

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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HONG KONG: HARASSMENT AND ARREST OF MONITORS HAMPER MONITORING OF HUMAN RIGHTS VIOLATIONS AT PROTESTS

Amnesty International is concerned to learn of the arrest of human rights monitors Robert Godden and Jennifer Wang on the morning of 18 November as they attempted to exit a police cordon set up around protests centered at the Hong Kong Polytechnic University, as well as the potential ill-treatment by police of another detainee the two witnessed.

Police arrested Godden, co-founder and director of the Hong Kong-based human rights consultancy, *Rights Exposure*, and Wang, a volunteer with the company's monitoring team, on suspicion of "participating in a riot" and took them into custody, even though the pair were carrying identification as human rights monitors and wearing vests clearly marked with the words "Human Rights Observer" in both English and Chinese.

Godden, a former employee of Amnesty International, and Wang were later released on bail after about 15 and 27 hours of detention respectively, without announcement of a prosecution but the "riot" charges still pending. Police confiscated their vests, protective gear, Octopus (public transport) cards and mobile phones, effectively preventing them from continuing their work as human rights monitors.

Protesters and police clashed on the night of 16 November and the morning of 17 November outside the Hong Kong Polytechnic University campus. Since the afternoon of 17 November, the police laid siege to the campus in a standoff. They deployed tear gas and water cannon, including in an apparent attempt to keep people from leaving the scene, while protesters threw petrol bombs. The police cordon surrounding the University campus was lifted on 29 November.

During that period, the police rounded up medical volunteers and social workers attempting to leave the campus. According to the authorities, a total of 1,377 people were arrested when they were leaving the University campus or in the surrounding neighbourhood of the police siege. 318 people under the age of 18 left after registration of their details, but without being arrested at that time.

Godden told Amnesty International that, after being transported to a police station, an officer subjected him to verbal abuse in Cantonese and failed to provide him and other detainees with food during his 15-hour detention. Although police allowed him and Wang to contact family and lawyers, Godden said that their lawyers had been made to wait at the police station for about three hours before they were able to meet.

Godden described hearing "howls of pain" from a man behind a curtained-off area adjacent to where he and other detainees were being held. He said that through a break in the curtains Wang briefly saw a man, who she took to be a detainee, being grabbed by the collar and forced against a metal grating by another man, who she assumed to be a police officer. Godden said the same man's cries, which continued on and off for about five minutes, led him to suspect that he was being subjected to sustained pain. Godden told Amnesty International that he and other detainees were ordered not to look in the direction of the noise and that no police officers intervened to investigate the incident.

Monitors from *Rights Exposure* began observing the current Hong Kong protests at the end of August 2019. At that time, the organization informed the Hong Kong police in writing that it would be carrying out monitoring and requested to open lines of communication with the police but received no response.

Over the course of the Hong Kong protests that greatly increased in June 2019, human rights monitors from other civil society groups have reported being harassed, dispersed and hurt during their observation of the assemblies. Godden and observers from local NGOs Civil Rights Observer and Hong Kong Human Rights Monitor have all told Amnesty International about being targeted with tear gas, pepper bullets and water cannon in locations where no immediate violence was taking place and where clearly identified assembly monitors and journalists, as well as other bystanders, were gathered.

Observers also told Amnesty International that police ordered them to stop video recording police officers making arrests and the dispersal of protesters, even when the observers were already about 20 meters away. Some observers were threatened or even hurt by the police using batons and shield. On one occasion, police also forcibly removed an observer's respirator after tear gas was deployed. In another occasion, police officers pointed rifles at assembly monitors and journalists to disperse them.

A human rights monitor is generally defined as any non-participant third-party individual or group whose primary aim is to observe and record the actions and activities taking place at public assemblies and collect, verify and use the information to address human rights problems. States have an obligation to protect the rights of assembly monitors. Even if the assembly is declared unlawful or is dispersed, that does not terminate the right of civil society groups to monitor it. Monitors should not be harassed or penalized as a result of their attendance at demonstrations. Confiscation and/or destruction of notes and visual or audio recording equipment without due process should be prohibited and punished.

Independent monitoring of assemblies, including through members of civil society groups, is essential to ensure full accountability of law enforcement agencies. Law enforcement officials should not interfere when human rights defenders or others are observing an assembly, since they play a crucial “watchdog” role. The public has a right to be informed about public assemblies taking place and how they unfold, and the monitoring of assemblies by members of civil society groups should be respected, facilitated and protected.

Monitors’ observations can be a vital source of independent information about any human rights violations that take place, and their observations can also serve to inform public debate about how to improve their measures to promote and protect the right of peaceful assembly.

Amnesty International calls on the Hong Kong authorities to:

- respect, protect and facilitate the right of human rights observers to monitor all aspects of assemblies, and
- to establish a fully independent, impartial, effective and prompt investigation into the use of force by law enforcement during the Extradition Bill protests. This includes excessive use of force by police in the largely peaceful protest on 12 June and allegations of torture and other ill-treatment in detention.