



HOW NOT TO POLICE A PROTEST

UNLAWFUL USE OF FORCE BY HONG KONG POLICE

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INTERNATIONAL



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1. INTRODUCTION

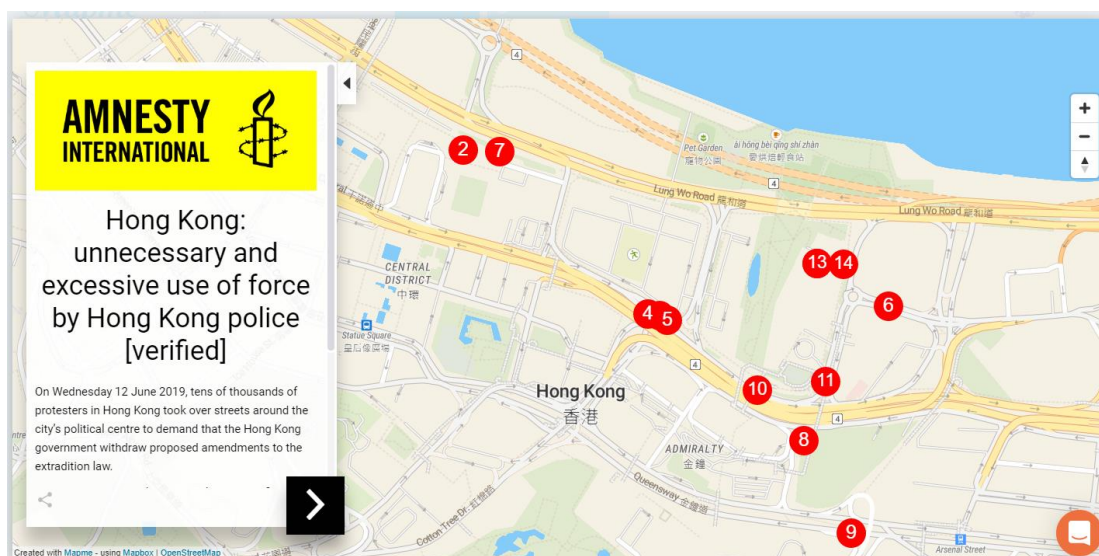
On Wednesday 12 June 2019, tens of thousands of protesters in Hong Kong took over streets around the city's political centre to demand that the Hong Kong government withdraw proposed amendments to the extradition law.

The Hong Kong police used the violent acts of a small group as a pretext to use unnecessary and excessive force against the vast majority of peaceful protesters. In particular, the Hong Kong police acted through the Police Tactical Unit and its sub-division Special Tactical Squad.

Police used tear gas, guns firing bean bags rounds and rubber bullets, pepper spray and batons to disperse the demonstration. Such "less lethal" weapons are usually classified as crowd-control devices, but they can still lead to serious injury or even death. They should not be directed at peaceful demonstrators or bystanders, but only to stop persons engaged in violence. Under international standards, only tear gas is generally accepted as a dispersal tool when used in appropriate circumstances.

Amnesty International has collected footages and verified 20 of them concerning 14 incidents of excessive use of force by the Hong Kong Police on the ground during the mass protest. This non-exhaustive collection of videos draws upon extensive media coverage and social media posts by local and international press organizations, civil society groups and people in Hong Kong. Based on our careful examination of these incidents, we find that the use of force by police in the largely peaceful protest that took place on 12 June violated international human rights law and standards.

Law enforcement officials must attempt non-violent means first, including dialogue, de-escalation and negotiation, in the policing of assemblies before resorting to any use of force. This duty includes the prevention of unnecessary escalation. A policing approach that displays a heavy-handed, zero-tolerance attitude with robust interventions from the outset may contribute to increased tension and provoke hostility or aggressive reactions, leading to the overall escalation of a situation. The physical appearance (for example, the equipment used or numbers mobilized) and attitude displayed by the police should be non-threatening in order not to unnecessarily fuel tensions. If law enforcement decides to use force, it must be in strict compliance with the principles of legality, necessity and proportionality.



