

**The Military *Modus Operandi* of the Civilian Police:  
International Legal Deviations in NATO's Eastern Flank Countries**

Alvydas Sakocius

*General Jonas Zemaitis Military Academy of Lithuania*

The war in Ukraine prompts a critical assessment of some derivative provisions of international humanitarian law and national legal doctrines of armed resistance. We see that in the event of a large-scale invasion by an aggressor, strategies of global resistance, including non-violent resistance, created and modelled in peacetime, do not work. Citizens and civil administration gain combat experience by learning hard and paying a high price. Therefore, the planned *modus operandi* of civilian public security organizations in an armed conflict must be both evidence-based and compatible with the warfare habits of a potential enemy. This is especially important for countries bordering a potential enemy, such as the Baltic countries.

The analysis of information about combat actions and the consequences of the Russian occupation in Ukraine shows that the position and attitude of the police and similar law enforcement structures in the states bordering Russia during the military occupation are special. They cannot be modelled solely on interpretive international human rights legislation: 1979 Declarations of the Council of Europe on the police and the 2001 European Code of Police Ethics. The goals of Russia's aggression against the countries that were part of the collapsed tsarist empire - Ukraine, Georgia, and the Baltic states - can be seen in Russia's military doctrine and the Statement of the Russian Federation of December 15, 2021, on so-called legal security guarantees for NATO expansion. According to Russia's estimations, the legal and institutional frameworks of the "nominally independent states" in its "area of interest" have to correspond with the Russian ones. That's required due to the following:

(a) Law enforcement officers cannot serve the occupying power for ethical reasons because they have sworn an oath to a state that no longer controls a certain territory; there are no signs that the Russian military-occupational government will adapt to the legal and institutional structure of the occupied state;

(b) as evidenced by the wars in Chechnya, Georgia, and Ukraine, the military-occupational authorities of the Russian Federation never delegate the function of the security of the population to the law enforcement organization that operated before the occupation, but replace them with new, unconditionally subordinate repressive structures, including private ones, or deploy military police-type armed forces units;

(c) the occupation of the Baltic States in 1940, as well as the war in Georgia and Ukraine, show that for Russian military security, law enforcement officers, as well-trained, patriotic, and armed individuals, are recognized as essential targets of hybrid or conventional war, they are aimed at being physically eliminated by killing, imprisoning or otherwise repressing; hesitant officials, after an unconditional reliability check, are aimed at forcing them to join the formations organized by the occupying power rather than to collaborate in general.

The results of the study allow us to present the following conclusions:

1. In response to new military threats, the countries of NATO's Eastern flank should revise their obligations under the international legal acts governing the status of the police adopted by the Council

of Europe and model armed law enforcement institutions as part of the irregular armed forces, informing NATO allies about this, as required by Article 43 of Additional Protocol I of the Geneva Conventions.

2. Law enforcement officers should operate only in the territory controlled by their authorities and withdraw in an organized manner from the occupied territory in coordination with the command of the armed forces ensuring the military control of the territory.

3. During the occupation, law enforcement officers acting outside of the unit have the *levee en masse* right to use a weapon against the aggressor in the same way as other citizens.

4. For law enforcement officers remaining in the occupied territory, joining civil defence organizations, even if they are protected by the IV Geneva Convention, should nevertheless be a personal decision that requires strict moral accountability for performing functions close to collaboration with the enemy.