



13 July 2016

Hon. Richard Ross, Jr.
Police Commissioner
Philadelphia Police Department
One Franklin Square, Room 314
Philadelphia, PA 19106

RE: POLICING OF DEMONSTRATIONS

Dear Commissioner Ross,

With the Democratic National Convention scheduled to take place in the City of Philadelphia during 25-28 July, protests are expected to occur around the Convention site and perhaps in other locations in the City of Philadelphia. We are writing to remind you that police authorities are required to act in accordance with international human rights standards and the U.S. Constitution in the policing of protests, and we urge you to ensure that Philadelphia's law enforcement activities meet these standards.

It is the legitimate right of people to peacefully carry their opinion to the streets. 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.

Amnesty International will send a delegation of observers to Philadelphia to monitor the handling of the protests during the convention, and we urge city and law enforcement officials to take all measures needed to ensure that the treatment of demonstrators meets appropriate international standards.

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

Yours Sincerely,

Margaret Huang
Executive Director
Amnesty International USA

cc:

The Honorable Jim Kenney, Mayor of the City of Philadelphia
Representative Debbie Wasserman Schultz, Chair of the Democratic National Committee