions.

## 4.7.2 Reviews

The SG/HR will carry out the following reviews:

- Mid-term review after six months.
- Other reviews at intervals to be decided, as appropriate.

## 4.7.3 Legal Aspects

A political declaration of the host country authorities will be needed for a clear commitment to support the achievement of the EUPOL KINSHASA objectives. In addition, an Agreement on the Activities of EUPOL KINSHASA will be concluded with the host country authorities, inter alia, to deal with issues such as immunity and security of mission personnel, and appropriate arrangements will be concluded between the Police Head of Mission and the relevant authorities of the host country, in particular to ensure necessary host country support in case of emergency.

The possible recourse to arms for self-defence, subject to a decision by the Police Head of Mission, has been regulated in Annex C on Use of firearms.

In order for EUPOL KINSHASA personnel to perform their tasks, EU experts must have unimpeded access to the IPU chain of command, including premises, relevant documents and information related to the activities of the IPU.

## 4.7.4 Code of Conduct and Discipline

See Annex F.

## 4.7.5 Reporting and Information Exchange

- 1) The EUPOL KINSHASA reporting system will embrace all aspects of the mission. Reports will include bi-weekly, monthly and special reports as detailed in Annex G.
- 2) In addition to regular contacts with the EUSR, briefings will be given to the SG/HR and the

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PSC on a regular basis.

- 3) Where necessary, information and reports will be transmitted by secure means.
- 4) Any major emergency incident involving EUPOL KINSHASA personnel will be immediately reported to the EU Joint SITCEN.

## **5. SERVICE SUPPORT**

### **5.1. CONCEPT OF LOGISTICS (Annex I)**

The logistic concept will embrace the principle of HQ co-ordinated central purchase and delivery, followed by co-ordinated and proper issuance to all elements of the mission.

Where possible, logistics will be supplied through local resources in order to reduce costs and the need to maintain adequate logistical stocks. However, the mission will maintain a small stock of operationally essential transport, equipment and material.

In case of need, the mission may request specific logistical support or assistance (e.g. from host country authorities) and this will be facilitated using local administrative arrangements.

The level of logistic staffing will be determined and controlled at mission HQ, in order to achieve optimum service at realistic staffing levels throughout the mission. Maintenance and repair will be co-ordinated utilising approved LOCAL maintenance contracts as appropriate.

### **5.2. Procurement**

Due to the reason of extreme urgency, as regulated in article 244 of Commission regulation 2342/02, the mission will have the possibility of using Negotiated Procedures, subject to Commission approval. The legal framework is based on Financial Regulation 1605/2002 and implementing rules.

All essential equipment should be in place for the setting up of the mission

### **5.3 Personnel (See Annex J)**

- 1) The Police Head of Mission will exercise Operational Control (OPCON) over the international seconded personnel from all Contributing States.
- 2) The deployment plan is based on detailed job descriptions that are available for all posts. Job descriptions are to be promulgated to all contributing States. Only personnel offered by contributing States, who satisfy in full the criteria, set out in the relevant job descriptions will be

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accepted for the mission. The main criteria for suitability for a post are professional and specific skills and experience. Post specific ranks are inferred in the job descriptions, but are not considered a pre-requisite to appointment to a post.

- 3) The recommended tour of duty is one year.
- 4) Procedures for the exceptional withdrawal of personnel will also embrace personal, disciplinary and medical situations.
- 5) EUPOL KINSHASA is a “no family” mission.

## 5.4 Medical Support

See Annex K.

## 5.5 Finance

Financial reporting has to follow the procedures set out in Article 10 of the Joint Action on EUPOL KINSHASA. For expenditure financed out of the Community budget, the Police Head of Mission will follow Community rules and procedures and report fully to the European Commission.

## 6. COMMAND AND CONTROL ORGANIZATION

### 6.1 COMMAND AND CONTROL

#### 6.1.1 Command Structure

The structure of the EU police mission in Kinshasa shall have a unified chain of command:

- The European Union Special Representative (EUSR) shall report to the Council through the SG/HR,
- The Political and Security Committee (PSC) shall provide the political control and strategic direction,
- The PHoM shall lead the Mission and assume its day-to-day management,
- The PHoM shall report to the SG/HR through the EUSR,
- The SG/HR shall give guidance to the PHoM through the EUSR.

The EUSR shall provide local political guidance to the Police Head of Mission. The EUSR shall ensure co-ordination with other EU actors as well as relations with host party authorities.

#### 6.1.2 Command Arrangements

For the specific purpose of this operation:

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- 1) All members of the EU police mission in Kinshasa remain under the full command of their national authorities
- 2) National authorities will transfer Operational Control (OPCON) to the PHoM.
- 3) The PHoM shall be responsible for disciplinary control over the personnel. For seconded personnel, disciplinary action shall be exercised by the national authority or European Union Institution concerned.
- 4) Each contributing State should appoint a National Contingent Point of Contact (NCPC) in the Mission.
- 5) The Police Unit within the General Secretariat of the Council will provide technical support and will be the first point of contact for the EU police mission in Kinshasa.
- 6) The PSC will be informed on a regular basis on all aspects of the Mission, including through briefings by the EUSR and the PHoM, if need be.
- 7) The reporting system will enhance the capability of the EU to follow and support EU police mission in Kinshasa in all its aspects. Reporting needs will be mainly dealt with through periodic reporting or in response to specific requests. (Reporting procedures in Annex G).

## 6.1.3 Area of Operation

The scope of the EUPOL KINSHASA is linked to the IPU. This Unit has been created mainly to provide security to the Transitional Government based in Kinshasa. Therefore, the area of operations will be limited to the area of operations of the IPU, that means Kinshasa and the International airport. However, privileges and immunities are not bound by the IPU AOR and extend to the Congolese territory as a whole, in accordance with the relevant SOMA agreed with the local authorities.

## 6.2 COMMUNICATION AND INFORMATION SYSTEM (CIS)

### 6.2.1 General

EUPOL KINSHASA will rely upon a timely and reliable communication network, including a back-up system, able to support the structure of the mission. The system will link the EUPOL KINSHASA HQ to the General Secretariat of the Council of the European Union and to all mission teams in the field. The system will comprise a mixture of telephone, radio and internet communications (see Annex L).

### 6.2.2 Systems Criteria

The system criteria are as follows:

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- 1) Secure links between EUPOL KINSHASA HQ and Brussels.
- 2) Use of GSM and/or satellite phones between EUPOL KINSHASA HQ, teams operating in the field and to other mission personnel.
- 3) Radio back up system between EUPOL KINSHASA HQ and mission personnel.
- 4) Information technology (IT) system, which is properly vetted for and protected against unauthorised access, intrusion and viruses.

## 6.2.3 Systems Security

The basic radio (basic safety back-up net) and the telephone communications of the mission are not to be considered as a secure means. Regulations will be set in place to ensure that only non-classified data/information is passed via these means. Classified data will be transmitted via secure means, which includes communication with the General Secretariat of the Council in Brussels, the EUSR and relevant international actors, in accordance with the Council Security regulations, when deemed appropriate. Standard access controls will be implemented on the mission IT systems including protective IT fire walls. Systems security controls will be directed from EUPOL KINSHASA HQ.

### Annexes:

- A. Local Police Organisation
- B. Organizational Chart
- C. Use of fire arms
- D. Safety and Security Plan
- E. Visits and Media Relations
- F. Code of conduct and discipline
- G. Reporting Procedures
- H. Information Exchange
- I. Logistics
- J. Personnel
- K. Health and Medical Assistance Plan
- L. Communications and Information Services (CIS)



# **EUPOL KINSHASA**



## **Annex A**

### **Local Police Organisation**

## Introduction

The organisation and structure of the Congolese National police (PNC), which is thought to number around 80,000 to 90,000 personnel according to official figures, is outlined in the Decree Law 02/2002 of 26 January 2002 which entrusts the PNC with common law enforcement responsibilities.

Following the "Accord Global et Inclusif" signed in Pretoria on 17 December 2002, the former warring factions have agreed, as part of the peace settlement, to merge their respective police components into a unified and single National Police Force (PNC)<sup>1</sup>. In reality, the PNC remains split into the former factions. Typically, political or factional affiliations create a parallel chain of command that circumvents the official chain of command.

Furthermore, the PNC suffers from a large number of shortcomings and is not in the position to cover the whole of the territory. Basically, the Congolese is undermanned, underpaid if any, under equipped and insufficiently trained to properly enforce the rule of Law and perform its policing responsibilities.

### 1) The police chain of command

The here above mentioned decree has not been fully enforced yet and could even be amended to allow for the establishment of a Interior Ministry level General Secretariat in charge of public order, of an internal control Department, of a central co-ordination Department and of a number of Directorates (CIS, external relations...). The PNC current structure is as follows:

#### 1.a) The Ministry of Internal Affairs

The Congolese national Police (PNC) is placed under the authority of the Minister of Internal Affairs and responsible to civil Authorities. The Internal Affairs Minister is the head of the High Committee for the National Police, which is an advisory and disciplinary body. There is no police representation at the ministry level and a cabinet member deals with all police related matters.

#### 1.b) The General Inspectorate

The PNC is under the command of an Inspector General assisted by two deputies, one being responsible for operational and intelligence matters and the other one for administrative and logistics purpose. The General Inspectorate includes Central Directorates such as Human

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<sup>1</sup> Alltogether, the PNC is thought to include some 60,000 personnel from government forces and about 20,000 personnel from former warring factions.

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Resources, Operations, Logistics, and Finance, and Central Special Services (Health Care...), Larger Units' HQs (notably PIR "Police d'Intervention rapide") and Specialised units (notably Police Academy and training centers).

The General Inspector has authority over 11 provincial inspectors (one in each province, appointed in July 2004) who have territorial, Intervention and Specialised units under their command and control.

## 2) The PNC police components

### a) The Provincial Police

The provincial police make up the territorial component of the PNC and are broken down into police stations at district level, sub stations at municipal level and police posts at community level. Theoretically, each province has specialised units and a rapid reaction capability in charge of dealing with small-scale incidents on the main roads. The PSR ("police Spéciale des Routes"), that is basically a road traffic police, falls under the authority of the Provincial Police.

b) The PIR ("Police d'Intervention Rapide") meant for public orders and general crime prevention. There should be around 4,000 police officers trained in crowd control capacities and enlisted into PIR battalions by the end of 2005. Notably, the French government is in the process of training and partially equipping three PIR battalions (1,500 personnel) which should be operational by the elections.

c) The CPR ("Corps de Protection Rapproché") designed for close protection of VIPs' and officials. For the moment, this unit is not really operational and mainly consists of the VIPs' private bodyguards.

### d) The IPU (Integrated Police Unit)

In accordance with Decree N° 03/044 of 18 December 2003, the Integrated Police Unit is a specialised formation of the Congolese National Police Force placed under the authority of the Inspector-General of the Police. The structure of the IPU is set out in the appendix of this annex. The IPU will be commanded by an officer appointed and, if necessary, relieved of his duties by the President of the Republic acting on a proposal from the Minister for Internal Affairs. In addition to its primary mission of protecting the institutions and High Authorities of the Transition, the IPU, acting upon a decision by the Minister for Internal Affairs, may participate in operations to maintain and restore public order by assisting the other units of the Congolese National Police Force.



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The activities of the IPU jointly with those of the Close Protection Corps (CPC) will be co-ordinated by the Central Co-ordination Office for the Protection of the Transition Institutions and High Authorities (CCPI) set up within the General Inspectorate of the Congolese Police. The CCPI is to make proposals to the Inspector-General of the Police regarding directives and instructions for the operation, management and supervision of the IPU and CPC. CCPI may call on the assistance of the Co-ordination Centre for Security Operations (CCOS) established to co-ordinate and supervise security operations in the city of Kinshasa. The CCPI is also to liaise with the Presidential Guard. However, this co-ordination mechanism has not materialized yet.

### 3) The Human Resources

#### a) The recruitment

The recruitment process is still split into various systems inherited from the former police or security structures, namely the Gendarmerie, the Civil Guard and the Army. No nation-wide criteria have been adopted to recruit police officers and ethnic origin or factional affiliations remain leading factors in the selection process. As a result, a lot of police officers do not meet police requirements. According to some estimates, 25 % of the total police strength would keep on exercising police duties beyond age limit and it appears that a number of officers are not even on the pay roll.

#### b) The training

There are some 20 training centers countrywide. Most of those training centers have been badly affected by the conflict and often cannot adequately welcome police trainees, apart from the EU sponsored Kasangulu center for the training of the IPU. Six must be rehabilitated and operational by the end of this year (Kinshasa, Kisangani, Lubumbashi, Bukavu, Mbandaka). The training level of the Congolese police officers is very low and three fourths of the personnel have not attended any basic training and learn their job "on the spot", according to official estimates. On the other hand, a large number of "Commissioned officers" from the former Congolese Gendarmerie have been educated abroad in foreign academies. Still, the police training is military oriented and MONUC has developed projects to instil a more law enforcement oriented approach.

### 4) The facilities and equipment

Even though the amount in the 2005 budget earmarked for the police has been doubled, it is by no means enough to cover the tremendous needs.

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## a) the facilities

The police stations are in a very poor state and most of the police infrastructures need repair works. Most of them do not have basic conveniences (electricity, running water, sanitation) and a few police stations have been even rented by police officers without having a dedicated budget for this purpose.

## b) the equipment

The police are not properly equipped and armed with Kalashnikov-type military weapons not suitable for police purposes. The vehicle fleet is largely insufficient and maintenance is very poor. A significant part of the fleet originates from confiscated vehicles, which are eventually to be handed back to their owners. The police communications network is almost non-existent and depends on the unreliable private sector.

## 5) Other law enforcement agencies

### a) "la Direction générale des migrations" (Migrations Central Directorate)

Operational since 1997, "la Direction générale des migrations" is in charge of monitoring cross-border movements over the government -controlled area and of controlling the migrants entering RDC through the Congolese airports.

### b) "la Police judiciaire des parquets" (judiciary police)

"la Police judiciaire des parquets" includes crime investigators who are in charge of investigating crimes and serious offenses, of collecting evidence and arresting perpetrators, under the direction of public prosecutors. The crime investigators have not received any training since 1986.

## 6) The lack of co-ordination within the police components and with other law enforcement agencies

a) According to the legal framework (Art. 10 of Decree 03/045 of 18 December 2003) a co-ordination role should be played by the CCOS (Security Operations Co-ordination Center), supposed to operate as a Joint Security Operations Center. At the moment, this is a container in the MONUC Ghanaian camp, manned with Liaison officers from MONUC and delegates from the former factions. The CCOS, as it is right now, does not function and is rather to be seen as a liaison bureau between former factions with the view to exchanging information and possibly settling disputes with the Presidential Guard (GSSP).

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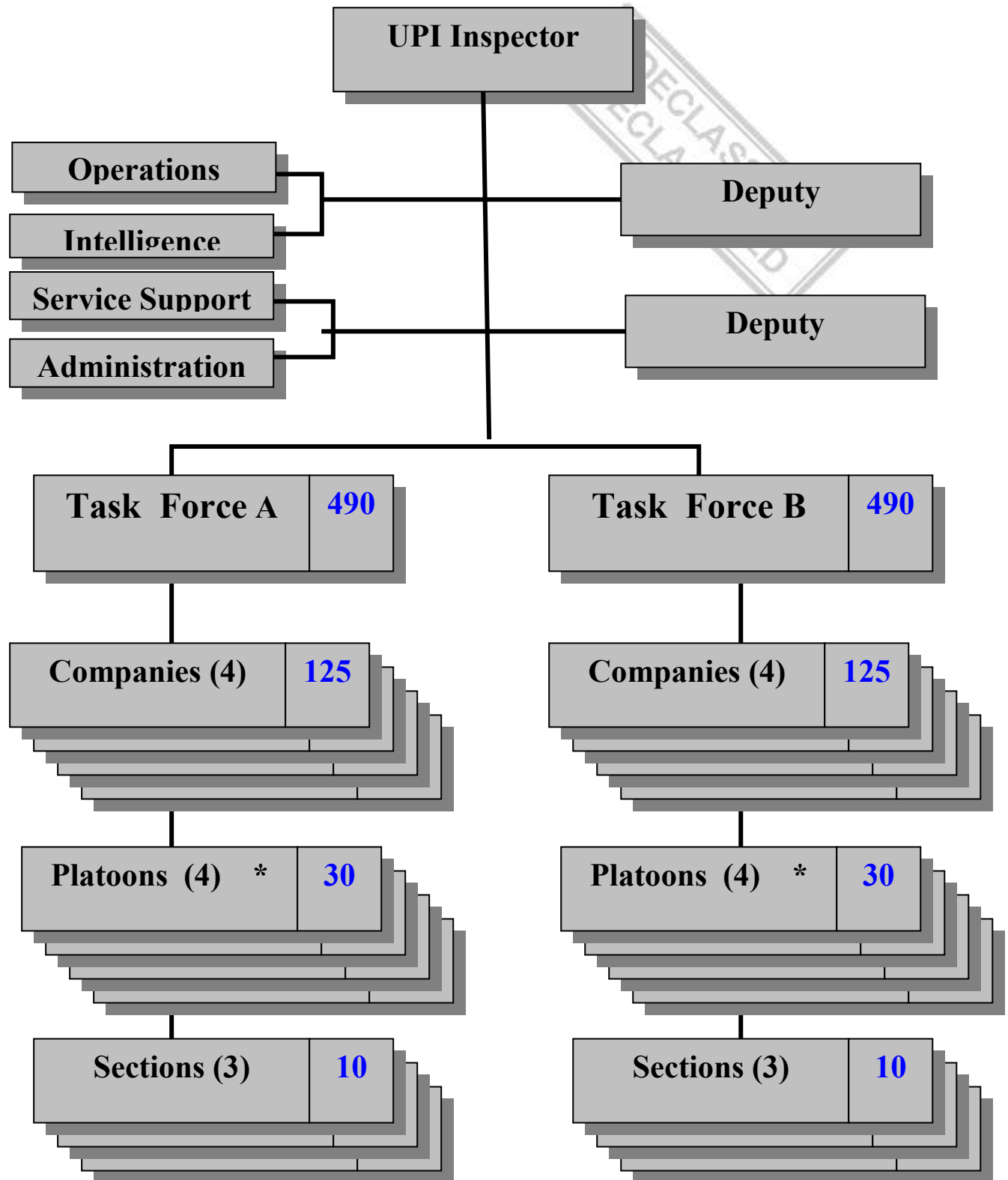
b) The PNC shares part of its law enforcement duties with other State bodies such as "la Police judiciaire des parquets" (judiciary police) and "la Direction générale des migrations" (Migrations Central Directorate), very often bringing about overlapping and duplication in their respective areas of responsibility, by lack of adequate co-ordination. Also, the Army is still involved in police matters and is even, by law, entrusted with some law enforcement competencies<sup>1</sup>.



