

Human Rights Observer Team



Final Report: G20 Protests

November 17-19, 2006

Melbourne, Australia



Federation of Community Legal Centres (Vic) Inc

Acknowledgements

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Human Rights Observer Team Final Report: G20 Protests

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1. Introduction

This report critically examines the largest and most public policing operation in Victoria since the protests against the World Economic Forum (WEF) in September 2000. By going beyond the media coverage and drawing information from a team of trained, independent observers as well as people who directly witnessed or were subjected to police action, this report aims to provide a comprehensive and accurate overview of the G20 protests and the police response to them.

The documentation of the events leading up to, during and after the G20 protests, is based upon the first-hand observations of the team and photos and video evidence either taken by Human Rights Observers or made available to the team since. It is designed to report on and assess the potential and actual human rights impacts of actions of the police, as well as assisting all parties in their analysis and understanding of the G20 protest events. Ultimately, we hope to further the protection of the human, civil and political rights of all.

The *Federation of Community Legal Centres (Vic) Inc*, with the support of *Pt'chang Nonviolent Community Safety Group Inc* and the *Human Rights Law Resource Centre (HRLRC)* co-ordinated the team of 28 Human Rights Observers throughout the protest actions around the G20 meeting in the city of Melbourne from Friday 17 to Sunday 19 November 2006. Human Rights Observers worked in shifts over the three days, in an entirely voluntary capacity. Volunteer observers were from a range of legal, para-legal, humanitarian and professional backgrounds, some with local or international human rights experience. All volunteers received training and were required to commit to a strict code of independence and non-partisanship. (See Appendix 2.)

Human Rights Observers recorded and monitored interactions between Victoria Police, Federal Police, specialist policing squads or security guards, and members of the public over those three days.

This report uses a method called *timeline analysis* to develop an assessment of the policing approaches, changes and responses over the entire-three day event. A detailed log was taken over the three days and a chronological timeline was developed to analyse the precise order of events. Timeline analysis involves identifying key incidents and tracing their impacts upon the subsequent behaviour of the parties involved. More than any other method it allows analysis of an entire event rather than just isolated incidents. (See Chronology of events in the lead-up and during the G20 protests.)

Although only Victoria Police and Victorian security personnel were identified by Human Rights Observers at the G20 protests, several officers in plain clothes without any form of identification were involved in incidents. Australian Federal Police (AFP) members, operatives of the Australian Security Intelligence Organisation (ASIO), and any foreign security, police or personal protection personnel who may have been present during the protests were also obliged to respect human rights under the *International Convention of Civil and Political Rights* (ICCPR) and the *Convention Against Torture* (CAT) as functionaries of their respective state bodies.

A summary of findings of the Human Rights Observer team can be found in Section 4 General Observations. More detail about particular incidents or concerns follow including a chronological timeline in Section 7. The report concludes with a list of recommendations (Section 13) for Victoria Police and government which, we believe, will serve to strengthen human rights protection in Victoria and lesson the likelihood of human rights abuses occurring in the future. Many of these recommendations will be relevant to police in other states and are particularly pertinent for New South Wales police in the lead-up to the Asia-Pacific Economic Cooperation (APEC) forum in NSW in September 2007.

This report will be distributed to Victoria Police, the Victorian Government, the Office of Police Integrity, the Victorian Equal Opportunity and Human Rights Commission and made available to protest groups and the public. It will also be submitted as part of the development of the ICCPR shadow report regarding Australia's reporting obligation to the Human Rights Committee.

2. Protesting and human rights: the international political context

Police play an important role in promotion and protection of human rights. In some circumstances, however, police actions place limits on our civil, political and other human rights. For instance, many actions that police take against a person can affect that person's freedom. Police officers have been given special permission under common law and statute to use force in limited circumstances, such as to effect an arrest or prevent crime.

The use of force by police officers may be unlawful if it is not justified at all in the circumstances of the protest or demonstration. It may also be unlawful if the amount of force used is excessive and dangerous.

In many cases, the interference with our human rights may be permissible and have a sound policy, legislative or legal justification. The restrictions they impose may, or may not, be necessary and appropriate in a free and democratic society.

Because police action can limit or restrict human rights, it is mandatory that any interference be justified. In order to justifiably limit human rights, police actions and methods must be: explicitly authorized by law, carefully scrutinized to ensure they continue to be absolutely necessary and justified in a free and democratic society; thoroughly monitored, documented and supervised; and subject to review by a fully independent complaint and investigation body as well as the courts.

It is for this reason that the Human Rights Observer Team was formed to explicitly monitor the actions of police at the G20 protests.

The Team worked within the framework of the *International Convention of Civil and Political Rights* (ICCPR) and, where appropriate, has made reference to the *Victorian Charter of Human Rights and Responsibilities Act 2006* which became law on 25 July 2006, and came into force on 1 January 2007.

The obligation of the Victorian Charter on public authorities and the powers of the courts will not commence until 1 January 2008, to give public authorities, including Victoria Police, time to check that their policies and procedures comply with the charter.¹

From that time, when division 4 of Part 3 of the Victorian Charter comes into operation, Victoria Police will be obliged to act in a way that is compatible with human rights. Under Victorian legislation, the consequential amendments to the Police Regulation Act 1958 create a duty for the Director of the Office of Police Integrity (OPI) to "ensure that members of the force have regard to the human rights set out in the Charter of Human Rights and Responsibilities."²

The human rights enshrined in the ICCPR as well as domestic legislation such as the Victoria Charter do not in any way protect or enshrine a right to political violence, nor to conduct which is an unreasonable intrusion upon public order, safety or health. Violence, whether by citizens or punitive or retaliatory violence by state authorities, is antithetical to the protection and promotion of human rights. Adherence to human rights is not based on reciprocity and one party to a conflict cannot excuse its own violations on the basis that the other party is also violating human rights. Furthermore, police authorities cannot justify or rationalise abuses by pointing to the poor conduct of some protesters.

Whenever there is an escalation of political violence, protecting human rights of citizens becomes increasingly difficult. Experience from many parts of the world indicates that authorities can become increasingly punitive in the face of civil unrest and the observance of important human right considerations are given less of a priority by individual officers and police command.

It is well established that the protection of human rights of individuals, as well as the person's dignity, must be observed despite the behaviour or criminality of that person and whether or not that person is in custody. In our view, the maintenance of appropriate police protocols, lawful actions and consideration of human rights becomes more important during times of stress and political conflict. As stated by Amnesty International, exceptional circumstances such as a state of emergency or any other public emergency do not justify any departure from basic human rights standards for law enforcement officials. (See Appendix 1)

Violence also presents a challenge to the legitimacy of protest. Representations of violence in the context of particular protests often tempt commentators or legislators into the wholesale delegitimation and devaluation

¹ The Act can be viewed at: http://www.dms.dpc.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/

² 102BA(b)

of protest as a valid form of political expression and exercise of civil rights. In the context of political demonstrations, it is more often the 'threat of violence' that is used to justify banning or the restriction of protests and the criminalisation of lawful political activity. In the lead up to many protests, police, political leaders and sections of the media have vilified protesters in order to create a climate that attempts to justify any future violence against them. The G20 was no exception.

Images of violence by some protesters at the G20 have been used to represent the event as a whole and disseminate a stereotype of widespread violence. This police and media strategy is similar to the way in which police forces and the media have sought to characterise large global justice demonstrations throughout the world. In our view, this representation of protest activity as inherently violent is a means of eroding public confidence in the value of protest, and the importance of the human rights which protect this form of democratic activity.

Most of the incidents documented in this report did not involve violence from protesters. Human Rights Observers reported numerous instances of use of force against protesters who were not using any physical force themselves, resisting physically or threatening police officers in any way.

There are many forms of protest. Protests are one form of political behaviour through a spectrum that includes activities such as voting to commenting on talkback radio. The right to protest is affirmed by a number of human rights, which are discussed later in this report. Australia has a long history of tolerance to and recognition of the right to protest as a legitimate form of political expression. In *Law, Liberty and Australian Democracy*, Gaze and Jones write:

Public assemblies are essential to the proper functioning of democracy, in situations ranging from election and political party meetings to demonstrations organized to protest about government policies or other issues. The right of public assembly is significant not only for political reasons, but also as an important aspect of respect for individual autonomy, because without the right to express views in public and to call public assemblies for this purpose, the right of the individual to self-expression is very limited. The right of public assembly gives the individual access to a public forum for expression of views and provides a mechanism for individuals to take action as a group. The right to assemble is closely based on the rights to freedom of speech and freedom of association.³

Australia has ratified the International Covenant and Civil and Political Rights (ICCPR), which includes the right of freedom of peaceful assembly and expression, and prohibits arbitrary arrest and detention and cruel treatment at the hands of the state. The right to engage in participatory democracy 'without unreasonable restrictions' is clearly acknowledged by article 25 of the ICCPR. Notwithstanding this, the rights of protesters in Australia have been violated in many protest situations, and police in Australia have used arbitrary arrests and detention, special bail conditions to deny rights to peaceful assembly and other actions which contravene international law.

Protests are an important part of our participatory democracy. If activism and peaceful protest are under threat, so are human rights. Promoting and protecting all human rights, including the right to protest, is an important and valuable undertaking. Sometimes the two are indistinguishable. Amidst growing political concern over issues such as climate change, global poverty, war and inequality, Australian cities are likely to see more and more protests that draw large numbers of attendees and which are highly politically and emotionally charged. To date, the behaviour and strategies demonstrated by police at the World Economic Forum protests (Melbourne 2000), the World Trade Organization meeting (Sydney 2002), the Forbes Global CEO Conference (Sydney 2005) and most recently at the G20 protests do not bode well for the ability of Australian citizens to exercise their right to protest peacefully without at least some risk of force being applied against them by police.

Excessive and unlawful levels of violence by state security forces remains one of the primary impediments to civil and political rights throughout the world. It is incumbent upon Victoria Police, as well as federal police and security bodies, to demonstrate that as institutions they are capable of managing politically motivated demonstrations without recourse to actions that contravene fundamental human rights.

³ Gaze and Jones, "Democracy and Civil Liberties" in *Law, Liberty and Australian Democracy*, LBC: Sydney, 1990.

3. What is human rights monitoring?

Monitoring is an established method of improving the protection of human rights. The principal objective of human rights monitoring is to reinforce State responsibility to protect human rights.⁴

Most human rights observer missions are instigated at some level by non-governmental organisations. In 1999 the United Nations acknowledged the important role and the valuable work of individuals, groups and associations in contributing to the effective elimination of violations of human rights and fundamental freedoms. It also stressed in the same declaration that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State.⁵

Human Rights Observer (HRO) Teams record observations and collect information for immediate action and later use. They can communicate the information to the appropriate authorities or other bodies. HRO teams not only observe developments, collect information, and perceive patterns of conduct, but should also identify problems, diagnose their causes and recommend courses of action and potential solutions.

The goal of a HRO Team is to ensure and enhance the civil, political and human rights of community members at the protests by monitoring, recording and reporting on any abuses of these rights.

Monitoring demonstrations can be one of the most difficult tasks for Human Rights Observers (HROs). The HROs' presence is intended to ensure that rights to freedom of expression and peaceful assembly are upheld. Yet the role of the HRO may be complicated by the actions of the demonstrating crowd and law enforcement officials.

The mandate of the HRO Team is not affected by the legality or illegality of the actions of protesters under Australian law. Hence this report will only express opinions on protester behaviour or action insofar as it relates to the responses of police or other state authorities. However, when commenting on the actions or non-actions of police personnel or state authorities it is important to place each incident in its appropriate and relevant context.

The treatment of independent human rights monitors is an indication of a state authority's willingness to respect rights.⁶ A report and analysis of how the HRO team and individual HROs were treated by both police and protest groups is included in Section 12.

The mandate and protocols of the Human Rights Observer Team at G20 is available in Appendix 2.



Figure 1: A Human Rights Observer at G20 (Photo Tom Civil)

⁴ Training Manual on Human Rights Monitoring. University of Minnesota Human Rights Library available at <http://www1.umn.edu/humanrts/monitoring/index.html>

⁵ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (General Assembly resolution 53/144)

⁶ As stated in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms General (Assembly resolution 53/144)

4. General observations

The Human Rights Observer Team for the G20 protests was an independent and non-partisan project. Trained HROs present over the three-day protest event approached incidents with a high level of professional integrity and impartiality with regard to the application of the mandate (see appendix 2) and the underlying international standards. The team met with senior police in the week preceding the protests to explain and clarify the project's role and mandate.