We have created [an interactive map](#) documenting the incidents of excessive use of police force in the protest on June 12.



THE ANTI-EXTRADITION LAW PROTESTS: BACKGROUND

On 12 June, protesters took over the streets around Hong Kong's government headquarters to demand that the city's government withdraw proposed amendments to the extradition law. This protest followed a march against the same bill on 9 June carried out by more than 1.03 million Hong Kong people, according to the organizers.

If enacted, these amendments would expand extradition arrangements and would allow the handover of persons in the territory of Hong Kong to mainland China. This would extend the power of the mainland authorities to target critics, human rights defenders, journalists, NGO workers and anyone else in Hong Kong.

Mainland China's justice system has a well-documented record of arbitrary detention, torture and other ill-treatment, serious violations of fair trial rights, enforced disappearances and various systems of incommunicado detention without trial.¹

On 16 June, nearly 2 million people in Hong Kong took to the streets again to demand, among other things, the complete withdrawal of the extradition bill and a thorough investigation of the excessive use of police force on 12 June.

¹ See, for example, Amnesty International, *China: "Where are they?"* (Index: ASA 17/9113/2018), www.amnesty.org/download/Documents/ASA1791132018ENGLISH.PDF; Amnesty International, *China's deadly secrets* (Index: ASA 17/5849/2017), www.amnesty.org/download/Documents/ASA1758492017ENGLISH.PDF; Amnesty International, *No end in sight- Torture and forced confessions in China* (Index: ASA 17/2731/2015), www.amnesty.org/download/Documents/ASA1727312015ENGLISH.PDF



WEAPONS AND PERSONNEL DEPLOYED, ACCORDING TO POLICE

Police Commissioner Stephen Lo said in a press conference on 13 June that the police fired 150 rounds of tear gas, “several” rounds of rubber bullets and 20 beanbag shots during the protest on 12 June.²

Multiple footages and images showed that Special Tactical Squads (nicknamed “Raptors”) were deployed during the protest. The Special Tactical Squad is a subdivision of the Police Tactical Unit of the Hong Kong Police Force. The Hong Kong Police did not provide information about the number or types of police deployed to the protest on 12 June.

² Kris Cheng, “‘Very restrained’ – Hong Kong police say 150 rounds of tears gas, 20 bean bag shots fired during anti-extradition law ‘riot’”, *Hong Kong Free Press*, 13 June 2019, www.hongkongfp.com/2019/06/13/just-restrained-hong-kong-police-say-150-rounds-tears-gas-20-bean-bag-shots-fired-anti-extradition-law-riot/

2. UNLAWFUL USE OF BATONS AND RUBBER BULLETS

[Footage submitted by members of the public](#) shows a group of riot police using batons to brutally beat a peaceful protester during daylight hours on 12 June at the intersection between Harcourt Road and Tim Wa Avenue, two major roads adjacent to the city's parliament, the Legislative Council. The protester was clearly not acting violently or resisting, but police continued to beat him even after they had wrestled him to the ground.



 *A group of riot police used batons to brutally beat a peaceful protester, who was clearly not acting violently or resisting.*

This is a clearly unlawful use of batons. The use of force in this case is completely unnecessary and disproportionate. Unless there is a risk of death or serious injury, baton strikes should never aim at the head or shoulders, as well as to the genitals, spine and other vulnerable parts of the body, as they could constitute a lethal use of force or cause serious injury. This footage shows no operational need for the man to be neutralised in such manner. Even if he was engaged in violence, once he is on the ground, the baton strikes must immediately cease.

[Footage from the Hong Kong University Students' Union Campus TV](#) shows a group of eight riot police officers using batons to beat a subdued protester on the pavement along Lung Wo Road, outside the City Hall Memorial Garden in Central, during the daytime on 12 June. The protester had been carrying a box of bottled water.



 ↑ *A group of riot police officers used batons to beat a subdued protester who was carrying a box of bottled water.*

[Footage from HK Apple Daily](#) shows a group of riot police using batons and the edge of their shields to brutally beat a female protester multiple times during the daytime on 12 June after she had been wrestled to the ground outside the Legislative Council.



