



## STATEMENT OF THE NEW YORK CITY BAR ASSOCIATION ON POLICE USE OF FORCE IN HONG KONG AND CALL FOR AN INQUIRY COMMISSION

The New York City Bar Association is deeply concerned by reports of human rights abuses by the Hong Kong police force in the Special Administrative Region and the erosion of the democratic process in Hong Kong.

### BACKGROUND ON THE PROTESTS AND POLICE ACTIONS

The current wave of protests in Hong Kong began in summer 2019. These protests—which were largely peaceful—followed the decision of the Hong Kong government to rush through a bill that would permit extradition of criminal suspects to mainland China,<sup>1</sup> a measure that the Association opposed in its April 2019 letter to Hong Kong’s chief executive.<sup>2</sup>

Since then, the protests grew significantly in size,<sup>3</sup> and the protesters expanded their concerns to five core demands: (1) permanent withdrawal of the Extradition Bill; (2) establishment of an Independent Commission of Inquiry into abuse of power by the Hong Kong police force; (3) dual and genuine universal suffrage (for both the Legislative Council and the Chief Executive); (4) release of all arrested protesters, and a pledge that they will not be further prosecuted; and (5) retraction of characterization of the protests as a “riot.”<sup>4</sup>

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<sup>1</sup> Holmes Chan, ‘Trojan Horse’: Hong Kong’s China Extradition Plans May Harm City’s Judicial Protections, *Say Democrats*, H.K. FREE PRESS, (Feb. 13, 2019), <https://www.hongkongfp.com/2019/02/13/trojan-horse-hong-kongs-china-extradition-plans-may-harm-citys-judicial-protections-say-democrats/>; Austin Ramzy, *Hong Kong March: Vast Protest of Extradition Bill Shows Fear of Eroding Freedoms*, N.Y. TIMES (June 9, 2019), <https://www.nytimes.com/2019/06/09/world/asia/hong-kong-extradition-protest.html> (all websites last visited Nov. 22, 2019).

<sup>2</sup> N.Y. CITY BAR ASS’N, LETTER TO HONG KONG CHIEF EXECUTIVE ON PROPOSED AMENDMENTS TO EXTRADITION LAWS, (April 29, 2019), <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/letter-to-hong-kong-chief-executive-on-proposed-amendments-to-extradition-laws>.

<sup>3</sup> *Hong Kong Protest: ‘Nearly Two Million’ Join Demonstration*, BBC, (June 17, 2019), <https://www.bbc.com/news/world-asia-china-48656471>.

<sup>4</sup> *The Hundredth Day Declaration*, CHINA HERITAGE (Sept. 26, 2019), <http://chinaheritage.net/journal/the-hundredth-day-declaration/>.

On September 3, 2019, the Hong Kong government relented and agreed to withdraw the Extradition Bill,<sup>5</sup> and the Bill was formally withdrawn on October 23, 2019.<sup>6</sup>

The Association is concerned that the Hong Kong government is increasingly failing to protect its residents in the exercise of their rights under the *International Covenant on Civil and Political Rights* (the “ICCPR”). There have been widespread reports that the Hong Kong police force has engaged in potentially serious human rights violations, in the following respects:

- Treatment of Detainees: There have been widespread reports that the police have engaged in beating of detainees and other ill-treatment amounting to torture.<sup>7</sup> Moreover, some detainees have been transferred to a remote detention camp known as San Uk Ling near the Chinese border where they have been abused.<sup>8</sup> Detainees are in a vulnerable position and need protection from human rights abuses, especially regarding the right to humane treatment, which must be guaranteed with respect to both the state’s own actions as well as those of third parties.<sup>9</sup> Any use of force against persons in custody must be the minimum necessary for the maintenance of security or order within the institution,<sup>10</sup> conforming with the requirements of necessity and

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<sup>5</sup> Human Rights in China, *2019 Hong Kong Protests against Extradition Bill: A Brief Timeline* (Oct. 1, 2019, updated Nov. 6, 2019), <https://www.hrichina.org/en/2019-hong-kong-protests-against-extradition-bill-brief-timeline>.