The Human Rights Observer Team noted the willingness of Victoria Police to implement several recommendations arising from the Ombudsman investigation of police action at the World Economic Forum demonstration in September 2000 as part of the policing strategy for the G20 protests.

The Team noted that organisations and protest groups planning events had called for and planned peaceful and non-violent protests surrounding or relating to opposition to the G20 meeting and had stated this publicly in promotional material and in media statements.

It was observed that the majority of protest actions surrounding or relating to the G20 meeting were generally peaceful and non-violent aside from a series of incidents on the late morning and afternoon of Saturday 18 November which were largely carried out by a relatively small group of protesters who at various time numbered between approximately 20 and 80 people.

Friday 17th November saw a peaceful vigil outside the barriers surrounding the Hyatt Hotel, a large Falun Gong protest march, colourful dancing protests and a series of brief occupations of several military and corporate offices and branches throughout the Melbourne CBD. Mounted police and physical force was used at times by police to remove protesters but excessive use of force by police was not observed or reported.

On the Friday evening, G20 protesters were evicted by police from a vacant warehouse in Abbotsford (an inner – eastern suburb of Melbourne) that was being used as a conference and accommodation space by a section of the protest groups. The impact and consequences of this police action remain unclear but similar pre-emptive raids and evictions of protest convergence spaces overseas (Washington DC 2000, Philadelphia 2000, Genoa 2001, Glasgow 2005) have been seen as a deliberate and disruptive tactic, designed to generate confusion, fear and undermine preparations.⁷

The Team also noted the alleged assault of a lone protester late on Friday night that represented the first reported use of excessive force by police personnel. Witness statements from this incident have been taken.

From late Saturday morning, until Saturday evening, HROs observed numerous acts of confrontational and violent behaviour toward the police from some protest groups and individuals. This behaviour included verbal abuse and taunts, property damage, the throwing of missiles and physical assault. These sporadic acts took place in different locations within the twelve city blocks bordered by Flinders, Spring, Bourke, and Swanston Streets.

During this time HROs also noted over 80 separate cases of police manoeuvres that involved contact with protesters. These manoeuvres included; the holding of static police containment lines, police lines walking forward slowly with batons pointing forward into groups of people, police lines in staged retreats (walking backwards), running lines of police with batons raised and striking, and mounted police movements around, through or into groups of people.

During these manoeuvres, particularly from 11.10 to 13.50, observers generally noted a high level overall of police discipline and restraint in the face of deliberately provocative actions by some protesters.

From 11.10 on the Saturday when protesters first breached police barriers, police command were seen to be encouraging the use of force as a staged option, rather than as a first response, which is to be commended.

However, beginning around 13.50 and continuing into Saturday evening, HROs noted numerous incidents of excessively forceful or dangerous baton strikes by some police, including overhead baton strikes targeted towards a person's head or face or shoulders, punches and verbal abuse by police officers, and several running baton charges at groups of people resulting in injuries to protesters present.

Incidents of excessive force by police officers against peaceful G20 protesters were clearly witnessed by HROs and documented below. The fact that some of these incidents occurred in the vicinity of, or on the same

⁷ BETWEEN THE LINES: IMF-World Bank Protesters Planning Class Action Lawsuit by Scott Harris, AlterNet. Posted May 2, 2000. <http://www.alternet.org/story/9089/>

day of, violent and aggressive behaviour by some protesters is no excuse. Incidents documented here were deliberate actions by police officers against people who offered no threat at the time of the action.

The lack of warning prior to coercive and dangerous police crowd control manoeuvres was documented by Human Rights Observers numerous times during the protests. This failure to provide people with clear and adequate warnings contradicted the stated strategy of the police in their handling of the protests. Whilst reaction to protester behaviour may have justified an urgent and sudden police response in some cases, the several incidents documented in this report are discussed solely as examples where a warning could and should have been provided.

On numerous occasions police failed to distinguish between protesters engaged in threatening or potentially criminal activity and others who were not threatening in any way to police. HROs witnessed and received testimony from several protesters who were injured by police action after either being caught up in a position near police lines or actually trying to peaceably de-escalate or speak with police officers.

Identification name tags could be seen on a high proportion of officers throughout the G20 protests. Although some officers were at times seen to be without names tags, the efforts of police command to enforce this practice seems to have been effective for the most part. However, the number of officers observed without name badges remained too high.

On the afternoon of Sunday 19 November, when a group of 30-40 peaceful and unthreatening protesters were blocking the entrance to the Melbourne Museum, HROs present noted a surprise running baton charge by a unit of approximately 15 police officers which resulted in several injuries and one person being evacuated by ambulance. No media were present at this incident. This incident clearly demonstrates how police can easily overreact to a peaceful situation, injure people and effectively restrict basic rights to peaceful assembly.

The team has also monitored and researched the arrests of several people by plain clothes police units beginning on the Saturday afternoon and into Sunday. In our preliminary report, we publicly highlighted and expressed concerns about the apparent arbitrary arrest of a man on Sunday afternoon. These concerns remain and are outlined later in the report.

At the time of writing over 30 people have been charged with a range of offences in relation to the G20 protests. The HRO team cannot comment on individual cases but remains concerned that due process is maintained and the police refrain from actions that may be prejudicial to people facing charges.

The release of 28 photos of 'persons of interest' to the media on 18 January 2007 is a concerning trend in the context of protest events. Clearly this investigative approach has serious implications for the right to privacy and reputation. In such cases, the onus rests with the investigators to demonstrate whether the approach is justifiable. Factors to determine justifiable limitations of these rights include the nature of the right and its proportionality, including whether other, less restrictive measures or steps were reasonably available to ascertain people's identities.

In addition to the criminal proceedings, complaints against police for actions arising out of the G20 protests have been made to the Office of Police Integrity. Independent monitoring and complaint processes help to ensure police accountability and promote better policing practices and greater safety for officers, protesters and the community. They are vital in securing public trust and confidence in our police force. At the time of writing, the complaints have, to our knowledge, not been resolved.

A list of recommendations stemming from these observations and analysis are contained in section 13 below.

5. Political context

The Group of 20 (G20) was established in 1999 in the aftermath of the Asian financial crisis to discuss restructuring the international financial system. Countries involved include Australia, the United States, Germany, Italy, France, Japan, United Kingdom, Canada, Argentina, Brazil, China, India, Indonesia, Mexico, Russia, Saudi Arabia, South Africa, South Korea and Turkey. The European Union is the 20th member, representing European member countries without seats. Members represent about 85 per cent of global gross national product, and 80 per cent of world trade.⁸

Australian Treasurer Peter Costello hosted the 2006 summit, which was attended by central bankers from the US, Japan, China and the European Central Bank, Paul Wolfowitz, president of the World Bank, and Rodrigo de Rato, managing director of the International Monetary Fund were also present. The meeting discussed topics around the theme of "Building and Sustaining Prosperity" and involved discussions on energy, reforming the IMF's voting structure, financial markets, domestic economic policies and aid effectiveness.

Protest groups claim that the G20 is heavily influenced by corporate and business lobby groups, and as such, will represent these interests above those of the people who are most affected by their policies. The organising of protests against the G20 meeting began in Melbourne in February 2006 with the establishment of the 'StopG20 collective' – an open group with a non-hierarchical network structure whose stated purpose was to "provide and/or coordinate infrastructure and support to assist affinity groups and individuals to participate safely and easily in the G20 festivities".⁹

According to the StopG20 website: *Groups and networks can design their own autonomous actions, street theatre, teach-ins and community organising events. It's an opportunity to show our dissent against corporate capitalism and neoliberalism, to present alternative pathways for our society based on economic localisation and strong, open communities, and to educate ourselves and others about how to gradually spend less of our time, energy and money feeding the corrupt global economy.*

In the months leading up to November, a wide range of other political groups became involved in organising protest actions in relation to the G20 meeting, ranging from small affinity groups and collectives, to larger established activist and political groups. Large church, welfare and humanitarian aid organisations, under the global 'Make Poverty History' banner, organised a set of public festival and music events to coincide with the G20 meeting. Many other grassroots or ad-hoc groups focused on protest action in the streets surrounding the meeting venue or nearby in the Melbourne central business district.

6. Policing strategy

Police often play a careful and strategic role at protests, which is most often designed to maintain control.¹⁰ The approach that the Victoria Police would take during the G20 Protests was outlined to media in the weeks leading up to the protest and also during a meeting with representatives of the Human Rights Observer Team on Thursday 16th November and observations of the HRO team. Several recommendations arising from the report of the Ombudsman Victoria into the police action at the WEF protests were taken up and included in this overall police strategy.¹¹

According to the Operations Commander, Assistant Commissioner Gary Jamieson, these recommendations included: prior contact with protest organisers; the use of identified Crowd Safety officers; the issuing of two ID tags for all police and instructions to wear ID tags at all times during protests and an ID number should those tags be lost; differentiating between passive resistance and aggression from protesters and implementing best practice in crowd management techniques.

⁸ www.g20.org

⁹ <http://www.stopg20.org/objectives>

¹⁰ See Alderson 1998; Della Porta and Reiter 1998

¹¹ 'Investigation of police action at the World Economic Forum demonstrations September 2000' Report of the Ombudsman Victoria, June 2001

The policing approach to public protests has changed markedly over the past few decades. Following public outcry and official and legal reactions to police violence at numerous large protest actions in Australia and around the world police departments have generally shifted to a policy of “negotiated management”. This contemporary approach has been adopted by most police departments in the United States, Europe and in Australia and essentially calls on police to 1) protect basic rights of free speech and peaceful assembly, 2) tolerate a reasonable level of community disruption, 3) initiate on-going communication with demonstrators, 4) avoid the use of arrests unless necessary, and 5) use force only to overcome resistance to arrests and prevent death and serious injuries.¹² In general terms, this negotiated management approach has led to a higher level of safety for police as well as a higher level of human rights protection for citizens engaged in public protest.

Policing of the large scale summit protests organised by what is loosely referred to as the ‘global justice movement’ has been the subject of much commentary, research, international police exchanges and internal strategising since the Seattle protests in the United States in late 1999. Wherever these international financial meetings or summits are held, police forces face a considerable security challenge due to the large numbers and the diverse range of protest tactics deployed. According to many commentators, the policing of these summits subtly shifted away from the negotiated management model described above and become increasingly militarised, coercive and punitive in its approach in many parts of the world, where riot units, sub-lethal weaponry and coercive crowd control tactics have been deployed.¹³

No-protest zones, or the use of barriers to enclose a large area as a ‘no-go zone’ are a relatively new police tactic internationally. In 2001, in light of large global justice protests taking place around the world, the United States government proposed enclosing more than 40 city blocks of Washington, D.C. with 2 miles of 3-metre high fencing and concrete, and banning all peaceful protest and assembly near the White House or the IMF/World Bank Annual Meetings.

Although this proposal was later abandoned, many large global justice protests have met with ‘no-protests zones’.¹⁴ The use of such area-denial tactics by Victoria Police should remain under close scrutiny and is discussed further below.

Victoria Police have often consulted with police forces internationally about modern crowd control tactics and approaches as well as intelligence sharing. In the lead-up to the G20 protests Victoria Police utilised the experience of a police consultant from Scotland, Deputy Chief Constable Patrick Shearer, who was present during the large protest against the G8 summit in Glasgow in 2005.

Although the content of this transfer of experience is unknown, reports regarding the policing of the G8 summit protests are hardly favourable from a human rights perspective. According to the G8 Legal Support Group, a UK body established to provide legal assistance to G8 protesters, *“We note that this was the largest policing operation ever seen in the UK....The cumulative effect of these police measures was an unprecedented erosion of civil and human rights and a further attack on the right of people to publicly demonstrate. The police appeared to police the protests against the G8 on the basis that they were not at all times bound to comply with the law of the land and sought to prevent challenge to their actions by seeking to conceal their identity by coving up ID and failing (even when asked specifically) to give legitimate reasons and legal powers to justify their actions. For these reasons we unreservedly condemn the policing of the protests at the G8 summit in Scotland in July 2005.”*¹⁵

The overall police strategy for the Melbourne G20 protests included the following elements that were of particular interest to the Human Rights Observer Team:

Media and Public Relations: Police routinely utilise the media and public relations methods in modern public order policing. For instance, prior to large events, police will release footage of anti-terror exercises, such as heavily armed specialist police abseiling down buildings, in order to deter potential terrorists and reassure the public that security measures are in place. Other police media work simply involves notifying the public of impending road closures and traffic measures. But some police public relations and media work can have potentially damaging and negative impacts upon the rights to peaceful assembly and protest.