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<sup>1</sup> Article 65 of the Decree 02/2002 (26 January 2002) sets forth that the Armed Forces are in charge of public order and law enforcement whenever they are called for to intervene alongside the PNC.

# Appendix - IPU Organization Structure



\* one platoon is a rapid reaction unit

**Total : 1008**



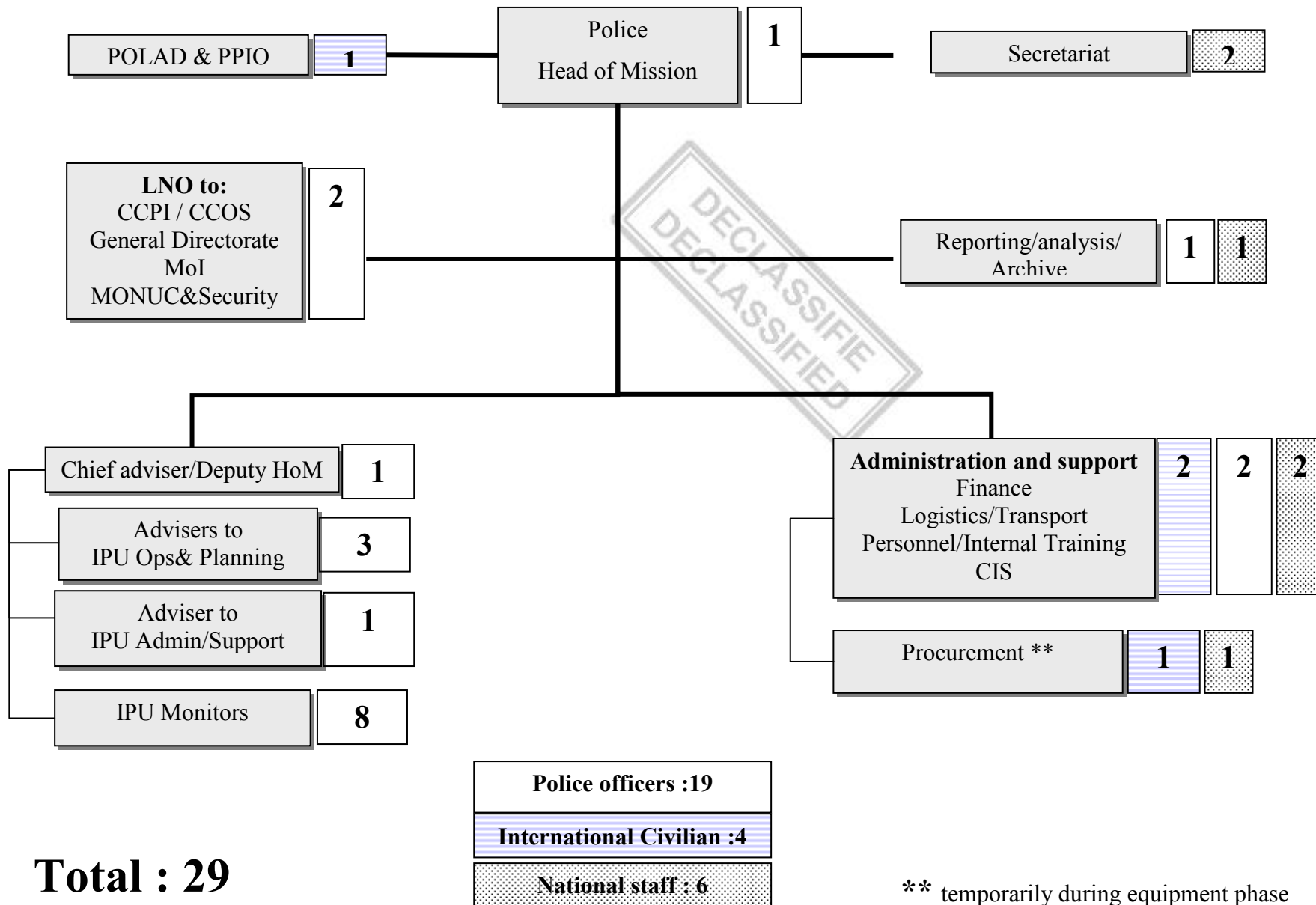
# **EUPOL KINSHASA**



## **Annex B**

### **Organizational Chart**

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# **EUPOL KINSHASA**



## **Annex C Use of Firearms**

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## **USE OF FIREARMS BY THE EUPOL KINSHASA POLICE OFFICERS**

### **1. MAIN PRINCIPLES**

- (a) Council Joint Action 2004/847/CFSP of the Council of the European Union of 09 December 2004 established a European Union Police Mission to the Democratic Republic of Congo (DRC).
- (b) The CONOPS for EUPOL KINSHASA dated 09 December 2004 provides that "EUPOL police officers seconded by Contributing States will have the possibility of carrying side arms for self-defence. The PHoM will assess the need according to the security situation and authorise their use".
- (c) The authorization to carry and possibly make use of side arms for self defense does not prejudice the obligation of the Host country to provide assistance and security to the members of the Mission. However, given the ongoing restructuring of the security forces in DRC, the Congolese police may not be in the position to provide full security to the Mission staff. Furthermore, there might be situations when the security forces of the Host country cannot be deployed or when the use of the security forces of the host country would be counter productive to providing necessary protection.
- (d) The authorisation granted to the EUPOL police officers to carry and possibly make use of firearms for self defence is going to be set out in a letter signed by the Congolese Authorities. The Mission members will enjoy privileges and immunities in accordance with the SOMA.
- (e) The use of firearms by EUPOL police officers shall only be limited to self-defence.
- (f) Any decision by the PHoM to authorise the carrying of firearms will be taken after an assessment regarding the security situation in the AOR (Area of Responsibility). In no way, the fact that the EUPOL Kinshasa police officers may be armed does give them an executive role in the Host country.
- (g) The rules and principles set out hereby shall apply only within the DRC territory.
- (h) The rules and principles set out hereby will remain into effect until specifically modified or superseded by the appropriate EU authorities.
- (i) The rules and principles set out hereby are considered as compatible with the respective national law of the contributing States providing personnel for the ESDP Mission. However, State(s) contributing personnel to the Mission may issue clarification instructions in order to ensure compliance with their respective national law. The chain of command and all States participating in the operation should be informed immediately about any national restrictions.



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## 2. GENERAL FRAMEWORK ON THE USE OF FIREARMS

### 2.1 SELF-DEFENCE

For the purpose of EUPOL Kinshasa, self-defence means that anyone being under an imminent threat of death is entitled to take action to save his/her life or the life of anyone else being under a life-threatening situation. The action taken must be legitimate, proportionate to and concomitant with the life threat<sup>1</sup>.

### 2.2. APPLICABILITY

The rules set out in this document apply to PHoM and all seconded police officers assigned to the EUPOL Kinshasa. The rules provide guidance for the PHoM to take responsibility to authorise the EUPOL police officers to carry their side arms.

### 2.3. RESPONSIBILITY OF THE CONTRIBUTING STATES

- (a) The contributing States shall provide their police officers with a sidearm and ammunition. The only authorised weapons are 9 mm Pistol (or equivalent calibre), excluding any other kind of weaponry.
- (b) The contributing States shall ensure that the seconded police officers will meet the requirements in terms of weapons safe handling and shooting ability.
- (c) The contributing States shall make all necessary arrangements to ensure the shipment of side arms and ammunition to Kinshasa.

### 2.4 RESPONSIBILITY OF THE PHoM and EUPOL Police Officers

- (a) The PHoM is required to have these rules and principles issued to all EUPOL police officers.
- (b) The PHoM must ensure that every police officer is fully aware of what self-defence means and will apply self-defence rules.
- (c) The PHoM should ensure that appropriate facilities for secure storage of weapons are available in the EUPOL HQ.

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<sup>1</sup> NB : The law in contributing States with regard to the use of force in self-defense varies in scope and in nature. However, the principles that force shall be necessary and proportional are

# RESTREINT UE

- (d) The PHoM shall assume responsibility for authorising police officers to carry firearms. The PHoM shall assume responsibility for issuing rules regarding the secure storage of the EUPOL Police officers' side arms.
- (e) The EUPOL Kinshasa Police officers shall assume responsibility for possibly making use of their firearms.
- (f) The EUPOL Kinshasa Police officers shall take all necessary steps to guarantee the safe handling of their weapons and adhere to the relevant guidelines issued by the PHoM regarding the secure storage of the weapons.

## **3. GENERAL PROVISIONS ON THE USE OF FIREARMS**

### **3.1. CIRCUMSTANCES AUTHORIZING THE CARRYING OF SIDE ARMS**

- (a) The overarching principle is that the carrying of side arms by EUPOL Police officers is an exception to the normal monitoring and advising role by Mission staff.
- (b) The PHoM is responsible for assessing the security situation in the Mission AOR-and deciding on the authorisation of carrying side arms for self-defence.
- (c) Unless otherwise dictated by circumstances, the PHoM shall not allow the EUPOL Police officers to carry their side arms off duty.
- (d) The PHoM shall issue a signed written order to the police officers concerned whenever he authorises the carrying of firearms.

### **3.2. CIRCUMSTANCES AND CONDITIONS AUTHORIZING THE USE OF SIDE ARMS**

- (a) The use of firearms by EUPOL officers can only be legitimate and required out of a life threatening situation.
- (b) The use of firearms shall be strictly limited to self-defence. This implies protection against any armed individual committing an actual attack or causing an imminent threat of such an attack, which could cause death or serious injury.
- (c) The use of firearms must respect the fundamental principles of necessity, proportionality and minimum use of lethal force.
- (d) The EUPOL Police officers shall exercise caution and restraint if and when deciding to resort to firearms. They may use their weapons if an individual :

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common to the legal systems of all EU Member States.

## RESTREINT UE

- is using a firearm or other weaponry capable of inflicting death or serious injury on themselves or any other personnel;
  - is aiming at them or other personnel with a weapon, with a view to using it, thereby putting police officers in the self-defence conditions.
- (e) The use of firearms is to cease once the self-defence objective has been achieved. Fire is to be controlled and must not be indiscriminate.
- (f) Warning shots are not part of self-defence purpose. Any use of firearms as a mean of applying lethal force shall be by aimed fire.
- (g) Indiscriminate pointing of weapons in the direction of any person is prohibited.

### 3.3. PROCEDURE FOLLOWING THE DISCHARGE OF A FIREARM

After firing the following actions are to be taken as soon as reasonably possible:

- (a) Medical Treatment. Any wounded persons are to be given medical first aid, if such an action can be carried out without further endangering the lives of EUPOL Kinshasa personnel.
- (b) Secure the Scene. Following an incident steps should be taken to secure the area in co-ordination with the local police, such as cordoning off the incident location. The PHoM should proceed to the scene, if possible.
- (c) Reporting. An INCREP (Incident Report) must be promptly forwarded through the chain of command.
- (d) Recording. Details of the incident are to be recorded, including:
- date, time and place of firing;
  - the persons involved;
  - the events leading up to the firing;
  - the reasons why EUPOL Kinshasa personnel opened fire;
  - the people or things which were shot at;
  - the consequences;
  - the impact on the population.
- (e) Debriefing. A debriefing should be provided to all EUPOL personnel involved in any incident during which firearms have been used.
- (f) Co-operation with the host country authorities. If any incident results in an investigation by the authorities of the host country or subsequent criminal proceedings, the PHoM must be co-

## RESTREINT UE

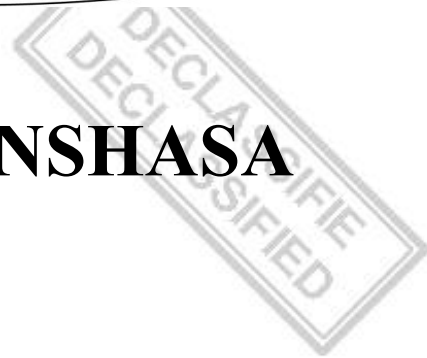
operative while reasserting privileges and immunities enjoyed by the EUPOL Mission members.

- (g) Investigation in the use of firearms. Any discharge of firearms by an EUPOL officer may be subject to disciplinary and/or criminal investigations as set out in Annex F.





# **EUPOL KINSHASA**



## **Annex D Safety and Security Plan**

## 1 GENERAL

This Safety and Security Annex contains framework guidelines for an effective and efficient Mission Security Plan. The following should be borne in mind:

- EUPOL Kinshasa security means high individual responsibility of each member;
- EUPOL Kinshasa security means a high level of flexibility;
- EUPOL Kinshasa security means different levels of action as dictated by circumstances prevailing in a given situation.

All EUPOL Kinshasa members will have to be briefed about the guidelines and general procedures hereafter described, prior to operational deployment.

### 1.1 The Mission Security Officer (MSO)

The Police Head of Mission (PHoM) will be responsible for the security of the mission. A Mission Security officer (MSO) will assist him. The designated MSO will be the Liaison officer (LNO) with MONUC and with other international partners. The other LNO will take over when the designated MSO will be out of the AOR (Area of Operations).

The MSO will be in charge of performing the security induction training for new mission members and the operational management of security issues and of working out the Mission Security and Emergency Evacuation Plans.

### 1.2 The Mission Security Plan (MSP)

A MSP will be developed by the Mission Security Officer (MSO). It will give detailed and clear cut guidelines for all EUPOL Kinshasa Mission Members to enable them to respond to any emergency situation that might arise in the Mission Area of Responsibility.

The MSP will set out the operating procedures in case of relocation or evacuation and actions to be taken under different scenarios by all Mission Members.

The MSP will notably contain an emergency notification system (the calling tree) for Mission members. The MSP should include the following basic restricted information:

- Up-to-date list of residences of all staff;
- A map of Kinshasa showing the residences of all staff members, Collection and Evacuation Points as well as safe havens;

# RESTREINT UE

- Convoy Plan from the IPU HQ including driver, passengers and equipment to be removed from the IPU HQ, in case of evacuation;
- Route planning to Collection or Evacuation points, including alternative routes if the main road is blocked.

## 2. SITUATION

### 2.1 General

The host country is not in the position to assume full responsibility for the security of the Mission members.

MONUC is the only organisation that has the resources to support the ESDP Mission Security Plan. MONUC has the capacity (airborne and ground assets) to perform an emergency evacuation of the ESDP Mission. Practical arrangements have to be made with MONUC when elaborating the MSP.

The EU Members States, joined by third countries such as USA, Canada and Turkey have agreed to collaborate on the implementation of emergency evacuation and keep up to date evacuation plans. A safety and security procedure has been sent by the Dutch Embassy to the Member States, for possible use by EU nationals.

The MSO will therefore keep close contact and co-ordinate the ESDP action with the key players involved in implementing security and evacuation plans, namely the Chief Security Officer from MONUC and the Belgian and French Embassies, as well as with the EU Presidency and the EC delegation.

### 2.2 Threat Assessment

- (a) A large number of domestic problems affect the security and stability situation in the DRC. The basic instability is assessed as likely to continue until the elections are held and probably even longer than that;
- (b) A delay in holding the elections could trigger violent protests against the government throughout the country;
- (c) Turmoil and crises that happen in the countryside have a direct and rapid impact on the security situation in the capital, as shown during the June 2004 unrest. As a result, there is a serious potential for mob violence and riots likely to erupt at any given time and target the international presence in particular;

# RESTREINT UE

- (d) Widespread criminality in Kinshasa is the main security problem, which could potentially affect freedom of movement of the ESDP Mission members;
- (e) Indirect risks deriving from the monitoring of close protection activities by monitors in a tense environment should not be ruled out.
- (f) The risk assessment will be continuously updated and taken into account in the implementation of the MSP.

## 3. EXECUTION

### 3.1 Authority

The PHoM will ensure that arrangements for the security of the Mission members are made prior to deployment of personnel. Following the setting up of the Mission, the PHoM will decide whether the environment is safe and secure enough to dispatch police monitors in the field, in the light of the updated and latest risk assessment. For safety reason (self-defence), the PHoM may authorise the EUPOL police officers to carry their side arms. If he decides to do so, he shall issue the police officers a written order. The PHoM will consult with EUSR and seek guidance, as appropriate (see Annex on the use of firearms).

### 3.2 Assumptions

- (a) The ESDP mission has a limited scope with respect to its staff number, its geographic deployment and its role;
- (b) On duty most if not all of the staff will be located at the IPU HQ (so called "Echangeur") which should be a relatively secure compound. On the other hand, the IPU HQ is located in a high crime rate area on the road between the airport and Kinshasa. In case of unrest it is highly likely that those Mission members will be cut off from the capital and unable to join collection points;
- (c) Air evacuation may not be possible from the airport, as the road is very likely to be blocked as well. Crossing the Congo River on barges to Brazzaville in Congo is the identified evacuation/extraction system to date.
- (d) The IPU HQ could be regarded as a Collection and Evacuation Point by MONUC Security Section. Arrangements will have to be made with this unit in charge of MONUC Emergency and Evacuation plans. MONUC has the capacity to extract the ESDP from the IPU HQ, if need be;
- (e) For security reasons the private accommodation of the international members of the EU police mission can be restricted to areas and locations designated by the PHoM.



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- (f) Off duty staff members are expected to keep a low profile and not expose themselves to life threatening situations.

## 3.3 Phases of alert

In a changing environment the PHoM could take the following security steps, in accordance with the MSO recommendations and MONUC security posture:

### Phase 1 / Precautionary

- Ensuring availability by radio or mobile phone.
- Identification of a secure and direct route from accommodation/co-location to designated safe areas or collection points.
- Avoiding unnecessary movement.
- Ensure all personal and travel documents are up to date.
- Preparation of emergency personal effects.
- Recharging of communications battery at all times and avoiding unnecessary usage.
- Keeping all vehicles refuelled and parked only at secure locations.

### Phase 2 / Restricted movement

- Movement is restricted on and off duty.
- Mission staff is confined within the IPU HQ during working hours.
- Monitoring tasks on the field are put on hold.
- Ensuring personal security items are at hand.
- Permanent communication link between Mission members after working hours.

### Phase 3 / Suspension of Operations

- All personnel will assemble at designated safe areas/collection points or stay in accommodations.
- Assigned personnel will pick up Mission members without vehicles from respective accommodations.
- Contacts will be made with MONUC/EU bilateral partners for possible assistance and escorts, as deemed appropriate
- PHoM will be in close consultation with EUSR.

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## Phase 4 / Evacuation

- The PHoM will notify final alert state.
- Final briefing by the PHoM, MSO or designated person on action to be taken according to the evacuation plan (possible airlift, route to be taken...).
- Co-ordination with EC and EU bilateral partners' evacuation plans.
- Protective jacket and helmet, when issued are worn depending on local threat situation.
- Following of specific instructions.