<sup>6</sup> Cassidy Vavra, *Hong Kong formally withdraws extradition bill after months of protest*, NY DAILY NEWS, (Oct. 23, 2019), <https://www.nydailynews.com/news/national/ny-hong-kong-formally-withdraws-extradition-bill-months-protest-20191023-lob4p7khsfadver4gu3d4xsfji-story.html>.

<sup>7</sup> AMNESTY INT’L, HONG KONG: ARBITRARY ARRESTS, BRUTAL BEATINGS AND TORTURE IN POLICE DETENTION REVEALED, (Sept. 19, 2019) <https://www.amnesty.org/en/latest/news/2019/09/hong-kong-arbitrary-arrests-brutal-beatings-and-torture-in-police-detention-revealed/>; N.Y. TIMES, *Hong Kong Police Officers Arrested Over Beating of Man in Hospital*, (Aug. 20, 2019) <https://www.nytimes.com/2019/08/20/world/asia/hong-kong-police-arrested-beating.html>.

<sup>8</sup> Julie McCarthy & Braktkton Booker, *Hong Kong Braces for Massive Weekend Protests*, NPR.ORG (Sept. 27, 2019, 12:22PM ET) <https://www.npr.org/2019/09/27/765016873/hong-kong-braces-for-massive-weekend-protests>.

<sup>9</sup> See, e.g. *Bouyid v. Belgium*, 2016 62 Eur. H. R. Rep. 32 (Sept. 28, 2015) available at <http://hudoc.echr.coe.int/eng?i=001-157670>, at §§83-90.

<sup>10</sup> See Basic Principle 15 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, Havana, Cuba, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 (1990), <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>; See Rule 54(1) of STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS, U.N. Doc. A/CONF/61 1, annex 1, E.S.C. Res. 663C, (XXIV) (July 31, 1957), U.N. ESCOR, Supp. No. 1, at 11, U.N. Doc. E/3048 (1957), amended by E.S.C. Res. 2076, (LXII) (May 13, 1977), U.N. ESCOR, Supp. No. 1, at 35, U.N. Doc. E/5988 (1977) available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/TreatmentOfPrisoners.aspx> Rule 54(1), and see Rule 82(1) U.N. STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS (MANDELA RULES), U.N. Econ. & Soc. Comm. on Crime Prevention and Criminal Justice, 24th Sess., U.N. Doc. E/CN.i 5/ 205/L.6/Rev.i (May 21, 2015), available at [https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ\\_Sessions/CCPCJ\\_24/resolutions/L6\\_Rev1/ECN15\\_2015\\_L6Rev1\\_e\\_V1503585.pdf](https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_24/resolutions/L6_Rev1/ECN15_2015_L6Rev1_e_V1503585.pdf) at Rule 82(1).

proportionality.<sup>11</sup> This requirement on minimum use of force has been incorporated directly into Hong Kong law under *CAP 234A Prisons Rules*, Article 237.<sup>12</sup>

- Treatment of Hospital Staff: Hong Kong police have also been alleged to engage in harassment of hospital staff while searching for protesters.<sup>13</sup> The harassment of staff and patients during the administration of medical care and the prevention of access to medical care raise serious concerns under international law. When such acts involve deprivation of medical care, they may constitute torture or other cruel, inhuman or degrading treatment or punishment in violation of the *Convention Against Torture*. When physicians and other medical staff are harassed or co-opted into police activity in a manner that prevents their delivery of medical care to patients, this could constitute a violation of the principle of medical neutrality which requires that medical personnel in civil strife situations be protected and respected during the performance of their duties.<sup>14</sup>
- Police Acting as Agents Provocateurs: The news media has reported that Hong Kong police officers may have acted as agents provocateurs during protests.<sup>15</sup> The use of agents provocateurs raises important questions, particularly when those agents provocateurs or undercover police officers are allegedly involved in inciting unlawful or violent activity among protesters. At a minimum, police conduct which itself is violent or illegal may raise problems for the admissibility of any evidence obtained or the prosecution of offenders arrested in connection with that police activity.<sup>16</sup> But it

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<sup>11</sup> See *supra* note 31.

