

'TEXT' OF BORDER GUARDS FIRING ORDERS REPORTED

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["Text" of GDR "Service Regulations 018/0/008 -- Action of Border Troops to Safeguard the State Border -- Use of Firearms" originally published by West Berlin BERLINER MORGENPOST on 28 February]

[Text] 210. [Number sequence as published] 1. The use of firearms represents the most extreme degree of force that can be used against people. Firearms can be used only if physical action with the aid of law-enforcement paraphernalia is unsuccessful or if such action would obviously be unsuccessful.

2. Firearms can be used only on orders from superior or at the discretion of the forces involved in border protection under the following circumstances:

A) To prevent the imminent completion or continuation of actions which appear under the circumstances to be:

-- a crime against the sovereignty of the GDR, or against peace, human dignity and human rights;

-- a crime against the GDR, general security or state orders;

-- a crime against individuals; or

-- other crimes which are to be committed or carried out with the use of firearms or explosives;

B) to Prevent the flight of or help capture of the following:

-- persons who are under strong suspicion of having committed a crime or who have been arrested for a crime, and

-- persons who are suspected of having committed other punishable offences or who have been arrested in this connection or sentenced to imprisonment, if there are grounds to believe that firearms or explosives will be used or that the flight will be undertaken by other means of force or violent attack against those charged with making the arrest, guarding or conducting surveillance, or if several persons are involved in the flight;

C) Against persons who use force to try -- or who assist any such attempt -- to free people who are under arrest or who have been sentenced to imprisonment;

D) If other means are not sufficient to successfully avert or prevent an imminent or current attack against installations of the armed organs or other state, social or economic installations, or against oneself or other persons (in accordance with paragraphs 17-19 of the Criminal Code);

E) To break armed resistance; and

F) To arrest persons if

-- armed persons do not follow orders to surrender their weapons, or if they try to evade arrest by threatening with or using weapons;

-- if persons do not heed the call or order of the border guard, and are obviously trying to break through the GDR state border, and if all other means and possibilities of arrest or prevention of the flight have been exhausted; and

-- if persons in vehicles do not obey prescribed stop signals; have broken through, removed or driven around barriers; and are clearly attempting to break through the state border.

211. The use of firearms for border troop and NVA members is possible as an extreme means of enforcement if in case of open disobedience or resistance by subordinates all other measures have been unsuccessful to restore military discipline and order, and if arrest is impossible.

212. As a general principle, the use of firearms must be preceded by such orders as "Halt! Border Guard! Hands Up!" If this challenge is not obeyed, a warning shot is to be fired. If this warning is also unsuccessful, aimed fire is to be opened.

213. Firearms can be fired directly at the target without prior warning or a warning shot if

A) It is necessary to ward off a sudden physical attack as well as to break armed resistance,

B) If an actual attack against installations of the armed organs and other state, social and economic installations, or against border guard himself or other persons cannot be prevented or averted in any other way.

214. In using firearms the life of the persons is to be spared if possible. First aid is to be given to the wounded in accordance with the necessary security measures and to the extent allowed by any urgent imperative missions.

215. Firearms must not be used if

A) The life and health of noninvolved people will be jeopardized (in cities, on streets with pedestrians, in restaurants with people, on public transportation means and so on);

B) If the persons appear to be children (up to 14 years);

C) If the circumstances justifying the use of firearms no longer exist;

D) If the persons to be arrested are members of occupation forces stationed in the Federal Republic or West Berlin or are members of their military liaison missions;

E) If they are members of diplomatic representations;

F) If planes of foreign nationality violate GDR air space;

G) If a signal is to be given (except for the signal: "Hurry to Assistance")

216. 1. The use of firearms must be reported immediately to the superiors, and if people have been wounded or killed, it must be treated as special incident.

2. Fatally wounded persons must be placed in an area which cannot be observed by the adversary. The place of the incident must be marked and secured. In other cases the position of the dead must not be changed. Further action must be taken according to the decision of the military prosecutor.

217. If firearms have been used against border violators, the territory of the neighboring state or of West Berlin cannot be fired at.

218. In actions to defend the GDR, the minister for national defense gives orders to use firearms.