### 3.4 Co-ordinating instructions

- (a) Preparation. All Mission members are required to read and fully understand all details regarding the Safety and Security Plan and perform a reconnaissance of evacuation routes and collection points.
- (b) Alert Status. Non-EUPOL Kinshasa staff including landlords or landladies will not be informed when security alert status is implemented.
- (c) Change of accommodation. All Mission members will be required to submit new address and telephone numbers to the personnel branch if moving to new accommodation.
- (d) National Passport. All Mission members should carry their National Passport and Host country Diplomatic Card (if issued) at all times. Ensure all documents are up to date.
- (e) CTO / LEAVE. Whenever Mission Members plan to travel inside or outside the mission area they must notify the personnel section of their planned itinerary. They will be kept informed of any security alert.

## 4. SERVICE SUPPORT

### 4.1 Personnel

- (a) Key Personnel / Points of Contact
  - Security Authority: PHoM
  - Security Co-ordinator: MSO
  - Deputy PHoM
- (b) EUPOL Kinshasa International and national Staff Members
  - To be included in MSP

# RESTREINT UE

## 4.2 Accommodation

In all phases of alert, accommodation of international Mission members will be made available as possible Collection Points, or any other purpose deemed necessary, as directed by the PHoM.

## 4.3 Ration/ Emergency food and water

Each Mission member should have an emergency 48 hours ration pack.

## 4.4 Medical Aspects

MONUC medical officers will ensure provisions are made to evacuate hospitalised personnel. Airmedevac / repatriation will be carried out by international Air rescue companies. Detailed instructions will also be included in the Health and Medical Assistance Plan.

## 4.5 Transport

Vehicles will be shared as directed by special order. All vehicles will be refuelled, engine, oil and lubricants checked daily.

## 5. COMMAND AND SIGNAL

### 5.1 Command

- The order to implement the various steps of security phases will be issued by the PHoM.
- MSO will have a co-ordination role during the crisis alert phases.
- Drill Exercises will be organised by MSO to test and validate effectiveness and efficiency of the Safety and Security Plan.

### 5.2 Signal

- Use of communication assets by EUPOL Kinshasa staff is to be minimised on alert phases.
- Mission members must be familiar with calling signs; telephone numbers and be able to make use of the various communication systems.

### 5.3 Actions in case of emergency

- In any emergency, international staff will immediately establish communication with IPU HQ during working hours. Off duty, they will make contact with the MSO or the designated person for guidance. They will report the incident details and wait for further instructions or help.

## **RESTREINT UE**

- If unable to reach designated Collection Points or safe areas, international mission members should find a safe area or building for temporary cover, taking note of their exact location, safe route and exact landmark for easy identification of their position. They will establish communication with IPU HQ for help and take whatever steps necessary to preserve their life until they are rescued.





# **EUPOL KINSHASA**



## **Annex E**

### **Visits and Media Relations**

# RESTREINT UE

## 1. GENERAL

- (a) A Press and Public Information (PPIO) Officer is established under the authority of the PHoM who will receive guidance from the EUSR in this field. The PPIO role will be performed by the POLAD.
- (b) The Press and Public Information Officer (PPIO) will ordinarily be the only authorised person to communicate with the international or local media.
- (c) All requests for official media comment will be formally routed through the PPIO to the PHoM and to the EUSR office.
- (d) A Mission fact sheet drawing up the main facts and figures regarding the Mission will be compiled and updated by the PPIO.
- (e) Should the situation arise whereby a member of EUPOL Kinshasa must speak to media personnel at the scene of any incident, he/she should give only the facts, never opinions or judgements.
- (f) Details on all incidents of local or international media interest will be forwarded to the PPIO officer who will also operate a call out facility outside of office hours.

## 2. OFFICIAL VISITS TO THE IPU HQ

- (a) Priority visits to the IPU HQ are outlined as follows:
  - 1. Ministers (or similar level) and Members of Parliament
  - 2. Political representatives (including ambassadors)
  - 3. Heads (or deputies) of International Organisations
  - 4. High-ranking diplomats and senior police and military personnel.
- (b) A visit request should in principle be submitted no less than seven days before the proposed visit with the following information:
  - 1. Name, rank, position, nationality and biography of the Head of the delegation
  - 2. Purpose of the visit
  - 3. Size and composition of the delegation
  - 4. Planned arrival and departure mode and dates of travel
  - 5. Special requests.
- (c) The following is the protocol to be followed:
  - 1. General presentation of the mission by the PHoM or his designated representative.
  - 2. Operational briefing by the deputy PHoM
  - 3. Round table discussion (chair to be agreed in advance).
  - 4. Visit to the IPU HQ.

- (d) EUPOL Kinshasa will not be involved in any diplomatic clearance, funding, accommodation, subsistence or travel in relation to the visiting persons.
- (e) The former paragraph does not prevent EUPOL members from providing assistance to high level visits by representatives from their countries who visit the mission area in an official capacity.

### **3. MEDIA**

- (a) The PPIO will support and encourage free and open media access to EUPOL Kinshasa activities. The PPIO will deliver accurate, timely and sufficient information on the ESDP mission. General themes will include:
  - 1. The Mission mandate in support of the transitional authorities within the general framework of the "Accord Global et Inclusif" signed in Pretoria on 16 December 2002. The PPIO will comment on EUPOL Kinshasa in terms of mandate, legal basis, and general framework, co-operation with local authorities and end-state.
  - 2. EUPOL Kinshasa presence is by way of full agreement of the host state authorities who have undertaken to cooperate fully with the Mission in its work.
  - 3. The Mission will build on the achievements of the EC with regard to the training and equipment of the IPU
  - 4. The IPU ESDP Mission is a tool for contributing to enhanced security in Kinshasa notably during the transition period.
  - 5. The Mission is part of the broad range of EU activities in the host country aimed at assisting DRC in its efforts to recover from its war-torn past.
- (b) DRC government addressed an official request to the SG/HR for EU assistance in setting up the IPU, on 20 October 2003.
- (c) The strategic framework for public information activities for the Mission is defined in accordance with the principles outlined in relevant instruments<sup>8</sup>. Although information activities will mainly be conducted from the field, part of these activities will also be carried out from Brussels. The PPIO will liaise with the EC delegation in Kinshasa and will be in close contact with the EUSR office and the Press Office of the General Secretariat of the Council of the European Union and receive guidance from them when requested.

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<sup>8</sup> "Guidelines for ESDP Crisis Response Information Activities" (doc. 13817/02); "Information activities in the area of ESDP - principles and tasks ahead" (doc.12424/02).

## RESTREINT UE

- (d) DRC regularly draws international attention and the number of international media correspondents can significantly increase when special events or incidents arise. The PPIO will liaise with international news agencies in the mission area and participate in media briefings and press conferences, when appropriate.
- (e) The PPIO will issue press releases, as appropriate and will maintain an updated database of media interest in the IPU by monitoring host country media. If there is a need to dispatch a press release abroad, the PPIO will request the assistance of the EUSR Press Office and/or the Press Office of the General Secretariat of the Council of the European Union. Should unflattering comments over the EUPOL Kinshasa surface in the media, the PPIO will submit a draft reply to the PHoM for his approval.
- (f) The PHoM is responsible for providing the correct information and the appropriate mission image to the media in liaison with the EUSR.
- (g) The PPIO will produce regular local media overview for the PHoM, in accordance with the latter's request.
- (h) Public information and awareness is a crucial management tool especially during the IPU build up phase.





# **EUPOL KINSHASA**



## **Annex F**

### **Code of conduct and Discipline**

# RESTREINT UE

## 1. STANDARDS OF CONDUCT

EUPOL KINSHASA is made up of police and civilian professionals from several countries with varying cultures and legal systems, representing all levels of training and experience. Many members of EUPOL KINSHASA have served, as members of professional police organisations within their home countries and all personnel must maintain a high level of discipline and professionalism.

To meet the Mission requirements and to carry out tasks satisfactorily, staff members will at all times exercise patience, tolerance, tact, diplomacy, good judgement and common sense. In some instances, members of EUPOL KINSHASA may be required to act with the assertiveness necessary to carry out the mandate detailed in the Joint Action. Such actions must always be undertaken with complete impartiality towards all entities within the Mission area.

It is the responsibility of the individual officer and the international member of staff to fully adhere to the Mission Standards of Conduct and to all other directives issued pursuant to the OPLAN. It is expected that all Mission Members carry out their duties to the best of their ability and in accordance with the requirements of their immediate line supervisor and the mandate of the Mission; maintain appropriate and proper conduct towards all citizens of the host country, and maintain appropriate liaison with their National Contingent Point of Contact (NCPC);

The following standards of conduct are based on European and international best practices for police professionals and reflect the attitudes and behaviour expected of all staff. These standards of conduct are to be considered as a written order applicable to all EUPOL KINSHASA personnel. Failure to adhere to any of the following sections constitutes grounds for the initiation of disciplinary action as set out in paragraph 3 of this annex.

### 1.1 Conduct Unbecoming of a Mission Member

It is incumbent upon all Mission Members to display an appropriate public image which reflects favourably on the image of EUPOL KINSHASA. Staff are expected to refrain from behaviour that could adversely affect their credibility, professional image or impartiality. Staff shall conduct themselves in a professional manner both on and off duty. Staff will neither engage in political activity within the Mission area, nor will they publicly express any preference for any political,

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religious or ethnic entity or group within the Mission area. Staff will respond to all requests for assistance in a fair and impartial manner.

## 1.2 Consumption of Alcohol

EUPOL KINSHASA personnel will not consume alcoholic beverages while on duty and will not report for or be on duty or appear in public in a state of intoxication. In addition, members of EUPOL KINSHASA will exercise restraint in their consumption of alcohol while off-duty, remembering that officers/staff members at all times represent both EUPOL KINSHASA and their sending States.

Any member of EUPOL KINSHASA who consumes alcohol to such a level that he/she may behave in an unseemly or inappropriate manner will be deemed to be in violation of this directive.

## 1.3 Illegal use of Narcotics or Drugs

Members of EUPOL KINSHASA will not at any time consume or possess any illegal drug or narcotic, including cannabis, or any of its derivatives.

## 1.4 Acceptance of Gratuities

In order to maintain the level of neutrality integral to the Mission, EUPOL KINSHASA personnel must refrain from accepting gratuities from members of the local community. While it is not intended that staff should disregard gestures of human kindness and acceptance (e.g. an offer of coffee) it is not appropriate, and will be considered unacceptable, for staff to accept items of value from local personnel without prior approval from the EUPOL KINSHASA HoM.

## 1.5 Sexual Services

Attending or soliciting sexual services from places of prostitution, trafficked persons or minors is strictly forbidden. No EUPOL KINSHASA member will in any place within the Mission area procure the services of a trafficked person, prostitute or attend any properties or establishments known for or suspected of promoting prostitution or the trafficking of persons unless they are attending these places during the course of official operations while monitoring the local HOST COUNTRY police. All such operations must have the prior approval of the Police Head of Mission.

## 1.6 Relationships with Local Population

It is imperative that EUPOL KINSHASA personnel remain objective in the performance of their

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duties. The development of any type of personal relationship with those members of the community that may come into contact with EUPOL KINSHASA staff on a professional basis can damage the objectivity and must be handled with extreme caution and discretion.

The mores and behaviour appropriate in the home country of a staff member may not be accepted or tolerated by the population in the host country. Relationship with local personnel should not in any way reflect negatively on the EU or the EUPOL KINSHASA. Relationship with members of the local population should not cause an EUPOL KINSHASA member to compromise the objectivity, impartiality and integrity of EUPOL KINSHASA personnel in the proper performance of his/her duties. Relationship with members of local population should not lead to any substantiated complaint pertaining to inappropriate sexual advances.

## **1.7 Professional Behaviour Requirements**

All members of EUPOL KINSHASA will conduct themselves professionally within the Mission and will adhere to those rules and regulations set forth by the EUPOL KINSHASA HoM. In addition to the professional performance of their assigned duties, EUPOL KINSHASA personnel are expected to maintain a certain level of behaviour when dealing with other members of EUPOL KINSHASA.

## **1.8 Failure to Obey**

In order to ensure that the tasks of EUPOL KINSHASA are carried out as required each member of staff must obey all lawful orders he/she receives from supervisors.

## **1.9 Failure to Supervise Personnel**

In order to ensure that all line managers fulfil their role and responsibilities as supervisors and managers, it is necessary for them to be responsible and accountable for the actions of personnel under their command. A failure to supervise personnel properly might amount to a violation of professional standards.

## **1.10 Discriminatory Conduct**

All members of EUPOL KINSHASA will show respect for the other mission members, civilians of the mission and support personnel of the host country. Behaviour that is construed to be oppressive, abusive, discriminatory or likely to cause offence or humiliation will not be tolerated.

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Discrimination against any member of EUPOL KINSHASA on the basis of sex, race, nationality, ethnic background or religion will not be tolerated.

## 1.11 Use of Foul or Obscene Language or Gestures

At no time will any EUPOL KINSHASA member use foul, obscene, vulgar or otherwise offensive speech or gestures that could be considered to be abusive to any other member of EUPOL KINSHASA or to any member of the public. Staff will at all times conduct themselves in a manner consistent with the high level of professionalism expected of EUPOL KINSHASA personnel.

## 1.12 Assault or Physical Abuse and Violence

Except in cases of self-defence or in cases of the defence of the weak and the helpless, no member of the EUPOL KINSHASA will become a participant in any physically combative situations whether it is with EUPOL KINSHASA personnel or members of the local population.

## 1.13 Sexual Harassment

It is incumbent upon all members of EUPOL KINSHASA to conduct themselves properly at all times and for their conduct to be above reproach. It is imperative that any relationship that may develop among members of the international community is with mutual consent. No staff member's interaction with the international community or local personnel should ever be construed by either party to be in the nature of sexual harassment. Sexual harassment for the purposes of this document will include any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature, which interferes with EUPOL KINSHASA members work or employment with EUPOL KINSHASA.

## 2 PROFESSIONAL CONDUCT REQUIREMENTS

### 2.1 General Conduct Requirements

All members of the EUPOL KINSHASA are required to adhere to a professional standard in the performance of their duties. The following regulations provide general guidance for conduct of EUPOL KINSHASA staff members.

### 2.2 Job Requirements

Members of EUPOL KINSHASA shall ensure that all lawful orders, instructions; directives and required duties are carried out promptly and completely, and shall not knowingly neglect any duties assigned to them. EUPOL KINSHASA members shall appropriately account for any monies or

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property assigned to them in their official capacity and shall maintain all such allocations in good order.

## 2.3 Truth and Accuracy in Reporting

Members of EUPOL KINSHASA shall ensure that any report or statement made by them is accurate and complete. No member shall knowingly make any false, misleading or inaccurate oral or written statement or entry in any official record or document.

## 2.4 Alteration or Destruction of Official Reports

No member of EUPOL KINSHASA shall at any time without proper authorisation, destroy, mutilate or alter any official document.

## 2.5 Improper Disclosure of Information

- (a) No member of EUPOL KINSHASA shall disclose any information obtained during the course of their employment with the mission relating to the identities of any individuals, information exchange, operating procedures or any other information which will cause prejudice to the security of individuals, or any other information that will inhibit the prevention of public danger, disorder, crime or national security.
- (b) This requirement shall apply for the entire duration of employment in EUPOL KINSHASA. Nevertheless, EUPOL KINSHASA personnel are expected to maintain the highest ethical standards and to consider that the duty of care towards individuals continues post-assignment.
- (c) The same standards apply in respect of the protection of the reputation and image of the EU and EUPOL KINSHASA. However, it is the right and obligation of members of EUPOL KINSHASA to report through the appropriate chain of command cases of malpractice, corruption and incompetence.
- (d) Statements by EUPOL KINSHASA personnel to the press, newspaper, radio or television or any other public media are not permitted unless proper authorisation from the Police Head of Mission is obtained through the appropriate chain of command. A failure to comply with this article will be considered a major breach of regulations.

## 2.6 Improper Use of Authority

No member of the EUPOL KINSHASA Mission shall use or attempt to use his or her authority in such a manner as to gain special favours or benefits. Neither shall any member of the EUPOL KINSHASA Mission respond to any member of the public in a manner that may be construed as

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abusive or oppressive. EUPOL KINSHASA Mission Members shall treat their subordinates fairly and impartially without the practice of favouritism or preferential treatment. Staff of the EUPOL KINSHASA Mission shall ensure that all lawful debts incurred by them are satisfied, and they shall never attempt to utilise the office of EUPOL KINSHASA staff and the status accorded to that office to default on or reduce such debts.

## 2.7 Maintenance of EUPOL KINSHASA Property

Members of the EUPOL KINSHASA Mission shall maintain all mission property within their control in good order and shall immediately report any damage, breakage or loss of such property through appropriate channels. Staff shall not utilise EUPOL KINSHASA property for personal use unless authorised in writing through the proper chain of command.

Any damaged, destroyed or lost/missing EUPOL KINSHASA property must be reported immediately. Where appropriate, investigations may be instructed by the HoM and conducted by his/her Deputy, or designated person.

## 2.8 Use of Vehicles

A member of EUPOL KINSHASA found to be in violation of any provision relating to the use of EUPOL KINSHASA vehicles may be considered to be in breach of EUPOL KINSHASA standards of conduct.

## 2.9 Use of EUPOL KINSHASA Networks

The EUPOL KINSHASA Network (which includes communications, Internet, email and communications equipment) has been provided to the members of EUPOL KINSHASA to perform their official duties in the Mission. The misuse of the network and equipment by way of communicating, transmitting or storing offensive, pornographic or discriminatory material will be considered a violation of this directive.

## 2.10 EUPOL KINSHASA Dress Code

(a) Mission Members are seen, and portrayed, as being emissaries of their respective governments and of the European Union at large. Within the work environment, Mission Members are expected to adhere to standards of dress and appearance that are compatible with the Mission mandate, SOP and environment. Therefore, EUPOL KINSHASA Police Officers are required to wear their national police uniform with the EUPOL KINSHASA armlet/cloth insignia at all

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times while on duty or while travelling on duty in EUPOL KINSHASA vehicles, unless otherwise authorised. It is expected that uniforms be neat, clean and worn in a professional manner at all times. The official national uniform shall under no circumstances be varied or combined with private or civilian clothes and must be in accordance with the duties undertaken.

- (b) The EUPOL KINSHASA dark blue cap/cobalt blue beret shall be worn by all EUPOL KINSHASA officers while on duty in uniform, out of their vehicles, outside of a building, and any time while in public view.
- (c) For other international Mission Members who are seconded or contracted on a civilian basis, and all national staff, casual clothing, conservative in nature, or business attire, must be worn at all times.
- (d) If a Mission Members dress, or appearance, is such that it distracts the attention or staff from their work, or otherwise violates this dress code, supervisors at each level shall inspect all Mission Member personnel to ensure proper attire and may require the Mission Member to change his or her dress or appearance. Repeated violations of this policy may result in possible disciplinary action.

