

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: AFR 01/6187/2017
10 May 2017

Amnesty International calls on states to implement African Commission's groundbreaking guidelines on policing assemblies

Amnesty International welcomes the adoption of the African Commission on Human and Peoples' Rights Guidelines on Policing Assemblies.¹ Amnesty urges African states to implement these groundbreaking guidelines as a matter of urgency to put an end to the pattern of repressing peaceful assemblies and bloodshed during peaceful protests.

People who claim their rights through peaceful protests are repressed in many countries throughout Africa, in ways ranging from prohibiting peaceful demonstrations, to arresting and using excessive force, sometimes using firearms, against peaceful protesters. Hundreds of people are killed every year as a result of such action by security forces. These violations often go unpunished, which creates a climate of fear and discourages people from peacefully taking to the street to claim their rights.

The guidelines underline that peaceful assembly is a right and not a privilege. The responsibility of African states and their law enforcement agencies and officials is to facilitate peaceful assemblies, and not to repress them as is too often the case.

The use of force and firearms in policing public assemblies in Africa is an issue of great concern, which the Guidelines address in a very substantial manner:

- Most African states continue to ban and disperse peaceful demonstrations, and to arrest peaceful demonstrators, using vague legal grounds such as risks of “breaching the peace”, or by imposing blanket bans on assemblies in public spaces at certain times.

In **Mauritania**, human rights defenders continue to be arbitrarily arrested and detained for “participating in an unauthorised gathering”. In April 2017, Oumou Kane, a young woman human rights defender was detained for five days and sentenced to a three-month suspended jail term after she attended a peaceful gathering. Anti-riot police beat her with batons at the time of her arrest. She asked to see a doctor to look at her injuries as she was experiencing pain, but she was denied access to medical treatment.

¹ The Guidelines, in English, French, Portuguese, and Arabic, are posted at http://www.achpr.org/files/instruments/policing-assemblies-in-africa/achpr_guidelines_on_policing_assemblies_eng_fre_por_ara.pdf.

In the **Democratic Republic of Congo**, blanket bans on public protests were imposed or maintained in the capital Kinshasa, the cities of Lubumbashi and Matadi, and the provinces of Mai-Ndombe (ex-Bandundu Province) and Tanganyika in 2016. In 2016 and 2017 alone, over 150 youth activists have been arrested during peaceful protests. Security forces killed over 90 people during the 19 September and 19/20 December protests, which called on President Kabila to step down.

The Guidelines clearly state that “Lack of prior notification of an assembly does not render an assembly unlawful and should not form the sole basis of a decision by law enforcement officials to disperse an assembly.”

- In many states across Africa, military forces are deployed for the purpose of maintaining public order, despite having no specific training and equipment for this task.

In **Nigeria**, the deployment of the military to police public gatherings of the pro-Biafran organization IPOB (Indigenous People of Biafra) has directly contributed to the high numbers of casualties. Trained to eliminate enemies, the military clearly was unprepared to control a largely peaceful crowd with means other than force. Since August 2015, security forces, including the military, have killed at least 150 members and supporters of IPOB and injured hundreds during non-violent meetings, marches and other gatherings.

The Guidelines reiterate that “As a general rule the military should not be used to police assemblies and must only be used in exceptional circumstances and only if absolutely necessary”. For such instances the Guidelines set out conditions for their deployment, including that the military force should be under the command of the police authorities and bound by international and regional human rights standards.

- In many situations police have resorted to excessive use of force in the context of demonstrations where there was no reason at all to use any force, or where the amount of force was not justified in the circumstances.

In **South Africa** in 2016 there were extensive student protests demanding free tertiary education. While some of the protesters were not peaceful, the police at times responded with excessive use of force, including firing rubber bullets at close range at students and supporters when force was neither necessary nor proportionate. In Johannesburg a student leader who had tried to speak to the police, but whom they turned away and who then turned to walk back to join her colleagues, was shot in the back 13 times with rubber bullets, and a student who tried to help her was also hit by rubber bullets. In Durban another student was shot in the leg by a rubber bullet after she filmed a police officer assaulting a student.

The Guidelines underline that “Resort to force must only be made if and when other, less harmful, means of de-escalation have failed”, and “The use of force is an exceptional measure. ... law enforcement officials shall, as far as possible, apply non-violent methods before resorting to the use of force. ... crowd control weapons should only be used when there are legitimate grounds for the use of force or for dispersal, and only when their use is necessary and proportionate and in circumstances when other less harmful means have

been attempted and found to be ineffective or will be ineffective under the circumstances."

- Firearms are often used in policing demonstrations, including to fire warning shots, as well as for the dispersal of assemblies, sometimes directly firing into the crowd, killing and injuring large numbers of protestors and often bystanders.

In **Ethiopia** in April and May 2014, protests broke out across Oromia against a proposed 'Integrated Master Plan' perceived as expanding the capital, Addis Ababa, into Oromia regional territory. Security services, comprised of federal police and the military special forces, responded to the protests with unnecessary and excessive force, firing live ammunition on peaceful protestors in several locations and beating hundreds of peaceful protestors and bystanders, resulting in dozens of deaths and scores of injuries.

The Guidelines clarify that "Firearms are not an appropriate tactical tool for the policing of assemblies. Firearms must never be used to disperse an assembly. The indiscriminate discharge of firearms into a crowd is a violation of the right to life." Moreover, "Shots fired into the air or other warning shots should not be used in the context of an assembly operation."

- Few perpetrators of violations committed during assemblies are ever brought to justice.

In **Guinea**, at least ten people were killed by the security forces during demonstrations linked to the 2015 presidential elections, including a six-year-old child. Hundreds more were wounded, including a 12-year-old girl shot in the foot. None of the members of the security forces responsible for these violations have been brought to trial, and the victims and their families are still waiting for justice.

Since the January 2011 uprising in **Egypt**, security forces have repeatedly used excessive force, including lethal force, to disperse protests, killing thousands. One of the bloodiest days was 14 August 2013, when security forces used excessive force, including firearms, to disperse two sit-ins in Cairo, killing at least 900 protesters that day, yet no one has been held accountable for these killings.

The Guidelines provide that states should provide "an adequate, effective and prompt remedy to persons who experience human rights violations due to the policing of assemblies", and clarify that "Operational commanders must be held responsible if they knew, or should have known, that law enforcement officials under their command resorted to the unlawful use of force or firearms, and if they did not take all measures to prevent, suppress or report such unlawful activity". They further require that operational commanders are held accountable if they did not take all possible precautions in planning and preparation for an assembly to prevent situations in which the use of force might become necessary.

In setting out clear guidance for states across Africa on how to respect, protect and fulfil human rights during protests, these Guidelines are a substantial example of the

application of the UN Basic Principles on the Use of Force and Firearms in the context of assemblies. In 2015 Amnesty International developed *Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*,² with a view to supporting authorities in ensuring that any use of force by police is only resorted to in a way that complies with human rights. It is hoped that they will also now contribute to ensuring the full implementation in practice of these important new Guidelines adopted by the African Commission on Human and Peoples' Rights.

If implemented correctly, the Guidelines could break the continuing cycles of violence during demonstrations in Africa which have claimed thousands of lives. But the implications of the Guidelines go beyond Africa: they set out powerful standards and good practices which should be a source of inspiration for lawmakers and regional bodies all over the world.

² See <https://www.amnesty.nl/actueel/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>, on the website of Amnesty Netherlands Police and Human Rights Programme, in English, French and Spanish.