In the lead-up to the G20 protests, police progressively released details of their policing strategies, referring to police training in new crowd control tactics and mentioning that groups of police had received training by Hong

¹² Schweingruber, David. 2000. “Mob Sociology and Escalated Force: Sociology’s Contribution to Repressive Police Tactics.” *Sociological Quarterly*. Summer 41:3 p.371-390.

¹³ See References and Resources, this report

¹⁴ (see, Ericson & Doyle 1999; Gillham & Marx 2000 for description and analysis of policing of two global justice protests).

¹⁵ ‘Legal Group Statement on the Policing of the Protests against the G8’. July 13th, 2005 www.g8legalsupport.info

Kong police in the 'latest tactics'. Continual police warnings that 'we will be ready' and images of heavily armed counter-terrorism police serve to instil the apprehension of violence amongst the general public. Although this had the potential to stigmatise protesters and generate fear and apprehension, some police spokespeople played down the potential for violence in the lead-up to the protests when questioned by journalists. In the days prior to the conference opening, most media was focused on the inconvenience and disruption due to CBD road closures rather than the possibility of 'violent' protests.

Training: The type of crowd control training referred to above is particularly important to how individual officers conduct themselves during protests. If training involves role-play and practice scenarios then how the 'protesters' are portrayed has relevance as well as the content of any briefing provided by trainers. If protesters are stereotyped as aggressive and violent, and if police are trained to see all protesters as potential threats, a process of de-humanisation occurs which increases the risk of police violence and reduced the ability of individual officers to distinguish between threatening behaviour and protest activity. In any police training for public order or protest events, emphasis needs to be placed upon, not only human rights considerations, but upon not stereotyping or de-humanising citizens engaged in public protest.

Surveillance: Surveillance used during the G20 protest was both overt and covert. Overt video taping of the protests was carried out by the Video Operations Unit - generally members of the Video Operations Unit were clearly identifiable as police and did not act in a covert manner. Their video footage is used on a daily basis by police command to review the operation.

Extensive use of the safe-city network of CCTV cameras throughout Melbourne's central business district was also reported. It was also reported that a protester's house in an inner suburb of Melbourne was under surveillance by police during the Friday 17th November.

Extensive surveillance can have a range of negative impacts upon public order events. If people are videoed obtrusively it conveys a level of suspected criminality upon citizens exercising their right to assemble and protest publicly. People remain uncertain as to what purpose they are being videoed. Is it because the police suspect them of something? Is it to monitor a political protest? How will the images be used? These reasonable concerns heighten a person's fear when engaged in lawful and peaceful protest.

Area-Denial Barriers: The use of extensive area-denial fencing and barricades, including purpose built, two-metre wide barriers, creates a distance between police and public. This creates a usable barrier to prevent protesters approaching or entering certain areas. The new, low-profile metal barriers were designed to lessen the potential for direct police-protester contact as occurred during the WEF protests.

Figure 2. Road closure on Friday 17 Nov, 2007 (photo James Tonson)



These barriers were erected overnight on Wednesday 15th November, effectively turning the block bordered by Collins Street, Russell Street and Flinders Street into a 'No-Protest' zone. Police also said that street closures would be implemented only as the circumstances surrounding the demonstrations demanded. A tow-away zone for a large section of the CBD was in force from the Wednesday until midnight on the Sunday.

The actual and potential impacts of these barriers and road closures are discussed below in section 10.3.

Crowd Safety Officers: Police officers, marked in high visibility yellow vests patrolled the areas outside of the police barriers were specially chosen from a pool of 'mature and experienced' police. These officers were instructed to liaise and communicate with protest groups, warn protesters of police actions and also to distribute printed 'pre-warning' cards.

Police Crowd Safety Officers were to have specifically defined roles and have undergone specialist training in relation to that role. According to senior police they were to be responsible for the safety of the crowd, would liaise with protesters and would be responsible for giving fair warning and advice to the crowd. Senior police stated that their role would be critical to the success of the few days of protests. Crowd Safety Officers were not be involved in the other aspect of the police operation at all but were supposed to 'diffuse the situation'.¹⁶

¹⁶ Notes from meeting with senior police, Wednesday 15 November 2006 re G20 Human Rights Observer Team and legal support

According to HROs, initial contact with Crowd Safety Officers was friendly and they were observed numerous times on the Friday and Saturday morning approaching and speaking with protesters. However, observers noted that Crowd Safety Officers were not at all present after police barriers were breached by groups of protesters early Saturday afternoon.

Provision of warnings: According to Superintendent Mick Williams, one of the Forward Commanders during the protests, *"Our planning for G20 is all about trying to avoid confrontation and I think you'll see on the day that the Victoria Police are taking a very different approach. We looked at the Ombudsman's review ... and one of the recommendations made is that there should have been more communication with the protesters, not only during but prior to any planned event."*¹⁷

As discussed in Section 11.2 below, HROs observed police making clear efforts to communicate with and provide warnings to protest groups and individual protest groups on numerous occasions, particularly on the Friday and the Saturday evening. However police failed to provide warnings prior to many coercive actions and manoeuvres throughout the Saturday afternoon and again on Sunday afternoon prior to the baton charge at the Melbourne Museum. HROs noted that efforts by designated 'police liaison' protesters to contact police during Saturday afternoon were effectively denied.

Due to their generic and non-specific nature, the HRO team does not consider the distribution of cards containing advice to protesters a reasonable or adequate warning in the context of protest events where police can deploy high levels of force at a moment's notice. Warnings need to be clearly conveyed, timely and in the context of actual and intended action by police.

Staged Escalation: Prior to the event, Police were reported in media stating that any incursion into the area surrounded by the barriers would result in police action. According to Assistant Commissioner Gary Jamieson, *"If protesters breach the outer perimeter they are no longer passive protesters."*¹⁸

Police members at G20 were instructed to wear standard uniforms until higher levels of violence occur, in which case, either specialist units were to be deployed or officers could utilise varying levels of protective clothing and equipment such as gloves, eyeglasses, overalls, to full-body riot equipment and shields. This strategy recognises that many forms of police intervention can have a destabilising effect and lead to disorder at an otherwise peaceful protest. It is to be commended that police equipped with riot gear were not deployed as a matter of course and that police manoeuvres were initially escalated only in a staged and responsive fashion. Initially on the Saturday afternoon, close lines of police demonstrated a high degree of discipline and restraint whilst effectively preventing incursions and without risking injury to either party. In contrast, numerous undisciplined running charges seemed to increase the risk to both police and protesters.

We consider that this approach of staged escalation broke down at various stages throughout the Saturday afternoon and was not evident at all at the police action at the Melbourne Museum on the Sunday afternoon.

Critical Incident Units: In 2004, as part of its 'anti-terror' capacity, Victoria police obtained two specially equipped critical incident vehicles, and units equipped with a range of non-lethal weapons not available to regular police patrols including long-range capicum foam spray, riot batons, gas masks and protective shields. Many more police have been trained to staff the units. It is believed that these units, or equipment from them, were deployed during the G20 protests.

Force Response Unit: The FRU have their own command structure. Although the Forward Commander retains control of the operation, the FRU are a para-military unit with specialised training for highly violent or dangerous incidents. The presence of para-military units presents a risk of inappropriate responses to protest and community conflict situations.

Mounted Branch: Police have been using horses in an operational capacity in Victoria for over 150 years with a strong focus on crowd control at demonstrations, sporting events and large public gatherings. The Police Mounted Branch often is seen at protests, marches or rallies in Melbourne. They are commonly used to push groups of protesters away to clear an area or as containment lines to prevent access. As a form of crowd-control they can be an extremely dangerous and unwieldy tool.

The presence of a horse amongst a crowd of people creates a strong sense of alarm as people can easily fall when pushed by the front or flank of a horse and hooves can break human feet and limbs. The potential harm and injury resulting from any police horse manoeuvres poses an unacceptable risk. Like all Police, mounted police have tools such as batons at their disposal. The use of a baton from the back of a horse predisposes the user to use it in a downward strike towards a person's head, neck or shoulders. The Human Rights Observer Team requested that horses not be deployed at the G20 protests during its meeting with senior police for these reasons.

¹⁷ "Police warn of G20 office protests" Dan Oakes and Ian Munro. The Age, November 15, 2006

¹⁸ "G20 protest down to wire", Mark Dunn, Herald Sun, November 2006

7. Chronology of events: G20 protests

Wednesday 15 November

Melbourne CBD: Police erect barricades and road closures commence.

Thursday 16 November

10.00 – 17.45

Make Poverty History G20 Forum: *Creating a Fairer World: What should the G20 do?* at the Melbourne Town Hall.

Police visit to Space Outside warehouse, a workshop and accommodation site established in a vacant warehouse.

Friday 17 November

First day of protests

07.30

Protest vigil established by the 'G20 Christian Collective' on corner of Collins and Russell Streets after liaison and negotiation with police.

09.00

First Human Rights Observers (HROs) on site in CBD.

10.30

Police escort Falun Gong protest march down Collins Street into Swanston to City Square.

approx 9.00 – 1500

Series of small scale protest actions and occupations around the city at the St Kilda Road Defence Centre, Orica Ltd and ANZ bank. ANZ bank closes nine city branches. HRO team only observed some of these actions. Some scuffles between protesters and security guards and police. No arrests.

Protest group 'Radical cheerleaders' walking around the city performing dances and street theatre.

18.00 – 20.00

Abbotsford: Police arrive at the Space Outside warehouse. After discussion police forcibly break down door. Occupiers allowed time to remove possessions. One inappropriate search of a female by a male police officer is reported to HROs.

23.30

Report of an assault on a lone protester by several police near the barriers on Collins Street.

Saturday 18 November

Second day of protests

03.45

Christian vigil removed by police after a five-minute warning given. Three protesters resist and are physically removed by police.

Police extend the barricades further down Collins Street.

Vigil moved to another location at the corner of Flinders and Russell streets where they stayed until Sunday afternoon.

08.00

Northcote: Police surround a painted car with a sound system to prevent it being taken to protest site.

09.00

HRO office opens and first HROs on site in CBD.

Approx 09.30

Protest groups begin to gather in parks. Crowd Safety Officers speak with various groups.

-
- 09.30 Police barriers maintained on streets around the Grand Hyatt Hotel, very quiet around the barriers. Very few protesters.
- 10.45 Protesters and police present at Treasury Gardens. Six Crowd Safety and six Mounted Police, and three to seven plain clothes police present. Crowd Safety officers speaking with small groups of protesters and distributing blue cards.
- 11.05 About 80 -100 protesters present in Treasury Gardens. Police numbers increase.
- 11.06 Protesters disperse into city via Flinders Lane then Exhibition Street. Police follow.
- 11.10-15 Protesters first push through police barriers on Collins street near Alfred Place.
- 11.20 Protesters assemble at corner of Collins and Russel streets. Mounted police moved out from behind barriers and more uniformed police arrive and establish lines.
- 11.30-11.50 Series of confrontations between protesters and police lines on Collins and Russell Streets and down to Swanston Street, including protesters moving, pushing and throwing plastic and metal barriers.
- 11.50 Confrontation at McDonalds store on the corner of Lonsdale and Swanston streets. Police physically remove protesters until mounted police block entrance. Protester becomes trapped between horses at one point.
- 12.00 Large numbers of protesters gather at State Library. Crowd Safety officers distributing blue cards.
- 12.15 Speeches start at State Library. Long line of 20-30 police standing on Swanston Street. Mounted police present plus 5 police with long batons near the library entrance. Police officers observed filming crowd from first floor or balcony adjacent to state Library.
- 13.05 Rally then set off south down Swanston Street.
- 13.17 Groups of protesters turn up Bourke Street and then running towards barricades on Russell Street, while front of march turns left up Collins Street to Russell Street.
- 13.23- 13.27 Russell Street (between Little Collins and Collins). First police use of batons observed (including overhead strikes) to push protesters back from barricades.
- 13.25 Verbal confrontation between police and protesters at barriers.
- 13.35 Water bottle observed thrown at police lines.
- 13.40 Tension in the crowd. Crowd very deep and tight, corralled in between barricades and police. Verbal confrontation between protesters and journalists.
- 13.45 Police change personnel. Officers wearing riot gear and long batons brought forward.
- 13.50 Russell Street (between Little Collins and Collins). Protester on balcony operates fire hose and hoses police lines and protesters.
- 13.50 Groups of protesters run to corner of Collins Street and Alfred Place. Batons used by police. One person requiring medical assistance. Bottles and rubbish from inside a bin thrown at the police lines. Riot police brought forward.
- 14.00 HRO witnesses use of overhead baton strikes by police. Protester receives head injury.
- 14.19 Tension diffused by woman protester performing a puppet show between lines of police and protesters.
- Exhibition Street and Flinders Lane: Police Isuzu van damaged by protesters using bottles, traffic signs, traffic cones and metal bars. After several minutes when most protesters had left, police first charged with raised batons, striking people standing nearby, then formed lines and advanced with baton to move people back.
- 14.30 Music starts on truck on corner of Little Collins and Russell Streets
- 15.30 Crowd slowly thinning out and quieting down. One woman has bag snatched by police.

