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Civil Human Rights Front

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Civil Human Rights Front , Hong Kong

NGO Submission to Committee Against Torture on List of issues prior to the submission of the fifth periodic report of the Hong Kong Special Administrative Region

Feb 2015

About the organization

Formed in 2002, The Civil Human Rights Front (CHRF) is the largest platform of over 50 NGOs and pan-democratic political parties. As organizer of 1st July Rally each year, CHRF is not just focusing on political reform in Hong Kong, but development of human rights of various groups of people. Two subgroup, Human Rights Concern Group & Police Monitoring group are formed to study Discrimination Legislation and Police Power.

Introduction

In 2014, Hong Kong society has experienced large scale of social unrest because of the proposed political and electoral reform of The Chief Executive and Legislative council. After a huge class boycott initiated by University Student Union's Coalition, The Federation of Student, the crowd charge in a square of Government Headquarters, demanding a true universal suffrage. On 28th September, hundred of thousands of crowd occupied roads in Admiralty, Causewaybay and MongKok. Hong Kong Police deployed riot police and fired 87 tear gases to the crowd on that day, marked the start of over 79 days occupation (or renowned The Umbrella Movement). During this period, massive conflicts and violence erupts between the police and protesters. The following report focus on Police abusing their powers and violations of human rights during The Umbrella Movement. Yet, as disputes and conflicts continue after the clearance of occupation zone, Hong Kong is turning into a police state.

Specific violation the implementation of articles 1 to 16 of the Convention

Article 10

1. Police intimidation to medical personnel

During The Umbrella Movement, violent conflicts broke out in Admiralty and MongKok because of Police attempts to clear out the roads. Many Protesters were being treated violently, which inspired volunteered medical personnel engage humanitarian rescues inside these occupied zones. Yet, they became targets of the police.

- a. In late October, police used baton to hit a nurse with a huge red cross sign on her vest and helmet. The hitting stopped until riot police realize the nurse was providing first aid treatment to another police officer.
- b. Between 30th November and 1st December, protesters surrounded the government headquarter, occupied Lung Wo Road and Taimar Park. Special division of Police (Blue Team) were deployed, used batons and Pepper Spray water jet packs to dispatch the crowd. Protesters retreated from Lung Wo Road to Taimar Park, the fighting from police continued and force them back to a footbridge between government headquarter and MTR station. Many were injured and even pass out because of the massive use of batons. When a medical personnel was first aiding a head injured protester, the police tried to arrest him, no effort was made when he emphasis his identity as medical personnel. On the footbridge, police formed a line and forced protester to go down to the floor, medical teams who were conducting first aid were hit by batons and pepper spray.
- c. Temporary medical station was set in Taimar Park and the footbridge, without given reasonable time to relocate injuries and medical supplies, two medical stations were crushed by police force.
- d. The medical team of Occupying Central released the figures of over 50 medical personnel and volunteers were being injury on that day.

2. Excessive use of force

- a. Police claims they were using “Minimum and necessary force” during operation. Yet, it is unclear the content of this term. Internal manual, *Police General Order* Chapter 29 is an instruction of using forces, but the police refuse open to public, leaving no transparency at all for civil society to monitor forces used by police.

- b. In MongKok and Admiralty, it was a general phenomenon for police attack on peaceful protesters. When protesters raised their arms, police would still use batons to hit them; for those who were wearing goggles, police would tear down their goggles and use pepper spray.
- c. From our records, force that used by police were:
- beating
 - pepper spray
 - pepper spray water jet pack
 - water cannon
 - baton
 - tear gas

Article 11

3. ill-treatment to people in custody

In 15th December, The Commissioner of Police announced 955 people were arrested during the Umbrella Movement. During this period, there are numerous reports and complain about ill-treatment from police custody.

- a. In 27th September, over a hundred people were detent inside Government headquarter square. They were rejected from having foods and toilets.
- b. In 15th October, police attempted to dispartch crowd near Chief Executive Office by using massive force. One of the protester, also member of pan-democratic party was arrested during the operation. He was then taking to a dark corner and beat by 7 police officers for over 5 minutes. His case was just tip of the iceberg because many didnt have the luck of being filmed by media press.
- c. In 30th November, a student was injured and bleeding in the head by police batons, he was then arrested and held custody in a car park of police station. He was not taking to hospital or receive any kind of medical treatment for 3 hours during custody.
- d. Various complain about arresters being attacked, threatened, shouted at, humiliated cheated to testify during custody.

Article 12&13

4. Failure of Monitoring Police system

Independent Police Complaints Council (IPCC) responsible to review complain handed by Complaints against Police Office (CAPO). During the movement, IPCC has officially send its observers to monitor police clearance on last day of occupation. It shows limited enthusiasm in monitoring police from civil society perspective.

- a. The CAPO received over two thousands complains about misbehaviours of police officers, yet none of the investigation finished after 4 months.
- b. In past few years, there were more than hundreds complaints involved assaults from police officers to citizens, yet none of them can be confirm even after the review of IPCC.
- c. The Police shows little interest in conducting investigation that related to abuses of forces. The Mr. Ken Tsang case mentioned in (3b.) is one of the example, police was indifferent to questioning at the beginning, then took actions after huge pressure from general public occurs. Yet, with four months since the case, the police claimed the case is still under investigation and delay to process the case to Department of Justice.
- d. IPCC has the power to investigate in matters of police powers, yet there is still no report, comment, suggestion or review of police actions during the movement.
- e. The system of complaint against police is vague and easily manipulated. Any complaints against police officers have to go through CAPO first, which turns complains into internal investigation, but not by the hands of independent organization.

Conclusion

This report has briefing listed out Hong Kong government and police violations of CAT, we can only select some of the examples and cases in order to make this report plain, the reality is much more massive and serious. Although the Umbrella movement has come to an end, but abuse of police powers continue and getting worse. We hope this report can give your honorable committee a comprehensive idea of Hong Kong situation and as reference to review report from Hong Kong SAR government.