

AMNESTY INTERNATIONAL PUBLIC STATEMENT

14 August 2013
AI Index: AMR 51/058/2013

USA: Amnesty International calls for tighter policies on use of lethal force, after Justice Department decides not to prosecute Border Patrol agents in deaths of Mexican teenagers

The decision of the US Justice Department announced last week not to file criminal charges against Customs and Border Patrol (CBP) officers who shot dead two Mexican teenagers in separate incidents in 2011 raises disturbing questions about impunity and US policies on use of deadly force.

Ramses Barron-Torres, 17, was shot dead after CBP agents said he ignored commands to stop throwing rocks at them from the Mexican side of the border in Nogales, Arizona, in January 2011. 19-year-old Carlos LaMadrid was killed in March 2011, after he was shot in the back by an agent as he scaled a fence to go back into Mexico; the Justice Department said that, at the time he was shot, LaMadrid was in the line of fire between a rock-throwing male and the agent. In both cases the Justice Department said there was "insufficient evidence to disprove" that the agents were acting in self-defence.

These cases are among a spate of fatal shootings by Border Patrol agents of Mexican nationals - many of them teenagers - for throwing rocks at agents. While Amnesty International recognizes the potential injuries that can be caused by rock-throwing, use of firearms in many of the reported cases, including the above, appears to violate international standards on the use of force and firearms.

Standards set out under the United Nations (UN) Basic Principles on the Use of Force and Firearms provide that law enforcement officials shall not use firearms against persons except in self-defence or the defence of others against the imminent threat of death or serious injury, and that, in any event, "intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life". In both the above cases it would appear that the officers had reasonable options to avoid resort to lethal force.

Amnesty International wrote to the Justice Department in January 2012, expressing concern about these and other cases, including the case of 15-year-old Sergio Hernández Güereca. Hernández Güereca was shot to the head in June 2010 when a CBP agent fired several shots across the border, reportedly after being surrounded by rock throwers. According to video footage, Hernandez Güereca was some distance away on the Mexican side and did not appear to present a serious threat when he was shot. An investigation into this case also found insufficient evidence to prosecute the agent, with the Justice Department stating in press release in April 2012 that "the agent did not act inconsistently with CBP policy or training regarding the use of force".

Amnesty International has called on the US Government to instigate a full review of federal law enforcement policies and training on the use of force and firearms, to ensure that they are brought into line with international standards. In addition to the standards cited above, these require that all force must be used only as a last resort, and in a manner designed to minimise damage or injury.

In November last year, the Department of Homeland Security's Office of Inspector General (OIG) was reported to be reviewing CBP use-of-force policies following concern by 16 US Congress members about the agency's involvement in 19 deaths along the border since 2010. The results of this review are not yet known.

The US must urgently amend its policies to avoid tragic and unnecessary deaths such as those described above.

ENDS.../

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or visit our website at <http://www.amnesty.org>

Field Code Ch