- 16.00 Police barrier at Flinders Lane and George Parade. Protesters throw projectiles at police lines. Police in riot uniforms observed with capsicum spray canisters deployed.
- 16.30 CBD much quieter, not many people around, some crowd move to treasury gardens.
- 16.15 'Carnival Against Capitalism' street party continues at Spring Street in front Parliament House steps. A car on a trailer with a sound system brought in, police initially attempt to move the car but then backed off. Police blocked the area off with two cars, one marked and one unmarked. People were locked on to the car, police tried to get them off but not with much force. Police then tried to tow the car but the tyres of the trailer that it was on were let down. Police then retreated, blocked off traffic coming through the intersection.
- 17.45 8-10 plain clothes police 'snatch squad' arrest protester near corner of Collins and Exhibition Streets and shove him into unmarked white van.
- 19.00 Police left. People dancing, lot of alcohol around and broken bottles on the street.
- 21.00 Police return. About fifty police in normal uniforms. Search and Rescue police also there, had been there all afternoon waiting to be told to remove the locked on protesters. Police then came in and explained to someone that they wanted to break up the party and that if people did not move they would remove people by force. Music turned off, crowd explained this, given the choice to leave. Then music turned back on.
- Approximately fifty police charge with batons, resulting in several injuries. Some people restrained and taken away by police. A HRO observes one protester being restrained by police and hit with a baton.
- 22.45 Police Search and Rescue team break lock-ons and arrest four people still attached to the car.
- 23.25 Tow truck arrived and took the car away. About 150 uniformed officers by this time.
- 23.55 About 40 protesters remain. Asked by several officers to clear street, as road was to be re-opened to cars. People congregated on the footpath. Some pushing and shoving between police and protesters.

Sunday 19 November Third day of protests

- 00.15 Last protesters depart from steps of Parliament house
- Ongoing Christian protest vigil still at corner of Russell and Flinders Streets, continues until 18.00.
- 11.00 – 16.00 Creating Community: G20 Alternative Forum held at RMIT University
- 12.15 Drasko Boljevik arrested at 'Foodworks' store on Swanston Street, opposite RMIT University. Released at 2.35 without charge.
- 12.30 Akin Sari arrested by plain clothes squad in Tin Alley, Melbourne University. Refused bail and held in custody.
- 16.30-18.00 **Carlton:** Group of 30-40 protesters gather at Melbourne Museum in Carlton to protest presence of G20 delegates.
- A squad of approximately 15 police officers charge the group with batons without providing any prior warning. Numerous protesters injured and one taken to hospital by ambulance.

Wednesday 6 – Wednesday 13 December

Six people arrested and charged by police as part of 'Taskforce Salver', several arrested under warrant in homes in early morning visits. One person arrested outside of court.

Wednesday 13 December

Three houses in the township of Goongerah, East Gippsland, raided by police squads. Another person arrested days after.

Tuesday 9 January 2007

Three more people arrested in early morning visits to homes.

Thursday 18 January 2007

Police from Taskforce Salver release 28 photos of 'persons of interest' at media conference in Melbourne. Police also report that 26 people arrested since the protests.

8. Use of force by police

8.1 International standards for use of force by police

Generally, both local and national authorities have the power to control demonstrations in the interest of restoring public order. Many countries, including Australia, police forces have specialized para-military riot control squads trained to handle demonstrations.¹⁹

Some international standards for the use of force by law enforcement officials are set forth in the Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169 of 17 December 1979. Pursuant to Article 2 of the Code of Conduct for Law Enforcement Officials, *"In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons."*

Article 3 states that, *"Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."* Commentary (b) to Article 3 discusses the proportionality principle and proclaims, *"In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved."*

Principle 12 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 27 August to 7 September 1990) states,

"As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14."

Pursuant to Principle 13, *"In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary."*

8.2 Domestic guidelines on use of force by police

The Victoria Police Crowd Control Manual provides guidance to police on the use of force in protest situations.²⁰ This manual emphasises the need for restraint, reasonable force and proportionality:

Use of Force

The policing of crowd control situations may involve violent confrontation with participants. Where possible, avoid both confrontation and the use of force. Where force cannot be avoided, use only the minimum amount reasonably necessary.

Authorisation to use force - only in cases of urgency can employees apply the use of force without authority. Any such use of force even in urgent circumstances must be justified. In all other cases, any use of force must be specifically authorised by:

* General situations - Forward Commander.

* Passive resistance - Operations Commander. This action must be clearly justified and then only to the level required to reasonably effect arrest or removal of persons.

¹⁹ http://www1.umn.edu/humanrts/monitoring/#N_1_

²⁰ Section 2.5.4.2

Forward Commanders - should ensure the minimal use of force by:

- * Maintaining liaison with all parties involved.
- * Keeping parties advised of any developments which may influence the outcome of the situation.
- * Informing participants of potential use of force.
- * Adopting a policy of containment.
- * Exercising tact and restraint.
- * Ensuring arrests are made as a last resort.
- * Adopting a low key approach.

Pressure point tactics - employees must not use nerve pressure points above the shoulder level as a suspect or offender control technique in crowd control situations.

Legislative powers - when contemplating the use of force, employees must be aware of their legislative and common law powers. In a crowd control situation, the employee must believe:

- * On reasonable grounds that the use of force is necessary to prevent or stop an offence;
- * Any force used is not disproportionate to the objective sought to be achieved;
- * The offence sought to be prevented is an indictable offence or the lawful arrest of the person is required; and
- * The person to be arrested has committed or is suspected of committing an offence. (s.462A, Crimes Act 1958)²¹

Specific guidelines for the use of batons are contained in the Victoria Police Crowd Control Manual:

Baton Use

In crowd control the majority of baton use will be in the forward thrusting motion at the warning level (level 4) and the impact level (level 5).

Members in the front line may assist each other with baton retention. Members should retain two (2) hands on the baton and may (if required) deliver a short downward strike to the hands or forearm/s of a person in the crowd attempting to take a baton from a member.

At no stage should a front line member raise the baton above the shoulder except in exceptional circumstances. (i.e. to block an overhead strike by a member of the crowd as outlined in the video).

An exception to this concept is an overhead baton strike, utilised by a sub officer where he/she may have to strike between the members in the front line to assist the members in the retention of their baton or where a member is being seriously assaulted.

Any strike made in the overhead fashion must be in accordance with the OSTT defensive tactics training in baton strike areas

Any baton use by a member of any rank will be subject to an intensive investigation/inquiry and the use of force must be justified in every circumstance.

Advice to Victoria Police from the Office of Forensic Medicine²² and contained in the Victoria Police Defence Tactics – Operational Survival Instructions makes clear that the use of batons is potentially hazardous and blows to the person in areas of high risk are unpredictable and should be avoided. The areas to avoid are stated as being the head, face, and front of neck, back of neck, abdomen, kidney region and spinal region.

The use of overhead baton strikes by several officers was specifically criticised by the State Ombudsman in his report following the World Economic Forum protests in 2000 as being examples of an 'undisciplined use of force' and not an approved or authorised technique.²³ In this report, the Ombudsman concluded that 'there were undisciplined actions and misconduct by police members throughout the three days...They include such things as overhead baton blows, kicking, unauthorised holds and a variety of other unacceptable actions.' The Ombudsman's criticisms echoed those of the Ombudsman in November 1994, who remarked in relation to the investigation into alleged excessive force by Victoria Police against demonstrators at the Richmond Secondary College in 1993 that the use of batons by police should be avoided "*where practicable for in addition to having the potential to create a spontaneous violent reaction they also have the potential for sowing the seeds for future disorder and greater levels of violence.*"

²¹ Victoria Police Manual, Instruction 107-1 Crowd Control. Last updated 04/07/06

²² 10/09/1990

²³ Report of the Victorian Ombudsman, Investigation of police action at the World Economic Forum demonstrations, September 2000, pages 64-65:

[http://www.ombudsman.vic.gov.au/CA256F2D00228847/Lookup/WEFProtest/\\$file/Ombudsman_WEF_Protest_Report.pdf](http://www.ombudsman.vic.gov.au/CA256F2D00228847/Lookup/WEFProtest/$file/Ombudsman_WEF_Protest_Report.pdf)

8.3 Police conduct: disproportionate use of force

Human Rights Observers noted literally hundreds of cases of use of force by police officers in the course of their crowd control responses. We consider that most of these instances of use of force by police, particularly in the early stages of Saturday afternoon, were not excessive or disproportionate in the context in which the force was applied.

However, we remain concerned about numerous incidents of inappropriate or excessive use of force by way of punches and unnecessary and dangerous use of overhead and sideways strikes (as opposed to horizontal 'jabbing' strikes).

Human Rights Observers reported that the majority of the instances of excessive use of force involved protesters who were not using any physical force, resisting physically or threatening police officers in any way, including a disabled person and a medic. Some of these incidents occurred very soon after an incident of protester violence or threat to police. However, other incidents occurred at times when there was little or no perceivable threat to the safety of the officer, provocation or grounds for the level of force applied.

Observers recorded two incidents of police officers restraining other officers from using further force against protesters.²⁴

Batons were seen wielded from above the officer's head in a striking, downward motion and targeted toward and connected with the person's head, face, neck, and back. While the number and proportion of overhead baton strikes did not appear to be as prevalent as was witnessed during the World Economic Forum protests in 2000, Observers at G20 still recorded numerous dangerous incidents such as these described below.

At the barricades, a police officer took his baton all the way behind his back behind his back/head and with a full swing hit a protester on the right of his temple. Extreme force was used. This force was not designed to get people to move away or move back but was aimed at direct injury. Generally, police would tap people if they tried to get inside the barricade but at the time of this particular incident, the protesters were standing still, so the blow was directed. It was not an accident to hit him in the temple due to the force of the blow. The protester was bleeding significantly from the wound to his head. He fell back onto a woman and as a result she suffered a sprained ankle and she got taken away by others to the side of the road. There was a medical report filed by the medic after the incident occurred.

Human Rights Observer Incident Report 1804 [18/11/06]

Time: 14:00 Weather/lighting: Sunny/Clear/Bright

Location of incident: Corner of Collins Street and Alfred Place

The baton charges were extremely undisciplined and dangerous in themselves-irrespective of the amount of warning given. The speed and unpredictability of the charges meant that the officers were very loose with their use of the batons and extremely forceful shoving. I noticed a large number of forceful sideways baton swings and forward stabs during both of these charges, which may have been intended primarily as 'keep-away' swings but which would have caused a lot of damage had it been connected. They also represented an extreme escalation of the situation that resulted in commensurately aggressive responses by protesters. This risked additional danger as both sides were dispersed and confused.

Statement by Human Rights Observer IR1800 [18/11/2006]

24 HRO Incident Reports 1806 and 1822

8.4 Other instances of disproportionate use of force

This section provides further observations or reports of inappropriate or excessive use of force by police in a variety of situations.

Human Rights Observers noted that police officers provided loud and clear warnings to protesters on several occasions early on the Saturday afternoon. However, there were several occasions noted in which police failed to provide any warning to protesters prior to coercive force, baton charges or horse manoeuvres. This meant that numerous people, including some who were not threatening to police in any way, became injured or were put at risk of injury. Human Rights Observers also witnessed police using force against individuals who were not engaging in any provocative behaviour, as well as police removing or obscuring their name and number badges on several occasions.