↑ A group of riot police using batons and the edge of their shields to brutally beat a female protester multiple times

Hand-held batons can easily cause unwarranted injury, even risking brain injury or death if the head, neck, spine or other sensitive areas are hit in over-arm strikes. They must not be directed at peaceful demonstrators or bystanders, but only to overcome violent resistance. Any use of batons will also be seen as aggressive and threatening and may therefore lead to the escalation of violence.

The edge of a shield can be lethal. Only the flat side of the shield, never the edge, should be used against protesters.

[Footage from Hong Kong's TVB News](#) shows Special Tactical Squad members firing what are thought to be rubber bullets into crowds of protesters on the pavement and the flyover at the intersection between Harcourt Road and Cotton Tree Drive during daylight hours on 12 June. The footage shows a protester being hit in the face by a suspected rubber bullet.



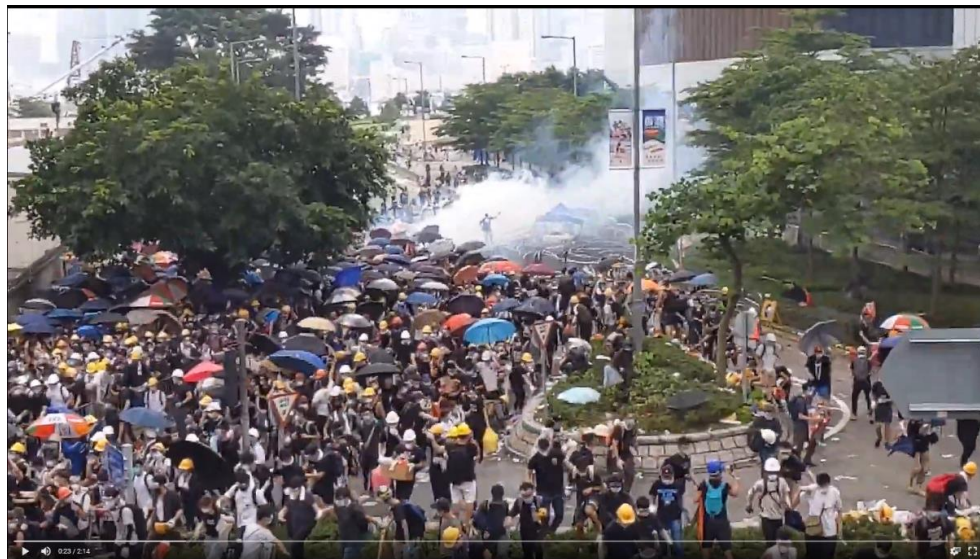
↑ Special Tactical Squad members fired what are thought to be rubber bullets into crowds of protesters.

Rubber bullets can cause serious injuries, especially if the point of impact is the head, face or upper torso. For this reason, they should never be shot targeting those areas. Law enforcement officials must never use rubber bullets to disperse a crowd, but to only stop individuals engaged in violence against persons. Therefore, rubber bullets should only be used in situations where it is feasible to target such individuals specifically and must not be fired into a crowd or as random shots.

3. IMPROPER USE OF RIOT CONTROL AGENTS (RCA) – TEAR GAS AND PEPPER SPRAY

While the afternoon of 12 June saw increasing clashes between front-line police and protesters in some locations, the tear gas deployed by police affected areas far beyond those skirmishes and where no violence had taken place at all.

[Footage from members of public](#) shows tens of thousands of protesters had gathered on the streets surrounding the Legislative Council. Police began to disperse the mostly peaceful crowd on Tim Wa Avenue on the afternoon of 12 June by firing rounds of tear gas against protesters, many of whom were wearing masks and goggles and carrying umbrellas.



Police began to disperse the mostly peaceful crowd on Tim Wa Avenue by firing rounds of tear gas against the protesters.

Amnesty International monitors also witnessed the deployment of tear gas in the afternoon of 12 June against peaceful protesters in Harcourt Road.

