

Situation report on the use of rubber ammunition in Europe

The Research Services of the German Bundestag have investigated the use of rubber ammunition in the countries of the European Union as well as in Norway, Switzerland and Turkey¹. Not all the countries questioned provided the relevant information. The report concludes that rubber ammunition is not used in Romania, Ireland, Denmark, Norway, Sweden, Finland or Austria. According to these and other sources, the countries listed below use rubber ammunition in police operations as follows:

Estonia

In Estonia the police only use rubber ammunition occasionally in special cases. Its use is governed by the regulations relating to the use of firearms.

Latvia

Latvia uses both rubber bullets and hand grenades filled with rubber pellets. Use of such ammunition is governed by a cabinet regulation which also provides more detailed conditions under which it may be used. Not all police units are authorised to use rubber bullets. Use is restricted to units of the state police, the security police and border protection police. Local police units and the port police are not authorised to use rubber ammunition. Decisions on the use of hand grenades filled with rubber pellets are taken by the head of an authority or a person authorised by them. A warning must be given before rubber bullets are fired. In exceptional cases this requirement may be waived.

Lithuania

Lithuania uses rubber bullets only in isolated cases. Details of the conditions governing use are set out in a government resolution. The ammunition is used to respond to dangers created by the gathering of large groups of people, to control riots and to subdue people who are demonstrating resistance.

Luxembourg

In Luxembourg rubber bullets are used as a last resort when all other possibilities of containing a dangerous situation have been exhausted. Use is governed by the provisions of police law. More detailed provisions are contained in service regulations and in police training manuals.

Greece

The Greek police use 38mm calibre rubber bullets which are fired from rifles. The Minister of the Interior may, for example, issue an order for the use of rubber bullets to quell a prison revolt. There is an ongoing legal discussion in Greece on whether and in what cases rubber bullets and hand grenades filled with rubber pellets should be used. One argument put forward is that in certain cases their use represents a milder option than other coercive measures, in particular the use of firearms with lethal ammunition.

Turkey

Police law in Turkey allows the use of various coercive measures to respond to resistance during demonstrations. The list of these means of coercion does not actually include rubber bullets. In practice, however, rubber ammunition is used along with the legally listed means of coercion.

¹ <http://www.bundestag.de/blob/529198/a52021ac1fc3723e368d86086e74cc11/wd-3-160-17-pdf-data.pdf>

Switzerland

The police agencies in the different cantons and municipalities are responsible for the use of rubber bullets. They have the authority to decide whether and under what circumstances rubber ammunition is used. Up to now rubber ammunition has been used in the case of serious riots, for example on 1st May, at anti-fascist rallies and at football matches. The Swiss Police Commission of the Cantonal Police Commanders of Switzerland is responsible for testing the suitability of means of coercion.

Hungary

The Hungarian police are permitted to use rubber ammunition to respond to an immediate threat to life and limb. In addition the use of such ammunition is always permitted in circumstances which warrant the use of firearms. Under Hungarian law the use of rubber ammunition is not, however, regarded as the use of a firearm. The use of rubber bullets to disperse a crowd of people is strictly prohibited.

Croatia

In Croatia rubber bullets are classified in law as a special category of weapon. Their use is subject to special legal conditions under general police law. Rubber bullets can be used in particular risk situations when there is a threat to public order or danger to people or significant physical assets. The regulations also specify that rubber bullets may not be used where other means may produce a similar successful outcome. They may not be used to prevent a person escaping. Responsibility for ordering the use of rubber ammunition in specific cases rests with particular individuals (director general). There are, in addition, special regulations governing the behaviour of police officers which authorise the use of special categories of weapons, including rubber ammunition. The responsible party (director general) may order their use in addition to other means of coercion. Under these rules rubber ammunition may be used in the following cases:

- where there is a significant danger to public order,
 - to respond to situations in which there is a risk to life or to the personal safety of people arising from the assembly of a crowd of people, or to deal with resistance or an attack by a person held in an enclosed space,
 - to respond where there is a danger to life or to significant physical assets.
- It must also be apparent that the use of other means of coercion would not be successful.

Once again, the use of rubber ammunition to prevent a person escaping is explicitly prohibited.

Slovakia

In Slovakia rubber ammunition is used by the police in two cases, firstly for the purposes of self defence where the circumstances for using lethal weapons do not apply, and secondly if there is no other way of responding to resistance to an intervention by the police. Police officers are required to show caution when using rubber ammunition. In particular ammunition may not be used where there is danger to life and the risk of injury must be minimised.

The Netherlands

In the Netherlands rubber ammunition is used only in isolated cases. Use is governed by the legal provisions regulating the use of firearms. In some cases the minister responsible must issue an order stating that a type of ammunition other than that prescribed may be used.

Portugal

In Portugal rubber ammunition is part of a concept governing the use of “non lethal” or “less lethal” weapons and is regarded as an alternative to the use of firearms. Its use, however, is subject to the legal provisions which also govern the use of firearms.

Poland

Rubber ammunition is also used in Poland by the police as well as by other agencies. Use is authorised in the following circumstances:

- where there is a danger to life, limb or a person’s freedom;
- where there is a breach of public order or safety;
- to protect property or premises,
- to protect the border,
- to protect convoys,
- to apprehend a person or prevent a person escaping.

In general the risk of injury when firing rubber bullets must be minimised as far as possible. Firing at the head or neck is prohibited. Except where there is a danger in delaying, a warning must generally be issued before rubber bullets are fired. Where used against a crowd of people a warning shot must be fired from a safe distance. This is not, however, required in enclosed spaces or in situations where there is an imminent danger to life, health or for legally protected property.

Czech Republic

The Czech police use rubber ammunition which is fired from a Heckler & Koch HK69 weapon. The legal bases for the use of such ammunition are contained in Czech police law.

France

In France rubber ammunition is authorised for use by the police as a ranged weapon and is equivalent to a conducted electrical weapon (Taser) in terms of intensity of impact. Legal regulations (code de la sécurité intérieure) are in place governing the equipping of the police. The general purpose dictating the use of rubber ammunition is to establish public order. It is used in various different circumstances, for example where there is a danger to emergency responders or third parties emanating from large gatherings of people, as a means of coercion against smaller assemblies of people attempting to prevent an arrest and to disperse groups of people. It is also used by responders for the purposes of self protection.

Germany

In Germany rubber bullets are part of police equipment in the federal states of Hesse and Saxony. In Hesse only special forces have access to 12 and 40mm calibre bullets. Additionally in 2017 68mm ammunition was acquired. In legal terms the firing of rubber bullets is regarded as the use of a firearm and treated in accordance with the pertinent legal provisions. The *Land* police in Saxony are also equipped with rubber ammunition. No special authorisation for use is required in legal terms. The Chief of Police may, however, be made responsible for authorising use and must therefore issue the corresponding order.

Spain

In Spain the Guardia Civil is authorised to use rubber ammunition. Rubber bullets may be used to control demonstrations and also for border protection. In 2014 12 people drowned in the enclave of Ceuta after they were fired on by Spanish border forces in the water. As recently as 1 October 2017, the day of the Catalanian referendum, the Guardia Civil in Barcelona fired rubber bullets on multiple occasions, causing many injuries, despite the fact that the use of rubber bullets is banned in Catalonia.