At Parliament House, I observed a second sudden and extremely undisciplined localised attack with batons as a result of protesters responding to the charge. Using both fixed and flick-out batons, I noticed a number of very wild sideways strikes.

Statement by Human Rights Observer [18/11/2006]

Following the vandalising of a police truck a group of police officers came running up Exhibition St. The police were waving raised batons. There were only approximately 25 protesters remaining in the area. One man was standing alone near cars parked in the middle of the street. He appeared to be around late 20's. This man was not threatening to the police in any way.

The man was struck on the legs with a baton by a police officer. He was knocked to the ground. The police officer hit him about once more whilst he was on the ground. Members of the public who were clearly not demonstrators began screaming in distress and asking the officers to stop. One woman in particular requested to speak to senior officers. She was asking officers what was happening and who was in charge. The officers ignored her. Some people went and assisted the man on the ground.

Human Rights Observer Incident Report 1805 [18/11/06]

Time: 14.20-14.30 (approx) **Weather/lighting:** Clear

Location of incident: Near corner of Flinders St and Exhibition St

Following violent actions from protesters in white suits. Police commenced a baton charge from a laneway (Flinders lane). A man [name withheld] had been watching the demonstration when police began charge through groups of people. One protester who had fallen to the ground appeared to be in danger. The man yelled at police, requesting they avoid trampling the fallen individual. One police officer who had been swinging his baton aggressively and indiscriminately began chasing the man. He attempted to run away from the officer. A baton swing made contact with his little finger. The officer continued to pursue but eventually the man got away.

The man later attended the emergency department at St Vincent's Hospital to seek treatment. He was later operated on, receiving pins and plates in his hand. He is still being treated for the injury.

Statement taken by Human Rights Observer Incident Report 1823 [18/11/06]

Time: Sat afternoon

Location of incident: Exhibition St and Flinders Lane

A police officer approached a woman [name withheld]. The woman notified the police officer twice that she had a walking stick. Her friend also informed the officer that she was disabled and working as a medic during the protests. The police officer then 'backed off'. The same police officer then advanced and pushed the woman. She fell over. Her glasses fell off. The woman complained of a sore ankle following the incident. Her friend [name withheld] notified the human rights observer that she also used a walking stick and previously horses had trodden on her feet.

Human Rights Observer Incident Report 1814 [18/11/06]

Time: 17.15 **Weather/lighting:** fine

Location of incident: Near the corner of Exhibition St and Collins St.

The protesters had mainly the left lane of the road. The only non-police within 10m of the barricade were two people. There were 20 protesters behind that in a lane with riot police at breach of barricade at left.

Without provocation, 12 riot police moved out and hit Mr K [name withheld]. Two officers hit him with his shield, one officer (number withheld) hit him with his baton on the left side of his back, lower ribs and this caused him pain and swelling. Mrs K [wife - name withheld] was on the east side of the lane, behind the advanced blue police line- two riot police approached. One officer pressed her on the front against a metal roller door for two seconds. All officers immediately retreated to the barricade. Riot officer (number withheld) was identified from the photo as one police officer involved.

Human Rights Observer Incident Report 1819 [18/11/06]

Time: 16.00-16.30 **Weather/lighting:** fine

Location of incident: Flinders Lane, between ACDC Lane and George Parade

Riot police began advancing without warning up Russell St. A young lady was standing in a group directly opposite police. An officer behind the riot police gave the order to move. The young lady was then grabbed by her hair and arm and dragged behind police lines. The young lady appeared limp.

A young man came to her aid. He began yelling "no physical violence". He did not make contact with police. A police officer then struck the young man vertically over his hand and

ripped his bandana from his face. The young man walked away, his finger appeared to be bent out of position as a result of the baton blow.

Another young lady, who appeared to be friends with the first who was dragged behind police lines, was arguing with police in a non-physical manner. The police responded by grabbing her from the back of the neck and pulling her behind the line.

Human Rights Observer Incident Report 1818 [18/11/06]

Time: 18.18 **Weather/lighting:** Clear

Location of incident: Collins St. In front of the Grand Hyatt, at the Russell St barricade.

On Saturday night, a police officer took off his badge and punched a person in the face. The incident occurred at approximately 10:30-11pm outside Parliament House.

Human Rights Observer Incident Report 1821 [18/11/06]

Time: 22:30-23.00 **Weather/lighting:** Night time / street lights

Location of incident: Parliament House

A detailed description of the police action to clear Spring Street on Saturday night is provided by another HRO on site:

At 22.15 approximately fifty police officers moved into the crowd in groups of five. They quickly lost any formation, as activists pushed and shoved and yelled at police. Batons were drawn, and I witnessed many baton strikes to protesters. Some of these were to strike bottles out of the hands of people. There was broken glass flying through the air, and crunching underfoot. A number of people were forced to the ground and dragged off.

I witnessed one man – aged 30s – early 40s, with an olive green t-shirt and black curly hair, being assaulted. Three or four officers were holding his limbs and carrying him away face up. His t-shirt was pulled up, exposing the skin of his chest and stomach. I witnessed police officer, [name withheld] striking this man at least 3 times on his exposed stomach as he was being carried away. Within 3 – 5 minutes, the police had formed a circle around the car, and were maintaining the line with batons at the ready.

Scuffles broke out over the next 20 minutes, which were broken up by the commanding officer Sen Sgt [name withheld] intervening, pulling officers back and exhorting them to ‘not buy into their antagonism’. Similarly, other activists pulled back people who were engaged in scuffles, and told them to keep it cool.

People were taken to a large police van. An ambulance attended and [ambulance] officers appeared to be tending to several people.

Human Rights Observer Incident Report 1822 [18/11/06]

Time: 21:40-22.30 **Weather/lighting:** Warm/night

Location of incident: Spring Street, Parliament House

In conclusion, the Human Rights Observer Team considers the level of force that was used against protesters in each of the incidents cited above as unnecessary, excessive and dangerous. We note that the police actions in these incidents contravened the guidelines contained in the Victoria Police Manual, as well as the United Nations Code of Conduct for Law Enforcement Officials.

9. Arbitrary Arrest and Detention

Article 9 of the ICCPR provides:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

Section 21 of the Charter of Human Rights and Responsibilities Act 2006 states that:

- (1) Every person has the right to liberty and security.
- (2) A person must not be subjected to arbitrary arrest or detention.
- (3) A person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law.
- (4) A person who is arrested or detained must be informed at the time of arrest or detention of the reason for the arrest or detention and must be promptly informed about any proceedings to be brought against him or her.

The prohibition on arbitrary arrest and detention requires that any arrest and detention is in accordance with law. Arrest or detention is unlawful where an individual is arrested or detained on grounds which are not clearly established by law or which are contrary to law. Arrest or detention is arbitrary where it is disproportionate, unjust or unpredictable.

Accordingly, an arrest or detention that is initially lawful (for example, an arrest made on reasonable grounds of suspicion that the arrestee has committed an offence) may become arbitrary if it continues beyond the period for which the state can provide appropriate justification. Similarly, there may be insufficient procedures to ensure that the reasons for continuing to detain a person are legitimate. An arrest or form of detention may be unlawful (and thereby arbitrary) even though it is carried out in consequence of a statutory power. The United Nations Human Rights Committee has previously found that people who had been arrested and were not informed of the grounds for the arrest, were being arbitrarily detained.²⁵

On the Saturday of the main protests, a woman was arrested on seemingly arbitrary grounds, held for several hours and then released without charge. It remains unclear as to the purpose of this arrest and what police had initially perceived as an offence.

K [Name withheld]'s friend was positioned behind the mounted police but in front of the police on foot, effectively caught between two police lines. K then followed her friend into this area to provide assistance to her friend who appeared stuck. K and her friend were then asked to vacate this area by police. They refused to leave because they couldn't see how they could safely leave the area. Police were using coarse language throughout the encounter. Police then dragged Ks friend away and threw K to the ground which was littered with broken glass. K was dragged across the ground incurring bruising and tearing her backpack. K was told why and what she had been arrested for only after she had

²⁵ Spakmo v Norway 631/95.

enquired. 'Breach of the peace' was the response. K was then detained at the Melbourne West police station for approximately 2-3 hours after which time she was released without charge. The Office of Police Integrity (OPI) was present throughout K's detention.

Human Rights Observer Incident Report [18/11/06] IR 1815

Time: 17.15 Weather/lighting: fine

Location of incident: Near the Corner of Collins St and Exhibition St.

The HRO team is concerned that this arrest appears random, unpredictable, and on grounds which are not clearly established by law.

The Human Rights Observer Team noted with concern the arrest and detention of Mr Drasko Boljevic, a person who was allegedly not involved in any G20 protests. According to statements, Mr Boljevic was arrested at approximately 12.15pm on Sunday 19 November by plain-clothes police officers who failed to identify themselves. He was driven away in an unmarked white van and reportedly abused and assaulted whilst in police custody. He was not informed as to the reasons for his arrest until some time. Furthermore, having established his identity and the fact that Mr Boljevic was not at the protests the previous day, Mr Boljevic remained in custody until being released at approximately 2.35pm.

According to the shop attendant who was present at the time of Mr Boljevic's arrest:

At about 12pm two guys came in, one with tassels on hat [Drasko Boljevic]. The guy with tassels put an ice tea on counter and the other guy went to the back of the shop. Four or five big men entered the shop, circled him, one said "we've been looking for you". One nudged him aggressively; another said something in his ear. The guy with tassels tried to back out of the circle, seemed frightened and asked "What have I done?". They tipped him upside down, put his hand behind his back and he was put in a car outside. The person's friend returned from the back of the store and said "Oh my God, what just happened?"

Statement taken by Human Rights Observers [Name withheld] [19/11/2006] IR 1902

According to a statement made by Mr Boljevic and his companion soon after his release:

[Drasko's companion- name withheld] heard some screams and went outside to see Drasko's feet being carried into the unidentifiable van. He asked the abductors if they were policemen and they reply 'get the fuck out of here, get the fuck out of this city'

The men did not identify themselves or informed Drasko why he was being abducted. He was told to 'shout the fuck up' and that he was a 'fucking bastard' and they will 'bash him up and smash his face', whilst violently holding his legs crossed at his back and pushing his head against the floor of the van and sitting on it. They drove around the city for about 10 minutes continuously terrorising him with this type of comments and physical force. They pulled his pants down, searched him and cut his backpack of his back. 'I thought I was going to die'. I could hardly breathe and I didn't know who these people were', Drasko said later.

They stopped at an ally way behind Flinders St Station and made him lie on the floor, with his pants still down, and look down, still shouting at him to 'shut the fuck up'.

Some police detectives in casual clothes arrived and identified themselves. It was not until then, about 25 minutes after his abduction, that he was informed he was arrested, no reasons for the arrest were given. They took some photos of his face, front and profile with

a mobile. Then, they took him into an unidentified car and he was taken to the 412 St Kilda Rd Police Station.

When at the Police Station, they asked him if he would behave violently or bite policemen or if he would cooperate, and took his handcuffs off. He started being interrogated and for the first time since the abduction he was told he was arrested for assaulting a policewoman at the G20 protest on Saturday.

Drasko was not in Melbourne on Saturday, he was on his way to Malmsbury, 1 hour away from Melbourne, where he played in a cabaret show at the Town Hall. Police said later that he was arrested 'on the basis of his physical similarity with a suspect'.

At this point, about 2.00 it was apparent that they got the wrong person, and the Constable interrogating him told him he was about to be released, and that 'if this was Croatia he wouldn't be so lucky'. He was finally released at 2.35 pm.

After getting home in a state of shock and fear, Drasko realised he had a bruising in the right eyebrow (which is likely to become a black eye) and discomfort of the neck as immediate physical consequences of the violent way he was dealt with in the van.

Mr Boljevic's arrest may have been indicative of others undertaken on the Saturday afternoon and later as part of 'Taskforce Salver', which had been established by police to investigate further charges in relation to the protest actions.

In the Preliminary Statement released in December 2006, the HRO team expressed concerns that numerous arrests made under the post protest 'Taskforce Salver' may be potentially arbitrary and unlawful.

10. Right of Peaceful Assembly and Freedom of Expression

10.1 Right of peaceful assembly

Article 21 of the ICCPR provides that:

The right of peaceful assembly shall be recognised. No restrictions may be placed on exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Section 15(2) of the *Charter of Human Rights and Responsibilities Act 2006* provides:

Every person has the right of peaceful assembly.