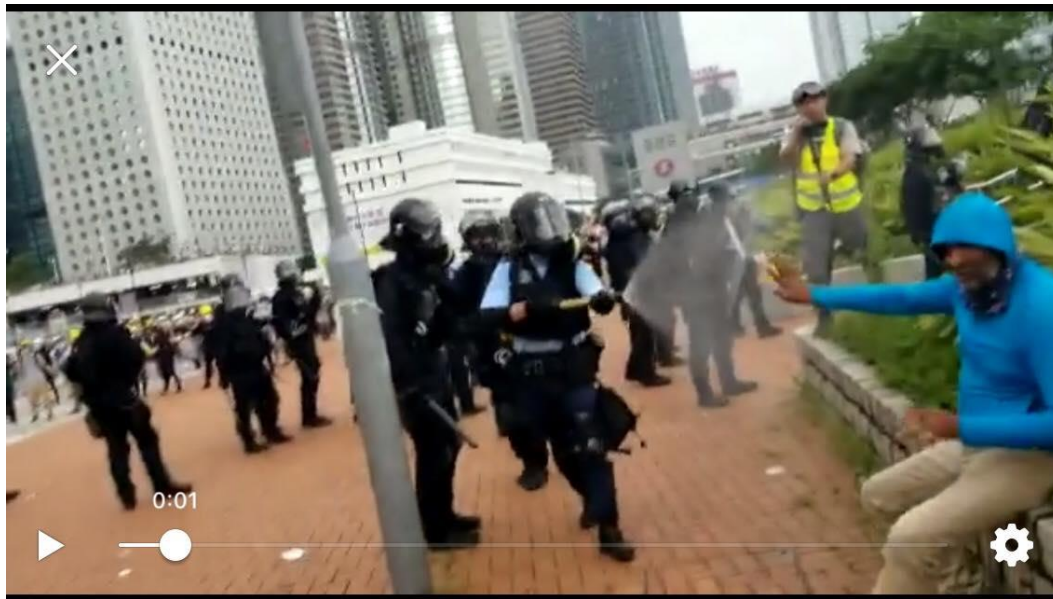
Footage submitted [by members of the public](#) and uploaded [by Legislative Council member Chu Hoi Dick](#) shows that at around 4 pm on 12 June, police unleashed tear gas from both sides of Lung Wui Road at the same time to disperse a large crowd gathered outside Admiralty's CITIC Tower, a building opposite to the Legislative Council. Hundreds of largely unarmed protesters were then cornered by the police while trying to get into CITIC Tower to escape the tear gas. With no other escape routes, many rushed into the building and some were seen trying to use crowd-control barriers to break open the main doors of the building as two of the five main doors were locked. In one of the clips of the incident examined by Amnesty International, police can be seen firing at least nine rounds of tear gas from behind and at a close distance while surrounding protesters outside the building.



 ↑ Hundreds of largely unarmed protesters were cornered by the police while trying to get into the entrance of CITIC Tower, a building opposite to the Legislative Council, to escape from the tear gas.

Tear gas may only be used to disperse crowds when violence is widespread, and only where people are able to leave the area. It may not be used in confined spaces or where exits are blocked or restricted. Tear gas canisters should never be fired directly at a person, and the same targets should not be exposed to RCAs several times during a short time period. Clearly audible warnings must be issued prior to their use, and people must be allowed sufficient time to leave the scene.

[Footage from HK Apple Daily](#) shows a police officer in protective gear spraying 14 shots of suspected pepper liquid at close range in the face of a man sitting alone and passively on the edge of an outdoor planter during the daytime on 12 June in Lung Wo Road. The sprays were clearly unnecessary and abusive as the man posed no threat.



↑ A police officer in protective gear sprayed suspected pepper liquid at close range in the face of a man posing no threat at all.

Footage posted by [hkpeanuts.com](https://www.hkpeanuts.com) shows a team of riot police blocking an MTR exit and repeatedly used pepper spray on a group of retreating protesters in the evening of 12 June. The incident took place in an extremely confined space at exit E1 or E2 of the Admiralty MTR (underground subway) station near Harcourt Park. One individual in white who showed no signs of threat to the police was targeted with pepper spray at close range.



