



4 November 2016

Sheriff Kyle Kirchmeier
Morton County Sheriff's Department
205 1st Avenue NW
Mandan, ND 58554

**RE: STOP THE USE OF CHEMICAL IRRITANTS AGAINST PEOPLE IN
WATER**

Dear Sheriff Kirchmeier,

Amnesty International is deeply concerned by video footage of law enforcement officers in North Dakota using chemical irritants against people in water on November 2, 2016. We call on you and all other law enforcement officers in North Dakota to immediately stop using chemical irritants against people in water. The use of chemical irritants, such as pepper spray, against people in water may increase the likelihood of drowning, given that their breathing and eyesight may be impaired. Furthermore, chemical irritants should not be used where people are confined in an area or restricted in movement, and not in a way that can cause lasting harm (such as at too close range, or directly aimed at people's faces).

We would also like to again remind you that it is the legitimate right of people to peacefully carry their opinion to public spaces in protest. 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.

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.

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

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Margaret Huang". The signature is fluid and cursive, with the first name "Margaret" written in a larger, more prominent script than the last name "Huang".

Margaret Huang
Executive Director
Amnesty International USA