The right to freedom of peaceful assembly protects the right of all persons to join with others without interference by the state to attain a particular end. The right to freedom of peaceful assembly is a cornerstone of a free and democratic society, and is closely associated with other fundamental democratic rights, such as the rights to freedom of expression, freedom of religion, freedom of association, and freedom of movement. The right to peaceful assembly imposes constraints on the state's ability to interfere with the freedom of the individual to assemble with other individuals. It is, in this way, most clearly associated with an individual's participation in the public and private demonstration of particular viewpoints.

In the protest context, the right to freedom of peaceful assembly extends to everyone, whether their cause and form of protest is attractive or unattractive to the state.²⁶ However, the right to freedom of peaceful assembly is not absolute. In order for the state to restrict the right to peaceful assembly, it should only be to the least extent necessary to preserve some other proper interest. Such interests include the protection of public safety and public order. Restrictions on the right to peaceful assembly, therefore, may be permissible in law if they:

- serve a legitimate interest,
- are no more than what is necessary to protect that interest, and
- clearly contemplate the person's right to continue to assemble peacefully where possible; that is, the restrictions must not effectively negate the right if other options are available.

A demonstration may annoy or give offence to persons opposed to the ideas or claims that it is seeking to promote. The participants must, however, be able to hold the demonstration without having to fear that they will be subject to physical violence by their opponents; such a fear would be liable to deter associations or other groups supporting common ideas or interests from openly expressing their opinions on highly controversial issues affecting the community. In a democracy the right to counter-demonstrate cannot extend to inhibiting the exercise of the right to demonstrate.

International jurisprudence has found that genuine, effective freedom of peaceful assembly cannot, therefore, be reduced to a mere duty on the part of the State not to interfere, but sometimes requires positive measures to be taken, even in the sphere of relations between individuals, if need be.²⁷

In this regard, it is incumbent on authorities to adopt measures that enable lawful protests to take place where possible, without the participants being subjected to physical violence or other threats.²⁸

10.2 Freedom of Expression

The right to freedom of expression is a fundamental right that is necessary for the enjoyment of the rights to freedom of association and peaceful assembly.

Article 19(2) of the ICCPR provides:

Everyone has the right to freedom of expression; the right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers...either orally, in writing, or in print, in the form of art, or through any other media of his or her choice.

Section 15(2) of the Charter of Human Rights and Responsibilities Act 2006 provides that

Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds.

There are very few activities that will not be protected by the freedom of expression because most human activity has an expressive element. A fundamental aspect of the right to freedom of expression is that it extends to protecting all information and opinion, however unpopular, offensive or distasteful.²⁹ Speech or an expression that is considered important to the ability of individuals to participate in core democratic processes, including political and social demonstrations, is likely to enjoy a very high degree of protection. The right generally protects all expression that conveys or attempts to convey meaning except expressive activity that takes the form of violence³⁰. In a protest context, the right to freedom of expression complements the right to freedom of peaceful assembly.

A wide array of police practices can limit freedom of expression by dictating the time, manner or places in which expression can occur, including placement of restrictions on areas where or times when a

26 See *Bradford v Police* [1995] 2 HRNZ 405, High Court of New Zealand, per Robertson J.

27 *Ezelin v. France*, Judgement of 26 April 1991 (No. 202), 14 E.H.R.R. 362 and *Johannesburg Principles on National Security, Freedom of Expression and Access to Information*, adopted at a conference convened by Article 19 on October 1, 1995.

28 *Plattform 'Arzte für das Leben' v Austria* A 139 (1988) 13 EHRR 204, E Ct HR.

29 For an overview of the content neutrality of the right see N Jayawickrama (2002), *The Judicial Application of Human Rights Law*, Cambridge University Press, Cambridge, page 693.

30 See *Irwin Toy Ltd v Quebec* [1989] 58 DLR(4th) 5771; *Solicitor General v Radio NZ Ltd* [1994] 1 NZLR 59.

demonstration can take place. Such restrictions can have a chilling effect on freedom of expression, as can the expectation of use of force by police officers at large protest gatherings.

Similar to the right to freedom of peaceful assembly, restrictions that can be placed on the right to freedom of expression in the protest context include national security, public order and public health.³¹ Where public safety or other of these factors is an issue, the restrictions placed on the right must be proportionate to the risk of harm and no reasonable alternatives open to the authorities. It does not necessarily mean that a total prohibition is warranted.

10.3 Use of barriers in CBD

The Victoria Police Manual chapter on public order events suggests that barriers are a preventative measure and warns police to set up barriers as soon as possible. *“Early occupation [by protesters] of proposed sites may develop into a crowd control situation. If used, erect and staff barriers before the participants assemble.”*³² The initial police strategy of area containment with road closures and the use of non-fixed barriers aimed to ensure that members of the public, including protesters, were not able to approach the summit venue without moving or climbing over the barriers. The intention of not allowing this zone to be breached by protesters was stated by police several times.

The choice by police to use low, moveable road barriers was designed to provide police with a means to maintain control of a given area, creating a secure zone around the target premises whilst maintaining the ‘ambience’ of the city area,³³ with police stating on several occasions prior to the event that they would not allow this zone to be entered by protesters. The initial use of fencing spaced so as to create a two-metre gap between police and protesters was also designed to reduce the type of police-protester contact which occurred at the World Economic Forum protests in September 2000.

Where police use their powers to conceal a protest from view, this can amount to denial of the right to protest. A protest that is made ineffectual is likely to negate rather than limit the right to freedom of peaceful assembly, as well as the right to freedom of expression.³⁴ As noted in the preceding section, any restriction on the right of peaceful assembly must be demonstrably justified by reference to one or more of the objectives listed in Article 21 of the ICCPR itself, or it will be unlawful.

The road closures and temporary barriers around the Grand Hyatt Hotel, backed by lines of police officers effectively prevented people from protesting within sight or earshot of the visiting G20 dignitaries and representatives.



Figure 3. Barriers moved further down Collins Street away from the Grand Hyatt Hotel (Photo James Tonson)

The police decision to move barriers and cordons further down Collins Street toward Swanston street on the Friday night and Saturday morning (see Figure 3) prevented the bulk of the march from approaching its

31 Section 15(3)(b) of the Charter provides that “ Special duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary...for the protection of national security, public order, public health or public morality.

32 Victoria Police Manual General Category – Operations Topic – Public Order VPM Instruction 107-1 Crowd control Originally Issued 11/7/03 Last Updated 04/07/05

33 “Police warn of G20 office protests” Dan Oakes and Ian Munro. The Age, November 15, 2006

34 See “Inquiry into matters relating to the visit of the President of China to New Zealand in 1999”. Report of the Justice and Electoral Committee, New Zealand House of Representatives, December 2000, page 37-39.

original end location at the intersection of Collins and Russell Streets. Some protest groups expressed frustration at this prohibition on reaching that location. These barricades across the major intersection also resulted in the large protest march being effectively split into two large groups by the blocked streets. The large group of protesters on Collins St were physically separated from another large congregation of protesters which were around the corner on Russell St. Neither group could see what was happening to the other section of the march. Furthermore, the barricades created numerous blind corners which made it difficult for protesters attempting to find a safe and suitable place from which to protest and avoid confrontation with the police. On numerous occasions on Saturday afternoon, HRO's and protesters reported being trapped or hemmed in by police barriers and manoeuvres. The potential for area-denial strategies to generate frustration and escalate tensions needs to be a primary concern to police.

As noted above, the rights to freedom of peaceful assembly and expression can be curtailed where there are risks to public safety. The use of low, moveable and minimal barriers at the G20 protests served to minimise the visual impact and the risk of provocation. In our view, the positioning of the barriers and movable police cordons surrounding the Grand Hyatt Hotel itself were initially justifiable, particularly given the occurrence and extent of protester and police violence which later occurred on the Saturday afternoon. However, the subsequent moving of the barriers outwards to block off more streets early on Saturday morning before the large protest took place had the effect of effectively blocking off large portions of the CBD. This had the potential to infringe upon the right of peaceful assembly and thereby freedom of expression. The fencing, barriers and police cordon significantly restricted the right of protest groups, including the Falun Gong, the G20 Christian Collective and other groups and individuals who sought to peacefully assemble and express their political concerns directly to visiting delegates and international political leaders. The barriers and cordons effectively limited this right.

It is unclear whether the use of barriers and cordons were effective in reducing the risk to public safety or public order or simply relocated the risk away from the visiting dignitaries. If the primary aim of public order policing is to maintain control over a protest situation, it appears that rather than as a means of protecting public safety and public order, the police' use of barricades was aimed at pre-emptive crowd control with the aim of keeping protesters out of sight and earshot of the G20 attendees. As can be seen from the preceding analysis, the use of area-denial methods such as barricades is controversial and its future application should be assessed by reference to the right of peaceful assembly.

10.4 Case Study: Protest at Melbourne Museum

On Sunday afternoon, at one of the entrances to Melbourne Museum, HROs observed a small group of peaceful demonstrators singing and chanting outside the museum. In contrast to the events of the previous day, there were no observations of any provocative or aggressive behaviour by protesters. There were about 30-40 protesters assembled outside the museum when, at approximately 4:30pm, a line of police officers performed a running baton charge into the crowd without prior warning. HROs witnessed numerous overhead and sideways baton strikes against non-resisting protesters. Several protesters were injured with one woman requiring ambulance evacuation after being struck by police batons.

Our observations and statements from protester witnesses are set out below. The incident began with a small group inside the museum's foyer attempting to negotiate with museum staff. According to one of the protesters involved:

Four of us were in the museum, in the Aboriginal section, when we were escorted out by museum staff. Two of us asked why we were being escorted out. The museum staff gave us feedback forms to fill out. I went up to a security guard and asked him about the museum being closed off to the public. The guard was on his mobile when 12 police surrounded me (list of names available). At this time, when the police were close enough to hear, the security guard said, 'You're going to do what to me? You're going to do what?' (As if I had threatened him.)

The police told me to get out. I asked, 'What did I do wrong?' Senior Sergeant [name withheld] said, 'Get out of here before I drag you out by your hair.' I said, 'excuse me?' The

police then grabbed me and I was dragged out of the museum by four police. I said, 'This is police brutality'. An officer replied, 'You want to see police brutality?' and then started digging his nails into my arm. Then my arm was twisted further around and pressure was applied to my wrist in order to twist it around so I was in pain. They pulled me outside. As they took me through the museum doors they tried to slam my face into the doors. Outside, myself and the three others were manhandled. Mine was Senior Sergeant [name withheld]. Sergeant [name withheld] called me in 'idiot'. After this the baton charge happened.

Statement taken by Human Rights Observer 1904 (19/11/2006)

Time: 16:00 **Weather/lighting:** Warm/bright

Location of incident: Melbourne Museum

Description of what HROs witnessed:

A small group of protesters (between 30 and 40 people) were singing and chanting while standing in the sliding doors of the Melbourne Museum. They were holding the doors open and some protesters were keeping time with the chant by drumming on the glass with their open hands. There were three police standing to the left of the protesters watching. Protesters were also drumming on drums, playing guitars and trumpets and many were dancing. From behind the protesters (from a blind spot) about 15 police ran into the area without warning (there were no warnings given at all. I was standing back from the protesters observing and the first I knew about a police presence was when they ran past me). When the police came in contact with the protesters they started physically hitting protesters and moving them away from the doors. The protesters were caught in a bottleneck. (The police had been bussed in by minibus from the Nicholson St. side of the Museum.) The police were dressed in their light blue uniforms, had batons, and were wearing eye protection and black gloves. At this point they were still wearing name badges. The police hit many of the protesters with batons, scattering them. One aggressive officer was [name withheld] (a young officer who was yelling at protesters and swinging his baton and punching with his other fist in front of him). (He was closest to me and had particularly targeted one protester attempting to get footage of the violence.) Once the police had moved the protesters about four or five metres away from the doors the police formed a line and started thrusting their batons out in front of them and moving forward. Many of the protesters had to push back against the police to stop the police hitting them or walking over them. At least two people fell and the police wouldn't stop moving forward. The police pushed the protesters back so they were about 10 to 15 metres away from the doors. At this point the police held their line. Two more police mini buses (again from the Nicholson St. side of the Museum) were driven to the protest and about 30 more police came in and joined the original 15 police. They formed a line in front of the museum and stood their ground.

