



USA: THE WORLD IS WATCHING

MASS VIOLATIONS BY U.S. POLICE OF BLACK LIVES MATTER
PROTESTERS' RIGHTS

AMNESTY
INTERNATIONAL



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First published in 2020

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: AMR 51/2807/2020

Original language: English

amnesty.org



Cover photo: A line of Minnesota State Patrol officers in Minneapolis, Minnesota

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EXECUTIVE SUMMARY

On 25 May 2020, George Floyd was detained, tortured and extrajudicially executed by Minneapolis Police Department officers who restrained and suffocated him by holding him on the ground and kneeling on his neck for almost nine minutes. His death sparked widespread protests across the USA and the world and a long-overdue conversation about systemic racism and policing. Recent events have also raised longstanding concerns about violations of human rights, including the rights to life, to security of the person, to equal protection of the law, to freedom from discrimination and to freedom of expression and peaceful assembly.¹

More than 1,000 people are killed each year by police in the USA; because the US government does not collect data on these deaths, the exact number of people killed by police annually is unknown. The data that does exist shows that Black people are disproportionately impacted by police killings. While Black people represent 13.2% of the US population, they represent 24.2% of deaths from police use of firearms. The use of lethal force against people of colour in the USA should be understood as part of the wider pattern of racially discriminatory treatment by law enforcement officers, including unjustified stops and searches, excessive use of force and racial profiling. Such treatment violates international human rights law which strictly prohibits all forms of discrimination.

One of a state's most fundamental duties is to protect life and police officers, as agents of the state, have a responsibility to uphold this in carrying out their law enforcement duties. International law allows police officers to use lethal force only as a last resort to protect themselves or others from death or serious injury. Furthermore, international law enforcement standards require that force of any kind be used only when no other means are available that are likely to achieve the legitimate objective. If the use of force is unavoidable it must be no more than is necessary and proportionate to achieve the objective and law enforcement must use it in a manner designed to minimize damage or injury and must respect and preserve human life.²

Amnesty International has previously documented serious and egregious violations of human rights in the use of lethal force by law enforcement in the USA. Following the killing of Michael Brown, an 18-year-old Black teenager, by a police officer in Ferguson, Missouri, on 9 August 2014, Amnesty International issued a report on the laws governing use of lethal force by police, *Deadly force: Police use of lethal force in the United States*. This research found that:

- All **50 states and Washington, D.C.** fail to comply with international law and standards on the use of lethal force by law enforcement officers.
- **None of the state statutes** require that the use of lethal force be used only as a last resort and that non-violent and less harmful means be tried first.
- **No state** limits the use of lethal force to only those situations where there is an imminent threat to life or serious injury to the officer or to others.

This report shows that there has been a disturbing lack of progress over the past five years in ensuring that police officers use lethal force only when there is an imminent risk of death or serious injury to themselves or others. Just three states – California, Washington and Missouri – have taken important but incremental steps, such as by bringing their state laws on lethal force into compliance with US constitutional standards.

¹ The USA signed and ratified the International Covenant on Civil and Political Rights in 1992 and the International Convention on the Elimination of All Forms of Racial Discrimination in 1994.

² UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

In the context of the policing of the protests sparked by the killing of George Floyd, Amnesty International has documented serious human rights concerns in relation to the use of excessive force. On 23 June 2020, Amnesty International launched an interactive digital project, “*Black Lives Matter Protests: Mapping Police Violence Across the USA*”. This found that police forces across the USA committed widespread and egregious human rights violations in response to largely peaceful assemblies protesting systemic racism and police violence.

Amnesty International documented 125 separate incidents of police violence against protesters in 40 states and the District of Columbia between 26 May and 5 June 2020. These acts of excessive force were committed by members of state and local police departments, as well as by National Guard troops and security force personnel from several federal agencies. Among the abuses documented were beatings, the misuse of tear gas and pepper spray, and the inappropriate and at times indiscriminate firing of “less lethal” projectiles, such as sponge rounds and rubber bullets.

In city after city, Amnesty International documented incidents of unnecessary and excessive use of force by law enforcement agencies while policing Black Lives Matter protests. The unnecessary and excessive use of specific weapons, such as chemical irritants and kinetic impact projectiles, is ultimately a symptom of the very issue that started these protests: unaccountable police violence.