<sup>12</sup> See Prison Rules, (1954, ER 3 of 2015) Cap. 234, § 25) available at <https://www.elegislation.gov.hk/hk/cap234A>.

<sup>13</sup> *Hong Kong Police Accused of Harassing Hospital Staff during Searches for Extradition Bill Protesters as Medical and Legal Professionals Call on Officers to Behave*, SOUTH CHINA MORNING POST (June 23, 2019), <https://www.scmp.com/news/hong-kong/law-and-crime/article/3015743/hong-kong-police-accused-harassing-hospital-staff>.

<sup>14</sup> INTERNATIONAL COMMITTEE OF THE RED CROSS, PRACTICE RELATING TO RULE 25, MEDICAL PERSONNEL and RULE 25 MEDICAL PERSONNEL available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2\\_rul\\_rule25](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule25) and [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule25](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule25).

<sup>15</sup> Barbara Marcolini, *Police Dressed as Protesters: How Undercover Police in Hong Kong Severely Injured People*, N.Y. TIMES, Sept. 22, 2019, <https://www.nytimes.com/2019/09/22/world/hong-kong-police-protests.html>; David Brennan, *Hong Kong Protesters Say LegCo Break-in Was Police Setup, Share Video of Officer Appearing to Announce Violence 4 Hours Before It Happened*, (Jul. 2, 2019), NEWSWEEK available at <https://www.newsweek.com/hong-kong-protesters-legco-building-break-police-set-video-officer-statement-watch-1447038>.

<sup>16</sup> Paul Lewis & Rob Evans, *Activists walk free as undercover officer prompts collapse of case: Six defendants call for inquiry into activities of PC Mark Kennedy, who infiltrated environmental group*, THE GUARDIAN, Jan. 10, 2011, <https://www.theguardian.com/environment/2011/jan/10/activists-undercover-officer-mark-kennedy>; See *R v D'Arrigo* [1991] 58 A Crim. R. 71 (Austl.). In New York City, the use of undercover officers to “monitor activity of political and protest organizations is subject to the Handschu Guidelines, which state unequivocally: Undercovert are strictly prohibited from engaging in any conduct the sole purpose of which is to disrupt the lawful exercise of political activity, from instigating unlawful acts or engaging in unlawful or unauthorized investigative activities.” See, *Handschu v. Special Services Division*, 288 F.Supp.2d 411 (S.D.N.Y, Aug. 6, 2003) at 429 available at NEW YORK CIVIL LIBERTIES UNION, HANDSCHU V. SPECIAL SERVICES DIVISION (CHALLENGING NYPD SURVEILLANCE

also raises questions about the aims of the police themselves. Indeed, two different United Nations Special Rapporteurs have written about the negative restrictions and positive duties that international law imposes on states with respect to the proper management of assemblies:

*International law requires that States respect and ensure the rights of all individuals. The obligation to respect rights means that States must refrain from restricting the exercise of the rights where it is not expressly allowed under international law. The obligation to ensure is a positive duty that requires States both to fulfil and to protect rights.<sup>17</sup> The protection of rights requires that positive measures be taken to prevent actions by non-State actors that could interfere with their exercise. The fulfilment of rights requires States to create, facilitate or provide the necessary conditions for the enjoyment of rights.<sup>18</sup>*

Thus, the use of undercover police to incite unlawful activity is contrary to the principles enshrined by international law.<sup>19</sup>

- **Rubber Bullets, Tear Gas, and Live Bullets:** The news media has reported that the Hong Kong police force has over-used and/or misused rubber bullets and teargas against protestors.<sup>20</sup> More recently, there have been reports of the use of live ammunition by the Hong Kong police force against a protester during demonstrations on Tuesday, October 1, 2019 and another protester on Monday, November 11, 2019.<sup>21</sup> The *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* require that “deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully

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PRACTICES TARGETING POLITICAL GROUPS) <https://www.nyclu.org/en/cases/handschu-v-special-services-division-challenging-nypd-surveillance-practices-targeting>.

<sup>17</sup> Plattform "Artze fur das Leben" v. Austria, 139 Eur. Cc. H.R. (ser. A) (1988) available at <http://hudoc.echr.coe.int/eng?i=001-57558>.