↑ A team of riot police blocked an MTR exit and repeatedly used pepper spray in an extremely confined space inside the MTR station on protesters who were retreating.

Hand-held irritant chemicals such as pepper sprays are not appropriate for dispersal purposes or to gain compliance and may only be used as a defence against subjects whose behaviour presents a serious risk to public order or the physical integrity of other members of the public or police officers. If used, repeated or prolonged exposure to these chemicals should be avoided. Sprays should never be used at a distance of less than one metre, in an enclosed area or on a subject who is restrained or handcuffed. Chemical irritants may

only be used in areas where people have the opportunity to disperse and not in confined spaces or spaces where exits are blocked, restricted or not easily accessible. Law enforcement agencies should use a chemical irritant with the lowest level of toxicity that is still likely to be effective for the law enforcement objective.

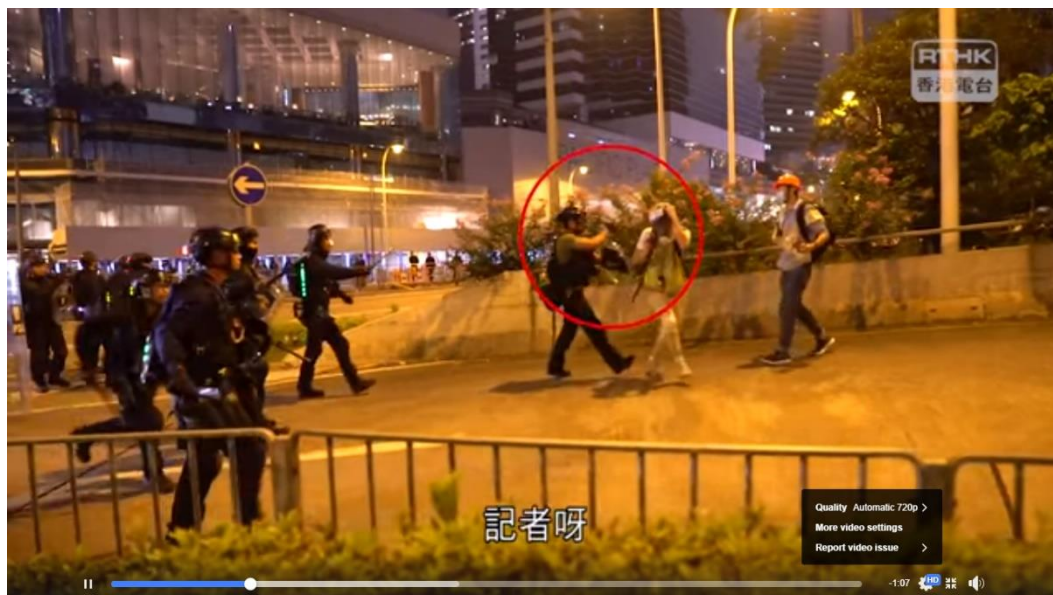
4. LACK OF VISIBLE IDENTIFICATION

Footage from four online sources – [TVB News](#), [members of public](#), [Commercial Radio News](#) and [RTHK Video News](#) – shows three occasions during dispersal operations on 12 June in which the Special Tactical Squad was not wearing visible tags, either with the individual officer's name or with a number identifying them. Secretary for Security John Lee Ka-chiu said in the Legislative Council meeting on 19 June that the uniform of the Special Tactical Squad had no space for a placing police identification badges.

Law enforcement officials interacting with the public should be individually identifiable through name or personal number tags to ensure the full accountability of law enforcement agencies for all their actions.

