

**Forum:** Human Rights Council

**Issue:** The question of eradicating police brutality

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## **Introduction**

People around the world are acting differently to something that they wouldn't have cared much about several decades ago. Wall Street Journal recently held a survey to Americans if they were troubled by the death of George Floyd. After the killing of Eric Garner, 33 percent of Americans felt that excessive force was used. After George Floyd was killed, it rose to 57 percent. This is not a trend limited to the U.S. The world is protesting against police brutality.

Following the killing of George Floyd on May 25, 2020, the #BlackLivesMatter movement became a worldwide movement to eradicate police brutality. The movement also spread out to take down statues of memorialized colonizers and former slave owners in other countries. Many say it's only one of the responses to the decades of inequality and police brutality that African-Americans had to face.

The United Nations (UN) has also called for action through the Human Rights Council (UNHRC) and submitted a resolution. It is titled: Promotion and protection of the human rights and fundamental freedoms of Africans and people of African descent against excessive use of force and other human rights violations by law enforcement officers ([A/HRC/RES/43/1](#)).

Recently, the #EndSARS movement has started against the Special Anti-Robbery Squad (SARS) in Nigeria. The SARS is infamous for their acts of police brutality. On Oct 11, 2020, the Nigerian Police announced the dissolving of the unit. However, according to the Nigerian government, those same police officers who took part in the unit will be redeployed.

It is not a problem that affects only Africans and people of African descent, although major demonstrations happened for these people. A solution is needed urgently, with the rapidly increasing number of victims of police brutality and more aggressive protests. The time for

police officers using excessive and unnecessary force is over, and the world needs a solution applicable to all nations, to tackle this problem. Before reading, it should be noted that this report will focus mainly on the cases of police brutality in the U.S, as it brought up major protests and evidence of racial unrest, and police brutality in Nigeria, as the events in Nigeria, are quite recent.

## Definition of Key Terms

### Police brutality

Police brutality is the use of excessive force by a police officer toward a citizen.

### Human rights

The UN defines human rights as the rights given to all human beings regardless of status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination. The foundation of the International Human Rights Law is the Charter of the United Nations and the Universal Declaration of Human Rights, adopted by the General Assembly in 1945 and 1948.

### Violence

The World Health Organization (WHO) defines violence as the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either result in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation.

### Defund

Defunding refers to the withdrawal of money used for a specific objective. In the context of this issue, defunding the police would be taking away financial support for the police.

### Eradicate

Eradicating refers to do away with as completely as if by pulling it up by the roots.

## Background Information

On May 25, 2020, a 46-year-old African-American man was pinned to the ground with a knee on his neck for 8 minutes and 46 seconds. The suspect, George Floyd who had allegedly used a counterfeit \$20 bill repeated that he couldn't breathe before being killed. All four police officers including Derek Chauvin, the police officer who placed his knee on George Floyd's neck were fired. This wasn't the first time something like this happened in America, but it led to protests across the 50 states. The Black Lives Matter (BLM) movement which started in 2013 gained international attention after this incident.

Many say France is on similar grounds to the U.S, where young Arab and black men are 20 times more likely to be stopped by the police. This is debatable, because of the recent incident of a French teacher being beheaded after showing a comic about prophet Muhammed.

In Nigeria, 10 people died over ongoing protests against police brutality. The #EndSARS movement is an example of the effects of the BLM movement, with efforts for police reform. The people of Nigeria called for the disbandment of a notorious police unit: SARS. The unit was created in 1984 to combat the rise of armed robbery. However, it became known for kidnapping, arbitrary arrests, extortion, torture of suspects, and extra-judicial killings. Amnesty International documented 82 cases of police brutality in Nigeria from January 2017 and May 2020.

