

新聞稿

2011 年 7 月 12 日

香港特區政府應捍衛和促進人權而非騷擾或阻撓人權監察者

國際特赦組織香港分會、亞洲人權委員會、國際記者聯會等國際組織現正就中華人民共和國香港特別行政區成立 14 週年當日深夜，香港警方企圖拘捕和阻礙香港人權監察（Hong Kong Human Rights Monitor）的人權監察者及多名記者執行其職務之事件，表示深切關注。我們認為是次事件有違聯合國宣言及基本法，我們希望是次事件並非代表著香港特區政府對人權工作或抗議示威等行動，採取漸趨嚴厲的態度，以及香港警方對公眾問責的意願下降，不願接受人權監察者獨立而近距離的觀察。

在 2011 年 7 月 2 日清晨，香港警方企圖拘捕和帶走正在執行職責的香港人權監察組織總幹事羅沃啓先生，並有 19 位記者受到警方施用之胡椒噴霧所襲擊，以及警方拘捕了新唐人電視台實習記者蔡小姐。作為人權組織，對於警方當時的對待監察員及記者的行動，我們感到震驚。羅先生、蔡小姐及一眾記者的遭遇，反映出香港警方並未意識到必須尊重維權人士在監察警方行動中所擔任的角色，特別是警方在公眾遊行及示威行動時的處理手法。香港警方所採取的措施有違國際人權標準和慣例。對香港有此發展，我們實在感到不安。

根據聯合國人權捍衛者宣言，人權捍衛者是指「個人、小組或協會… 參與貢獻… 有效消除所有違反人權和基本自由的事宜」。

羅先生以香港人權監察總幹事的身份，在各類型示威活動中觀察有可能之違反人權活動狀況已超過 15 年。在 2011 年 7 月 2 日清晨，羅先生在執行人權監察的工作。據各錄影片段與眾多目擊者，包括記者和附近的群眾清楚顯示，當時他身穿印上人權監察監察員中英對照名稱的橙色制服，執行靜態的觀察工作，觀察警方搬移和拘捕躺在街道上的和平示威者，他們正在反對特區政府建議有關傳遞補機制的選舉法例。在約零晨 2 時，多名警務人員試圖走近及試圖拘捕羅先生。儘管羅先生早已表明其作為香港人權監察組織總幹事之身份，及向警方表明其正在觀察示威情況，他亦被強行帶離現場。當羅先生被帶離現場並強行帶上一輛載著被捕人士的小巴時，他向在其身前的媒體投訴，直至此時，一名指揮官才停止拘捕。但是，羅先生已被帶離現場，他已無法繼續執行監察工作，而新唐人電視台的蔡小姐亦正在當時被捕。

蔡小姐是一位新唐人電視台實習記者。與羅先生在同一地點，報導示威情況。雖然蔡小姐沒有帶記者證，但她已表明了其記者身份。警方沒有理會她的解釋，便逮捕了她。更令人無法容忍的是，當新唐人電視台提供了她的身份證明文件後，警方仍然拒絕釋放她。蔡小姐被拘留至第二天早上 11 時。

羅先生和蔡小姐所做的行爲，很明顯地符合其觀察員的和記者的身份。他們沒有干預、或妨礙警方的行動。據約翰內斯堡原則，「警方應尊重正在促進和保護人權的維權人士，而非騷擾或逮捕他們。政府不可阻撓記者及使命為監察有否遵守人權或人道標準的跨政府機構或非政府組織的代表，在有合理理由相信人權或人道法律正在或已經被違反的情況下進入一些地區。政府不能驅逐記者或該等組織的成員離開一些正發生暴力或軍事衝突的地區，除非這些人員的存在，對其他人的安全構成明顯的威脅。警方阻止觀察員進入封鎖範圍是否定人權及人權法的旨意，亦是對資訊流動的自由的阻撓，這種行動是不能被接受的。警方應該尊重人權捍衛者進入封鎖範圍進行保衛人權運動的權利，不應對他們作出騷擾及逮捕。」再者，香港警務處的行爲明顯地與聯合國安全理事會 1738 決議、聯合國國際公民權利和政治權利公約、香港基本法及警察通例相抵觸。警方於 2011 年 7 月 2 日清晨的行爲引起了本地市民和國際社會的關注，我們對警方行爲表示不能接受。

基於上述事件，我們促請警方，

- 停止任何阻礙獨立及資深的人權組織如香港人權監察觀察員的工作，特別是在未來的公眾遊行及示威行動時；
- 繼續尊重和協助獨立及資深的人權組織如香港人權監察進行的觀察工作。這些包括讓觀察員在示威或逮捕現場，作近距離的觀察；例如拘捕現場
- 停止干預新聞界在示威時採訪的自由；
- 加強培訓警務人員學習國際人權標準的知識，特別是前線警務人員。

12-7-2011

聯署團體

國際特赦組織香港分會

亞洲人權委員會

國際記者聯會

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Press Release

12 July 2011

HKSAR should protect and facilitate, not harass and obstruct, human rights observers

In response to the HKSAR's attempted arrest and subsequent obstruction of a human rights observer of the Hong Kong Human Rights Monitor (HKHRM) in his execution of observation duties and journalists were interrupted and arrested when exercising their duties on the 14th anniversary of the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR) by the Hong Kong Police Force (HKPF), we, the undersigned local and international human rights organizations, express grave concern over the incident after it clearly violated from the UN Declaration and Basic Law. We hope this incident does not represent a growing intolerance by the HKSAR of human rights field work and demonstrations by the opposition, and of a declining readiness of the HKPF to be held accountable to the public in its actions through independent close range observations by human rights observers.

