



# FREEDOM OF EXPRESSION

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Recently, there has been a massive surge in protests globally. All around the world we have witnessed a huge wave of people taking to the streets to exercise their right to protest and demand change from those in power. Protests have arisen out of frustration against political corruption and ineptness in the face of a global pandemic or in response to a particular threat or event, such as in Lebanon, Libya, or Egypt or to financial desperation such as in Chile. Likewise, they have arisen out of political frustration, like those occurring in Belarus and Hong Kong. Lastly, they have also arisen from long standing racial inequality, systemic racism and lack of accountability in its criminal justice and policing systems, such as what has transpired across the U.S. following the death of George Floyd.

Peaceful protesting is not a crime, it is a human right. The rights to freedom of expression and peaceful assembly are foundational human rights, initially laid out in the Universal Declaration of Human Rights and given the weight of force through the International Covenant on Civil and Political Rights. However, governments have egregiously failed in their obligations to protect and facilitate these rights. Amnesty International has documented how, by and large, countries have chosen to respond to these protests through intimidation, police violence and the silencing of critics. For instance, peaceful protesters in the U.S. were viewed as the “enemy” as they were greeted by a militarized police force and police violence in city after city. Protesters in Lebanon, Libya and Chile were met with egregious levels of excessive use of force, leading to severe injuries and, in some cases, even death. Activists in Hong Kong, Belarus and Egypt were arrested, disappeared and in some cases tortured, simply for advocating for human rights, becoming Prisoners of Conscience in the process. Due to the COVID-19 pandemic, Amnesty International is urging governments to release all of those held for minor protest violations and the unconditional release of all Prisoners of Conscience.

It is incumbent upon the President to once again restore the U.S. as a global beacon of freedom, by taking immediate action to address human rights violations committed during demonstrations both here at home and around the world. This administration must hold governments accountable when they violate people’s rights through the excessive use of force, arbitrary detention, enforced disappearances and torture of protesters and critics of the government. While at the same time, the administration must address the systemic racism and lack of accountability of the killing of Black people here at home.

# GLOBAL PROTESTS

## INTERNATIONAL

### THE ISSUE

The past year has seen a seemingly massive surge in protests globally. All around the world we have witnessed a huge wave of people taking to the streets to exercise their right to protest and demand change from those in power. These protests are diverse, multi-faceted, and re-orienting the political, economic and social orders that sustain them – requiring U.S. policy to be equally as innovative and focused on the principles that sustain them.

Peaceful protesting is not a crime, it is a human right. The way governments have by and large chosen to respond to these protests has been disproportionate, unwarranted and a violation of human rights standards.

### CORRUPTION

Allegations of government corruption have helped to spark massive waves of protests across Chile, Egypt, Lebanon and Nigeria. In late September thousands of people took part in demonstrations across Egypt. The protests were triggered by a series of viral videos claiming high-level corruption in the military. In Lebanon, one of the overwhelming drivers of the calls for the government's resignation is allegations of corruption and failure to provide basic economic needs. Similar concerns have been the focus of protests in Nigeria.

### COST OF LIVING

Where corruption is a concern, so too is the cost of living. In Chile, demonstrations were kicked off by students after the government announced a hike in transport fares. Since then, the protests have snowballed to cover the vast number of government policies that have placed a burden on the economic rights of ordinary people across Chile. People's concerns about inequality are underscored by the fact that Chile has one of the worst levels of income inequality.

People's legitimate concerns over the increasing cost of living have been made worse by the fact that many governments are also imposing harsh economic austerity measures, such as in Egypt and Ecuador.

### POLITICAL FREEDOM

This month saw massive demonstrations occurring in Barcelona and the rest of Catalonia after Spain's Supreme Court sentenced 12 Catalan political leaders and activists. In India, protests have erupted following the government's unilateral decision to revoke Article 370 of the Constitution, amidst a complete communication blackout, curfew on movement and mass detentions of political leaders and activists in Kashmir.