## 2.11 Absence from Duty

A member of EUPOL KINSHASA shall not, without proper authorisation, be absent from duty or leave any assigned duty. Illness, medical emergency or any other unusual circumstance preventing a member from reporting for duty must be conveyed to the member's superiors prior to the start of scheduled duty or as soon as possible. In addition, EUPOL KINSHASA personnel will ensure that any scheduled leave or absence is documented in accordance with EUPOL KINSHASA regulations concerning leave, CTO or illness, as applicable.

## 2.12 False Claims or Benefits

Members of EUPOL KINSHASA shall not knowingly misrepresent or make a false certification in connection with any EUPOL KINSHASA claim, benefit or investigation. This includes failure to disclose a fact to that claim or investigation.

## 2.13 Acting as an Accessory to a Disciplinary Offence

Any EUPOL KINSHASA member found to be an accessory to any violation will be considered as a principal and shall be subject to investigation.



## 2.14 Involvement in Criminal Activity

A proven involvement in serious criminal activity is grounds for immediate repatriation. In this respect, following crimes and/or attempted crimes constitute serious criminal activity:

- Theft
- Robbery
- Burglary
- Rape and sexual harassment
- Sexual relations with minors
- Corporal offences
- Arson
- Assault
- Murder
- Use, sale, possession or distribution of narcotics or drugs
- Illegal possession of firearms, ammunition or explosive.



Criminal Activity includes but is not limited to above mentioned crimes.

## 2.15 Violations of the Code of Conduct

A member of EUPOL KINSHASA found to be in violation of any parts of the EUPOL KINSHASA standards of conduct will be dealt with in accordance with the EUPOL KINSHASA Disciplinary Procedures. Disciplinary action may be taken following the findings and recommendations of the investigative process.

## 3 DISCIPLINE

### 3.1 Authority

Disciplinary authority is in accordance with Article 5, paragraph 4 of Council Joint Action 2004/847 CFSP, 9 December 2004.

### 3.2 General Principles

- (a) The primary principle is that EUPOL KINSHASA HoM is responsible for disciplinary control over all personnel.
- (b) For all seconded personnel, disciplinary action shall be exercised by the national (relevant sending State) or EU authority concerned.

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- (c) For non-seconded International and National contracted personnel, disciplinary action shall be exercised by the EUPOL KINSHASA HoM.
- (d) All EUPOL KINSHASA personnel must adhere to the EUPOL KINSHASA Standard Operating Procedures and other directives and orders. He/she has an obligation to account for his/her conduct, at all times whether on or off duty.
- (e) All EUPOL KINSHASA personnel are expected to cooperate fully during any internal investigations and inquiries.
- (f) The EUPOL KINSHASA HoM may, at his/her discretion, suspend any member of staff under investigation for criminal activity. The period of suspension will be determined by the EUPOL KINSHASA HoM and may be extended until the determination of any appeal proceedings if the EUPOL KINSHASA HoM deems it necessary.

### 3.3 General objective of internal investigations procedures

- (a) The purpose of internal investigations and inquiries is to objectively determine and report the facts surrounding an incident or allegation, in order to enable the appropriate disciplinary authority to make an informed decision regarding any possible requirement for disciplinary measures.
- (b) No disciplinary case involving EUPOL KINSHASA personnel will be closed without the acknowledgement of the EUPOL KINSHASA HoM.

### 3.4 Conduct of Investigations

- (a) The Deputy HoM is responsible for dealing with all disciplinary matters such as conduct of investigations of alleged breaches of EUPOL KINSHASA procedures and directives, preparing reports on disciplinary cases and internal investigations with recommendations to the EUPOL KINSHASA HoM.
- (b) All alleged breaches of the procedures and other applicable rules and regulations must be reported to the Deputy HoM. If the source of information is a EUPOL KINSHASA Mission Member, the report must be submitted in a written form. It is the right and obligation of all members of EUPOL KINSHASA to report cases of malpractice, misconduct and incompetence. The Deputy HoM can be informed either directly or through the chain of command.
- (c) In the event that Deputy HoM is unable for any reason to conduct an investigation, another Mission Member, with suitable relevant experience, will be identified and appointed by EUPOL KINSHASA HoM in order to conduct the investigation.

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## 3.5 Preliminary Report (PR)

- (a) The Deputy HoM shall make an analysis of the incident that allegedly occurred, identify the staff involved and accounts of the complainant, witnesses and victims. The consequences for those involved and an assessment of how the incident has affected the image of EUPOL KINSHASA must also be included in this analysis.
- (b) The Deputy HoM may find that further information is required to conclude the PR. The Mission Member's respective Line Manager may be requested to expediently submit a confidential Statement of Facts (SoF) with regard to the allegation. Upon such a request being made, the Mission Member concerned and his/her NCPC will be informed accordingly.
- (c) This PR must be forwarded as soon as possible to the Deputy HoM with verification of the case and indication of the alleged breach. The Deputy HoM decides if the case is to be closed or further investigated and informs the EUPOL KINSHASA HoM accordingly.

## 3.6 Rights and obligations of the persons involved in the investigation

- (a) All communications shall be conducted in French.
- (b) Suspected personnel will be encouraged to answer questions and submit documentation if requested by the Deputy HoM. However suspects are not obliged to incriminate themselves and the decision whether to comply with this request is a matter for the suspected individual.
- (c) Suspected personnel may be requested by the Deputy HoM, of their own free will, to supply a written statement. The decision whether to comply with this request is a matter for the suspected individual.
- (d) Persons involved in internal discipline investigations must treat information and documentation, pertinent to the enquiry, with strict confidentiality in order to protect the privacy of all those involved.
- (e) All EUPOL KINSHASA personnel shall cooperate with the Deputy HoM. Requests for information and documentation should be dealt with expeditiously: any deliberate delay likely to be detrimental to the investigation will be considered a separate violation of EUPOL KINSHASA's Standards of Conduct.
- (f) Suspected personnel have the right to be informed, in writing, of the specific allegation(s) made against them. The EUPOL KINSHASA staff member will acknowledge notification by signing a summary of the allegation(s).
- (g) EUPOL KINSHASA personnel, subject to investigation, are entitled to legal advice during interviews. The legal advice can be sought from one of EUPOL KINSHASA Members or privately obtained. In the latter case, any costs incurred are the responsibility of the staff

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member concerned.

- (h) EUPOL KINSHASA personnel, have the right of appeal against any decision imposing disciplinary action.

## 3.7 Investigation procedure

- (a) If the reported activity constitutes a breach of the EUPOL KINSHASA procedures and other directives and orders, the PHoM will order to conduct a thorough investigation.
- (b) The Deputy HoM is responsible for informing immediately in writing (Notice of Allegations: NoA) the alleged Mission Member with a copy made available to National Contingent Point of Contact (NCPC).
- (c) The Deputy HoM is responsible for carrying out investigations in a proper way and without any undue delay. The investigation shall be accurate, objective, encompassing and impartial.
- (d) All the findings will be included in a Final Investigation Report (FIR).
- (e) Upon completion of the investigation the Deputy HoM will submit the FIR, with a written summary of the findings of the investigation, to EUPOL KINSHASA HoM without culpable delay.
- (f) If the allegations were not substantiated, the Deputy HoM decides to close the case and informs accordingly the EUPOL KINSHASA HoM and the Mission Member concerned; a copy is also sent to his/her NCPC.

## 3.8 Disciplinary actions on the basis of Internal Investigation Report

- (a) Upon receiving the FIR, the Deputy HoM shall make a written recommendation to the EUPOL KINSHASA HoM as to the disciplinary action to be imposed. The EUPOL KINSHASA HoM will decide on the appropriate disciplinary measures and this decision together with a copy of the FIR shall be sent to the NCPC responsible for day-to-day contingent discipline. This copy should not contain any intelligence information nor the identities of any witnesses. In the case of non-seconded personnel, the EUPOL KINSHASA HoM him/herself will make a decision on disciplinary actions.
- (b) The NCPC shall take the appropriate disciplinary action, taking into account the decision of the EUPOL KINSHASA HoM. That action shall normally be taken within seven days of receiving the EUPOL KINSHASA HoM's written decision. The NCPC shall immediately notify the EUPOL KINSHASA HoM of the content of his/her action.
- (c) In circumstances when the NCPC is the subject of internal investigation procedures, EUPOL

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KINSHASA HoM's decision is routed through the appropriate office of the General Secretariat to the relevant national authorities.

## 3.9 Board of Appeal (BoA)

- (a) In case of appeal by the disciplined Mission Member and/or the relevant NCPC, and if deemed necessary by the EUPOL KINSHASA HoM, the Deputy HoM will designate a BoA consisting of a Chairperson, three members and a Secretary. The Chairperson will be the Deputy Head of Mission (DHoM) and the three other members of the BoA will be the Chief of Personnel (CoP) and two independent NCPC.
- (b) Each member of the BoA will review all reports pertaining to the investigation before the BoA submits a finding.
- (c) The suspected Mission Member shall be required to answer questions or submit documentation if so requested by the BoA. He/she is entitled to make the final decision whether he/she will submit to this request.
- (d) The BoA may call any member of EUPOL KINSHASA to testify during proceedings.
- (e) The BoA will arrive at a finding based on a simple majority vote and will provide a written report of those findings to the EUPOL KINSHASA HoM without culpable delay.
- (f) Each BoA member must guard all information received or given to him/her in order to protect the privacy of the person involved in the investigation (witnesses, victim, etc.).
- (g) At the conclusion of the BoA all documents received by the BoA will be returned to the Deputy Head of Mission.

## 3.10 Disciplinary actions on the basis of a BoA decision

- (a) The decision of the BoA including a written recommendation as to the disciplinary action to be imposed will be submitted to the EUPOL KINSHASA HoM. The EUPOL KINSHASA HoM will decide on the appropriate disciplinary measures and this decision together with a copy of the BoA report shall be sent to the NCPC responsible for day-to-day contingent discipline.
- (b) The NCPC shall take the appropriate disciplinary action, taking into account the decision of the EUPOL KINSHASA HoM. That action shall normally be taken within seven days of receiving the EUPOL KINSHASA HoM's written decision. The NCPC shall immediately notify the EUPOL KINSHASA HoM of the content of his/her action.
- (c) In circumstances when the EUPOL KINSHASA HoM is not satisfied with the content of the NCPC disciplinary action, the case will be routed through the appropriate office of the General Secretariat to the relevant national authorities.

## 3.11 Recommended Forms of Discipline

- (a) As mentioned above, the recommendations for disciplinary action will be given in a written form by the EUPOL KINSHASA HoM, and addressed to the respective NCPC. These recommended actions will include one of the following forms of discipline:
- Verbal warning and counselling.
  - Written warning by the NCPC or his designate, with copy to the Deputy HoM.
  - Recommendation for repatriation from EUPOL KINSHASA
- (b) Disciplinary measures may, if deemed necessary by the EUPOL KINSHASA HoM, generate the following consequences, which are not considered as direct discipline but are more administrative in nature:
- Reassignment of duties.
  - Removal from position of command.
  - Redeployment to a different location.
- (c) Any Mission Member who was subject of disciplinary measures may be denied an extension of his/her Mission.

## 3.12 Records

The Deputy HoM must:

- Follow the proceedings of all pending cases and report if there are any delays.
- Keep a sealed record of all cases, findings and decisions taken, including decisions to close the case.
- Be responsible for the update of the personnel files and Database records with regard to discipline imposed to Mission Members.
- On a regular basis, provide analysis and statistics on disciplinary matters.

## 3.13 Specific Procedure regarding Serious Criminal Acts (not misconduct issues). General procedure policy

- (a) All criminal investigations regarding EUPOL KINSHASA members of staff shall be conducted by the competent authorities of EU member States and other contributing States, in accordance with the provisions of the relevant national law.
- (b) In case of serious criminal acts committed by a EUPOL KINSHASA member of staff,

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procedure policy is as follows:

- This policy formally recognizes that a EUPOL KINSHASA staff member, on the basis of a decision made by his/her NCPC in the case of seconded staff, may be made subject to preliminary protective measures of precaution, for the purpose of investigation in circumstances when the member of staff is alleged to have committed a criminal act.
  - EUPOL KINSHASA shall assist the competent authorities in implementing preliminary protective measures. This assistance may be based solely on a request submitted by the competent authorities. The decision concerning the assistance to be provided by EUPOL KINSHASA rests with the EUPOL KINSHASA HoM and will be determined on a case-by-case basis.
- (c) In cases where EUPOL KINSHASA is appropriately requested to assist the competent authorities in this respect, preliminary protective measures, which must remain within the scope of the relevant national legislation, may include only the following limited precautionary actions:
- protective removal of a suspected member of staff from the scene of crime in order to prevent her/him from destroying possible evidence;
  - protective removal of a suspected member of staff from the scene of crime in order to prevent her/him from injuring her/himself;
  - protective seizure of the belongings of a suspected member of staff, if allegedly used to commit a crime.
- (d) In the course of such a procedure, the EUPOL KINSHASA member of staff concerned shall be afforded the same rights as any person facing such circumstances applicable under his/her national law.
- (e) Upon being placed under preliminary protective measures, continuance of these measures is solely subject to the determination of the competent authorities as to whether or not to prosecute the offending member of staff.
- (f) Internal disciplinary measures will not be initiated until the competent authorities have made a determination as to whether to prosecute.

## 3.14 Co-operation between EUPOL KINSHASA and the competent authorities

EUPOL KINSHASA shall assist the competent authorities in conducting investigations. This assistance may be based solely on a request presented by these authorities. The decision concerning the assistance to be provided by EUPOL KINSHASA rests with the HoM and will be determined on a case-by-case basis.

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## 3.15 Applicability

- (a) The provisions of this section shall be similarly applied to all seconded EUPOL KINSHASA Police Officers and seconded civilian international members.
- (b) They also apply, as stated in respective contracts of employment, to international civilian personnel who are employed on a contractual basis to EUPOL KINSHASA.
- (c) Where deemed applicable, the provisions will also apply to EUPOL KINSHASA local staff members, as stated in their respective contracts of employment.





# **EUPOL KINSHASA**



## **Annex G**

### **Reporting Procedures**

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## 1. GENERAL

- (a) In accordance with the EUPOL Kinshasa Concept of Operations (CONOPS) and as required by the EUSR, the mission will produce the following reports. Each report will have a standard template.
- (b) Given the limited number of Mission staff and their multipurpose role, as well as the limited operational scope of the EUPOL Kinshasa, the Mission will not produce a Daily Mission Report (DMR).
- (c) The PHoM will apply EU usual classification on the disseminated documents depending on the sensitivity of information released in the reports. In this respect, it must be borne in mind that EU classified information (EU RESTREINT) can not be stored in the IPU HQ without appropriate security measures (CIS and Physical).
- (d) All reports forwarded through the chain of command will be written in French. The reports will then be translated in English by the EU translation unit in Brussels.

<u>REPORT</u>	<u>FREQUENCY</u>
SITREP (Situation Report) .....	bi-weekly
COMASSESSREP (PHoM assessment report) .....	monthly
ADMIREP (Administrative Report) .....	monthly
SPEREP (Special Report) .....	as required

## 2. SITUATION REPORT ( SITREP )

- (a) The advisors and monitors, the liaison officers will provide the reporting officer with their report and inputs on a bi-weekly basis.
- (b) The Situation Report will be a synopsis version based on the state of play and the information obtained in the past two weeks. It will include, among others, a statement on the overall situation, operational matters regarding the IPU tasks, the security situation, the achievements in advising and monitoring role, participation in and results from important meetings.
- (c) The report should also include a forecast of events and potential critical issues for the coming fortnight.
- (d) SITREP will be drafted every two weeks by the reporting officer for consideration by the PHoM, no later than Thursday 17.00 hrs.

## 3. COMASSESSREP (PHoM Assessment Report)

- (a) On behalf of the PHoM the POLAD in co-operation with the Reporting officer will produce a

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Mission Assessment Report. The report will cover in an analytical way one calendar month and include an assessment of the Mission achievements based on the benchmarking system, the overall security situation in the light of the forthcoming Congolese elections, and general comments from a policing perspective. It will also focus on the progress in the restructuring of the PNC, how the IPU discharge its duty and fit into the police structure, and the EUPOL perception in Kinshasa.

- (b) A COMASSESSREP will be drafted at the end of each calendar month for consideration by the PHoM.

## 4. Administrative Report (ADMIREP)

- (a) The Reporting officer will collate all the relevant information from the Administrative and support section, including personnel and procurement issues.
- (b) The Administrative Report will be drafted at the end of each calendar month by the Reporting officer for consideration by the PHoM. It will be forwarded along with the COMASSESSREP.

## 5. Special Report ( SPEREP )

- (a) Any event which is time critical and could have serious implications on mission operability including incidents related to safety or security of EUPOL personnel, premises or equipment, must be immediately communicated and reported to the PHoM or his deputy.
- (b) The reporting officer will draft a special report when asked to do so by the PHoM or whenever appropriate. A SPEREP will be promptly forwarded through the chain of command if there is a use of firearm by a staff member.

## 6. FORMATS AND TRANSMISSION OF REPORTS

- (a) All EUPOL Kinshasa personnel must follow the reporting guidelines and the use of templates as issued by the reporting officer.
- (b) EU Classified reports and transmissions will be sent via authorised secure facilities.
- (c) Non-classified reports will be transmitted by data transmission facilities. There is not need to over classify documents unnecessarily and EU restricted should only be used in appropriate circumstances.



# **EUPOL KINSHASA**



## **Annex H**

### **Information Exchange**

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## 1. INTRODUCTION

Information exchange is an integral and fundamental element to the functioning of EUPOL Kinshasa. Accurate Intelligence information is crucial to mission accomplishment and security. Timely exchange of information is critical as well. Within the parameters of security classification and confidentiality, information will be transparent and available on as wide a basis as possible.

## 2. AREAS OF INTEREST

Areas of interest of EUPOL Kinshasa include:

- (a) Security risks and potential threats against the Mission, the EC delegation and, in a wider perspective, against the other international components;
- (b) Threat against the transitional authorities and political process which may directly jeopardise the IPU and the other security components;
- (c) Possible emerging crises in the region which could have adverse effects over the stability in DRC and notably Kinshasa;
- (d) Developments on the host country's political, economic, social, criminal, military and factional sphere which may affect EUPOL Kinshasa ability to execute its mission;
- (e) Developments which could constitute a violation of human rights.

## 3. PRIMARY SOURCES OF INFORMATION

- (a) Adequate liaison mechanism will be put in place with various MONUC departments, notably with the civilian-military Joint Mission Analysis Cell (JMAC), which is to be regarded as the main provider of information.
- (b) Regular contacts and connections will be maintained with EU sources of information, namely EC (security officer) and EU representations in Kinshasa, notably their police attaches or security officers.
- (c) Information should also be collected from the Congolese Authorities through the LNOs' liaising with the Ministry of Interior (MoI), Police General Directorate and CCOS (police joint operations centre).
- (d) Contacts will also be established with International Organisations or NGOs operating in Kinshasa, as appropriate.
- (e) Field mobile monitoring teams will also be a useful provider of information regarding the social atmosphere and security context in Kinshasa.
- (f) Other Mission sources of information include open sources such as media, which will be

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monitored by the POLAD/PIO.