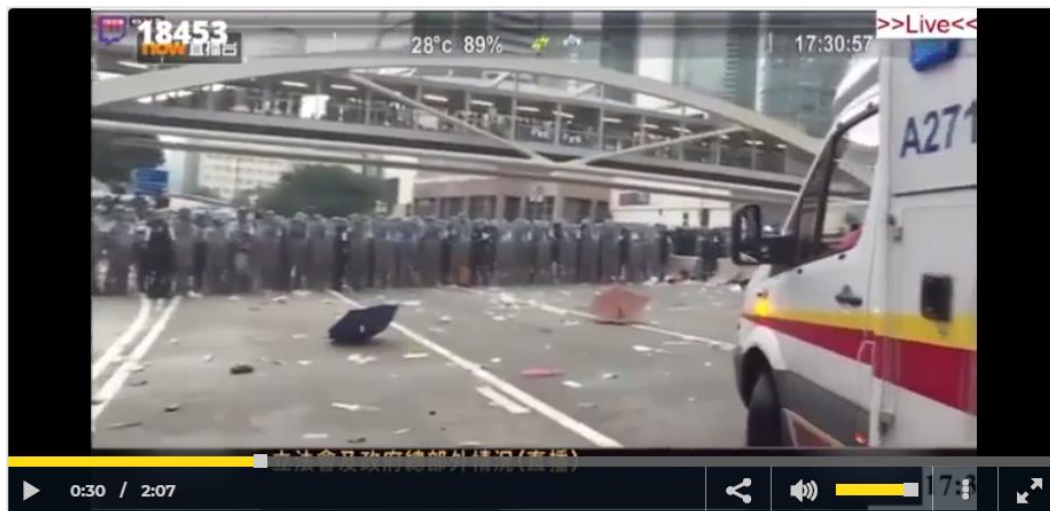
5. RESTRICTIONS ON JOURNALISTS AND MEDICS

Footage from [Commercial Radio News](#) and [RTHK Video News](#) show police officers using batons to disperse journalists on the night of 12 June at Justice Drive. Police officers used aggressive tactics to obstruct journalists on site, even after the journalists had made their identities clear to police.



↑ Members of the Police's Special Tactical Squad were using batons to disperse journalists who had made clear their identities to the police at Justice Drive. The officers were not wearing visible tags for identification during the dispersal operations.

Footage from Now TV shows a large number of riot police blocking an ambulance running lights and heading towards Wanchai on Harcourt Road during daylight hours on 12 June. Eventually, the ambulance was able to pass through in the opposite direction after protesters there immediately made way.



↑ Riot police blocked ambulance running lights to pass through.

The public has a right to be informed about public assemblies taking place and how they unfold. Independent monitoring of assemblies through the media, as well as by members of civil society, is essential to ensure full accountability of law enforcement agencies. Law enforcement officials should not interfere when journalists or others are observing an assembly, but instead respect, facilitate and protect such monitoring. Law enforcement officials are also obliged to facilitate medical and other assistance for those who are injured.



CASUALTIES

According to the Hospital Authority, 81 casualties related to the protest activities were attended to in the Accident and Emergency Department of 10 public hospitals as of 10 p.m. on 13 June.³ A total of 22 police officers sustained injuries in dealing with what a police statement issued on 13 June called “a riot”.⁴

Pierre Chan, a doctor and member of Hong Kong’s Legislative Council, looked into reports of people being arrested in hospital. He later published information pointing to a leakage of patients’ information to the police.⁵ There are reports of injured protesters not going to public hospitals due to the fear of being arrested.⁶

³ Government of the Hong Kong Special Administrative Region, “Hospital Authority clarified unfounded rumours”, 13 June 2019, www.info.gov.hk/gia/general/201906/13/P2019061301082.htm

⁴ Government of the Hong Kong Special Administrative Region, “Police take appropriate action to stop riot”, press release, 13 June 2019, www.info.gov.hk/gia/general/201906/13/P2019061301029.htm?fontSize=1

⁵ Kris Cheng, “Police can access full details of injured protesters in hospital, says medical sector lawmaker following patient arrests”, *Hong Kong Free Press*, 17 June 2019, www.hongkongfp.com/2019/06/17/police-can-access-full-details-injured-protesters-hospital-says-medical-sector-lawmaker-following-patient-arrests/

⁶ “被打至大小便出血不敢求診，公院醫生黃任匡籲傷者求醫” (Dare not seek medical help even with blood in urine and stool due to beatings, public hospital doctor Wong Yam-hong advises injured to seek medical attention), *Sing Tao Daily*, 18 June 2019, bit.ly/2L4cWEn