Hong Kong has been home to arguably one of the most sustained protests linked to political freedoms this year. The protests started in April 2019 after the government proposed a bill that would have allowed extraditions to mainland China. People have taken to the streets in record-breaking numbers. While the government eventually dropped plans to introduce the draft law, the protests have evolved into a much wider call for change.

Protests demanding political reform also took place in Algeria, Guinea, Sudan, Zimbabwe, Egypt, and Ethiopia.

A common thread throughout these protests has been the harsh response from governments, which in many instances has involved gross violations of human rights.

## TALKING POINTS

- Throughout our history, the right to freedom of assembly is woven through our nation's fabric, whether through the women's suffrage movement, the civil rights movement, or the labor movement. And while the U.S. is far from perfect, we can and must inspire others throughout the world.
- Whether you are fighting against police brutality in Hong Kong or protesting economic inequality in Chile, you have a right to have your voices heard, and a right to protest and demand a better world.
- The U.S. will no longer sit on the sidelines – we will support those that yearn for freedom and lean on governments to respect human rights. The world and everyone in it will be better for it.

## RECOMMENDATIONS

- The U.S. should host a global forum at the State Department or the United Nations which includes civil society leaders and foreign governments to reaffirm the human rights to freedom of assembly and freedom of association.
- The U.S. should establish a foreign assistance fund that encourages actors that promote peaceful forms of protest and imposes costs for violations of the right to peaceful assembly and association. This package would include funding for documentation of human rights violations during the response to protests.
- The incoming Administration should institute a whole-of-government strategy review of its policy on freedom of association and assembly which establishes a review board to respond as crises break out and to ongoing protests. This should culminate in a high-level Presidential speech that enshrines the U.S.'s role in promoting and protecting the freedom of association and assembly.

### FOR MORE INFORMATION, PLEASE CONTACT:

Joanne Lin  
National Director, Advocacy & Government Affairs  
(202) 509-8151  
JLin@aiusa.org

# TEAR GAS AND USE OF FORCE

## DOMESTIC

### THE ISSUE

Following the death of George Floyd in Minneapolis, Minnesota on 25 May 2020, hundreds of thousands of people in the U.S. and around the world protested against racism and police violence and to demand accountability for the unlawful killing of Black people by law enforcement personnel. However, these protests against police violence, were met with more police violence as police across the U.S. committed widespread and egregious human rights violations against people protesting the unlawful killings of Black people.

The rights to freedom of expression and peaceful assembly, are fundamental human rights, enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. As such, police have the obligation to respect, protect and facilitate these rights.

Amnesty International recorded 125 separate incidents of police violence against protesters, in 40 states and D.C., between May 26 and June 5, 2020, that were committed by a range of police officers across federal agencies, state and local police departments, as well as military forces. In the face of peaceful protests, law enforcement in cities across the country responded with tear gas, pepper spray, batons, kinetic impact projectiles such as rubber bullets and sponge rounds, and flash grenades — in many cases with little or no warning. Rather than being a necessary and proportionate response to any specific threat, the use of force became a matter of first resort to enforce a curfew, to end an ongoing demonstration, or clear a park for a photo op, all in violation of international law and standards on the policing of protests.

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 U.S., law enforcement personnel targeted media representatives with chemical irritants, kinetic impact projectiles and arrest and detention. In several circumstances, journalists sustained serious injuries resulting from kinetic impact projectiles and/or were detained and arrested without proper access to medical care. Legal observers were subjected to the use of excessive force and arbitrarily arrested 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.

## TALKING POINTS

- Police must protect, respect and facilitate the rights to freedom of expression and peaceful assembly.
- Protest is a human right and police must ensure that the type of equipment used for the purpose of dispersing protesters is carefully considered and used only when necessary, proportional and lawful.
- It is the legitimate right of people to carry their opinion to the streets. Public assemblies should not be considered as the “enemy.”
- Equipping officers in a manner more appropriate for a battlefield may put them in the mindset that confrontation and conflict are inevitable rather than possible and may escalate tensions between protesters and police.