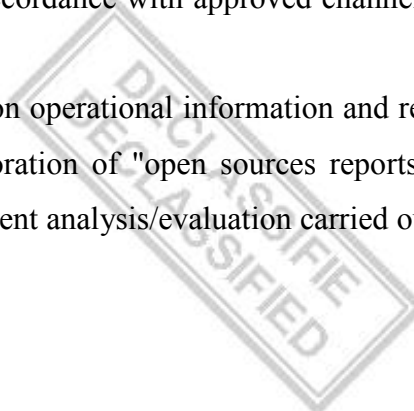
## 4. INFORMATION HANDLING AND DISSEMINATION

- (a) The reporting/archives officer will handle all kinds of information and is the focal point in terms of information handling and dissemination. The primary function of the reporting officer is to provide the PHoM with timely information on security and policing matters having an impact on the IPU. To this end, he is notably in charge of collating, analysing, co-ordinating and disseminating information collected by the Mission as a whole. The reporting officer will encourage analysis and commentary from all levels particularly with respect to the source and its reliability, prior to final assessment.
- (b) All information will be stored on a secure database. It will not be possible to store EU classified information in the IPU HQ without appropriate security measures (CIS and physical).
- (c) The possible sharing of information stored within the database will be decided by the PHoM on a case by case basis. The PHoM may delegate his authority to his/her deputy.
- (d) However, in accordance with the principles set out in Joint Action 2004/847/CFSP of 9 December 2004 on the European Union Police Mission in Kinshasa regarding the Integrated Police Unit (EUPOL Kinshasa) the PHoM shall apply the following:
- The Secretary-General/High Representative is authorised to release to the third parties associated with this Joint Action, EU classified information and documents up to the level "CONFIDENTIEL UE" generated for the purposes of the operation, in accordance with the Council's security regulations.
  - The Secretary-General/High Representative is also authorised to release to the United Nations, in accordance with the operational needs of the Mission, EU classified information and documents up to the level "RESTREINT UE" generated for the purposes of the operation, in accordance with the Council's security regulations. Local arrangements will be drawn up for this purpose.
  - In the event of a specific and immediate operational need, the Secretary-General/High Representative is also authorised to release to the host State EU classified information and documents up to the level "RESTREINT UE" generated for the purposes of the operation, in accordance with the Council's security regulations. In all other cases, such information and documents shall be released to the Host State in accordance with procedures appropriate to the Host State's level of co-operation with the European Union.
  - The Secretary-General/High Representative is authorised to release to third parties

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associated with this Joint Action EU non-classified documents related to the deliberations of the Council with regard to the operation covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council Rules of Procedure.

- (e) Information will be handled and disseminated using secure means. As a fundamental rule of procedure, information will only be disseminated in accordance with approved channels and/or on a 'need to know basis'.
- (f) Local staff will not be given access to classified mission operational information and reports. If necessary, local staff may be employed for the elaboration of "open sources reports". Local Staff will have, however, no access to possible subsequent analysis/evaluation carried out on the basis of "open sources reports".





# **EUPOL KINSHASA**



## **Annex I Logistics**



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## 1. INTRODUCTION

- (a) In accordance with the Concept of Operations (CONOPS) the following principles will be established: Logistic support will be carried out in the most cost-effective manner and will, where possible, involve the use of local resources.
- (b) The fundamental aim, based on these principles, is the provision of professional support, flexibility and control in order to provide full operability for all components of the mission.
- (c) The logistic system and structure will be revised and adapted as and when necessary.

## 2. GENERAL GUIDELINES

### 2.1. Transportation

- (a) The purpose of the fleet is to support all operational requirements of the Mission including the transport of personnel or materials.
- (b) Fleet maintenance is carried out based on the principle of out-sourcing including servicing maintenance, spare parts, repairs, and breakdown service. All maintenance requirements will be performed by licensed workshops identified and situated in host country.
- (c) National fuel companies, in the host country, provides the fuel. Appropriate arrangements should be negotiated in order to provide for the mission's requirements.

### 2.2 Building Management & Supplies

- (a) Building Management: The mission members will be installed in offices within public and rented buildings. Office containers will be provided to locate the EUPOL personnel, if necessary. The responsibility is to bring them up, and maintain to an acceptable European standard. The overseeing of the maintenance, repair and refurbishment will be assured by HQ Kinshasa. Private companies will be required to carry out the work.
- (b) Supplies: EUPOL Kinshasa will operate a limited storage of stock. Mission support and supply comes from two sources – limited storage holdings of essential operational material and local purchases where necessary.

## 3. PRINCIPLES OF LOGISTIC CONTROL

- (a) All EUPOL Kinshasa property and equipment is subject to the control of the Logistics Officer, as are items on long-term loan to EUPOL Kinshasa. The Logistics Officer will initiate and maintain a full inventory of all items held by EUPOL Kinshasa, including identification/serial numbers.
- (b) A monthly inventory check is to be conducted by the Logistics Officer.

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- (c) The mission staff will be responsible for all EUPOL Kinshasa material signed out to them through Logistics. They are responsible for the safe custody, maintenance and care of these items.
- (d) All items moved from one location to another must be noted on a regular EUPOL Kinshasa voucher with copies held at the Kinshasa HQ Inventories will be adjusted accordingly.
- (e) Adjustments to inventory lists may only be made in conjunction with and authority of the Logistics Officer. Adjustments to inventories must be made in writing. All surplus resources, deficiencies, losses and damage must be notified immediately, in writing, giving full explanation. Requests to write off items must be made to the Logistics Officer.
- (f) Logistic hand-over. When a mission member ends her/his mission an official hand-over of inventories will be conducted between the parties handing over and receiving the resources. Any discrepancies found will be recorded on the inventory list, supported by a written explanation and submitted with all relevant supporting documentation to the Logistics Officer. Investigations may be made by the mission.
- (g) Monitoring Fuel Consumption. Fleet fuel consumption is controlled by the Logistics Officer. For this purpose, after each refuelling, a copy of the fuel bill will be sent without delay to the LO listing the name of the driver and the mileage of the vehicle. Fuel bills will be submitted to the LO twice a month. A car log system may also be implemented for that purpose.
- (h) The Logistics Officer will control contracts awarded to private companies and, where necessary, travel to inspect the provision and quality of the contracted service.

## 4. DATABASE

In order to manage all EUPOL Kinshasa material and equipment, a database will be developed by CIS. The application will simplify administration procedures for distributed and stocked items. It will be operated by the Logistics Officer.

## 5. PURCHASE MATERIAL RESOURCES

The PHoM will approve the purchase of equipment.

## 6. RE-SUPPLY

- (a) Re-supply is carried out by requests. It is the responsibility of the EUPOL Kinshasa staff to initiate a request, using the appropriate EUPOL Kinshasa requisition forms, for re-supply of equipment or new items. The form should be sent directly to the Logistic Officer who coordinates the supply of requested items.

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- (b) For routine items such as stationery, staff members will ensure that they forward-plan accordingly, in order to maintain sufficient operational stocks.

## 7 TRANSPORTATION AND MAINTENANCE

- (a) The fleet will comprise of approximately 11 vehicles as follows:
- 10 4X4 Off-road vehicles
  - 1 Minibus
- (b) Maintenance: The management of the fleet incorporates the following elements by the Logistics Officer:
- Registration
  - Fuel Consumption
  - Insurance and fuel arrangements
  - Regular inspections of vehicle inventory
  - Maintenance and update of all documents concerning statistical information about actual costs such as mileage run per vehicle, costs for car washing, insurance etc.
- (c) In addition, the Logistics Officer organises all maintenance operations carried out by local private workshops. Respect is given to instructions concerning the manufacturers' recommended service schedules.
- (d) Fleet Insurance: All vehicles will be insured, with third party insurance as required by law, and comprehensive Insurance that includes all risks (theft, floods, all kind of accidents etc.). Validity extends outside host country territory. Additional insurance cover provides drivers and passengers with separate insurance for accidents.

## 8. LOSS OR DAMAGE/ WRITE-OFF PROCEDURES

- (a) All EUPOL Kinshasa personnel, through controlled issuance, are responsible for the security and efficient use of all mission equipment and materiel.
- (b) It is the obligation of all mission members to immediately report the loss/damage of any EUPOL Kinshasa equipment. The person responsible for the loss/damage of equipment must write a loss/damage report, explaining the full circumstances of the loss/damage. All loss/damage reports are submitted to the Logistics Officer who is responsible for assessing the loss/damage reports and making recommendations concerning write-off and/or follow on procedures to be pursued. Recommendations are made to the PHoM who authorises the write-off of EUPOL Kinshasa equipment or material.
- (c) If follow on procedures are necessary the PHoM convenes a Committee of Inquiry, including

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the Logistics Officer and the Personnel Officer.

- (d) The Committee of Inquiry will review all the files and inquiries, consider the write-off of items if necessary, and will assess the level of responsibility of the user. In case of misuse or gross negligence, a procedure to seek compensation may be implemented based on the recommendations of the Committee of Inquiry. Independent to the activities of the Committee of Inquiry disciplinary action may be taken.

## 9 USE OF VEHICLES

### 9.1 Generic rules

- (a) When using EUPOL Kinshasa vehicles drivers are to comply with local regulations, as well as the provisions set out by the Logistics Officer.
- (b) All members of EUPOL Kinshasa are reminded that as guests of the host country in the Mission area, they must drive with care and comply with all local traffic laws, rules and regulations. They must show more than usual care and courtesy and they must drive in a safe and professional manner at all times. All staff are reminded that they represent EUPOL while driving official vehicles.
- (c) EUPOL vehicles are for operational use and for authorised off duty purposes. Only authorised EUPOL personnel, holding a valid national driving license may drive EUPOL vehicles.
- (d) The Logistics Officer in conjunction with Chief of Administration will make allocations of vehicles.
- (e) The responsibility for EUPOL vehicles is vested first and foremost in the most current driver. The Logistics Officer will assign vehicles to the mission members. All other vehicles assigned to EUPOL Kinshasa will be in a transport pool managed by the LO
- (f) All defects in vehicles and equipment or loss of equipment must, be reported immediately to the Logistics Officer.
- (g) Vehicle maintenance will be conducted in accordance with the maintenance procedures promulgated by the LO
- (h) Only EUPOL Kinshasa authorised stickers/emblems may be displayed on EUPOL vehicles.
- (i) The use of EUPOL vehicles for any unauthorised activity is strictly prohibited.
- (j) Under normal circumstances only EUPOL personnel will be permitted as passengers in EUPOL vehicles. Emergency situations and programmes that meet the mandates of the EUPOL are exceptions. When transporting non-EUPOL ID card holders in EUPOL vehicles the following procedure must be observed:
- A formal request for transportation specifying names, nationalities, passport numbers and

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relationship(s) to the EUPOL staff member must be submitted to department/section head for his/her approval prior to the movement of staff.

- The original approved request will be forwarded to the Logistics officer and a photocopy along with a 'General Release/Waiver Form' will remain in the vehicle, during the period requested. This copy is for presentation to the relevant officials upon request.
- (k) Staff must not drive while legally impaired or under the influence of alcohol or drugs. If any charge of driving while legally impaired is substantiated, the staff member will be subject to disciplinary proceedings and may be repatriated. (See the segments of Standards of Conduct and Discipline)
- (l) Operators of EUPOL Kinshasa vehicles shall wear their seat belts at all times and shall ensure that their passengers also wear their seat belts.
- (m) EUPOL staff shall, if directed to do so by PHoM or his designate, satisfy all claims of illegal parking, speeding or other traffic citations that they have received. Failure to do so will result in disciplinary action.
- (n) Users of EUPOL vehicles must make themselves familiar with the contents in the EUPOL vehicle handbook. This handbook normally forms part of the documents found inside the vehicle folder.

## 9.2 Vehicle equipment

Staff shall ensure that the vehicle they are operating has the following equipment available and is in good condition at all times:

- Spare tyre
- Jack with handle
- Wheel spanner (lug wrench)
- First aid kit
- Crook lock
- Tool bag
- Tow cable
- Fire extinguisher
- Reflective triangle
- Any other equipment detailed on the vehicle documents/handover documents

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## 9.3 Vehicle maintenance

- (a) EUPOL drivers are responsible for the daily maintenance of the vehicles, cleanliness, and the reporting of vehicle faults.
- (b) Drivers shall carry out daily routine checks of their vehicles, which consist of the following checks:
- Fuel level
  - Oil level
  - Water and coolant levels
  - Brake fluid level
  - Battery fluid level
  - Dials on instrument panel
  - Head lights, tail lights and indicators
  - Tyre pressures/condition (including spare)
  - Horn
  - Radio VHF/UHF
  - Physical external checks i.e., body damage, possible leakage, and cleanliness
  - Mileage for next maintenance.

Daily steering and brakes inspection to be carried out immediately after engine start.

## 9.4 Vehicle trip tickets

- (a) Each vehicle will have a written Trip Ticket form. Trip tickets are to be properly completed at all times, including details of trip, fuel and mileage.
- (b) All drivers shall complete the Trip Ticket daily and summarise it at the end of each calendar month. By the 3rd day of the following month, he/she will submit the trip ticket to the Logistics Officer at HQ.
- (c) A new monthly trip ticket shall be started on the first of each month and will include the following:
- Name of driver
  - Date
  - EUPOL Kinshasa identification number
  - Destination
  - Duty or personal use
  - Amount of fuel and oil used

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- Fuel/ oil coupon number; and mileage at refuel
- h. Kilometres at start and end

## 9.5 Security

- (a) Staff is responsible for the security of their vehicles and the loads carried therein. Vehicles shall not be left unattended unless all reasonable care has been taken to ensure that the vehicle is secured.
- (b) Failure to secure EUPOL vehicles may render the operator liable for damages or loss incurred and disciplinary action may be taken.
- (c) All EUPOL vehicles, when parked, shall have all windows fully closed, keys removed, "crook locks" fitted to the steering wheel, car alarm activated and doors locked.
- (d) Staff shall not leave valuable/attractive items such as passports, ID Cards, EUPOL driver permits or personal equipment unattended in vehicles. No vehicle documents are to be left in vehicles overnight.
- (e) EUPOL vehicles shall be parked securely overnight, either at place of work or residence. If the vehicle is left at the office, the keys shall be secured.
- (f) EUPOL vehicles shall not be parked in dark isolated places or locations, which are considered to be 'high risk' areas.
- (g) All theft from or damage to EUPOL Kinshasa vehicles shall be reported immediately to the Mission Security Officer, and the driver will be required to take his/her vehicle for estimation of damage to the LO within 24 hours.

## 9.6 Procedures at the scene of a road traffic accident

- (a) Should an accident occur involving a EUPOL Kinshasa vehicle, where the driver is a seconded EUPOL member whether on or off duty, the sending State shall be liable for any claims against the driver and related to damages to the EUPOL vehicle which are not covered by insurance. Following a complete accident investigation, the accident investigation file will be made available to the sending State.
- (b) Should an accident occur involving a EUPOL vehicle, where the driver is a EUPOL member recruited on international or local contractual basis, whether on or off duty, the driver involved may be liable for any claims against him/her related to damages to the EUPOL vehicle which are not covered by insurance, following a complete accident investigation.
- (c) If an accident involving a EUPOL vehicle occurs, the following procedures will be followed:

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- The driver(s) will immediately inform the EUPOL Security Officer about the accident. The Security Officer will inform the nearest host country police station about the accident.
  - The driver(s) will not leave the scene of the accident unless the situation constitutes a hazard to human life.
  - The vehicle(s) should not be removed from the accident scene until the arrival of the police and a EUPOL investigation team, unless the situation constitutes a hazard to human life and/or serious traffic accident risk.
  - The investigation team will consist of two international police officers, who are not involved in the traffic accident themselves. The security Officer is responsible for the investigation. The driver(s) shall refrain from making any statement or taking action that may be construed as an admission of liability.
  - If there are reasonable grounds to suspect that the EUPOL driver has driven a motor vehicle having consumed alcohol, then the first EUPOL staff member arriving at the scene of accident shall immediately inform the Security Officer of that suspicion.
  - It is an immediate responsibility of the Security Officer to notify the PHoM, of such a suspicion. Only the PHoM her/his deputy may authorise the EUPOL police officer(s) at the scene of accident to implement the standard breath test procedure in respect of the driver suspected of driving motor vehicle under the influence of alcohol where that driver is a seconded personnel. If the driver involved refuses to implement the standard breath test procedure, it is the sole responsibility of the PHoM to decide on further action, if any, in accordance with respective national legislation.
  - All members of EUPOL may voluntarily permit EUPOL police officers or local host country police to implement a standard breath test procedure.
- (d) Official Accident Report Forms must be completed by the driver involved and submitted to the Mission Security Officer with a copy to the Logistics Officer.
- (e) The EUPOL investigation team will conduct a preliminary investigation and examination of the details of the accident and will examine and obtain copies of the local police report.
- (f) All relevant paperwork will be submitted immediately to the Logistics Officer for the investigation to be continued and completed. The Logistics Officer will review the report and submit his recommendation to the Head of Mission, who will decide whether disciplinary action is to be taken. (See segment regarding Discipline)
- (g) A Duty Officer will be on call 24 hours a day all the week, available for call both on radio and mobile telephone, ready to assist EUPOL staff involved in a traffic accident.



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- (h) The Duty Officer will be responsible for attending the scene of every road traffic accident involving an EUPOL Mission member using an EUPOL official vehicle. Officers attending the scene of a road traffic accident involving a EUPOL vehicle will act as the investigating officer, liaise with the local host country police in attendance and report comprehensively on the circumstances of the road accident.

## 9.7 Withdrawal of authority to drive EUPOL Kinshasa vehicles

- (a) The PHoM or his deputy can decide that a EUPOL staff member should not drive an official EUPOL vehicle. A report outlining the circumstances relating to the recommendation to withdraw authority to drive official EUPOL vehicles should be made by the MSO who will review the circumstances and make the appropriate recommendation to the PHoM.
- (b) To avoid damage to vehicles and personnel, a driver's authority should be withdrawn when a driver:
- Flagrantly violates traffic laws and other regulations.
  - Has accrued multiple violations of the traffic laws and regulations.
  - Consistently driving without due care and attention.
  - Unfit to drive due to the effects of alcohol or drugs.
- (c) Authority to drive EUPOL vehicles will be reinstated following a test drive by the EUPOL Logistics Officer.