Human Rights Observer Incident Report 1903 [19/11/06]

Time: 16:30 – 18:00 **Weather/lighting:** Warm/bright

Location of incident: Melbourne Museum

According to two of the protesters injured during this incident:

We continued [protesting] for about five minutes until people from behind started screaming and we were all attacked by approximately 50 police officers swinging their batons violently and giving no room to move. People were falling over and getting beaten. I was struck on the wrist, my back, leg and buttocks. The police knocked a pram containing a child onto its side. A woman was carried out who sustained what appeared to be a serious injury to her ribs. The police did not warn us of this brutal attack and continued to swing batons until we had all moved about 15-20 metres away from the door. Buses and buses of police had arrived, approximately 250-300 officers. This included those in street uniform and those in the dark blue jumpsuits. It seemed totally unreal. The police had attacked us and then formed a large line across the entire length of the museum entrance. Meanwhile, I was attending the woman who was having difficulty breathing. Someone called an ambulance and we waited until it arrived. Undercover photographers were taking profiles and inflaming the situation. I was feeling scared. There were only 40 of us who had been attacked and up to 300 police officers. I felt we were being targeted for the actions that had happened the day before.

Statement provided to Human Rights Observer Team [Name withheld] [19/11/2006]

The police charged at me very quickly, without warning and I was pressed up against the glass and was hit with a baton in the ribs and arm. I subsequently went to my local doctor by the name of Dr [name withheld] who then referred me on to St Vincent's Hospital. At St. Vincent's Hospital I got an X-ray taken and I'm waiting to see whether my ribs are broken. I have bruising which I have taken photos of.

A witness L [name withheld] saw the women above after the incident and witnessed her injuries. L saw that her arms and ribs were red from the beating and noticed that she was shaking and crying on the phone to her mum and was hysterical about the whole incident. L also states that that there was no warning from the police, they just started charging at the crowd at once and this is where the violence started.

Statement taken by Human Rights Observer 1821 [19/11/2006]

The HRO Team is extremely concerned by the violence by police against protesters at this incident. Based on our observations and statements taken from protesters, the use of force deployed by police in this situation was manifestly excessive, unprovoked and unnecessary. In forming this view, we have taken particular note of the following factors:

- the peaceful nature of the demonstration;
- members of the public were not prevented from entering or leaving the museum;
- no warnings were issued by police before the baton charge was deployed;
- the overhead baton strikes used by police were inconsistent with police guidelines;
- the force used appeared to have no rational or operational basis.

This incident represents, in our view, the most egregious example of the denial of the right of peaceful assembly and freedom of expression by police officers at the G20 protests.

11. Other issues

11.1 Failure to render assistance

On several occasions during the Saturday and again at the museum on Sunday afternoon, police failed to render assistance to injured people or respond to requests for assistance in a timely manner.

Immediately after the police action on Spring Street outside Parliament House (described on page 25) the HRO reported the following:

There are no medics called to the scene by the police. Seven to ten police officers were asked to call an ambulance because one man had two hurt eyes and a woman was lying face down and looked unconscious at first sight. She later jumped up in fright after a police arrested a person near her and seemed to be in a state of panic.

No police responded to the calls for an ambulance and told the witness to call himself and that's what he did. While the ambulance was coming, the police didn't respect the injured people but kept fighting and would fight even more over those who were injured. When the ambulance turned up, the police appeared to disregard the paramedics and continued fighting with the protesters.

Human Rights Observer Incident Report 1820 [18/11/06]

Time: 21:40-22.30 Weather/lighting: Warm/night

Location of incident: Spring Street, Parliament House

HRO statement immediately after Police baton charge at Melbourne Museum 19 November 2006:

A young woman had been hurt in the scuffle. She had suspected cracked or broken ribs. The protesters surrounded her and were providing some assistance. Some protesters told the police officer that a woman had been injured but the officer ignored them. They asked police to call an ambulance, but the police did nothing. She had been on the ground for about 10 minutes. Then two officers (one who seemed to have some authority) made their way to the young woman.

They told the police that 'she was already traumatised and they didn't want the police anywhere near her because they [the police] were the reason she was hurt in the first place'. The police claimed to not know she had been hurt although I heard the protesters tell the police repeatedly that someone was injured and an ambulance needed to be called. By this time approx 80 to 100 more police in dark blue overalls were standing in formation down towards the Rathdowne St. side of the Museum. (At this point there are approx 120 to 140 police and approx 30 to 40 protesters.) The initial line of police stood in front of the Museum while the dark uniformed police stood in two groups watching the situation.

A plain clothed officer came over to the injured woman, where many of the protesters were gathered, and filmed the protesters. One of the protesters repeatedly asked the officer for his name and for him to show his badge. The officer didn't reply. The officer was being called 'officer Tim' by the protester asking for his [the officer's] name. The ambulance came, it didn't stay very long, and took the injured woman away in quick time.

Human Rights Observer Incident Report 1903 [19/11/06]

Time: 16:30 – 18:00 **Weather/lighting:** Warm/bright

Location of incident: Melbourne Museum

11.2 Police provision of warnings

Police officers, including the Police Crowd Safety officers, were able to provide very clear warnings and negotiate with protesters during the Friday protests due to small numbers and the absence of any threatening behaviour from protest groups.

However, we are concerned that despite prior liaison agreements between police and some protest groups, this communication strategy became ineffective. According to one statement taken by a HRO:

It had been arranged prior to the protest that N [Name Withheld] was a designated liaison between protesters and police. Accordingly, the police had agreed to liaise with N during the protest. When N requested to speak with police, at approximately 16.50 on 18/11/06, the police refused. N was then kept waiting for over an hour to speak to Inspector Paul Pottage. At approximately 17.45 Inspector Pottage spoke with N, explaining to her that once protesters had begun using violent tactics such as throwing glass the agreement to liaise had been severed. N argued that opportunities to liaise had been refused prior to the violent tactics in question.

Human Rights Observer Incident Report 1810 [18/11/06]

Time: 16.50-18.50 **Weather/lighting:** OK

Location of incident: Near the corner of Exhibition St and Collins St

Police provided loud and clear warnings to protesters on several occasions early on the Saturday afternoon. However, there were several occasions noted in which police failed to provide any warning to protesters prior to coercive force, baton charges or horse manoeuvres. This meant that numerous people, including some who were not threatening to police in any way, became injured or were put at risk of injury.

A group of what appeared to be 'riot police', distinguished by their facial protection and padded suits, advanced upon protesters through a stationary line of mounted police. No warning was given prior to the advancement. The advancement made contact with protesters. An unknown female protester was pushed to the ground and then struck with a baton.

Human Rights Observer Incident Report 1812 [18/11/06]

Time: 17.00 **Weather/lighting:** Clear

Location of incident: Near the corner of Collins St and Exhibition St.

Opposite the Grand Hyatt hotel near the corner of Exhibition St and Collins St, there is a circular foyer on the ground floor of a building. A number of police officers, without warning, advanced upon protesters forcing them into this confined area.

Human Rights Observer Incident Report 1813 [18/11/06]

Time: 17.15 **Weather/lighting:**

Location of incident: Corner of Exhibition St and Collins St.

Police did make other attempts to liaise and negotiate with protesters later that evening. HROs report that at 21.50 a Sergeant [name withheld] and two other officers approached protesters to talk outside Parliament House on Spring Street. This occurred as police numbers increased and police surrounded the sound system in the street. Protesters were informed that the police were awaiting orders and that a warning would be given if any action was to be taken. A protest spokesperson later relayed this to the crowd prior to the police action occurring.

There was a street party with a car that had two lock-ons. Police briefly tried to communicate that they were going to remove people. The police formed a line on the top of the Parliament steps. A protest spokesperson, who was involved in police liaison leading up to the protests, was standing on top of a car trying to help people make a decision. There was a delay by people in making a decision and that's when the police charged at the protesters with their batons out. About ten police were in groups and were beating up individuals. Protesters were being held down while other police beat them with batons. Bystanders were hit by the police. The bystanders were from the pub and they were throwing bottles at the police. As a man was being dragged away by his arms, his shirt was rolled up over his chest, revealing his bare stomach and chest. Another officer not involved came up and struck the man four times on his exposed skin.

Human Rights Observer Incident Report 1820 [18/11/06]

Time: 21:00 **Weather/lighting:** Warm/night

Location of incident: Spring Street, Parliament House

11.3 Police name badges

In his report following the World Economic Forum protests in 2000, the Ombudsman stated:

The failure of a significant number of police to wear name tags is of concern. Although it is not a breach of the law but merely a breach of police instructions, it raises some serious issues of accountability and discipline. There is no evidence that the widespread failure to display identity was sanctioned or condoned by senior police. Indeed, the available evidence suggests that when senior police became aware of the issue attempts were made to do something about it. It is clear, however, that the removal of nametags could not have gone unnoticed by the officers and sub-officers supervising police at the barricades. It seems to me that the most disturbing aspect of this issue is that it demonstrates a wilful and apparently widespread disregard for a clear instruction. This should be a matter of serious concern for Police Command if it is concerned to maintain a disciplined and professional Force.³⁵

³⁵ 'Investigation of police action at the World Economic Forum demonstrations September 2000' Report of the Ombudsman Victoria, June 2001

Identification nametags could be seen on a high proportion of officers throughout the G20 protests. HROs noted a far higher proportion of police officers wearing nametags than had been observed at the WEF protests where 90% were estimated to have been without name tags.³⁶ At G20, the efforts of police command to enforce this practice seemed to have been largely effective.

However, the number of officers observed without name badges remained too high. The identification of individual officers goes to the heart of accountability of a civilian police force. If police officers cannot be identified then they can act with a high degree of impunity. The ease at which individual officers are able to remove or obscure their name tag lends weight to the longstanding recommendation that police uniforms should be provided with identification names and number sewn into the uniform at the breast pocket and epaulets in a similar way to defence force uniforms.

³⁶ See Kelly et al, (2000) Legal Observer Team Report, World Economic Forum Protests, September 11-13 2000, Pt'chang Nonviolent Community Safety Group

12. Reaction to Human Rights Observers

Human Rights Observers took note of the way in which they were responded to by various groups present at the G20 protests including police and protesters. This was important to evaluate the potential impact of the HRO presence and the impact upon the behaviour and perceptions of the various groups.

12.1 Police

A Senior Sergeant from the Crowd Safety team rang the HRO team co-ordinator on the morning of Friday 17th to introduce himself and to encourage HROs to introduce themselves once out on patrol. The Crowd Safety Officers present did make special efforts to interact with all protesters as well as introduce themselves and engage with HRO team members. On several occasions HRO were able to explain their role and mandate and clarify any questions. Unfortunately, Crowd Safety Officers were not able to be found after the initial escalation of protester actions on police barricades.

The vast majority of police personal encountered, rarely, if at all, spoke with or interacted with HROs. When engaged in manoeuvres to move people on or in baton charges police did not recognise HROs as distinct from the protesters on most occasions. On at least one occasion, however, a HRO team member was warned separately by an officer just prior to a manoeuvre in recognition of her role. Unfortunately at this time the HRO did not have time to move to a safe location before being pushed into a police line and slightly injured on her right shoulder.

A HRO team reported an incident at 14.30, on Saturday 18th, near the corner of Collins and Exhibition Streets. Two HROs were accosted by a man asking what they were doing and who did not appear to accept that HROs were independent and unbiased observers. The male mentioned how a police 'colleague' of his was injured by protesters and became increasingly aggressive to the HRO team members. Although not confirmed, it was believed that this man was an officer in plain clothes.

On Sunday 19th, police on the barricades and the police patrolling the city on motorbikes or in cars were, again, seemingly indifferent to the presence of HROs. Throughout the Saturday and Sunday, HROs reported being purposely and closely filmed by officers of the Video Operations Unit at every opportunity.

After the baton charge by police at the Melbourne Museum described above, the police did have some minimal interaction with the HROs which is reported here to illustrate how HROs are trained to negotiate the often difficult role of third-party observing.

HRO Craig Garrett (CG) was observing a conversation between two protesters and Superintendent Mick Williams (The two protesters wanted to make a verbal complaint about the police action). When the Superintendent saw CG standing near (observing) the conversation he said, 'Are you ok?'

CG said, 'Yes fine thanks.' The Superintendent said, 'Move away I'm trying to have a conversation here.' and walked towards CG. Another officer also walked towards CG. CG said, 'That's fine. I'm not stopping you. I'm ok.'

