

Racial profiling and shoot to kill

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Written by [Liz Fekete](#)

The latest briefing paper, on shoot to kill policies against suspected suicide bomber in the US and UK, will add to the reputation of the Center for Human Rights and Global Justice (CHRGJ) at New York University School of Law for cutting-edge advocacy and scholarship and path-breaking reports on the legal violations that have arisen out of the war on terror.

For the new document reveals that the deaths of Jean Charles de Menezes in the UK (Operation Kratos) and Rigoberto Alpizar in the US, should not be seen simply as just isolated and unfortunate incidents, but in the context of specific guidelines provided by the Virginia-based International Association of Chiefs of Police (IACP).

The IACP, the world's oldest and largest non-profit organisation of police executives, has a 20,000-strong membership in 101 countries and is overwhelmingly dominated by serving and retired US officers. On 8 July 2005, one day after the London bombings, it released its guidelines on the detection and prevention of suicide bombings. IACP Training Keys 581 and 582 (entitled Suicide (Homicide) Bombers I & II respectively), (based, in part, on an Israeli model of using behavioural profiles) instruct law enforcement officers to identify the behavioural and physical characteristics of a suicide bomber through the use of a set of 'suicide bomber preincident indicators'. They include:

- the wearing of loose or bulky clothing in the summer;
- pacing back and forth;
- fidgeting with something beneath one's clothing;
- failure to make eye contact;
- being in a drug-induced state;
- strange hair colouring;
- wearing too much cologne;
- wearing talcum powder; and
- being overtly protective of one's baggage.

IACP's focus on particular behavioural and physical characteristics, states CHRGJ, is emblematic of the wider post-September 11 trend of substituting for reliable intelligence on terrorists and terrorist-related activity confusing, and often stereotyped, profiles of threatening individuals. The fact that IACP's instructions to police officers makes explicit and implicit references to Muslims and religious behaviour proves that such profiling is racially and religiously-driven. The suspect class of suicide bombers has been widened to include all Muslims or those perceived to be Muslim, resulting in an unworkably large and highly arbitrary suspect pool.

Given that a large proportion of American and British youth follow the fashion of wearing 'bulky clothing', a particular style of dress only marks you out as a potential mass murderer if you also hold certain characteristics that mark you out as a Muslim. In the UK, the police claimed that they had identified the Brazilian Jean Charles de Menezes as a suspect in the failed 21 July bombings, because he had 'Mongolian eyes' and also due to his 'clothing and behaviour'. Appearing fearful, using mannerisms that do not fit the norm, such as mumbling, or pacing back and forth could indicate a physical disability or mental illness. Rigoberto Alpizar was a US citizen of Costa Rican descent who suffered from a bi-

polar disorder and had omitted to take his medication. He became agitated on a flight between Miami and Orlando and was shot dead by air marshals on the jetway, who claimed he was he was reaching for his bag.

Both cases demonstrate all too clearly the truth of the CHRGI's assertion that the usual safeguards attached to the use of force by law enforcement officers no longer applies when the suspects are terrorists. International law and regional conventions suggest that a bomb attack must be 'imminent' to justify lethal force which can only be used in situations of absolute necessity. However, IACP states that suspicion of an imminent threat based on a 'reasonable' belief that the suspect has the capability to detonate a bomb is enough to justify an officer aiming for the suspect's head and shooting to kill.

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