## RECOMMENDATIONS

- The President should rescind the Presidential Executive Order on Restoring State, Tribal, and Local Law Enforcement’s Access to Life-Saving Equipment and Resources which revoked Executive Order 13688 and work with Congress to eliminate the 1033 program that facilitates the transfer of military equipment to law enforcement.
- The President should direct the U.S. Department of Justice to develop national guidelines on the use of tear gas to ensure that there is compliance at all times with the international human rights obligations and with international standards on policing. Such guidelines should restrict the use of tear gas during the policing of demonstrations to ensure it is only used in situations of generalized violence, for the purpose of dispersing a crowd when all other means have failed to contain the violence; that cannisters are never fired directly at individuals; and that tear gas is not used in confined spaces against unarmed people, in situations in which exits and ventilation points are restricted or near high risk people, such as older people, pregnant people and children. Protesters must always be warned in advance that tear gas is going to be used and given sufficient time to voluntarily disperse. These guidelines should also include guidance on the use of tear gas in densely populated areas.
- The President should direct the U.S. Department of Justice to develop national guidelines on the use of “less lethal” kinetic impact projectiles (such as sponge rounds) which 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.

## ADDITIONAL RESOURCES

- The World Is Watching: Mass violations by U.S. police of Black Lives Matter protesters' rights (2020) (available [here](#))
- Amnesty International Documents Widespread Police Violence Against Protesters for Black Lives Interactive Map (2020) (available [here](#))
- Tear Gas: An Investigation (2020) (available [here](#))

**FOR MORE INFORMATION, PLEASE CONTACT:**

**Justin Mazzola**  
Deputy Director, Research  
(212) 633-4209  
[JMazzola@aiusa.org](mailto:JMazzola@aiusa.org)

# FEDERAL POLICING IN CITIES

## DOMESTIC

### THE ISSUE

The use of federal law enforcement agents for the policing of protests following the death of George Floyd has resulted in incidents of police violence and violates protesters' rights to peaceful assembly.

On June 1, 2020 at approximately 5pm, a crowd of people gathered along the edge of Lafayette Square in Washington, D.C. which lies in front of the White House. At approximately 6pm, personnel from multiple law enforcement agencies including the D.C. National Guard, the Secret Service, the U.S. Park Police and the Federal Bureau of Prisons Special Operations Response Team gathered along the edge of Lafayette Square dressed in riot gear and with shields and batons. Three orders to disperse were given within minutes of each other; even at the front of the crowd, the orders were not entirely audible as evidenced on multiple recordings from the incident. At approximately 6.30pm, law enforcement officers, including police on horses, advanced, forcefully pushing the crowd west away from the square. One U.S. Park Police officer told a member of the crowd: "You better back up, or you're going down." Park Police officers struck a news camera operator with a shield and beat a reporter in the back with a baton as they ran away from police. The officers misused a variety of crowd control agents and threw U.S.-manufactured Stinger Ball grenades, which contain pepper spray and explode in a concussive "flash-bang" effect, throwing rubber pellets indiscriminately in all directions. Bureau of Prisons personnel also deployed pepper balls against retreating protesters. This clearing of Lafayette Square was not in response to any threat or violence by the protesters, but rather for a photo op by the President in front of St. John's Episcopal Church following a public statement he made about the protests at the White House.