<sup>18</sup> Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions & Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Joint Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions on the Proper Management of Assemblies, ¶14, U.N. Doc. A/HRC/31/66 (Feb. 4, 2016) <https://digitallibrary.un.org/record/831673>.

<sup>19</sup> STUART CASEY-MASLEN, POLICE USE OF FORCE UNDER INTERNATIONAL LAW, Ch. 6, (2017).

<sup>20</sup> Mike Ives, *Extradition Protesters in Hong Kong Face Tear Gas and Rubber Bullets*, N.Y. TIMES, June 12, 2019, <https://www.nytimes.com/2019/06/12/world/asia/hong-kong-extradition-protest.html>.

<sup>21</sup> Mike Ives, *Hong Kong Police Shoot a Protester, 18, With a Live Bullet for the First Time*, N.Y. TIMES (Oct. 1, 2019, last updated Nov. 8, 2019), <https://www.nytimes.com/2019/10/01/world/asia/hong-kong-police-shooting-national-day.html>; Kris Cheng, *Hong Kong protester shot by police with live round in critical condition*, HONG KONG FREE PRESS (Nov. 11, 2019) <https://www.hongkongfp.com/2019/11/11/breaking-hong-kong-police-shoot-protester-live-round-sai-wan-ho/>.

controlled.”<sup>22</sup> Misuse of these “less-than-lethal” weapons raises serious concerns about violations of both the *Convention Against Torture* and the *ICCPR*.<sup>23</sup>

- **Treatment of Journalists:** There are also reports that the Hong Kong police force has shot projectiles at and endangered the lives of journalists.<sup>24</sup> Attacks on journalists are quintessential violations of the human rights principles. The deliberate or reckless targeting of journalists and other media representatives threatens freedom of speech and the press as protected under *ICCPR* Article 19(2) and Hong Kong Basic Law Article 27.

These reported abuses raise grave concerns about the human rights situation in Hong Kong and call into question the training, professionalism, and capacity of the Hong Kong police force.<sup>25</sup> Under the *ICCPR* and its own Basic Law, Hong Kong is obligated to allow for freedom of expression (*ICCPR* Article 19(2); Basic Law Article 27), peaceful assembly (*ICCPR* Article 21; Basic Law Article 27), and freedom of association (*ICCPR* Article 22(1); Basic Law Article 27). Not only has the Hong Kong police force reportedly threatened these rights, but it has also reportedly engaged in widespread violations of human rights through its excessive use of force.<sup>26</sup>

## THE NEED FOR A NEUTRAL AND INDEPENDENT INQUIRY

The Association believes that these issues warrant a neutral and independent inquiry, which is an important step in rebuilding trust in and the legitimacy of the Hong Kong government. Indeed, on October 5, 2019, the United Nations High Commissioner for Human Rights, Michelle Bachelet, urged Hong Kong to undertake an “effective, prompt, independent and impartial

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<sup>22</sup> See Article 3 of 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, Havana, Cuba, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 (1990), <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>.

<sup>23</sup> See, e.g. *Gorovenky v Ukraine*, Eur. Ct. H. R. (April 12, 2012) at §38 available at <http://hudoc.echr.coe.int/eng?i=001-108572> “States are expected to set high professional standards within their law-enforcement systems and ensure that the persons serving in these systems meet the requisite criteria ... In particular, when equipping police forces with firearms, not only must the necessary technical training be given but the selection of agents allowed to carry such firearms must also be subject to particular scrutiny.”

<sup>24</sup> Emma Graham-Harrison, *Hong Kong protests: Journalist Blinded in One Eye Amid Mounting Violence*, THE GUARDIAN, Oct. 3, 2019, <https://www.theguardian.com/world/2019/oct/03/hong-kong-protests-journalist-blinded-in-one-eye-as-attacks-on-media-escalate>.

<sup>25</sup> Carol Anne Goodwin Jones, *Hong Kong: how the police trained for riots – and why their response to protesters has been so violent*, THE CONVERSATION (Sept. 5, 2019, 5:51am EDT) <https://theconversation.com/hong-kong-how-the-police-trained-for-riots-and-why-their-response-to-protesters-has-been-so-violent-122838>.