## 9.8 Travel request forms

- (a) A travel request form is required for travel in the following circumstances:
- Any duty travel outside of the Area of Responsibility (AOR).
  - Any duty travel involving an overnight stay.
  - Any travel for which reimbursement will be sought.
- (b) The authorising officers for travel request forms will be the PHoM. The purpose of the travel must be clearly specified on the travel request form. (Simply stating the word "duty" is not adequate). It is necessary to provide details of the travel and the reasons for the journey. Only in exceptional circumstances, will travel request forms be retrospectively authorised.
- (c) The requirement for a travel request form applies to all travellers, drivers and passengers.



# **EUPOL KINSHASA**



## **Annex J Personnel**

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### **B. National Mission Members**

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## A. INTERNATIONAL MISSION MEMBERS

### 1. PRINCIPLES FOR THE SELECTION OF THE MISSION'S INTERNATIONAL PERSONNEL

- (a) The Police Head of Mission (PHoM) retains the authority and the overall responsibility to appoint and deploy personnel.
- (b) The deployment plan is based on detailed job descriptions, which will be the job templates. However, job descriptions may be subject to future change, as appropriate to mission requirements.
- (c) International personnel will consist of Seconded International Police Officers, Seconded International Civilians and Contracted International Civilians, who fulfil all the requirements of the Call for Contributions.
- (d) The recommend tour of duty will be of one year duration.
- (e) Procedures for the exceptional withdrawal of personnel will embrace personal, disciplinary and medical situations. More details are contained in this annex.

### 2. DEPLOYMENT

- (a) All sending States' nominations are centrally processed, first through the EU Police Unit in Brussels and then by the Personnel Section (PS) of EUPOL KINSHASA. Notifications of appointment are made through the same chain. Sending States, in liaison with the EU Police Unit and EUPOL KINSHASA Personnel Section, are responsible for ensuring the satisfactory deployment of mission personnel into theatre and extraction during the mission draw-down and closure phases.
- (b) Contracted civilian experts are responsible for making their own travel deployment arrangements. All mission personnel deploy initially to KINSHASA to enable a proper induction training period to take place.
- (c) Proposals for appointments within the mission are the responsibility of the Police Head of Mission.
- (d) Deployment criteria include:
  - Mission requirements
  - The individual staff member's experience, skills and professional qualifications.
  - Cover for temporary assignments.

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## 3. ADMISSION

- (a) New arrivals at the HQ in Kinshasa are in - processed by the EUPOL KINSHASA Personnel Section (PS) and issued with Identification Cards. Sending States will ensure that seconded personnel fully meet EUPOL Kinshasa's criteria for minimum professional experience, medical and security clearance as well as driving and language abilities.
- (b) Minimum professional experience - Mission Members must have at least 8 years of professional experience.
- (c) Security clearance - The mission members must be in possession of a valid security clearance up to the level "EU Secret", or equivalent issued by their respective National Security Authorities.
- (d) Medical clearance - Mission Members must be certified by the competent National Medical Authorities as being fully able to perform their duties in the environment of an EDSP Crisis Management Operation, prior to their deployment to the Mission Area.
- (e) Driving - Mission Members must be in possession of a valid national driving licence. Seconded Officers/Staff members failing to demonstrate an appropriate standard of driver proficiency will be referred to the National Contingent Point of Contact (NCPC) for remedial action and/or repatriation. Contracted staff failing to meet appropriate driving standards will be considered to be in breach of his/her contract.
- (f) French - Mission Members must possess full working fluency in written and oral French language. Good report writing skills are especially important. A failure to achieve the standards required will be referred to the National Contingent Point of Contact (NCPC) for remedial action and/or repatriation. Contracted staff failing to meet the required language standards will be considered to be in breach of his/her contract.
- (g) Accommodation. For security reasons the private accommodation of the international members of the EU police mission can be restricted to areas and locations designated by the PHoM.

## 4. TRAINING

### 4.1 Pre-mission training:

- (a) It is essential for the success and credibility of EUPOL KINSHASA, that mission members are well prepared and trained prior to their deployment. Sending States will be responsible for the preparation and training of personnel selected for deployment to EUPOL KINSHASA. Specifically, sending States should adhere to the medical, language and driving prerequisites for mission personnel.
- (b) Information will be provided to sending States in order to ensure that a common standard of

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training is delivered to all mission members. They will also receive induction training upon arrival in the mission area, concentrating on their specific role within the mission.

**4.2 In-Mission training** is designed to allow mission personnel to carry out their functions with sufficient knowledge of the political, security and police situation in the Host Country. The induction course will cover but not be limited to the following subjects:

- Political background and current situation.
- The EU and EUPOL KINSHASA Mission mandate and priorities.
- Driving and Vehicle Procedures.
- Security.
- Code of Conduct and procedures.
- Mine Awareness.
- Communications and Information Systems.
- Brief on the International Community in the Host Country.

**4.3 Additional/on-the-job training.** Following the initial induction training at HQ any further on-job training is conducted in the field by the relevant departments or sections. Personnel Section (PS) is responsible for arranging the provision of effective on-job training as required. POLAD is available to provide additional training to Mission Members as required.

## 5. REDEPLOYMENT

- (a) EUPOL KINSHASA personnel are expected to remain in their positions for their one year tour of duty, unless promoted or moved within a department, unit or section for operational reasons. Such redeployments will only be authorised by the PHoM.
- (b) Mission Members wishing to be redeployed to another area or department without any change in the level of employment must observe the following procedures:
- Forward a written request for redeployment through the chain of command.
  - Current and prospective line manager to make recommendations before forwarding the request to the PS.
  - PS to notify the applicant's National Contingent Point of Contact (NCPC) accordingly, who makes his comments in writing and then to forward the file through the chain of command to the HoM for approval.
  - PS to issue the redeployment order through the chain of command to the requestor.

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- The applicant's National Contingent Point of Contact (NCPC) must ensure a replacement for the applicant, in case the COP objects to the redeployment on the grounds of national balance.

## 6. REPATRIATION

- (a) A seconded officer/staff member may be repatriated before the end of his/her tour of duty:
- upon his/her request citing personal reasons.
  - due to the request of the sending State.
  - disciplinary reasons.
  - failure to meet basic EUPOL KINSHASA requirements.
  - restructuring and downsizing of the mission.
  - for medical reasons, when approved by the sending State.
- (b) The KINSHASA HoM is authorised to suspend an officer/staff member of his/her duties for disciplinary reasons. Once suspended from duty, an officer/staff member may not under any circumstances take part in any action or function on behalf of EUPOL KINSHASA.
- (c) In the case of seconded personnel, it will be the responsibility of the sending State to repatriate that person. All costs associated with his/her travel home and, if appropriate, the arrival of his/her replacement to complete the tour of duty will be at the expense of the sending State.
- (d) An officer/staff member may be repatriated on compassionate grounds upon his/her request through the proper chain of command. Approval of the line manager, the COP and the KINSHASA HoM are required. All costs incurred through compassionate repatriation will be borne by the sending State or, where contracted, the individual concerned.

## 7. END OF MISSION

- (a) Mission Members ending their tour of duty will commence check-out procedures two working days before the date of departure at their respective place of work. After completion of checkout procedures, members will return the original checkout form through the respective line manager to the Personnel Section in HQ.
- (b) End of mission report. All National Contingent Point of Contact (NCPC) and Department Chiefs are required to submit a final report to the KINSHASA HoM prior to the end of their tour of duty. The report should be concise, comprehensive and objective, outlining the goals achieved and any recommendations for future policies and practice.
- (c) All travel costs for seconded officers/staff members to and from the mission lie with the sending State.

## 8. ROTATION SYSTEM

- (a) EUPOL KINSHASA guarantees that every post within the structure of the Mission functions continuously. EUPOL KINSHASA PS will inform participating States through the EU Police Unit of personnel requirements, in order to ensure that the selection of suitable Mission members is conducted efficiently and effectively.
- (b) Rotation planning takes into account any existing vacancies, giving due recognisance to the completion of normal tours of duty, repatriations and the requirement to flexibly manage the organisational needs of the Mission. PS will ensure that the number of rotations is minimised.

## 9. DUTY HOURS

- (a) Taking in consideration the specific tasks – administrative and operational – related with the objectives mission, it will be implemented two types of working hours that in any case will be superior of 40 hours per week, as follow:
- Administrative personnel is 08.30 – 18.00 hrs, Monday – Friday (lunch break of maximum one hour and half included).
  - The operational monitors will have duty hours according the operational duties to be performed along the 7 days of the week (including weekends and public holidays).
- (b) Monthly and weekly duty rosters will indicate the estimation of working hours of the mission members. The line managers have the discretion to amend/adjust normal hours if mission operational requirements dictate, with the agreement of the HoM. Line managers will determine the most efficient and effective methods of personnel deployment, including departments/staff required working shifts.
- (c) Line managers are responsible for the elaboration and maintenance of monthly and weekly rosters, which should include the following information:
- Establishment of working or leave situations of the respective personnel for the following month.
  - Sick leave situations.
  - Redeployments within department/office.
  - Any remarks, if necessary.
- (d) Monthly and weekly rosters must be submitted to the Personnel Section by the 10th day of the month in question. Changes to the initial monthly roster should be communicated to the PS at the end of the respective month.



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- (e) In the event of special or unusual mission requirements or unforeseen shortages in personnel, mission staff may be directed by their respective chain of command to work irregular or longer hours than normally scheduled.
- (f) All mission members are considered to be on standby mode 24 hours per day, 7 days a week, excluding only Compensatory Time Off (CTO) and Annual Leave (AL) periods. Thus, they must be reachable by mobile phone at all times when in the Mission Area.
- (g) Security reasons govern the need for reliable means of communication. This requirement does not only apply to Mission Members in key positions and/or assigned for special tasks but to all Mission Members.

## 10. ANNUAL LEAVE (AL) AND COMPENSATORY TIME OFF (CTO)

- (a) As a principle Department/Unit/Section Chiefs or the person usually replacing them during their absence should not be absent in the same period in order to ensure the smooth running of the mission.
- (b) The method of Annual Leave (AL) and Compensatory Time Off (CTO) outlined below is intended to enable International staff to set a realistic workable pace that can be sustained over any length of time during the Mission while, at the same time, meeting the leave requirements of International staff.
- (c) Line managers are responsible for ensuring that personnel leave records are meticulously documented and maintained and that staffing levels remain at 3/4 present during regular period and 1/3 present during Christmas, New Year and Easter holidays to ensure that operational requirements are met.
- (d) Annual Leave (AL) – 2.5 (two and half) working days per completed month of service, counting from the arrival date. AL may be taken separately or in conjunction with CTO.
- (e) Compensatory Time Off (CTO) – 1.5 (one and half) working days per completed month of service, counting from the arrival date. CTO covers as a minimum:
  - The possibility for line managers to impose that somebody has to work irregular or beyond normal day working hours than normally scheduled.
  - All standby available duty (on call duty).
  - To compensate the extra working hours worked every week (40) beyond the normal working hours (37).
- (f) The working days for spending AL and CTO are Monday to Friday.
- (g) The minimum compulsory working days between two periods of leave is 10 days.
- (h) CTO may be taken separately or in conjunction with AL.

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- (i) The 4 days of AL/CTO earned during the last month in the mission and after the entitlement date (start date of the mission) will be calculated as follows:
- if the last month is more than 7 days, 1 day;
  - if the last month is more than 14 days, 2 days;
  - if the last month is more than 21 days, 3 days;
  - if the last month is more than 28 days, 4 days.
- (j) The AL/CTO of the last month in the mission can be taken in advance from the moment the official EOM date is known.
- (k) Accumulated Leave is comprised of the referred AL and CTO and may not total more than 21 (twenty-one) calendar days, including weekend periods and public holidays. In exceptional circumstances the member can take more than 21 calendar days, if approved by Pol. HoM, but not during the last month of the tour of duty.
- (l) AL and CTO can not be taken by 1/2 days.
- (m) Mission Public Holidays (maximum ten per year) cannot be taken in advance. The mission Public Holidays to be granted to the mission members are the following:
- 1st January – New Year
  - 27th March – Easter Day
  - 1st May – Labour Day
  - 9th May – Europe Day
  - 1st November – All Saints Day
  - 25th December – Christmas Day
- (n) Additional religious and host country Public Holidays can be considered by the Mission.

## 11. LEAVE ADMINISTRATION

- (a) The Personnel Section (PS) must maintain a full record of AL's and CTO's earned. The control and registry of the AL/CTO should be made on the "Leave Request Form". The PS and Mission members should always keep the last version, original and copy, respectively. Records of leave must be kept for all Mission members at their place of deployment.
- (b) The members in "stand by/on call duty" will be given one hour of CTO per hour of actual overtime work if called in during Sundays and Public Holidays. The use of Sundays and Public Holidays as working days should be a very exceptional situation, subject for approval by the Head of Mission.
- (c) The PS is responsible to record the extra working hours. A minimum of accumulated 8 (eight) hours can be used as CTO day. These CTO days should be used within the following month. No

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transfers to the next month will be permitted.

- (d) When applying for time off, the mission member has to provide the personnel responsible or designated person with the following documents:
- Original of Leave Request form which includes the number of AL days and CTO days that are requested.
  - Personnel Record CTO Days form has to be submitted with the leave Request, only if actual overtime during a Public Holiday, or Sunday is banked.
- (e) Leave requests must be made in writing by submitting a CTO/AL form minimum of 72 hours before the beginning of leave. The form should be channelled through the chain of command. International staff must disclose their destination while on leave/CTO.
- (f) AL/CTO may be spent inside or outside the mission area. There is no provision for travel days in connection with “time off” inside or outside the Mission area.
- (g) Weekends and Mission Holidays will not be counted as Annual Leave days. Exchange of shifts between Mission members to allow extended “time off” will not be permitted.
- (h) No Annual Leave/CTO will be allowed in the five working days prior to the day of departure.
- (i) Annual Leave/CTO cannot be taken in advance unless in exceptional circumstances and authorised by the Head of Mission.
- (j) AL/CTO must be taken during the tour of duty or it will be forfeited. Leave should, as a rule, be utilised within the contract period.
- (k) In the case of termination of the contract by the Mission or resignation by the employee, all unused Annual Leave should be taken.
- (l) Line managers at all organisational levels shall oversee the planned leave schedule to ensure that all staff is given the opportunity to utilise leave entitlements according to the operational needs.

### 12. SICK LEAVE

- (a) Sick leave may be taken for a period up to 24 hours without being certified by a physician. The total of uncertified sick leave days should not exceed six (6) working days per all mission.
- (b) A sick leave period exceeding 24 hours has to be certified by a physician stating the nature of the sickness and the probable duration of the expected time away from work. This information should be handled as confidential and should only be for the use of the Line Manager, authorised person or the PS.
- (c) Sick leave is not deducted from CTO.
- (d) An International staff must submit a sick leave report to the Line Manager as soon as possible.

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He must also inform his/her National Point of Contact about any taken sick leave.

- (e) The Line Manager must submit a sick leave report to PS about all sick leaves. He must also submit a follow up sick leave report immediately after the Mission member returns to work. The certification from the physician must be submitted along with the sick leave report.
- (f) The line manager has to identify and report upon patterns of sickness which cause concern about the welfare of a Mission member or his suitability for Mission life, which impede the operational effectiveness of the Mission. Line Managers are advised to communicate with the individual in question to ascertain the reasons for persistent levels of sickness.
- (g) The Mission will inform, through the EU (the Co-ordination Mechanism for Civil Aspects of Crisis Management ), the sending State of all periods of sickness exceeding 7 days, or patterns of sickness which cause concern or impede operational effectiveness of the Mission.
- (h) The Administrative Co-ordinator must be informed immediately in writing of all instances where International staff is hospitalised. National Point of Contact and sending State, through the Co-ordination Mechanism for Civil Aspects of Crisis Management, are also informed when the hospitalised mission member is seconded.
- (i) The Pol. HoM may request the sending State through the Co-ordination Mechanism for Civil Aspects of Crisis Management to consider the repatriation and replacement of a seconded mission member if he/she is absent due to sickness for more than 20 days, or has been hospitalised more than 3 times with indication that the reason of sickness can be repeated. Frequent sick leaves or excessive sickness levels may result in a recommendation to repatriate and replace the mission member concerned.
- (j) Per calendar year, in exceptional circumstances and with supporting medical certification, contracted International staff will be entitled to receive his/her salary during a prolonged sick leave period of thirty (30) working days in total. The total certified Sick Leave working days (30) might be taken either in one go or at different times without exceeding the total of 30 working days.
- (k) Sick leave that continues beyond the thirty (30) working days period will be considered as unpaid. A contracted International staff will not receive his/her salary from the Mission.

### 13. COMPASSIONATE LEAVE

- (a) 13.1. Requests for compassionate leave should be appropriately certified and may be granted a maximum of 5 (five) working days only under serious circumstances, such as:
  - Attendance at funeral of close family members having a relation of first degree i.e., parents, spouse, child or other relative who was sole surviving family member of individual; and/ or

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- Critical or life threatening illness or injury to one of the above mentioned family members.
- (b) Staff will be required to submit relevant documents along with a request for compassionate leave, through chain of command for approval by the HoM or his delegated authority.
- (c) Reimbursement of travel costs for compassionate leave for seconded personnel will be according to national policy.
- (d) Compassionate leave may also be taken in conjunction with earned CTO/AL. The rule of maximum 21 days of absence from duty at one time applies in all cases. In exceptional circumstances the mission member can take more than 21 calendar days, if approved by the HoM or his delegated authority, but not during the last month of the tour of duty.

### 14. MATERNITY LEAVE

- (a) Taking in consideration the security conditions of the territory in DRC, the Mission not encourage the pregnancy of international seconded or contracted staff. In case of pregnancy, a contracted International staff will be required to submit official information about pregnancy supported with a medical certificate, indicating the anticipated date of birth. Maternity Leave (ML) should start latest twenty eight (28) days prior to the anticipated date of birth unless differently recommended/prescribed by her doctor. Following the date of birth a contracted International staff will be entitled to two (2) months full salary.
- (b) Annual leave days (2,5 per month) will be accumulated during ML period. A contracted International staff can take the accumulated Annual leave days after ML.
- (c) A pregnant International staff shall be entitled to take time off, if necessary, without loss of pay, in order to attend prenatal examinations, if such examinations have to take place during working hours. Personal circumstances of an International staff shall, as far as possible, be taken into account.
- (d) Maternity leave may also be taken in conjunction with earned CTO/AL.

### 15. PATERNITY LEAVE

- (a) An International staff is entitled to 5 (five) days of Paternity Leave after his spouse delivers a child.
- (b) Staff will be required to submit relevant documents along with a request for Paternity leave, through the chain of command for approval by the HoM or his delegated authority.
- (c) Paternity leave may also be taken in conjunction with earned CTO/AL. The rule of maximum 21 days of absence from duty at one time applies in all cases. In exceptional circumstances a mission member can take more than 21 calendar days, if approved by the Head of Mission, but

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not during the last month of the tour of duty.