Police brutality has not been limited to only the U.S and Nigeria. In each year between 2007 and 2012, an estimated 19,000 people were killed during encounters with police. This number is on the rise. Many governments do not collect or publish this data, but here are some examples of police brutality around the world. In 2019, [Kenyan](#) police killed 122 people. From October 2019 to January 2020, police in [Iraq](#) killed around 600 protesters. Between 2015 and 2018, over 500 people were fatally shot by the police in [Jamaica](#).

## Key Issues

There are two main issues involved with the issue of police brutality, excluding police brutality itself which has been addressed thoroughly in the previous sections of this report. One is the safety of the protesters during protests, and another is the issue of public health contradicting freedom of peaceful assembly amidst the Coronavirus disease (COVID-19) pandemic.

Protesters should be protected under the right to peaceful assembly. However, in the U.S 200 incidents of violence occurred between participants in conflicting protests. The police failed to take preventive measures to avoid the disruption of protests and failed to protect protesters from violent attacks. From May to September 2020, there were violent encounters during protests in approximately 75% of all US states. Police failed to act in time to stop potential violence between protesters and counter-protesters. This is a key issue in combating the problem of police brutality, as protests are one of the main ways to ask for change.

In 2020, the UNHRC adopted General Comment 37 ([CCPR/C/GC/37](#)), the right to peaceful assembly. The COVID-19 pandemic has challenged the freedom of Assembly and Association. The United Nations Human Rights Office of the High Commissioner (OHCHR) have requested for governments to step up to respond to the public health emergency, and that they ensure measures adopted aim to protect public health do not target other rights, and that they are not geared at cementing control and cracking down on oppositional figures and human rights defenders.

However, it is necessary to have a solution that satisfies both public health and the right to peaceful assembly, as the UNHRC guidelines are vague and merely guidelines.

It should also be kept in mind that during these protests, police brutality can still happen, and a solution is required.

## **Major Parties Involved and Their Views**

### **Regarding the George Floyd protests and 2020 U.S racial unrest**

#### **Black Lives Matter**

Black Lives Matter is a liberal movement founded in 2013 that works to combat racial inequality in policing. Black Lives Matter Global Network Foundation, Inc. is an organization located in the United States, United Kingdom, and Canada that aims to eradicate white supremacy and acts of violence against people of African descent. Although it will not be thoroughly discussed in this report, it will be interesting to look at the Antifa movement, which is similar to this movement.

#### **U.S Federal Government**

The Federal Government is the U.S government system that divides power between the central government and the local governments. According to the Prosecution Project (TPP), a research group that tracks political violence, since the nationwide protests in the U.S, there have been more than 13,600 arrests made nationally, about the protests regardless of political ideology. However, positive changes were also made with police budget cuts proposed, respective officers charged, as well as, monuments of U.S historical leaders who carried out racist policies are being taken down. It will be important to note that not every local government views the issue of police brutality the same.

## QAnon

The movement started in late 2017. They are a form of counter-protesters in the U.S on this issue, and work against advocates of police reform. QAnon is known for spreading anti-Black hate. Other organizations and movements similar to QAnon include the Three Percenters, Patriot Prayer, Proud Boys, and the Boogaloo Movement.

## Regarding the issue of the SARS protests

### Nigerian Government

On October 11, 2020, the Nigerian government listened to the calls of the protesters and dissolved the SARS. However, on October 21, the Nigerian army and police have killed at least twelve protesters who were peacefully protesting to end police brutality. Amnesty International has said to have had received reports that before the shootings, government officials took away the surveillance cameras at the Lekki toll gate, where protesters had camped for two weeks. CNN has reported that hearings into the killings of Nigerian protesters have begun on October 27. Also, the government of Nigeria has been ignoring requests for police reform multiple times since 2015.

### The Protesters in #EndSARS Movement (No Centralized Leadership)

Made recently popular again in October 2020, the #EndSARS movement first started as a Twitter campaign in 2017. The movement doesn't have any form of centralized leadership, but the movement protests against police brutality in Nigeria. The protesters want to make police officers who have committed acts of police brutality. Through peaceful means, the protesters are also asking for police reform.