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ARRESTS

According to media reports, as of 17 June, Hong Kong police had arrested 32 people, including five for riot-related offences and 10 for crimes related to violence, unlawful assembly and assaulting police officers.⁷ On 19 June, police dropped loitering charges against seven men and one woman.⁸

Police Commissioner Stephen Lo declared the protest a “riot” later that evening.⁹ The same evening, Chief Executive Carrie Lam called the protest “a blatant and organized riot” in a video addressing the public.¹⁰ Both Stephen Lo and Carrie Lam later clarified that only those who committed “riotous” acts on 12 June would be accused of rioting.¹¹

Article 19 of the Hong Kong Public Order Ordinance stipulates that any person taking part in a riot is “riotously assembled”. As some among the protesters on 12 June were accused of committing riot-related offences, this means that others who participated in that protest remain at risk of being accused of participating in a riot

⁷ Kris Cheng, “‘Very restrained’ – Hong Kong police say 150 rounds of tears gas, 20 bean bag shots fired during anti-extradition law ‘riot’”, *Hong Kong Free Press*, 13 June 2019, www.hongkongfp.com/2019/06/13/just-restrained-hong-kong-police-say-150-rounds-tears-gas-20-bean-bag-shots-fired-anti-extradition-law-riot/

⁸ Kang-chung Ng and Lok-kei Sum, “Police roll back on categorisation of Hong Kong protests as a riot, with only those who threw bricks or used metal poles now likely to face most severe charges”, *South China Morning Post*, 17 June 2019, www.scmp.com/news/hong-kong/law-and-crime/article/3014914/police-back-down-categorisation-hong-kong-protests

⁹ Shanshan Kao and Chieu Luu, “Hong Kong police chief declares anti-extradition bill protests a ‘riot’, raising stakes for those arrested”, *South China Morning Post*, 13 June 2019, www.scmp.com/video/scmp-originals/3014228/hong-kong-police-chief-declares-anti-extradition-bill-protests-riot

¹⁰ “Extradition bill protests: Lam slams ‘rioting’; says no betrayal”, *ejinsight.com*, 13 June 2019, www.ejinsight.com/20190613-extradition-bill-protests-lam-slams-rioting-says-no-betrayal/

¹¹ Tony Cheung, Victor Ting and Jeffrie Lam, “Hong Kong police chief Stephen Lo steps back from riot label as Carrie Lam keeps low profile”, *South China Morning Post*, 18 June 2019, www.scmp.com/news/hong-kong/politics/article/3014932/hong-kong-police-chief-stephen-lo-steps-back-riot-label; Alvin Lum and Christy Leung, “When is a riot not a riot? Carrie Lam’s latest attempt to pacify Hong Kong public does little to clear muddy waters”, *South China Morning Post*, 18 June 2019, www.scmp.com/news/hong-kong/politics/article/3015061/when-riot-not-riot-carrie-lams-latest-attempt-pacify-hong

6. GENERAL INTERNATIONAL HUMAN RIGHTS STANDARDS

The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (BPUFF), among other international standards, clearly establish that law enforcement officials can use force only if non-violent means remain ineffective or are unlikely to be effective to stop person engaged in violence. They also encourage states to develop less lethal weapons for law enforcement officials in order to enable a graduated response in the use of force and to offer less injurious alternatives to equipment that has traditionally been used but been found to be an excessive response to the level of resistance encountered.

