**BRIEFING: POLICE BRUTALITY AND POLITICAL PROSECUTION IN HONG KONG EXTRADITION BILL PROTESTS**

**SUMMARY**

Police brutality and political prosecution together are a toxic combination which are guaranteed to stir greater protests. The greatest fuel for the recent anti-extradition law amendment bill protests has been ongoing violations of fundamental rights and freedoms by the Hong Kong Police Force.

The United Nations Human Rights Commissioner has said that there is “credible evidence” that the Hong Kong Police Force have acted in ways that are “prohibited by international norms and standards,” and has called for a robust independent inquiry.

This briefing finds that:

1. Tear gas, rubber bullets, pepper spray and batons have been used dangerously and indiscriminately by the Hong Kong Police Force, resulting in serious injuries;

2. There is significant evidence that the Hong Kong Police Force have colluded with violent triad gangsters to deter protest;

3. There have been violations of press freedom, as journalists have been targeted;

4. ‘Rioting’ charges are being used against protestors as a deterrent effect. This is unacceptable as the city’s rioting legislation is so easily abused, carrying excessive sentencing.

**RECOMMENDATIONS**

**To the Government of Hong Kong:**
- Initiate a judge-led independent inquiry into police violence;
- Drop rioting charges against protestors;
- Introduce universal suffrage for the election of the Chief Executive and the Legislative Council.

**To international governments:**
- Stop selling riot equipment to the Hong Kong government;
- Call on the Hong Kong government to institute an independent inquiry into police brutality;
- Consider using Magnitsky legislation to hold perpetrators of abuses to account.
EXCESSIVE AND INDISCRIMINATE USE OF FORCE BY THE HONG KONG POLICE FORCE

Since early June, protests in Hong Kong have seen unprecedented use of force by the police. In most clashes there have been hundreds hospitalised as a result of police use of batons, firearms, pepper spray and tear gas.

- For the first time in the history of Hong Kong’s protests, rubber bullets and bean bag bullets have routinely been used against protestors. This has led to a number of people being badly injured in incidents which could have been fatal. On 12 June, one protestor was shot in the eye by a rubber bullet, and on 11 August a young woman was permanently blinded after being hit by a bean bag round.¹

- Between 9 June and 4 August 2019, 1000 rounds of tear gas were used.² Then on the 5th of August following protests during a General Strike, 800 cannisters of tear gas were used.³ Police have fired tear gas in heavily built-up residential areas, without giving residents proper notice, and the fumes have entered people’s homes. On 11 August 2019, the police fired one tear gas cannister from point blank range at protestors, and another was fired inside an MTR (train) station.⁴

- The police have also caused major injuries with their misuse of batons, repeatedly hitting protestors on the head who had fallen to the ground at protests.⁵ They have used kettling tactics to hold protestors in confined spaces, such as malls.⁶

- The excessive use of force by the police has caused outrage in Hong Kong and is a clear breach of international human rights norms. On 13 August 2019, the United Nations Human Rights Commissioner said that “the United Nations Human Rights Office has reviewed credible evidence of law enforcement officials employing less lethal weapons in ways that are prohibited by international norms and standards. For example, officials can be seen firing tear gas cannisters into crowded, enclosed areas and directly at individual protestors on multiple occasions, creating considerable risk of death or serious injury.”⁷

EVIDENCE THAT THE HONG KONG POLICE FORCE COLLUDED WITH TRIAD GANGS

The events of 21 July 2019 were a key turning point. White-shirted members of triad gangs entered Yuen Long MTR station carrying wooden sticks and beat up civilians, journalists, protestors returning home, and the lawmaker Lam Cheuk-ting.⁸ Lam Cheuk-ting’s arm was broken, and many were hospitalized including a number of journalists. The images were broadcast throughout Hong Kong.

The police did not respond to emergency phone calls for the first forty-five minutes and failed to stop the gang members or arrest anyone that evening. Images appeared of members of the mob standing alongside police officers earlier in the evening, holding the sticks they later used to attack protestors.
A documentary by the government broadcaster, RTHK, provides evidence that the police were aware of the mobs’ plans to assault passengers beforehand. A Reuters report also confirmed that the Chinese Liaison Office had encouraged local villagers, including likely gang leaders, to “defend” their community from the protesters.

Although none of the attackers were wearing masks, only a handful have been arrested, and they are only facing the comparatively minor charges of illegal assembly.

Since that evening, there have been multiple other incidents of gang members attacking protestors including at North Point and Tsuen Wan.

The failure of the police to respond to these attacks is either a reflection of incompetence, or as many in Hong Kong fear, a result of collusion.