## 16. MARRIAGE LEAVE

- (a) An International staff may be granted Marriage Leave for 5 (five) days.
- (b) Staff will be required to submit relevant documents along with a request for Marriage leave, through chain of command for approval by the HoM or his delegated authority.
- (c) Marriage leave may also be taken in conjunction with earned CTO/AL. The rule of maximum 21 days of absence from duty at one time applies in all cases. In exceptional circumstances a mission member can take more than 21 calendar days, if approved by the HoM or his delegated authority, but not during the last month of the tour of duty.

## 17. SPECIAL LEAVE

- (a) Special leave is absence from the Mission Area that is not due to sick leave, compassionate leave, annual leave, CTO, maternity leave, paternity leave or marriage leave.
- (b) The authorisation for a seconded Mission member to take special leave must be given by the sending State. The sending State must notify the Mission through the Co-ordination Mechanism for Civil Aspects of Crisis Management of the requirement for a Mission member to take special leave.
- (c) Special leave may also be taken in conjunction with earned CTO/AL. The rule of maximum 21 days of absence from duty at one time applies in all cases. In exceptional circumstances a mission member can take more than 21 calendar days, if approved by the Head of Mission, but not during the last month of the tour of duty.
- (d) The HoM may decide that the Mission member must terminate his/her Mission and be repatriated for operational/administrative reasons, if the period of special leave requested is deemed to be excessive.

## **B. NATIONAL STAFF MEMBERS**

### **1. ANNUAL LEAVE (AL) AND COMPENSATORY TIME OFF (CTO)**

- (a) The method of Annual Leave (AL) and Compensatory Time off (CTO) outlined below is intended to enable National staff to set a realistic workable pace that can be sustained over any length of time during the Mission while, at the same time, meeting the leave requirements of National staff.

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- (b) Line managers are responsible for ensuring that personnel leave records are meticulously documented and maintained.
- (c) Annual Leave (AL) – 2.5 (two and half) working days per completed month of service, counting from the arrival date. AL may be taken separately or in conjunction with CTO.
- (d) Compensatory Time Off (CTO) – On one to one basis when line managers impose somebody to work beyond normal working hours and during weekends and Public Holidays.
- (e) The calculation for Annual Leave will commence when the National staff signs his/her initial contract.
- (f) The 2.5 days of AL earned during the last month in the mission and after the entitlement date (start date of the mission) will be calculated as follows:
  - if the last month is more than 12 days, 1 day;
  - if the last month is more than 24 days, 2 days;
- (g) The AL of the last month in the mission can be taken in advance from the moment that the official EOM contract date is known.
- (h) Accumulated Leave is comprised of the referred AL and CTO and may not total more than 21 (twenty-one) calendar days, including weekend periods and public holidays. In exceptional circumstances a mission member can take more than 21 calendar days, if approved by the Head of Mission or the Administrative Co-ordinator.
- (i) AL can be taken by 1/2 days.
- (j) Public Holidays (maximum ten per year) cannot be taken in advance. They can, however, be compensated by a subsequent day off should a Mission member be required for operational reasons to work on weekends and on given Public Holidays. The use of National staff during weekends and Public Holidays should be a very exceptional situation.
- (k) The members in “stand by/on call duty” will be given one hour of CTO per hour of actual overtime work if called in after working hours.

## 2. LEAVE ADMINISTRATION

- (a) PS is responsible for ensuring the record of those extra working hours during weekends and Public Holidays. It can be taken only in the units of entire day (8 hours of overtime), half a day (4 hours of overtime) and one to one basis (1 hour of overtime 1 hour time off).
- (b) The PS must maintain a full record of AL/CTO earned. The control and registry of the AL/CTO should be made on the “Leave Request Form” taken into account the monthly time sheet which should be attached. The responsible PS and National staff should always keep the last version, original or copy, respectively. Records of AL/CTO must be kept for all National Staff.

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- (c) When applying for AL/CTO, the National Staff member has to provide the personnel responsible or designated person with the follow documents:
- Original of Leave Request form which includes the number of AL days and CTO days that are requested.
  - Personnel Record Accumulated Days form has to be submitted with the leave Request, only if actual overtime beyond normal working hours is banked.
- (d) Leave requests must be made in writing by submitting an AL/CTO form minimum of 72 hours before the start of leave. The form should be channelled through the chain of command to the PS. National staff must disclose a destination while on AL/CTO.
- (e) AL/CTO may be spent inside or outside the mission area. There is no provision for travel days in connection with “time off” inside or outside the Mission area. CTO may be used only after the overtime is actually earned, during the running month and latest in the following month.
- (f) Weekends and Mission Holidays will not be counted as Annual Leave days. Exchange of shifts between National staff to allow extended “time off” will not be permitted.
- (g) No AL/CTO will be allowed in the three working days prior to the last contracted day.
- (h) Annual Leave cannot be taken in advance unless in exceptional circumstances and authorised by the HoM or his delegated authority.
- (i) AL/CTO must be taken during the tour of duty or it will be forfeited.
- (j) Leave should, as a rule, be utilised within the contract period.
- (k) In the case of termination of the contract by the Mission or resignation by the employee, all unused Annual Leave should be taken.
- (l) PS shall oversee the planned leave schedule to ensure that all staff is given the opportunity to utilise leave entitlements according to the operational needs.

### **3. SICK LEAVE**

- (a) Sick leave may be taken for a period up to 24 hours without being certified by a physician. The total of uncertified sick leave days will not exceed six (6) working days per calendar year.
- (b) A sick leave period exceeding 24 hours has to be certified by a physician stating the nature of the sickness and the probable duration of the expected time away from work.
- (c) This information should be handled as confidential and should only be for the use of the HoM or his delegated authority.
- (d) Sick leave is not deducted from earned CTO.
- (e) A National staff must submit a sick leave report to the Line Manager as soon as possible.



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- (f) The Line Manager must submit a sick leave report to PS about all sick leaves. He must also submit a follow up sick leave report to PS immediately after the National staff returns to work. The certification from the physician must be submitted along with the sick leave report.
- (g) The line manager has to identify and report upon patterns of sickness which cause concern about the welfare of a National staff or his suitability for Mission life, which impede the operational effectiveness of the mission. Line Managers are advised to communicate with the individual in question to ascertain the reasons for persistent levels of sickness.
- (h) The HoM or his delegated authority must be informed immediately of all instances where National staff is hospitalised.
- (i) Per calendar year, in exceptional circumstances and with supporting medical certification, a National staff will be entitled to receive his/her salary during a prolonged sick leave period of thirty (30) working days in total. The total certified Sick Leave working days (30) might be taken either in one go or at different times without exceeding the total of 30 working days.
- (j) Sick leave that continues beyond the thirty (30) working days period will be considered as unpaid. A National staff will not receive his/her salary from the Mission.

### **4. COMPASSIONATE LEAVE**

- (a) Requests for compassionate/emergency leave should be appropriately certified and may be granted a maximum of 3 (three) working days only under serious circumstances, such as:
  - Attendance at funeral of close family members having a relation of first degree i.e., parent, spouse, child or other relative who was sole surviving family member of individual.
  - Critical or life threatening illness or injury to one of the above mentioned family members.
- (b) Staff will be required to submit relevant documents along with a request for compassionate leave, through chain of command for approval by the HoM or his delegated authority.
- (c) Compassionate leave may also be taken in conjunction with earned CTO/AL. The rule of maximum 21 days of absence from duty at one time applies in all cases. In exceptional circumstances a mission member can take more than 21 calendar days, if approved by the HoM or his delegated authority, but not during the last month of the tour of duty.

### **5. MATERNITY LEAVE**

- (a) A National staff will be required to submit official information about pregnancy supported with a medical certificate, indicating the anticipated date of birth. Maternity Leave (ML) should start latest twenty eight (28) days prior to the anticipated date of birth unless differently recommended/prescribed by her doctor. Following the date of birth a National staff will be

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entitled to two (2) months full salary.

- (b) Annual Leave days (2,5 per month) will be accumulated during ML period.
- (c) A National staff can take the accumulated Annual leave days after Maternity Leave. A pregnant National staff shall be entitled to take time off, if necessary, without loss of pay, in order to attend prenatal examinations, if such examinations have to take place during working hours. Personal circumstances of a National staff shall, as far as possible, be taken into account.
- (d) Maternity leave may also be taken in conjunction with earned CTO/AL.

### 6. PATERNITY LEAVE

- (a) A National staff is entitled to three (3) days of Paternity Leave after his spouse delivers a child. The status of father should be proved with a written documentation if the baby is delivered out of marriage.
- (b) Staff will be required to submit relevant documents along with a request for Paternity leave, through the chain of command for approval by the HoM or his delegated authority.
- (c) Paternity leave may also be taken in conjunction with earned CTO/AL.
- (d) The rule of maximum 21 days of absence from duty at one time applies in all cases. In exceptional circumstances a mission member can take more than 21 calendar days, if approved by the HoM or his delegated authority, but not during the last month of the tour of duty.

### 7. MARRIAGE LEAVE

- (a) A National staff may be granted Marriage Leave for 3 (three) days. Staff will be required to submit relevant documents along with a request for Marriage Leave, through the chain of command for approval by the HoM or his delegated authority.
- (b) Marriage leave may also be taken in conjunction with earned CTO/AL. The rule of maximum 21 days of absence from duty at one time applies in all cases. In exceptional circumstances a mission member can take more than 21 calendar days, if approved by the HoM or his delegated authority, but not during the last month of the tour of duty.



# **EUPOL KINSHASA**



## **Annex K**

### **Health and Medical Assistance Plan**

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## 1. SITUATION

### A. Scope

The aim of this health and medical assistance plan for EUPOL KINSHASA is to outline the overall situation in KINSHASA, Democratic Republic of CONGO, individual and organisational responsibilities, and solutions and recommendations with regard to the health and wellbeing of EUPOL KINSHASA personnel. It aims to ensure the conservation of manpower, preservation of life and health, and minimisation of residual physical and mental disabilities.

### B. Limitations

#### 1. General

The geographic, economic, socio-cultural and epidemiological characteristics of the host nation represent a major challenge to the health of EUPOL KINSHASA personnel.

#### 2. Host Nation Support (HNS)

The overall public medical infrastructure in the host country can be characterised as insufficient for most eventualities. Most health care services are provided by religious and private organisations. The quality of all health care is far below European standards. Preventive medicine practices are minimal.

#### 3. Medical materials

The Democratic Republic of Congo almost totally depends on imported materiel provided by humanitarian organisations. Private pharmaceutical shops are in many urban areas, but most of the drugs are mislabelled, inferior or expired.

#### 4. Blood supply

Civilian blood supplies are untested and unsafe.

#### 5. Other organisations

United Nations: MONUC

Relevant health and medical assistance by MONUC has been deployed in the host country.

## C. Medical evacuation

### 1. Ground evacuation

The public health care system does not offer reliable and adequate capacities.

### 2. Primary / in-country Aeromedical Evacuation

No known private or public rotary assets for in-country aeromedical evacuation.

### 3. Secondary Aeromedical evacuation / medical repatriation

Several European private companies can provide qualified aeromedical evacuation / repatriation to neighbouring / home countries on 24/7 basis.

## 2. MISSION

### A. First Aid

- In order to provide the full range of health and medical assistance; all seconded personnel will have basic skills in First Aid.
- All EUPOL KINSHASA vehicles will be equipped with First Aid Kits.
- The HQ - EUPOL KINSHASA will be equipped with appropriate first aid kits including for evacuation purposes.

### B. Medical Arrangements

Notwithstanding the responsibility of seconded and contracted International EUPOL KINSHASA personnel for their own medical arrangements, EUPOL KINSHASA will stipulate health and medical arrangements with local health care providers and Medical Treatment Facilities (MTF) if required and applicable.

### C. Day to day care

Day to day routine health and medical care (out-patient medical care: general medicine and/or specialists) will be provided by local, mainly private health care provider. See below.

### D. Severe Diseases and Injuries

(Normally also requiring in-patient medical care). A four-step approach will be followed:

- Step 1: Qualified first aid by all Mission members.
- Step 2: Further qualified medical care (resuscitation and stabilisation of patients) must be initiated in the field/at the place of an accident as immediately as possible and may require assistance of a specialised physician to stabilise life functions and make the patient transportable. MONUC will provide 24/7 ambulance service within Kinshasa. The Mission Headquarter has to develop and up-date emergency numbers for this cause.

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- Step 3: During this phase primary transport of the patient to a medical treatment facility might be required. In addition to resuscitation and stabilisation an adequate medical treatment may require immediate surgical and/or other specialist interventions as well as intensive care procedures. Hence such emergency treatment must be provided as soon as possible and ideally within the first hour after the health-affecting event to preserve life and health, and to minimise the risk of residual physical and mental disabilities. Depending on the status of the patient and the severity of the injuries, an early aeromedical evacuation to a medical treatment facility outside of the host country (home states / neighbouring countries) will already have to be initiated at this stage taking into consideration the medical capabilities and limitations of the DRC health care system as well as the necessary time lines for such a evacuation. Where appropriate, the EU in Brussels and/or a contact person of the individual/next of kin will be informed once personal and medical details have been checked and confirmed, taking into consideration the requirements of personal and medical confidentiality.
- Step 4: During this phase further specialist or definitive treatment will be provided. This embraces specialist surgical and medical procedures, reconstruction, rehabilitation and convalescence. This will normally require a secondary medical evacuation to a medical treatment facility outside of the host country (home states / neighbouring countries). The transport will normally be done by air (aeromedical evacuation). The timelines depend on the status of the patient and the assessment of the medical practitioner in attendance but should take place generally not later than 6 - 8 hours after notification / request. Unless a specific company has to be tasked because of the individuals insurance requirements, HQ EUPOL KINSHASA will provide a list of medical aeromedical evacuation/repatriation companies.

### E. MEDICAL TREATMENT FACILITIES

Centre Prive d'Urgence (CPU) and Centre Medical of Kinshasa (CMK). The Centre Prive d'Urgence (CPU) and Centre Medical of Kinshasa (CMK) follow European standards, have local staff trained in Europe or foreign staff coming from these countries. They provide primary/out-patient health care (general/tropical medicine and relevant specialist including dental), emergency surgery and in-patient treatment (up to a maximum of 7 days), using modern equipment. All relevant medication is available although it is strongly recommended that you should have sufficient supply of permanent medication for the whole period of your stay in Kinshasa. Blood-supply is done by MONUC, using blood from the Netherlands. Furthermore CPU co-ordinates, when needed, medical evacuation / repatriation.

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CPU- membership is obligatory. Costs: 35 Euro/person/month.

CMK-membership is not obligatory. Visits can be paid by invoice.

CPU (24/7)/CMK • Location: KINSHASA-Gombe on Avenue Wagenais 168

City: Kinshasa

•Bed capacity: 18

Capabilities: Emergency room, Intensive care unit, surgery &obstetrics, operating rooms, X-ray, laboratory.

Urgentiste CPU : 8950305

Secretariat 8950302



## F. MONUC - UNITED NATIONS

Within Kinshasa-region MONUC has deployed an HQ-emergency clinic(24/7), with emergency ambulance service serving Kinshasa-area and a level 1 clinic at Camp IVECO (logistic base), including blood bank, pharmaceutical warehouse and laboratory.

Level 2/3 is outsourced to CPU and level 4 in South-Africa.

Assistance of MONUC in medical support of EUPOL KINSHASA personnel is essential in the following areas:

- 24/7 Emergency ambulance support,
- Induction-training for newly arrived EU personnel, especially
- HIV and malaria-education,
- Delivery of personal emergency kits.

## G. AIRMEDEVAC / Repatriation

Airmedevac/repatriation is essential as level 4 medical support, up to EU-standards, is not available. Furthermore as medical support is out-sourced the coordination of airmedevac/repatriation should be as simple as possible. In case of pre-payment a single point of contact both for the CPU-coordinator as the person involved is favourable.

A list of reliable and internationally known Air Rescue companies is in an appendix.

## 3. RESPONSIBILITIES AND OBLIGATIONS

### A. HQ EUPOL KINSHASA

1. The HQ EUPOL KINSHASA through the Administration Officer is responsible for the administrative preparation and co-ordination of the health assistance and liaison with health care

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and aeromedical evacuation provider including patient tracking and information. He is to advise the Head of Mission on necessary medical matters in close co-ordination and consultation with reliable local health care provider.

2. More specifically the following tasks have to be ensured:

- (a) To regularly issue and update a medical emergency plan including a list of reliable health care provider, aeromedical evacuation companies including emergency numbers;
- (b) To be in permanent contact with local health care provider;
- (c) To ensure the contents and resupply of all First Aid kits in all EUPOL KINSHASA vehicles and offices in accordance with European standards.
- (d) To arrange Medical Pre-Employment Screening for local staff. In order to ensure that all people joining EUPOL KINSHASA, are medically fit for service, free from contagious or infectious diseases, and are at no risk to themselves or to others associated with EUPOL KINSHASA, a medical pre-employment screening consisting of a physical examination and relevant laboratory and other diagnostic measures will be performed. This screening will include, as required, special examinations for specific functions such as drivers. See below.
- (e) To arrange Basic First Aid- and HIV-Training.
- (f) To stipulate health and medical arrangements with local health care providers and Medical Treatment Facilities if required and applicable.
- (g) On behalf of the Police Head of Mission, to inform the appropriate EU bodies in Brussels in case of a medical incidence/relevant medical emergency once personal and medical details have been checked and confirmed, respecting the requirements of personal and medical confidentiality.

## **B. Sending State / Individual international contracted Personnel**

Seconded and contracted International EUPOL KINSHASA personnel or their sending governments in accordance with national laws and regulations are responsible for their own medical arrangements, including the payment of all medical expenses and costs of emergency medical repatriation. Seconded and contracted International personnel should obtain appropriate private medical insurance/coverage when arriving in the mission or, as appropriate, provided by the sending state. This insurance has to cover all risks related to a work for a longer period in Kinshasa including possible effects of militia, criminal or political motivated acts and qualified aeromedical evacuation to the next appropriate medical treatment facility or the home country. It is recommended to have a document of this insurance insuring the coverage of this risk.



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All seconded or international contracted mission members are expected to arrive in the host country physically fit for the mission, free from contagious or infectious diseases, vaccinated and immunised in accordance with national or international directives and recommendations. The responsibility for these vaccinations/ immunisations lies with the sending state or as appropriate with the individual. See appendix

### C. Local staf

Medical pre-employment screening (in accordance with EC regulations) of international contracted and local staff at:

Centre Medical de la Mongala (CMM), Avenu Mongala c/Gombe 48, Kinshasa

Tel: 0815156739, 9958473, 0818841774

Physical examination, thorax x-ray, basic laboratory (number of leukocytes and erythrocytes,  $\gamma$ -GT), HIV-serology, syphilis-serology, stool analysis and vision test.

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## Appendix Preventive Medicine and recommendations

### Environment

Environmental factors posing the greatest health risk to personnel deployed to Kinshasa include:

- water supplies contaminated with raw sewage,
- climatic exposure (extreme heat and high humidity).

