

October 27, 2020

## **An Open Letter to All U.S. Federal, State, and Local Officials:**

We write you today with grave concern about the future of the United States.

For nearly 60 years, Amnesty International has documented how racism, discrimination, and hate can lead to widespread violence and further disregard for human rights. We've monitored the unraveling of norms, laws, and rules around the world—and are deeply troubled by what we see happening in the United States. The widespread availability of guns in this country combined with the incitement to violence and the enabling and abetting of white supremacy—at the highest levels of government and by those elected to serve the people—has left the country dangerously vulnerable to those who prefer inequity to fairness, hate over unity, and impunity over justice.

Amnesty International and others have exposed widespread and egregious human rights violations committed by officials throughout the United States. Many of you are directly responsible. Others have done too little or nothing at all to stop these abuses.

The world is watching. We demand you meet your obligations under international law to respect, protect, and fulfill the human rights of all people, including the following:

- Freedom from racism, discrimination, and hate
- Freedom to peacefully protest and dissent
- Freedom from police violence and gun violence
- Freedom from arbitrary arrest and detention
- Freedom of the press to investigate and report the truth
- Freedom from armed intimidation at the polls

### **RECOMMENDATIONS TO POLICE CHIEFS:**

- Follow Amnesty International's best practices on the policing of demonstrations: <http://www.amnestyusa.org/good-practice-for-law-enforcement-officials-policing-demonstrations>
- All law enforcement agencies must comply at all times with international human rights obligations and with international standards on policing, in particular 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. Specifically, they should review and amend where necessary their policies on the policing of demonstrations and:
  - Ensure that all law enforcement agencies engaged in the policing of protests understand that their task is to facilitate, not to restrict, a peaceful public assembly. All necessary measures must be taken to prevent the use of excessive force and other human rights violations by law enforcement officials during demonstrations.
  - Ensure that all law enforcement agencies engaged in policing protests review their policies regarding the policing of protests, which should adopt an approach that leads to de-escalation. They should avoid unnecessary escalation through threatening appearance and/or behavior, excessive use of force, inappropriate equipment and arbitrary detention. They should seek dialogue with protest organizers, call for calm and refrain from making public statements which label an entire group of protesters as the enemy of the state.

- Ensure that all law enforcement agencies involved in policing protests engage in communication with organizers and demonstrators before, during and after the operation in order to create mutual understanding and prevent violence. Where outbreaks of violence are highly probable, communication with organizers and demonstrators is particularly important in order to reduce tension and avoid unnecessary confrontation. Law enforcement officials and organizers should look together for ways to prevent violence or to stop it quickly should violence break out.
- Ensure that any decision to disperse an assembly is taken only as a last resort and carefully in line with the principles of necessity and proportionality; that is, only when there are no other means available to protect a legitimate aim and when the level of threat of violence outweighs the right of people to assemble.
- Differentiate between violent and non-violent actors, and target for law enforcement action only violent actors committing criminal actions, particularly those who are undermining others' right to freedom of peaceful assembly. Do not declare whole assemblies to be riots or unlawful due to isolated instances of violence by individuals, or unnecessarily disperse them otherwise. Ensure that even in situations in which a small minority tries to turn a peaceful assembly into a violent one, police take steps to enable those who are protesting peacefully to continue to do so and refrain from using the violent acts of a few as a pretext to restrict or impede the exercise of rights by the majority of protesters.
- Ensure that the type of equipment used for the purpose of dispersing protesters is carefully considered and used only when necessary, proportional and lawful. Policing and security equipment often described as "less lethal" weapons – such as kinetic impact projectiles (for example, sponge grenades), chemical irritants (such as tear gas/pepper spray) and stun grenades – can result in serious injury and even death.
- Chemical agents such as tear gas should only be used in situations of generalized violence for the purpose of dispersing a crowd when all other means have failed to contain the violence; canisters should not be fired directly at individuals and tear gas should not be used in confined spaces against unarmed people or in situations in which exits and ventilation points are restricted. The use of such chemicals must always be preceded by an oral warning that is audible to the protesters and sufficient time for those assembling to disperse voluntarily. Chemical Irritants should not be launched near people at high risk, such as older people, pregnant people and children, and strong consideration should be given before it is used in densely populated areas.
- The discharge of "less lethal" kinetic impact projectiles (rubber or plastic bullets) should be prohibited, unless the projectiles have been rigorously and independently tested to ensure that they are sufficiently accurate not to cause unwarranted injury. If such testing finds that they can be deployed, their use should be strictly limited to situations of violent disorder posing a risk of harm to persons where no less extreme measures are sufficient to achieve the objective of containing and stopping the violence. Such projectiles should never be aimed at the head or face of an individual.
- The use of firearms to disperse an assembly is always unlawful. Open deployment of firearms by police at public assemblies can be intimidatory, undermining the police's primary role as facilitators of peaceful protest and should where possible be avoided.
- Investigate and hold accountable police for failure to facilitate and protect protests and counter-protests from violence. Ensure effective, impartial and prompt investigations into all allegations of human rights violations by police officials during public assemblies, including unlawful use of force and arbitrary arrest and detention. Those found responsible, including commanding officers, must be held to account through criminal or disciplinary proceedings, as appropriate, and victims provided with full redress. Any