<sup>26</sup> *Giuliani v. Italy*, 2011 54 Eur. H. R. Rep. 10, (March 24, 2011), available at <http://hudoc.echr.coe.int/eng?i=001-104098> at § 300, “For an investigation into alleged unlawful killing by State agents to be effective, it may generally be regarded as necessary for the persons responsible for and carrying out the investigation to be independent from those implicated in the events (see, for example, *Güleç*, cited above, §§ 81-82, and *Oğur*, cited above, §§ 91-92). This means not only a lack of hierarchical or institutional connection but also a practical independence. What is at stake here is nothing less than public confidence in the State's monopoly on the use of force (see *Hugh Jordan*, cited above, § 106; *Ramsahai and Others [GC]*, cited above, § 325; and *Kolevi v. Bulgaria*, no. 1108/02, § 193, 5 November 2009).”

investigation” into acts of violence including the shootings.<sup>27</sup> The Former Chief Justice of Hong Kong, Andrew Li, has also called for an independent inquiry because it would benefit the police, protesters and the community at large.<sup>28</sup> As inquiries into the London 2011 riots showed and independent research by the UK's National Policing Improvement Agency have shown, a loss of the legitimacy of the police and public trust in police can be critical factors behind escalating violence and social disorder.<sup>29</sup> The Association's request is also consistent with calls for an independent inquiry from bar associations and organizations throughout the world, including from the Bar Human Rights Committee of England and Wales,<sup>30</sup> the Hong Kong Bar Association,<sup>31</sup> the German Bar Association,<sup>32</sup> the International Bar Association's Human Rights Institute,<sup>33</sup> and prominent NGOs.<sup>34</sup>

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<sup>27</sup> Jorge Silva, *U.N. Calls for Probe into Violence Related to Hong Kong Protests*, REUTERS, (Oct. 5, 2019), <https://www.reuters.com/article/us-hongkong-protests-un/u-n-calls-for-probe-into-violence-related-to-hong-kong-protests-idUSKCN1WK07G?feedType=RSS&feedName=topNews>.

<sup>28</sup> Andrew Li, *Opinion, A commission of inquiry into police conduct can help Hong Kong's healing process – an amnesty for protesters cannot*, SOUTH CHINA MORNING POST, (July 9, 2019), <https://www.scmp.com/comment/opinion/article/3017672/commission-inquiry-police-conduct-can-help-hong-kongs-healing>.

<sup>29</sup> LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE & THE GUARDIAN, *READING THE RIOTS: INVESTIGATING ENGLAND'S SUMMER OF DISORDER* (December 2011), <https://eprints.lse.ac.uk/46297/1/Reading%20the%20riots%28published%29.pdf>; ANDY MYHILL & PAUL QUINTON, *NATIONAL POLICING IMPROVEMENT AGENCY, IT'S A FAIR COP? POLICE LEGITIMACY, PUBLIC COOPERATION, AND CRIME REDUCTION: AN INTERPRETATIVE EVIDENCE COMMENTARY*, (September 2011), [https://whatworks.college.police.uk/Research/Documents/Fair\\_cop\\_Full\\_Report.pdf](https://whatworks.college.police.uk/Research/Documents/Fair_cop_Full_Report.pdf).

<sup>30</sup> BAR HUMAN RIGHTS COMM. OF ENGLAND AND WALES, *BHRC STATEMENT ON POLICE BRUTALITY IN HONG KONG*, (Sept. 13, 2019), [http://www.barhumanrights.org.uk/wp-content/uploads/2019/09/Hong-Kong\\_-\\_Police-Brutality-Statement-Sept-2019\\_UPDATED.pdf](http://www.barhumanrights.org.uk/wp-content/uploads/2019/09/Hong-Kong_-_Police-Brutality-Statement-Sept-2019_UPDATED.pdf).

<sup>31</sup> *Bar Association Calls for Inquiry into Police Use of Force*, THE STANDARD (June 21, 2019), <http://www.thestandard.com.hk/breaking-news.php?id=130137&sid=4>.