The Superintendent then stood between CG and two protesters, his back to CG, and continued speaking with them.

The Superintendent appeared antagonistic to the presence of an independent observer at the scene however he did appear to recognise that the HRO was playing a separate role to that of the protesters. He then focussed back on the conversation with the two protesters, ignoring the HRO and going so far as to cut the HRO from the conversation.

The Superintendent also took photos of the HRO whilst he was taking a witness statement, and when attempting to record names and numbers from police standing in a line in front of the Museum doors.

12.2 Protesters/marchers

As HROs walked around on Friday, before the march on Saturday and in the early afternoon on Sunday, responses were consistently positive. When HROs introduced themselves to marchers and protesters, and let people know who they were and what role they were playing, the HROs were treated with respect. Some protesters/marchers went so far as to thank them for the role they were playing.

Many protesters took the legal information HROs were disseminating. They were grateful that there was someone there who was addressing these issues. Many stated that they did not expect to be arrested but understood that the more they knew about their legal rights the better. Many took the information and passed it onto their own networks.

When HROs approached people to give witness statements most people were willing to give a statement. Some people didn't want to provide statements, however in general they understood why the HRO was asking them and declined politely.

On Sunday, many protesters stated that they were happy that the HROs were still present. People were also appreciative that the HROs were taking witness statements. Some people said they felt safer with the HROs around because the HROs looked 'official' in their vests and with their radios, and because they stood out and were separate from the protesters.

13. Recommendations

Based upon our observations and analysis of policing of the G20 protests, we make the following recommendations:

Victoria Police should assess their protocols, training and disciplinary procedures in the light of these events and before the obligations of the Victorian Charter of Human Rights and Responsibilities commence. This should be done in accordance with the UN Code of Conduct for Law Enforcement Officials as well as other basic international human rights standards applicable to law enforcement officials.

In particular, Victoria Police should review its procedures and practices to address the following issues:

- (1) Police should provide assistance to injured persons as soon as possible during protest events, even if the person has been injured as a result of police action. Safety of persons should remain a priority before, during and after any police action. Police officers should be instructed to respond immediately to requests for an ambulance from members for the public and allow ambulance officers to assess the person's condition at the earliest possible opportunity. Police officers should allow access and egress to all identifiable medical personnel present at large protests, including volunteer first aiders.
- (2) Police should always wear non-removable identification allowing clear identification by name and number. We recommend that police uniforms be provided with identification names and number sown into the uniform at the breast pocket and epaulets in a similar way to defence force uniforms.
- (3) Any future use of barricades in protest situations should be assessed by reference to the right of peaceful assembly and must be demonstrably justifiable according to the nature and proportionality of the restrictions and their goals, and whether or not alternative means to meet the same ends are available to police.
- (4) Human Rights Observers and other independent bodies should be treated with respect and courtesy at all time by police members.
- (5) Although long-range capsicum spray canisters were deployed at the G20 protests they were not used. This is to be commended. The Human Rights Observer Team strongly recommends that chemical weapons of this nature should not be used in protest events, due to the risk of serious injury and the risk of destabilisation and escalation of a public order situation.
- (6) Police should adhere to liaison agreements with protest groups and should attempt to negotiate with groups before any escalation of coercive crowd control techniques. More training and effort can be directed toward respectful negotiation with groups and individuals. If Crowd Safety officers are to have a positive impact then their presence during periods of heightened conflict is required.
- (7) It is to be commended that Victoria police did not seek to utilise powers under the Terrorism (Community Protection) Act. Counter-terrorism policing should remain distinct and separate from any policing of public order or protest events. Anti-terrorism provisions and powers should never be used in the context of public protest or applied against people engaged in protest activity.

Human Rights Observer Team

Federation of Community Legal Centres (Vic) Inc.

Appendix 1: 10 Basic Human Rights Standards for Law Enforcement Officials

1. Everyone is entitled to equal protection of the law, without discrimination on any grounds, and especially against violence or threat. Be especially vigilant to protect potentially vulnerable groups such as children, the elderly, women, refugees, displaced persons and members of minority groups.
2. Treat all victims of crime with compassion and respect, and in particular protect their safety and privacy.
3. Do not use force except when strictly necessary and to the minimum extent required under the circumstances.
4. Avoid using force when policing unlawful but non-violent assemblies. When dispersing violent assemblies, use force only to the minimum extent necessary.
5. Lethal force should not be used except when strictly unavoidable in order to protect your life or the lives of others.
6. Arrest no person unless there are legal grounds to do so, and the arrest is carried out in accordance with lawful arrest procedures.
7. Ensure all detainees have access promptly after arrest to their family and legal representative and to any necessary medical assistance.
8. All detainees must be treated humanely. Do not inflict, instigate or tolerate any act of torture or ill-treatment, in any circumstances, and refuse to obey any order to do so.
9. Do not carry out, order or cover up extrajudicial executions or "disappearances", and refuse to obey any order to do so.
10. Report all breaches of these Basic Standards to your senior officer and to the office of the public prosecutor. Do everything within your power to ensure steps are taken to investigate these breaches.

These '10 Basic Human Rights Standards for Law Enforcement Officials' were prepared by Amnesty International in association with police officials and experts from different countries. They are based on United Nations law enforcement, criminal justice and human rights standards. They are intended as a quick reference, and not as a full explanation of or commentary on the applicability of international human rights standards relevant to law enforcement.

This document is intended to raise awareness amongst government officials, parliamentarians, journalists and non-governmental organizations of some fundamental standards which should be part of any police training and police practice.

All governments are required to adopt the necessary measures to instruct law enforcement officials, during basic training and all subsequent training and refresher courses, in the provisions of national legislation in accordance with the UN Code of Conduct for Law Enforcement Officials as well as other basic international human rights standards applicable to law enforcement officials.

These standards should be made available as widely as possible to the general public and fully respected under all circumstances. They should be reflected in national legislation and practice, and regular public reports issued on their implementation. Exceptional circumstances such as a state of emergency or any other public emergency do not justify any departure from these standards.

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Appendix 2: Role and Protocols of the Human Rights Observer Team

The roles of the G20 Human Rights Observer Team were outlined as being to:

- Observe, monitor and record details of interactions between police/security personnel and members of the public;
- Take video and/or photographic evidence of any incidents should they occur;
- Collect the name, identification number and/or a physical description of police officers or private security guards during or after an incident;
- Observe, monitor and collect information on arrests if they occur;
- Seek information about and monitor the whereabouts and wellbeing of arrested persons whilst in police custody;
- Distribute information on basic legal and human rights to members of the public at the G20 protests;
- Refer arrested persons to appropriate Legal support;
- Compile and publish comprehensive and detailed reports after the event to be submitted to the Victorian Ombudsman, the Office of Police Integrity and national and international human rights bodies and committees if appropriate.

Members of the Human Rights Observer Team worked under the following strict protocols

- Members of the Human Rights Observer Team will treat all people with respect and courtesy throughout the event;
- Members of the Human Rights Observer Team will not engage in any protest actions, civil disobedience or illegal activities during G20 event;
- Members of the Human Rights Observer Team will not interfere with, or hinder police officers and maintain a reasonable distance away from arrest incidents. However, the Human Rights Observer Team will seek the best possible vantage point to observe arrests and police-public interactions at all times;
- All information collected by the Human Rights Observer Team will be for reporting and legal purposes only. Permission will be sought from persons providing information and testimony.
- If one or a few people become isolated behind a police cordon, members of the Human Rights Observer Team will seek police authority to accompany or remain with those people until their arrest or removal;
- During all liaison with the Victoria police, the Human Rights Observer Team will not discuss nor disclose any details or information regarding any other group, individual or protest action;
- The Human Rights Observer Team will liaise with all groups, individuals and organisations involved in the G20 protests to the best of our ability;
- The Human Rights Observer Team cannot provide legal advice or ongoing legal support. Those seeking legal advice and support will be referred to a lawyer or Community Legal Service.

Appendix 3: Policing in the age of anti-terror legislation

The Human Rights Observer Team was initially concerned about the possibility of the Victoria Police evoking special powers under the Terrorism (Community Protection) Act and the application of these powers against people engaged in protest activity.

The Terrorism (Community Protection) Act is Victorian legislation designed to address the threat of terrorism. In March 2006 the Act was amended to expand police powers under certain circumstances.

Under these recent amendments there are four situations in which police may apply to the Supreme Court for an authorisation to exercise special powers:

- An event is taking place that involves or is likely to involve the attendance of a prominent person or a large number of people and the event therefore might be the subject of a terrorist act. The authorisation must be necessary to protect the people attending the event from a terrorist act.
- A terrorist act is occurring or is likely to occur in the next 14 days and the exercise of special police powers will either prevent the terrorist act or reduce its impact.
- A terrorist act is occurring or has occurred and the special police powers will help the authorities to investigate the terrorist act, preserve evidence, apprehend any culprit or assist community recovery.
- Some essential service is at risk of a terrorist act or has been the subject of a terrorist act.

Once an authorisation has been made the police also have the following powers:

- To stop people and demand to know who they are. They may also request proof of identity.
- To stop and search people without a warrant. The type of search that police may do is confined to a pat down/frisk search. They may also ask people to empty their bags, turn out their pockets and they may search people's bags or pockets.
- To search vehicles without a warrant.
- To move vehicles that are causing a danger, causing congestion or hindering police.
- To enter and search premises without a warrant where a person or vehicle has been specifically identified in the authorisation and police believe that the vehicle or person may be on the premises.
- To place a cordon around the authorisation area.
- To seize and detain things relating to a terrorist act

The Act also provides that police are able to use reasonable force where necessary to exercise these powers.

There is, however, no requirement that the police limit their use of these powers to situations where they believe a person or vehicle is involved in terrorism. Once the authorisation has been made the police are freely able to exercise their expanded powers within the designated area for the designated time. Police have indicated that their policy is to only use their special powers for counter-terrorism related purposes, however, the law as it stands does not compel police to stick to this policy.

To date, an authorisation of this type has been sought and obtained only once. That was in relation to the Queen's Luncheon during the Commonwealth Games in Melbourne in March 2006. The authorisation only applied to the venue of the luncheon (the Exhibition Building) and surrounding grounds and was only in force on the day of the luncheon. To the best of our knowledge, police used their special powers once and this was to search the bags of a protester outside the event. It was unclear whether police genuinely suspected the person of involvement in terrorist activity or whether they were making use of the unrestricted powers the legislation gives them.

In liaison with the Victoria Police Counter Terrorism Unit and the G20 police command, police clearly stated that they wanted to make a distinction between the policing of domestic public order events and terrorism and that they had no intention to approach the Supreme Court to invoke powers under the terror laws unless there was a specific security assessment about the likelihood of terrorist acts closer to the G20 event.

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Key resources on human rights monitoring

There is a wide literature available on human rights monitoring. Substantial references to training resources can be found in these websites and publications.

Training Manual on Human Rights Monitoring. University of Minnesota Human Rights Library available at <http://www1.umn.edu/humanrts/monitoring/index.html>

Consolidating the Profession: The human rights field officer (www.humanrightspersonals.org). This is a research, training and capacity-building project in support of enhanced delivery of services by human-rights field operations, convened and facilitated by the University of Nottingham Human Rights Law Centre (HRLC). This web-page has many of its own research resources, as well as up-to-date links to dozens of other key resources on topics including monitoring, human-rights education, training and reporting.

Human Rights Education Association (www.hrea.org). Numerous links to training resources on monitoring, fact-finding and human-rights education.

Monitoring State-sponsored Violence in Africa. A practical guide. Civil Liberties Organisations, Lagos; Kenya Human Rights Commission, Nairobi; Network of Independent Monitors, Durban, 2000. (http://www.protectionline.org/article.php?id_article=128).

The Human Rights Field Operation: Law and practice. O'Flaherty, Michael (ed). Ashgate (forthcoming).

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A Humanitarian Practitioner's Guide to International Human Rights Law. Occasional Paper 34, O'Neill, William G. Providence, RI: Watson Institute for International Studies, 1999. For copies contact the Humanitarianism and War Project via e-mail at: H&W@tufts.edu.

UN Human Rights Committee - <http://www.unhchr.ch/html/menu2/6/hrc.htm>

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms General (Assembly resolution 53/144) [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.53.144.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.53.144.En?OpenDocument)