use of force during a public assembly should be subject to review and, where appropriate, investigation and disciplinary or criminal sanction. Law enforcement officials should be identifiable during public order operations either through name or number tags.

- Review and revise the training provided to law enforcement officials, ensuring that it includes thorough training on the lawful use of force and firearms and the policing of protests and counter-protests in compliance with international human rights standards.
- Ensure the right to freedom of expression and do not prevent or obstruct the work of journalists and members of the media. They have a right to attend and report on peaceful assemblies and have an important role in protecting the right to freedom of peaceful assembly. Their presence and freedom to move among protesters and police and document what is happening during demonstrations ensures the dissemination of information about the situation on the ground to the public during widespread and national protests.
- To better ensure the protection of protests and counter-protests from violence, law enforcement agencies must:
  - Maintain impartiality toward all protesters
  - Protect the rights of all peaceful protesters from disruption or violence by third-party actors
  - Prohibit and prevent vigilantism by armed groups, including the intimidation of protesters, voters, or others seeking to engage in civic activities
  - Communicate expectations of conduct and law-enforcement actions to both sides, in order to de-escalate conflicts by adopting a policy of “no surprises”
  - De-escalate conflict and prevent violent disruption of otherwise peaceful protests, if necessary, by physical separation of protesters and counter-protesters to facilitate both groups’ right to freedom of peaceful assembly
  - Fulfill the duty to protect any protester being physically attacked, through adequate deployment of police forces, as well as timely and human rights-compliant interventions to prevent and stop violence from occurring
  - Intervene to halt violence, but use tactics that are targeted only at violent individuals, employing the principle of differentiation. For instance, do not use crowd control weapons of wide area impact (such as tear gas, water cannons, or others) to respond to acts of violence by only a few individuals.
  - Adopt trainings on international standards related to facilitation of the right to freedom of peaceful assembly, including strict adherence to the principle of legality, necessity and proportionality in any limitation on freedom of assembly.
  - Investigate and prosecute violence and threats of violence against protesters, including to deter future disruptions of freedom of peaceful assembly
  - Expand certifications and protections for legal observers to monitor the policing of protests and counter-protests, without fear of intimidation, arrest or violence
- Review and revise law enforcement policies and training related to race and policing diverse communities.

Amnesty International takes no position for or against any political ideology, party, candidate, or official. As the world’s largest grassroots human rights organization—more than 10 million supporters—our sole purpose is the promotion and defense of freedom, equality, justice, dignity, and human rights worldwide.

Sincerely,

Amnesty International USA  
[www.amnestyusa.org/freedom](http://www.amnestyusa.org/freedom)