.As Human Rights Organizations, we are shocked by the HKPF's attempted arrest and removal of Mr. Law Yuk Kai who is the Director of HKHRM, the arrest of Ms Choi who is an intern-reporter of New Tang Dynasty Television (NTDTV) and the attack by pepper spray of 19 journalists when they were performing their professional duties at the demonstrations in the early morning of 2nd July 2011. The treatment faced by Mr. Law, the journalists, and Ms Choi in particular, reflected the failure of the HKPF to recognize and respect the role of human rights defenders in monitoring police actions, especially the handling of public demonstrations. Such measures of the HKPF were inconsistent with international human rights norms and practices. We found such developments in the HKSAR disturbing.

According to the UN Declaration on human rights defenders, human rights defenders refer to *"individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals"*.

Mr. Law has been monitoring possible human rights violations in his capacity as HKHRM Director in various demonstrations in Hong Kong over the past fifteen years. On the early morning on 2nd July 2011, he was again performing his role as a "human rights observer". As clearly demonstrated in various video footages and witnessed by many people including journalists and other people in the vicinity, Mr. Law was in an orange uniform with the Chinese and English bilingual title of "Observer" and that of HKHRM, monitoring the police's removal and the arrest of protesters peacefully lying on the road protesting against the restriction of rights of elections in the proposed electoral laws by the HK SAR Government. At around 2 am, a number of police officers approached Mr. Law and attempted to arrest him. Although Mr. Law had identified himself as the Director of HKHRM and told the police he was monitoring the situation, he was evacuated [removed by force] from the scene. The attempted arrest was only stopped by a police commander when Mr. Law made a complaint in front of the media on the way to being forced to the police van holding arrested persons. However, Mr. Law was taken away from the scene as a result he could not continue the monitoring mission when Ms Choi from the NTDTV was arrested.

Ms Choi is an intern-reporter from NTDTV. She was performing her professional duty to cover the situation of the protest at the same location as Mr. Law. Although Ms Choi did not carry her press card, she did identify

herself as an intern-report from NTDTV. The police ignored her explanation and arrested her. It was even more outrageous that the police refused to release Ms Choi after NTDTV had provided the documents required by the HKPF to prove Ms Choi's identity. Ms Choi was detained until 11 am the next morning.

It is obvious that Mr. Law and Ms Choi have done nothing inconsistent with the role as impartial observers and reporters. They have not intervened nor obstructed police actions. According to the Johannesburg Principles, *"governments may not prevent journalists or representatives of intergovernmental or nongovernmental organizations with a mandate to monitor adherence to human rights or humanitarian standards from entering areas where there are reasonable grounds to believe that violations of human rights or humanitarian law are being, or have been, committed. Governments may not exclude journalists or representatives of such organizations from areas that are experiencing violence or armed conflict except where their presence would pose a clear risk to the safety of others."*¹ *The denial of access of human rights observers to restricted areas as to thwart the purposes of human rights and humanitarian law by restricting the free flow of information is totally unacceptable.*² The police should respect human rights defenders' rights to access to restricted areas for promoting and protecting human rights rather than harass or arrest them. Furthermore, the act of HKPF clearly contravened United Nations Security Council Resolution 1738, The International Covenant on Civil and Political Rights, Basic Law of HKSAR and Police General Orders. The conducts of the HKPF in the morning of 2nd July 2011 which has sparked concern from the local public and the international communities should hence be unacceptable.

In light of the above, we urge the HKPF,

- to stop any attempt to obstruct independent and renowned human rights organizations such as the Hong Kong Human Rights Monitor in their human rights observation work, in particular of demonstrations in the future;
- to continue to respect and assist independent and renowned human rights organizations such as the Hong Kong Human Rights Monitor in conducting observation of demonstrations including enabling observers to have close range observations e.g. at scenes of arrests;
- to stop interfering with the press in their efforts to cover arrests at the scene;
- to strengthen the training on international human rights standards on policing, particular for the frontline police.

Cosigned organizations

Amnesty International Hong Kong

Asian Human Rights Commission

International Federation of Journalists

¹ The Johannesburg Principles on National Security, Freedom of Expression and Access, to Information:

"Principle 19. Access to Restricted Areas

<http://www.article19.org/pdfs/standards/joburgprinciples.pdf>

Any restriction on the free flow of information may not be of such a nature as to thwart the purposes of human rights and humanitarian law. In particular, governments may not prevent journalists or representatives of intergovernmental or nongovernmental organizations with a mandate to monitor adherence to human rights or humanitarian standards from entering areas where there are reasonable grounds to believe that violations of human rights or humanitarian law are being, or have been, committed. Governments may not exclude journalists or representatives of such organizations from areas that are experiencing violence or armed conflict except where their presence would pose a clear risk to the safety of others."

² Ibid.