Referring to situations in which protesters have come under the direct physical or equivalent control of law enforcement officers and have lost the capacity to resist or escape the infliction of pain or suffering, making any use of force at this moment unfit for any lawful operational goal and increasing the risk of ill-treatment, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has stated:

In such circumstances, there can be no justification for the intentional and purposeful infliction of pain or suffering, regardless of whether, under the relevant treaty definition, it qualifies as torture or “other” cruel, inhuman or degrading treatment or punishment ... [T]he deliberate instrumentalization of pain or suffering, in conjunction with the powerlessness of the victim, are the very essence of torture and of the fundamental attack on human dignity it represents. Thus, notwithstanding any additional elements that may be required for a formal qualification as “torture” under the applicable treaty definition, any extra-custodial use of force that involves the intentional and purposeful infliction of pain or suffering on a powerless person as a vehicle for achieving a particular purpose will always amount to an aggravated form of cruel, inhuman or degrading treatment or punishment, irrespective of considerations of lawful purpose, necessity or proportionality and irrespective of its qualification as torture under the applicable treaty definition.¹²

If force has to be used, it needs to be proportionate to the level of resistance by the demonstrators. Force that is likely to cause harm should be directed only at those individuals who are engaged in violence, and force with indiscriminate effects can only be justified in cases of widespread violence against persons when it is no longer possible to contain the violence by dealing only with violent individuals. The degree of pain and/or injury potentially caused by any specific less lethal weapon should not be more than strictly necessary in the particular situation, which means their use is excessive and unlawful if similar results could be achieved by less harmful means.

However, police may not resort to any use of force that can result in injury as long as they are not met with violent resistance. Furthermore, almost any use of force against the human person can lead to loss of life or serious injury under certain circumstances, which is why the designation of such riot control devices as “non-lethal” is inaccurate and downplays the real risks at stake. The “protect life principle” is the overarching

¹² Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, UN Doc. A/72/178 (2017), para. 47.

principle governing the use of (lethal) force in law enforcement, and officials must always seek to minimize harm and injury.

Chemical irritants or RCAs can cause death through asphyxiation or toxic poisoning. Chemical irritants used in public order situations, including tear gas, have by their very nature an indiscriminate effect with a high probability of affecting bystanders and peaceful demonstrators. They can also spread panic and cause further injuries due to stampedes. It must therefore be very clear that wide-area use of chemical irritants may only be for the purpose of dispersal and only when the level of violence has reached such a degree that law enforcement officials cannot contain the threat by directly targeting violent persons only. Excessive generalized use that affects largely peaceful participants and uninvolved persons, is disproportionate.

Kinetic impact projectiles like rubber bullets are notoriously inaccurate and can result in serious injury and even death, especially if the point of impact is the head, face or torso. They should only ever be used in a targeted response to specific acts of violence against persons and never to disperse a crowd of protesters. As firing rubber bullets and bean bag rounds are inherently dangerous, they should be aimed only at the lower parts of the body so as to minimize injuries.

As a rule, police should issue a warning before firing rubber bullets at an individual to allow the person to stop their actions.

7. RECOMMENDATIONS

Amnesty International is calling on the Hong Kong government not to repeat such abuses against peaceful protesters and instead to ensure people can legitimately exercise their rights to peaceful assembly freedom of association and expression.

Specifically, the Hong Kong Government should:

- ensure that the overall approach in policing assemblies is to facilitate and guarantee the right to peaceful assembly and incorporates the duty to pre-emptively de-escalate violence;
- drop the intimidating appearance through deployment of excessive numbers of police officials and visible heavy anti-riot equipment, which is likely to be perceived as a threat and increase tension and lead to violence, and adopt instead a facilitative and supportive approach;
- ensure that any use of force by law enforcement officials during assemblies, and especially any decision to disperse an assembly, is only made if this measure is strictly unavoidable and is in line with the principles of necessity and proportionality – in particular that force is not used to disperse assemblies merely because they are considered unlawful under national law;
- ensure that the law and regulations governing the use of force by law enforcement officials are in line with international law and standards, including the UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials, and that all law enforcement officials are properly trained accordingly;
- ensure that all law enforcement officials deployed for managing assemblies are clearly and individually identifiable, for example by displaying nametags or identification numbers;
- ensure there is an independent, impartial, effective and prompt investigation into the use of force, including tear gas, rubber bullets, batons and pepper spray by Hong Kong police against protesters on 12 June; and
- ensure that any law enforcement official responsible for the unlawful use of force, as well as their superior officer(s), are brought to justice and subjected to disciplinary action.

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IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

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