**POLITICISED PROSECUTION**

A core grievance of protestors has been the use of extreme charges as a deterrent effect. The first major confrontation between police and protestors was dubbed a ‘riot’ by Carrie Lam. Hong Kong’s rioting laws are vaguely worded and carry disproportionate sentencing, and there is a history of young protestors being sentenced to years behind bars under what appear to be politicised charges.

In our report on Hong Kong’s public order legislation, we note that:

“This report finds that the law under which they have been charged, the Public Order Ordinance, fails to comply with the international human rights standards that Hong Kong is signed up to. This conclusion is in line with the views of the United Nations Human Rights Committee who have expressed concern that the law could “be applied to restrict unduly enjoyment of the rights guaranteed in Article 21 of the International Covenant on Civil and Political Rights.” In view of this conclusion, it is not appropriate to charge young protestors with “rioting” unless the legislation is reformed and sentencing guidelines amended.”

The decision of the Secretary of Justice to seek rioting charges against hundreds of young protestors, has been a significant cause of public anger and a driver of protests. Public anger escalated after a young man, who was shot in the eye by a police rubber bullet, was arrested while he was still in hospital. 420 have been arrested, and scores of protestors are already facing rioting charges. Meanwhile, the suspected triad gangsters who mobbed Hong Kong civilians are facing comparatively minor ‘illegal assembly charges’, and the government has refused to conduct an independent inquiry into police brutality.

For an up to date list of the numbers of political prosecutions, please see our website.
VIOLENCE AGAINST JOURNALISTS

Since June, there have been multiple occasions the safety of journalists reporting the protests were threatened by the police’s indiscriminate use of force and sometimes deliberate obstruction and harassment.

- On 12 June, riot police officers were shown pointing their guns and their batons at journalists.xv

- At least 2 journalists were injured in the pro-government triad gangs’ attack in Yuen Long train station on 21 July, during which the police refused to dispatch officers to help.xvi

- Since June, the Hong Kong Journalists Association have issued multiple statements condemning the police for the following acts:xvii
  
  o Shooting tear gas at journalists at close range
  
  o Deploying pepper spray on journalists
  
  o Hitting journalists with batons and causing injuries
  
  o Pushing journalists with riot shields and causing injuries
  
  o Interrupting video and photo shooting with torches
  
  o Failing to arrest gang members who assaulted journalists
TIMELINE OF KEY EVENTS

9 June 2019

One million people marched through the streets of Hong Kong to demand the government withdraw the extradition bill.

Despite one in seven of the city’s population joining the march, the Hong Kong government announced at 11 PM on 9 June 2019 that the second reading of the extradition bill in Hong Kong’s Legislative Council would take place on 12 June 2019 as originally scheduled.

12 June 2019

On 12 June 2019, thousands occupied the streets to protest proposals to amend the city’s extradition bill, with the intention of stopping the Legislative Council from convening. The demonstration was largely peaceful, with echoes of the Occupy Central Movement of 2014. However, there were clashes between a minority of protestors and the police force around the Legislative Council, with witnesses reporting that the police appeared to initiate these clashes although the exact details are hard to verify.

The Hong Kong Police Force took these clashes as an excuse to label the entire demonstration a ‘riot’. This ensured riot police could be deployed to disperse protestors. The crackdown which followed involved unprecedented brutality and the indiscriminate targeting of protestors. The police fired 150 tear gas cannisters, 20 bean bag rounds and several rubber bullets. The use of this magnitude of tear gas, and of rubber bullets was unprecedented and unnecessary. Several videos, verified by Amnesty International, showed large groups of riot police severely beating unarmed protestors and removing masks, firing pepper spray into the eyes of protestors.

At least 72 were injured and admitted into local hospitals. One protestors was shot with a rubber bullet in the eye and was then arrested in the public hospital and charged with rioting. His injured eye has not fully regained its sight. A truck driver working for Radio Television Hong Kong, a government-owned radio and television broadcast, lost consciousness and suffered from cardiac arrest after inhaling tear gas and being struck by flying debris.

5 protestors were charged with rioting, while members of the police force were not held accountable.

15-16 June 2019

On 15 June 2019, Carrie Lam announced the indefinite suspension of the extradition bill. However, she refused at this point to apologise, to hold the police to account, or to revoke the contentious June 12 rioting charges.

On 16 June, two million people participated in a march which demanded that the extradition bill be fully withdrawn and that the rioting charges against protestors be dropped. The Hong Kong government refused to accept these demands, and thereby missed their opportunity to deescalate tensions.
**Protests between 16 June and 20 July**

Following the 16 June protest, there has been an escalation in the methods of both the police and a minority of the protesters who, in their frustration that Carrie Lam ignored the 16 June 2019 march, came to consider vandalism as an acceptable form of protest.