### Infectious Diseases

Infectious diseases posing the greatest risk to personnel deployed to Kinshasa include:

#### 1. Food- or Waterborne Diseases: Highly endemic.

- Diarrheal Diseases: Caused by several bacterial, protozoal, and viral agents.
- Viral Hepatitis A
- Typhoid and Paratyphoid Fevers

#### 2. Vector-Borne Diseases

- Malaria: Highly endemic; year-round, countrywide; drug-resistant strains occur.
- Arboviral Diseases: Including West Nile fever and Sindbis virus disease.
- African Trypanosomiasis
- Leishmaniasis
- African Tick Typhus
- Tick-Borne Relapsing Fever

#### 3. Respiratory-Borne Diseases

- Meningococcal Meningitis: Countrywide; epidemics usually occur during the dry season.
- Tuberculosis: Highly endemic; a major public health problem; drug resistance likely occurs.

#### 4. Sexually Transmitted and/or Bloodborne Diseases

- Gonorrhea
- Viral Hepatitis B and C
- Syphilis
- HIV/AIDS: Predominantly heterosexual transmission.

#### 5. Other Endemic Diseases

- Schistosomiasis
- Rabies
- Anthrax
- Brucellosis
- Q Fever
- Monkeypox

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## Specific recommendations for immunisations / chemoprophylaxis:

Notwithstanding national regulations, which might exclude certain immunisations for their seconded personnel or might stipulate additional immunisations, the following immunisations are generally recommended for personnel who will stay in Democratic Republic of Congo for a longer period:

Yellow Fever .....	Measles, Mumps and Rubella (MMR)
Diphtheria .....	Polio
Tetanus .....	Typhoid
Polio .....	Meningococcal Meningitis (trivalent)
Hepatitis A * .....	Rabies
Hepatitis B * .....	Influenza

\* Also available in a combination

As an immunisation against Tuberculosis (BCG-vaccination) has variable efficacy in preventing the adult forms of Tuberculosis, and therefore not routinely recommended. It is suggested to have tuberculin skin test before/at the beginning and – if this test is negative – again after the mission.

## Malaria Chemoprophylaxis—Year-round, countrywide risk.

Chloroquine-resistant *P. falciparum*. Relapsing forms exist.

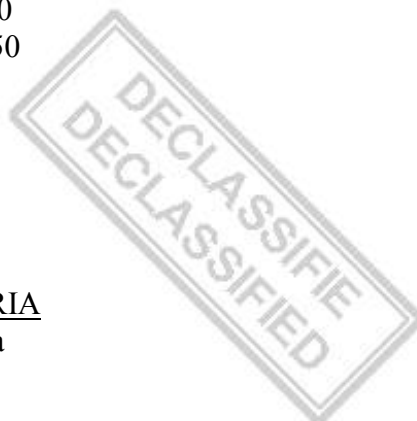
- Recommended Regimen: Mefloquine 250 mg/week begun 2 weeks before entering country and continued weekly until 4 weeks after departure, or Malarone.
- Alternate Regimen: Doxycycline 100 mg/day begin 2 days before entering risk area; continue daily while in country and for 28 days after departure.
- Preventive medicine brief prior to deployment.

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## Appendix: List of Companies for Air Evacuation

### INTERJET S.A

Head Office:  
32 EL. VENIZELOU STR.  
166 75 ATHENS - GREECE  
TEL : +30 210.96.12.050  
FAX : +30 210.96.12.750  
Athens International Airport  
INTERJET Airport Office:  
Tel.: +30 210.35.30.132  
Fax: +30 210.35.32.424  
E-Mail: info@interjet.gr



### INTERNATIONAL FLIGHT RESCUE SERVICE AUSTRIA

Internationaler Flugrettungsdienst Austria  
Dr. Christian Steindl  
Bahnhofplatz 13/5  
Postfach 160  
3500 Krems/ AUSTRIA  
Emergency Phone: +43 (0) 2732 70007  
Tel: +43 (0) 2732 825610  
Fax: +43 (0) 2732 85101  
E-Mail: office@ifra.at  
Homepage: www.ifra.at

### GERMAN AIR RESCUE

Deutsche Rettungsflugwacht e.V

Raiffeisenstr. 32  
70794 Filderstadt / Germany  
Alert Center  
Tel: ++49-711-701070  
Fax: ++49-711-701071  
Email: alertcenter@drf.de  
AFTN: eddsambx  
SITA: straadv  
Alert Center Manager:  
Rainer Horcher  
Tel: ++49-162-2707-457  
Email: Rainer.Horcher@drf.de

### Swiss Air-Rescue Rega

Rega Center

P.O. Box 1414  
CH-8058 Zurich Airport  
Emergency Center Phone: +41 333 333 333  
Fax: +41 44 654 35 90  
AFTN: LSZHSAZX  
SITA: ZRHZRLX  
Email: ops@rega.ch



# **EUPOL KINSHASA**



## **Annex L**

### **Communications and Information Services (CIS)**

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## 1. GENERAL

1.1. The CIS architecture is based on the local conditions in the area of operation together with the mission requirements to support the command structure of the mission, especially the Information Exchange Requirements (IER) and the security needs.

### 1.2. Assumptions;

- (a) The EUPOL KINSHASA will deploy a planning team to co-ordinate the setup before the deployment of the bulk. This generates a need for temporary solutions to support the CIS requirements of the planning team.
- (b) The EUPOL KINSHASA HQ will be located in three offices inside the IPU HQ building (when refurbished) and in office containers which will be deployed outside the building.
- (c) A secure environment and storage will be ensured before any delivery and installation of equipment in Kinshasa in order to prevent damage or loss of equipment.
- (d) The EUPOL KINSHASA HQ offices will be in place in time to allow installations of the computer network and the EUPOL KINSHASA HQ communication equipment. This is essential for the timelines in the set up of the mission infrastructure.
- (e) Deliveries of CIS equipment will take three to four weeks for most equipment.
- (f) The EC delegation in Kinshasa will support the CIS setup for EUPOL KINSHASA.
- (g) The GSC will provide EUPOL KINSHASA with the necessary means in order to establish secure communications to Brussels.
- (h) EUPOL KINSHASA will benefit from the evacuation plan of MONUC.
- (i) All international mission members are authorised users of the EUPOL KINSHASA CIS and have the appropriate clearance for the material processed on the systems.

### 1.3. Assessment of the local CIS conditions in Kinshasa;

- (a) Land lines: The land lines are very poor and unreliable.
- (b) GSM: There are several international GSM operators with coverage in Kinshasa and in big parts of the rest of DRC. The biggest operators in Kinshasa are Vodacom and Celtel with infrastructure built by Alcatel and Ericsson. GSM is used by all relevant actors in Kinshasa for daily communication. The lack of land lines have led to a fast development of this technique which is also used as external lines to connect telephone switches to the rest of the world. There has been problems with interconnection between different GSM operators in DRC and there are still moments when the interoperability is not the best, especially in the SMS services. The interconnection to international operators, such as European networks is normally not a

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problem. The reliability of the networks is estimated to be good enough for the day to day communication even though you can get disconnected now and then while talking. There are also irregular power losses which might affect the systems. In case of an emergency situation the GSM traffic will most likely increase which might cause situations where the possibility to use this network is limited or non. A GSM solution has to be backed up by a more robust solution with high possibility to function even in an emergency situation.

- (c) Satellite communication: The Kinshasa area is covered by different satellite systems which could be handheld, portable or fixed. Experience from actors in the area shows that the Iridium has the better coverage in this area than for example Thuraya. V-sat and Inmarsat is also used by different actors to provide services to offices or headquarters. Advantages of these kind of systems are that they are not depending on any of the local infrastructure and they cover areas which the GSM networks still do not cover.
- (d) Radio systems: Radio systems (VHF/UHF) are used by most relevant actors in Kinshasa in order to provide a back up system in case of emergency or malfunction of the normal systems. MONUC's radio system is of a more sophisticated type working on the UHF frequencies and allows both broadcast traffic and point to point communication. The EC delegation and some embassies use a VHF system as a back up system and the IPU will set up a radio system for their internal communication. The systems are also used by other international actors and by the locals. In order to use a frequency it is needed a permission from the authorities but experience shows that the spectrum is crowded and that the frequencies are often used without authorization. The systems require repeater stations in order to cover the area of operation. The IPU HQ building could serve as a repeater location which would cover most of the area of operation. Places for deployment of repeaters could be found in co-operation with the EC delegation and/or MONUC. There might also be a possibility to interconnect to other actors with this kind of system.
- (e) Internet: Internet is provided by several local providers which normally provide a solution with wireless links to a private back bone net connected to the rest of the world via a V-sat solution. It has been indicated that most local actors have had problems with overload on their networks since the number of subscriptions has developed faster than their networks. There is also one company (Congo Korea) that provides a solution with cable connections as a basis. They have their own optic fibre net in Kinshasa but limited to the Gombe area where the embassies are located, several kilometres from the planned location of the EUPOL KINSHASA HQ. There is also the possibility to procure a satellite terminal with a connection to an internet service provider outside DRC.

## 1.4. CIS Requirements

- (a) Individual mission members: All mission members should be able to communicate with each other independent on where they are in the mission area. In case of emergency and/or situations where the normal communications does not work there is a need for a back up system for all international mission members. The systems should also allow mobile communication as appropriate and be simple enough to be operated by all mission members. There should also be a possibility to provide mission members with a temporary capability to produce, process and store data when acting outside the EUPOL KINSHASA HQ.
- (b) EUPOL KINSHASA HQ: The EUPOL KINSHASA HQ has a need for regular interaction internally and externally. The HQ requires the following services:
- Secure voice, fax and data (e-mail with attachments) and Secure voice, fax and data up to restricted level with the EU SR Office, SITCEN and DG E IX/Police Unit.
  - Non secure voice with EUPOL KINSHASA monitors operating as Field Teams
  - Non secure voice and data with liaison officers
  - Non secure voice, fax and data (e-mail with attachments) and if possible secure voice and fax up to EU restricted level with the European Commission Delegation in Kinshasa. The HQ should have the capability to produce, store and exchange classified information, up to and including the EU restricted level.
  - Non secure voice, fax and data (e-mail with attachments) with IPU, the Training Centre, MONUC and local authorities.
  - Internet connection in order to facilitate searches for information and management of a mission website.
  - Capability to perform digital presentations.
  - Capability to produce and store data when visiting other actors in the area.
- (c) Liaison officers (LNOs): The LNOs requires Non secure voice and data connection to the EUPOL KINSHASA HQ, the other LNOs and with local actors, such as the IPU, the Training Centre, MONUC and local authorities. They should also be able to communicate Non secure voice with the mission field teams. The LNO attached to MONUC should also have capability to act as a co-ordinator in case of emergency.
- (d) Field Teams: The EUPOL KINSHASA monitors operating as Field Teams requires Non secure voice communication with the EUPOL KINSHASA HQ, the LNOs and other Field Teams. The mission will have eight monitors who can operate, when needed, as field teams in vehicles with both static and mobile tasks in Kinshasa including the international airport. There is a



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requirement for mobile communications and a back up system which can operate in these areas. The Field Teams should also have capability to document situations in the field on picture.

1.5. A general reserve capacity of will be established and maintained.

## 2. COMMUNICATIONS

2.1. In order to meet the requirements the communications systems for EUPOL KINSHASA will include:

### **a. GSM communications for internal and external communication.**

All mission members will be equipped with a GSM telephone. The GSM bills will be specified in order to make it possible for the mission members to use and pay for private calls with the GSMs. This will also provide the HoM, the LNOs and the Field Teams with their primarily voice connection when they operate outside the EUPOL KINSHASA HQ.

There will also be a small telephone switch network installed in the EUPOL KINSHASA HQ. The HQ switch will have an appropriate number of external lines provided via GSM connections and with a possibility to use satellite phones as a back up. Faxes will be connected to the switch to provide fax capability to external actors.

### **b. Radio communications for internal communication.**

This system is primarily to be used in emergency situations. All international staff will be equipped with a portable radio to be used in emergency situations. The EUPOL KINSHASA HQ will have a base station radio. The LNO at MONUC will also be provided with a base station since this LNO will have a key role in case of emergency. The radio system should be complemented with repeaters in order to cover the area of operation. The radio system could, if necessary, also be used to communicate with the IPU in the field. The mission HQ and the respective users will be issued with call signs. Radio procedures must be adhered to at all times. Call signs and radio procedures will be covered in induction training and checks will be conducted regularly.

### **c. Satellite Communications for internal and external communication**

The EUPOL KINSHASA will have a small stock of hand held satellite telephones with voice, fax and data capability. These will be used in order to back up the GSM system in areas where this do not work and to provide a back up for the HQ external connections. Each Field team will be equipped with a satellite telephone to be used where or when the GSM network does not work. The

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satellite telephones will have restricted dialling to allow calls internally in the mission and to other actors in DRC as well as to Brussels. Mission Satellite calls will be monitored to ensure proper (operational need) and minimum usage.

The EUPOL KINSHASA HQ will have a V-sat data connection capability independent of the local infrastructure in DRC in order to provide e-mail functionality and access to internet browsing.

It should be noted that satellite communications facilities for EUPM Kinshasa are not secure.

**2.2. Secure Communications.** Secure communications will be deployed in order to meet the requirement to exchange classified information with the relevant bodies in Brussels. The systems will allow exchange of classified information up to the level of "Restreint UE". Access to such systems or devices containing information with a security rating is limited to personnel with appropriate security clearance. Only technically competent staff holding this clearance is allowed to maintain the secure systems (internationals only). The considered solutions are Sectra Tiger or Topsec secure telephones, Elcrodat fax encryption and Chiasmus data encryption on stand alone computers. The final solutions has to be addressed by relevant bodies in the GSC (INFOSEC, DTI & SITCEN).

**2.3. Maintenance.** Maintenance of all mission telecommunications systems must be addressed to the EUPOL KINSHASA CIS officer. The purchase of services and/or equipment related to the mission's communications network is strictly prohibited without the express consent of the EUPOL KINSHASA CIS Officer. The CIS officer will assist with any mission staff queries or problems relating to communications systems and if necessary co-ordinate the contacts with any service and/or equipment provider.

## 3. INFORMATION SYSTEMS

3.1. In order to meet the mission requirements the information systems will include;

- (a) Local area network (LAN): A Non secure LAN will be installed in the EUPOL KINSHASA HQ in order to provide capability to produce, store and process information. The LAN will have an internet connection via satellite in order to provide capability to exchange information externally and to search for information on internet. the LAN will include the possibility to print and scan documents. All hardware will be set up with the same basic software to include word processing, spreadsheets, database and other office programmes. The mission HQ will contain two servers (mail server, file and print server) with a tape back up system and one Remote Access Server. Servers will have pre-designated and when necessary, exclusive, data storage

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areas for specific parts of the mission such as Operations and Administration and support. Access to specific areas outside the explicit remit of a department or position will be on a strictly 'Need to Know' Basis.

- (b) Digital presentations: The EUPOL KINSHASA HQ will be equipped to perform digital presentations when necessary.
- (c) Documentation of situations in the field: Each Field Team will be equipped with a digital camera in order to enhance the capability to document the situation in the field.
- (d) Data capacity outside the HQ: The HoM and the LNOs will be provided with laptops and the EUPOL KINSHASA HQ will have a small stock of laptops. Possibility to send unclassified e-mails through the GSMs or via satellite phones will be established.

**3.2. Local Staff.** Local staff access to certain drives will be strictly limited and monitored. Local staff access to secure means will not be allowed under any circumstances. Local staff will operate only on stand-alone systems, and/or will have limited access to specific drives on the server in the mission HQ.

**3.3. Uninterruptible Power Supply (UPS).** All computer systems will be fitted with a UPS system which provides up to 10 minutes electrical power to a computer after the loss of the normal power supply. This is intended to give enough time for the user to save open documents and to close down the hardware properly.

**3.4. Systems Virus Protection.** EUPOL KINSHASA will incorporate a properly authorised and recognised anti-virus programme for all mission computer systems. Moreover, only authorised and licensed software may be used on the EUPOL KINSHASA systems. Installation and/or use of any other software on EUPOL KINSHASA systems is strictly forbidden without the consent of the CIS Officer.

**3.5. Security and Data Confidentiality.** Storing data/information of a "UE Confidentiel" or higher status on EUPOL KINSHASA computers is strictly prohibited unless duly authorised by the CIS Officer. Only non-classified information will be stored on the mission HQ servers. EU Classified information will be operated and stored on separate stations in accordance with security regulations.

**3.6. Maintenance.** Maintenance of all EUPOL KINSHASA CIS equipment will be the responsibility of the CIS officer, who will co-ordinate the necessary contacts with service and/or equipment providers.

## 4. IT SECURITY

4.1. IT Security seeks to protect the data held on IT systems by addressing the following:

- (a) Confidentiality – Restriction of information to those authorised to see it.
- (b) Integrity – Preservation of information in its original form, unless correctly amended or deleted by authorised personnel.
- (c) Availability – Access to information handled by IT systems as and when required.

4.2. Accreditation – Authority to store, process or forward official information is known as accreditation.

4.3. IT document security – All documents with a protective marking held on IT systems should be afforded control measures commensurate with those for marked paper documents. This means proper password control access to systems and satisfactory control measures for the securing of storage discs and floppies for which the CIS Officer is responsible.

4.4. Malicious software - The CIS Officer is responsible for ensuring that all systems are loaded with up to date anti-virus programmes and these programmes are correctly applied. All staff must safeguard against transmission of viruses via floppy, email attachments or other forms of data exchange. Un-scanned, unauthorised floppies are not allowed in EUPOL KINSHASA systems. Doubtful email attachments should not be opened without first taking advice from the CIS Officer. CIS-issued virus alerts should be checked regularly.

4.5. Incident Reporting – All IT security incidents should be reported immediately to EUPOL KINSHASA CIS Officer, MSO and to the HoM. These incidents includes hardware and software security weaknesses, software attack and theft.

4.6. Illegal Software – The copying and use of computer software without a licence or written authorisation is unlawful.

4.7. Inappropriate material – All staff must ensure use of the internet is appropriate and conforms to international law. Appropriate action will be taken against any EUPM Kinshasa mission member found to be using the mission systems to access inappropriate material, for example via internet.

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4.8. Use of Portable Systems – Staff using portable systems, which includes laptops, should be aware that any sensitive EUPOL KINSHASA material held on such hardware should be afforded the appropriate security measures, commensurate with desktop arrangements.

4.9. Use of Facsimiles – Any transmission of marked EUPOL KINSHASA documents by fax is to be logged. The reporting, analysis and archive cell is responsible for implementing logging rules and procedures for fax transmission.

4.10. Personnel Security Checks – Any person being given access to EUPOL KINSHASA systems should be properly security checked. Any queries should be addressed to EUPOL KINSHASA MSO.

