



24 August 2016

Colonel Michael Gerhart
Superintendent
North Dakota Highway Patrol
600 E Blvd Ave, Dept 504
Bismarck, ND 58505

RE: POLICING OF DEMONSTRATIONS

Dear Colonel Gerhart,

I am writing to inform you that Amnesty International USA will send a delegation of observers to North Dakota to monitor the handling of the protests at the construction site of the Dakota Access Pipeline. We urge you to ensure that North Dakota's law enforcement officials involved in the policing of protests take all measures needed to ensure that the treatment of demonstrators is in accordance with international human rights standards and the U.S. Constitution.

It is the legitimate right of people to peacefully express their opinion. Public assemblies should not be considered as the "enemy". The command hierarchy must convey a clear message to law enforcement officials that their task is to facilitate and not to restrict a peaceful public assembly.

We would like to remind you that the decision to disperse an assembly should be taken in line with the principles of necessity and proportionality, and only when there are no other means available to protect public order from an imminent risk of violence. Where a small minority tries to turn a peaceful assembly into a violent one, law enforcement officials should protect the peaceful protesters and not use the violent acts of a few as a pretext to restrict or impede the exercise of the rights of a majority. When a lawful decision has been taken to disperse an assembly, the order to disperse must be clearly communicated and explained to obtain, as far as possible, the understanding and compliance of the demonstrators. Sufficient time must be given to disperse. Force should not be used to punish demonstrators for the (presumed or alleged) non-compliance with an order, nor simply for the participation in an assembly. The type of equipment used to disperse an assembly must be carefully considered and used only when necessary, proportional and lawful. Policing and security equipment – such as rubber bullets, tear gas and stun grenades, often described as "less-lethal" weapons – can result in serious injury and even

death. Chemical irritants, such as tear gas or pepper spray, should not be used where people are confined in an area and not in a way that can cause lasting harm (such as at too close range, or directly aimed at people's faces). In furtherance to this, we have attached a summary of best practices on the policing of demonstrations under international standards.

We would further remind you that during demonstrations, law enforcement officers should not selectively enforce public order and/or other laws against media correspondents, legal observers or known organizers of protests. Arrest and detention should be carried out only in accordance with procedures established by law and should not be used as a means to prevent peaceful participation in a public assembly nor as a means of intimidation or punishment for participation. Once individuals are arrested, officers should not use restraints in an excessive manner or for prolonged periods of time during processing, and anyone arrested should be provided with food and water, access to restrooms, medical attention if needed, and prompt access to counsel.

I am attaching Amnesty International's *Good Practice for Law Enforcement Officials Policing Demonstrations*.

Our delegation team can be contacted through the head of our delegation:

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or our head of research and team lead:

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We look forward to your reply and would be happy to provide additional information as needed.

Yours Sincerely,



Margaret Huang

Interim Executive Director

Amnesty International USA

cc: Kyle Kirchmeier, Sheriff, Morton County