Under "Operation Diligent Valor", the U.S. Department of Homeland Security ("DHS") deployed teams to Portland, Oregon comprised of approximately 114 federal law enforcement officers from several DHS agencies, including Custom and Border Protection's ("CBP") Border Patrol Tactical unit, a paramilitary unit which DHS has deployed in the past to surveil, police, and arrest undocumented immigrants in cities declining to cooperate with anti-immigration policies. These DHS officers were deployed to Portland following President Trump's 26 June executive order to protect monuments and statues from protesters until they were withdrawn in early August. Multiple media reports documented federal agents using excessive force in defense of the federal courthouse in Portland and collectively punishing protesters exercising their rights to freedom of expression and assembly through the use of batons, the indiscriminate use of kinetic impact projectiles, and the excessive use of tear gas and other chemical irritants. In some instances, journalists, legal observers and street medics were specifically targeted. Camouflage-clad officers with generic "POLICE" patches on their clothing, were caught using force to arrest and



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whisk away protesters in unmarked vehicles far away from the protests at the courthouse.

While covering the protests in Portland, James Krane, a freelance photojournalist, kept his press badge visible at all times, was wearing a helmet with “Press” labeled across it, and was carrying professional gear. He was also grouped with other similarly identifiable members of the media. However, federal agents singled out and targeted these journalists in their attacks:

“I frequently saw them pointing at me and other journalists, pointing us out. There was some very obvious visual targeting of journalists. As chaos would unravel, they would fire into a group of press. A lot of us would have to huddle together. There were several times they aimed into a press huddle that I was in and started firing off rounds. I was not hit with any large rounds, but I was frequently hit with tear gas and rubber and pepper balls. I’d say every night I was hit with rapid fire pepper rounds. They would shoot them like it was an Uzi, there’d be a ratatatatat.”

None of these federal agencies, with the exception of the D.C. Park Police, have any experience in crowd control maneuvers and the policing of protests. National Guard troops, federal agents and federal law enforcement officers and military personnel should not be deployed for the policing of protests unless their deployment is to serve a legitimate objective, such as guarding infrastructure so that local law enforcement can be redeployed for policing of demonstrations and other law enforcement duties.

## TALKING POINTS

- Federal agents without proper training should have no role in the policing of demonstrations.
- Sending federal agents to cities in response to protests only inflames the situation, as we have seen in Portland and Washington, D.C.
- It is the legitimate right of people to carry their opinion to the streets. Public assemblies should not be considered as the “enemy.”
- All law enforcement and security personnel engaged in the policing of protests must protect, respect and facilitate the rights to freedom of expression and peaceful assembly.

## RECOMMENDATIONS

- The President should instruct DHS and DOJ to immediately withdraw any federal agents, including U.S. Customs and Border Protection agents and units, still deployed to localities in response to the Presidential Executive Order issued on June 26, 2020 and under “Operation Diligent Valor”, and refrain from sending such units to other cities in the future.
- The President should ensure that the future deployment of any federal agents, military or National Guard troops to protests sites are there only for a specific objective, such as providing security at specific facilities or infrastructure in order to allow local law enforcement to be redeployed for the policing of demonstrations.
- The President should urge the Department of Justice to open an investigation into the misuse of federal agents and the violations committed by federal agents during protests that occurred in 2020.



## ADDITIONAL RESOURCES

- The World Is Watching: Mass violations by U.S. police of Black Lives Matter protesters' rights (2020) (available [here](#))
- Amnesty International Documents Widespread Police Violence Against Protesters for Black Lives Interactive Map (2020) (available [here](#))
- Letter to DHS Secretary Re CBP Use of Force Against Portland Protesters (24 July 2020) (available [here](#))

**FOR MORE INFORMATION, PLEASE CONTACT:**

**Justin Mazzola**  
Deputy Director, Research  
(212) 633-4209  
[JMazzola@aiusa.org](mailto:JMazzola@aiusa.org)

# PRISONERS OF CONSCIENCE

INTERNATIONAL

## THE ISSUE

Amnesty International considers a Prisoner of Conscience (POC) to be any person imprisoned or otherwise physically restricted (like house arrest), solely because of his/her political, religious or other conscientiously held beliefs, their ethnic origin, sex, color, language, national or social origin, economic status, birth, sexual orientation or other status, and who has not used violence or advocated violence or hatred.