On 1 July, a group of protesters stormed the city’s Legislative Council and subsequently targeted police stations. Protests began to take a pattern, whereby large crowds would join peaceful marches in the daytime, and then the police would use extreme force to disperse protesters in the evenings.

The police’s response to these protests has been consistently indiscriminate and disproportionate. According to a police spokesperson, from 9 June to 4 August, the police fired a total of 1,000 tear gas rounds, 160 rubber bullets and 150 sponge grenades. In July and early August, police methods evolved and there was an increasing readiness to fire tear gas in residential areas, despite this being dangerous and tear gas entering the houses of local residents.

On 14 July 2019, 110,000 people participated in a peaceful rally in the Sha Tin district of Hong Kong. After dark, riot police used kettling tactics to chase protesters into a shopping mall and beat them with batons. Kettling is widely considered to be in breach of basic human rights standards. 28 were injured and admitted to public hospitals, two were seriously injured.

**Protests between 21 July and 4 August**

21 July 2019 was a watershed evening. 430,000 people participated in a march on Hong Kong island against police brutality and the extradition bill.

Some participants on the march shot paintballs at the national emblem of the Chinese Central Government Liaison Office. Following this, the protesters returned to Sheung Wan where the police fired rubber bullets and fired tear gas at protesters. 8 were admitted into public hospitals, 55 tear gas cannisters, 24 sponge grenades and 5 rubber bullets were fired.

Things took a turn for the worse in the Hong Kong suburb of Yuen Long after 9 PM where triad gangs assaulted passengers with sticks and metal bars in the local train station. The police failed to respond to emergency calls as the mob attacked protesters, civilians, journalists and Lam-Cheuk-ting, one of the local lawmakers. A documentary by the government broadcaster, RTHK, provides evidence that the police were aware of the mobs’ plans to assault passengers beforehand. No one was arrested that evening, and subsequently only a few arrests have been made with the mobsters being charged with ‘illegal assembly’. This contrasts with the more severe ‘rioting’ charges being placed on protesters.

The police’s failure to intervene in the triad action was widely considered a grave breach of trust, and sparked a new series of protests. On 27 July 2019, thousands gathered in Yuen Long to protest against the gangs’ attacks.

The police had not granted permission for this assembly, and forcibly sought to disperse the crowd by firing tear gas, sponge grenades and bean bag bullets in residential streets.
23 were hospitalised during the crackdown, and 11 protestors were arrested.

At this point, protests were taking place on an almost daily basis. On 28 June another protest escalated, and the police again used tear gas, sponge grenades and rubber bullets to disperse protestors. 44 protestors were arrested and charged with rioting. At least 16 were hospitalised.

That evening, it emerged that some tear gas canisters found at the protest sites were used past their expiry date.

Protests continued to take place across various districts in Hong Kong, with the police increasingly unrestrained in their use of tear gas, sometimes against local residents and in tightly compact residential neighbourhoods.

**5 August 2019 General Strike**

5 August 2019 was another watershed moment, with a general strike called for the first time since 1967. Protests took place throughout the city.

Triads once more attacked protestors in Tsuen Wan and North Point. The police and protestors clashed across the city. On the next day (6 August), the police announced that 800 tear gas canisters, 20 sponge grenades and 140 rubber bullets were fired at protestors on that Monday alone. 148 people were arrested on a range of public order charges.

Protests continued throughout the week, with anger at the rising number of arrests and ongoing police brutality.

**11 August Protest**

On 11 August 2019, the police committed unconscionable brutality against protestors in what was the most brutal night of the protest movement to this point.

A bean bag round was shot directly into the eye of a female protestors, causing permanent blindness.

Arrested protestors were badly beaten up once they had been arrested. Fake evidence was planted in the backpacks of some protestors, and some police officers dressed up as protestors in order to both physically attack and then arrest protestors. Tear gas was shot at protestors at a distance of one metre and was released inside an MTR station. The police shot protestors at close range and pushed others down escalators.


7 “Act with restraint’ UN urges Hong Kong authorities and protestors, as airport is disrupted for a second day”, UN News (13 August 2019), https://news.un.org/en/story/2019/08/1044141


10 《【元朗暴力】至今23人被捕 警強調有繼續調查》，頭條日報（Sing Tao Headlines）(5 August 2019)(Chinese only)


13 “Protest prosecution database”, Hong Kong Watch, https://www.hongkongwatch.org/protest-prosecution

14 Links to video footage: https://www.youtube.com/watch?v=iTIqDFPjypU; https://www.youtube.com/watch?v=1Cl1n4K_GRU


16 See the Hong Kong Journalists Association website: https://www.hkja.org.hk/en/home/