



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

28 September 2016

Dear Sheriff Kyle Kirchmeier:

Following the protests that took place at a Dakota Access Pipeline construction site on 3 September, we are writing to ask you to investigate the use of force by private contractors, remove blockades and discontinue the use of riot gear by Morton County Sheriff's deputies when policing protests in order to facilitate the right to peaceful protests in accordance with international law and standards.

On 3 September, protests of the Dakota Access Pipeline construction moved on to private property in response to the potential destruction of land that was earlier marked as containing burial grounds and sacred sites for the local Native American tribes. After protesters had crossed a temporary fence onto the land where construction was taking place, video shows members of a private security firm use dogs and what appears to be Oleoresin Capsicum spray (OC spray) against several of the protesters before the security team leaves the premises. While the North Dakota Private Investigation and Security Board is reviewing the use of dogs by private security personnel during the events on 3 September, it is the obligation of the Morton County Sheriff to review the actions taken by private security in both the use of dogs and OC Spray against individuals at this site. Even though individuals trespassed on to private property in order to stop the destruction of potential cultural sites, law enforcement, in its obligation to facilitate peaceful protest, has a duty to protect peaceful protesters and not use the unlawful acts of a few as a pretext to restrict or impede the exercise of fundamental rights of a majority. The Morton County Sheriff should review the unnecessary use of force by security personnel on this day.

In relation to the actions that took place on this day, Amnesty International USA has written to Morton County State's Attorney, Allen Coppy, calling on his office to drop charges of criminal trespass against *Democracy Now!* Journalist Amy Goodman. Miss Goodman was acting in her role as a journalist/reporter when she crossed onto private property in order to report on the actions of the protesters, construction crew and private security firm. Her trespass on to this property was clearly related to, even essential to, effectively carrying out her role of covering the protest and making information about it available to the public. We are calling on your office to support that request to the Morton County State's Attorney's office. A copy of the letter has been attached.

Lastly, we are calling on your office to refrain from outfitting officers in riot gear when policing of the Dakota Access Pipeline protests unless strictly necessary. On 13 September 2016, after making arrests of at least 20 individuals who were trespassing on private land in order to partake in non-violent direct action against the pipeline, images that were circulated from the protest site showed Morton County Sheriff's officers outfitted in riot gear despite the lack of violence by protesters. More recent images from ongoing protests at the construction site show officers outfitted in similar gear, equipped with assault rifles and using armored vehicles to police protests. The use of heavy-duty riot gear and military-grade weapons and equipment to police largely peaceful demonstrations intimidates protesters who are practicing their right to peaceful assembly and can actually lead to an escalation in violence. Equipping officers in a manner more appropriate for a battlefield may put them in the mindset that confrontation and conflict is inevitable rather than possible, escalating tensions between protesters and police. Any police presence at demonstrations needs to be proportionate to the situation. Police deployed in larger numbers than appear necessary or deployed wearing protective clothing or riot gear can be confrontational and intimidating. As seen in many countries, inappropriate or excessive police interventions can actually lead to violence and disorder rather than reducing tensions.

The U.S. government is obligated under international law to respect, protect, and fulfill the human rights of Indigenous people, including the rights to freedom of

expression and assembly. 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 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