## THE HUMAN COST

Since May 2018, thirteen women human rights defenders have been arbitrarily detained in Saudi Arabia. At least 10 of them were tortured, sexually abused, and subjected to other forms of ill treatment during the first three months of their detention. The activists were detained incommunicado during that period, with no access to their family or lawyers.

On March 13, 2019, eleven of the activists were brought up to trial before the Criminal Court in Riyadh and charged with contacting the foreign media, international organizations like Amnesty International, and some of the women were also charged with promoting women's rights and calling for the end of the male guardianship system. Diplomats and journalists have been consistently banned from attending the court sessions.

Due to international pressure, on March 28, 2019, three of these activists, Iman al-Najfan, Aziza al-Yousef, and Ruqayyah al-Mhareb, were temporarily released. On May 2, 2019, five more activists, Hatoon Al-Fassi, Amal al-Harbi, Dr Abir al Namankani, Maysaa al-Mane'a, and Shadan al-Anezi, were also temporarily released. Maya'a al-Zahrani, Nouf Abdulaziz, Loujain al-Hathloul, Nassima al-Sada, and Samar Badawi continue to remain arbitrarily detained.

Amnesty International calls for the immediate and unconditional release of all prisoners of conscience.

Thousands of prisoners of conscience languish in prisons around the world, sometimes for years on end, in horrendous conditions. Many are subjected to torture, and other forms of ill-treatment. A lot of these prisons are severely overcrowded, unhygienic, and lack access to basic medical services. In some cases, prisoners of conscience are also denied access to a lawyer or their family as well.

In prisons across globe, there have been confirmed cases of COVID-19. This raises grave concerns that prisoners of conscience are at risk of contracting the virus. Prisoners are at particular risk because they are unable to take the same social distancing and hygiene measures as those outside of prison to protect themselves. It is more important than ever that states take urgent measures to protect all those who are behind bars, including by releasing all prisoners of conscience who are being held simply for peacefully exercising their rights.

In addition to freeing prisoners of conscience, governments should take steps to curb the spread of the pandemic, including by decongesting prisons. Government authorities should also review cases

of people in pre-trial detention as well as children, and consider the early, temporary, or conditional release of people at particular risk, such as older people, and those with underlying medical conditions.

Governments should provide a standard of healthcare for people that remain in prison that meets each person's individual needs, similar to what is available in the community, and that ensures the maximum possible protection against the spread of COVID-19.

## RECOMMENDATIONS

The White House should move to:

- Call on foreign governments to immediately and unconditionally release prisoners of conscience.
- Ensure that the State Department and U.S. Embassies worldwide call on foreign governments to immediately and unconditionally release all prisoners of conscience; to immediately cease and prevent any future use of torture and other ill-treatment of POCs; to guarantee POCs access to legal counsel, medical attention, and family members; and to improve the conditions of their detention.
- Push foreign governments to allow State Department officials and U.S. Embassy staff to attend the trials of prisoners of conscience and to visit them while they are in prison.
- Require that the State Department and U.S. Embassies call on foreign governments to fully, impartially, and promptly investigate any allegations of torture or other ill-treatment of prisoners of conscience, and that those found responsible are held accountable.

## ADDITIONAL RESOURCES

- "Amnesty International calls for the release of all prisoners of conscience worldwide" (May 2020), about how the COVID-19 pandemic presents a heightened risk for imprisoned prisoners of conscience (available [here](#))
- "States worldwide must protect human rights defenders in the current COVID-19 crisis" (April 2020), (available [here](#))

### FOR MORE INFORMATION, PLEASE CONTACT:

**Andrew Fandino**  
Senior Program Officer, Individuals at Risk  
(202) 509-8183  
[AFandino@aiusa.org](mailto:AFandino@aiusa.org)