In many cities law enforcement confronted protesters while wearing riot gear as a first level of response, rather than in response to any particular acts of violence. Again, and again, law enforcement used physical force, chemical irritants, kinetic impact projectiles, and arbitrary arrest and detention as a first resort against largely peaceful demonstrations. In several cities, law enforcement resorted to physical force against largely peaceful protesters to enforce hastily rolled out curfews. Between 26 May and 5 June 2020, Amnesty International documented at least six incidents of police using batons and 13 instances of the unnecessary use of kinetic impact projectiles in 13 cities across the country.

Amnesty International documented the use of tear gas and pepper spray in dozens of incidents across the country. In many cases, these were used against people non-violently protesting, rather than as a necessary and proportionate response to widespread violence or a perceived threat. Between 25 May and 5 June, Amnesty International documented 89 specific instances of the unnecessary use of tear gas in cities in 34 states and 21 incidents of the unlawful use of pepper spray in 15 states and Washington, DC. In many of the documented incidents, chemical irritants were used as a first resort to disperse a peacefully assembled crowd or in response to non-compliance with some specific order.

In some instances, the use of chemical irritants can constitute torture or other ill-treatment. Furthermore, their widespread, unnecessary and excessive use against largely peaceful protesters raises additional concerns during a pandemic involving a respiratory illness such as COVID-19. The natural response by people when exposed to these chemicals is to remove their masks in order to flush their eyes, noses and mouths and expectorate the chemicals from their mouths and lungs, potentially spreading the virus.

In numerous incidents across the USA, law enforcement personnel targeted media representatives with chemical irritants, kinetic impact projectiles and arrest and detention. Amnesty International has documented cases in several states where journalists sustained serious injuries resulting from kinetic impact projectiles and/or were detained and arrested without proper access to medical care. Amnesty International has also documented the use of excessive force against and arbitrary arrests of legal observers as they monitored protests. Street medics were also targeted. In some cases, law enforcement destroyed clearly identified medic stations and subjected clearly identified street medics to excessive force, such as physical assault, pepper spray and rubber projectiles, and arrest.

This report draws on more than 50 interviews conducted by Amnesty International over several weeks in June 2020 about people’s experiences in the context of the protests sparked by the killing of George Floyd. It highlights the shocking failure to limit the use of force by law enforcement to situations where it is necessary and proportionate to an actual threat and details how protesters, journalists, legal observers and street medics were met with police violence. The report ends with a series of recommendations to federal, state and local authorities to ensure accountability for these violations and to address the urgent need for police reform, including the policing of protests, in the USA.

KEY RECOMMENDATIONS

Amnesty International is calling on federal, state and local officials to enact systemic reform that protect and respect Black lives, the development of national guidelines on respecting and facilitating the right to peaceful

protest and for all law enforcement agencies to review their policies and the equipment used in the policing of demonstrations.

LIMIT THE USE OF DEADLY FORCE BY LAW ENFORCEMENT

- Federal, state and local authorities must urgently take decisive action to address systemic racism and systemic misuse of force in the US policing and criminal justice system, including by launching independent investigations and ensuring accountability in all cases of unlawful lethal use of force by police.
- All state legislatures should introduce or amend statutes that authorize the use of lethal force to ensure that they are in line with international law and standards by limiting the use of lethal force by law enforcement officials to those instances in which it is necessary and proportional to protect against an imminent threat of death or serious injury
- The US Congress should pass the George Floyd Justice in Policing Act of 2020 (HR 7120), including the Police Exercising Absolute Care with Everyone (“PEACE Act”) which would bar federal law enforcement from using deadly force unless necessary as a last resort to prevent imminent death or serious bodily injury and prevent states from receiving federal funding unless they enact a similarly restrictive state use of force law.

POLICING OF PROTESTS

- Federal, state and local authorities must ensure that everyone under their jurisdiction can enjoy their human rights to peaceful assembly and freedom of expression.
- All law enforcements agencies must revise their policies and practices for the policing of protests. Law enforcement agencies must comply at all times with international human rights standards, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which must be the guiding principles underpinning all operations before, during and after demonstrations.
- The Department of Justice and all state Attorney Generals should investigate, effectively, impartially and promptly, all allegations of human rights violations by police officials during public assemblies, including unlawful use of force, and bring all those found responsible, including commanding officers, to account through criminal or disciplinary proceedings as appropriate, and provide full redress to victims.