## Amnesty International

Amnesty International, is an organization that works to protect human rights all around the world. It was used as the main source of information in this report because of its accurate analysis of human rights violations. The organization traces back to 1961 when lawyer Peter Benenson launched the 'Appeal for Amnesty' in a newspaper called the Observer. A similar organization is the Human Rights Watch (HRW).

### Timeline of Relevant Resolutions, Treaties, and Events

Year	Description of Event
1991	<p>Police brutality with Rodney King as the victim in Los Angeles</p> <ul style="list-style-type: none"><li>○ Rodney King attempted to drive away from police officers. After being caught, the officers proceeded to beat him with their batons more than 50 times. It left him with permanent brain damage and other health problems. The four officers involved in this incident were charged in 1992. King survived but died in 2012 at the age of 42.</li><li>○ Six days of riot, more than 50 people were killed, with 6,000 arrested. A short period of reform in the Los Angeles Police Department (LAPD) happened.</li></ul>
1991~2020	<p>Major U.S protests:</p> <ul style="list-style-type: none"><li>○ Protests happened after the killings of Amadou Diallo, Sean Bell, Anthony Lamar Smith, Eric Garner,</li></ul>

2020

Michael Brown, Freddie Gray, and others.

Protests in Nigeria started in 2017 against the SARS.

Recent escalations of protests against police brutality.

- On May 25, 2020, George Floyd was killed with a knee behind his neck.
- Protests began peacefully but some local governments mandated curfews and officers enforced them using rubber bullets and tear gas. Protests also called for justice for Breonna Taylor, who was also killed because of police brutality. Protests have spread to all 50 states in the U.S, and some happened in other countries, such as France. As mentioned above in the report, monuments being taken down were also an aftermath of the police protests.
- A resolution calling for the protection of Africans and people of African descent against police brutality was adopted by the UNHRC, although condemned by the U.S federal government. ([A/HRC/RES/43/1](#))
- In October, Nigerians have been protesting against the SARS, and although it has been officially disbanded, police officers who worked in the unit are being redeployed and a new Special Weapons and Tactics (SWAT) unit was made. On October 21, many

were multiple protesters were killed by police.

- General comment 37 is adopted in the HRC on July 23, 2020, to ensure the right of peaceful assembly.

## **Evaluation of Previous Attempts to Solve the Issue**

There have been some attempts to solve the broken culture of policing, such as by defunding and reducing the number of police officers. Minneapolis city council members pledged to disband the police department and replace it with a community safe model. Disbandment of the police has already happened before, an example being New Jersey. In New Jersey, Camden, the police department was disbanded in 2012 and rebuilt. The police department changed to take a community approach with police officers going around homes and introducing themselves.

For the solving of police brutality through defunding the police and reducing the number of police officers, research shows that reducing the number of police officers or defunding the police isn't the best option as an article by The Atlantic shows. Fewer cops do not mean less brutality, as officers tend to use more force when they are tired. A study in 2017 in the U.S shows that if an officer works four hours overtime in a week, the odds that they will discharge a firearm the following week rise by 15.2 percent.

In Nigeria with the government disbanding the SARS, there seemed to be progress made on the issue of police brutality. However, with the killings on October 21, that progress might be back to its first stages.

## **Possible Solutions**

As mentioned above, the widely accepted and wanted solution of defunding the police will not solve the issue, rather the situation will worsen. As seen in the example of New Jersey, the approach to disbanding the police and creating a community model is a possible solution.

The more promising solution is changing the procedure during a police encounter, and changing the police to be more focused on community ethos. For example, the Las Vegas

police department implemented a new policy that the officer leading a foot chase will not be the first person to lay hands on the suspect. It produced a 23 percent reduction in the use of force and an 11 percent reduction in officer injury. Another study found that police departments that banned chokeholds and strangleholds experienced a 22 percent reduction in police killings.

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