<sup>32</sup> GERMAN BAR ASS'N, *OPEN LETTER REGARDING THE RULE OF LAW IN HONG KONG*, (Oct. 9, 2019), [https://dav-international.eu/en/newsroom/press-releases/open-letter-regarding-the-rule-of-law-in-hong-kong?scope=modal&target=modal\\_reader\\_40100](https://dav-international.eu/en/newsroom/press-releases/open-letter-regarding-the-rule-of-law-in-hong-kong?scope=modal&target=modal_reader_40100).

<sup>33</sup> INT'L BAR ASS'N HUMAN RIGHTS INSTITUTE, *IBAHRI URGES CARRIE LAM TO OPEN AN INDEPENDENT INVESTIGATION INTO POLICE BRUTALITY IN HONG KONG*, (Sept. 12, 2019) <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=BABCB7E8-A767-4028-8CB2-52584A12257B>. The Association notes that the International Bar Association's Human Rights Institute here calls for an independent investigation “into the police brutality meted out against those protesting the bill and journalists covering the humanitarian emergency.”

<sup>34</sup> HUMAN RIGHTS WATCH, *HONG KONG: INDEPENDENTLY INVESTIGATE POLICE USE OF FORCE: OFFICERS SHOULD BE HELD ACCOUNTABLE TO RESTORE CREDIBILITY*, (June 28, 2019), <https://www.hrw.org/news/2019/06/28/hong-kong-independently-investigate-police-use-force>; AMNESTY INTERNATIONAL, *HONG KONG: ARBITRARY ARRESTS, BRUTAL BEATINGS AND TORTURE IN POLICE DETENTION REVEALED*, (September 19, 2019) <https://www.amnesty.org/en/latest/news/2019/09/hong-kong-arbitrary-arrests-brutal-beatings-and-torture-in-police-detention-revealed/>; CHINESE HUMAN RIGHTS DEFENDERS, *OPEN LETTER FROM 35 NGOS CALLING FOR AN INDEPENDENT COMMISSION OF INQUIRY INTO USE OF FORCE BY HONG KONG POLICE ON JUNE 12, 2019*, (June 12, 2019) <https://www.nchrd.org/2019/06/hong-kong-excessive-use-of-force-open-letter/>; INTERNATIONAL FEDERATION FOR HUMAN RIGHTS, *FIDH URGENT RESOLUTION ON THE HUMAN RIGHTS SITUATION IN HONG KONG*, (Oct. 24, 2019) <https://www.hrichina.org/en/press-work/joint-statements/fidh-urgent-resolution-human-rights-situation-hong-kong>.

The Association is concerned that the current inquiry being undertaken by the Independent Police Complaints Commission is inadequate because the Commission does not possess the requisite degree of investigatory powers or the institutional protections for impartiality and independence.<sup>35</sup> Despite recent attacks on their independence,<sup>36</sup> Hong Kong's legal profession and its judiciary have the capacity to be a neutral and independent third-party in an inquiry,<sup>37</sup> and the Association urges the executive government to utilize these trained professionals in the inquiry.

## CONCLUSION

Hong Kong is a vibrant city that remains a critical meeting point for cultures, ideas and business. However, its reputation is seriously threatened by concerns that the Hong Kong government may be failing to live up to its human rights obligations. The Hong Kong police force can be an effective agent for community safety, but it needs community trust and confidence to achieve this. Trust and confidence are undermined when allegations of human rights violations and misconduct are not independently investigated. It is therefore incumbent on the Government of the Hong Kong Special Administrative Region to commence a full and independent inquiry into police conduct during the protests of 2019.

International Human Rights Committee  
Lauren Melkus, Chair

Asian Affairs Committee  
Jian Wu, Chair

Task Force on the Independence of Lawyers and Judges  
Christopher Pioch, Chair  
Jessenia Vazcones-Yagual, Chair

November 2019

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<sup>35</sup> See detailed analysis of why the Independent Police Complaints Council and Complaints Against Police Office mechanisms are not adequate. CHINESE HUMAN RIGHTS DEFENDERS, OPEN LETTER FROM 35 NGOS CALLING FOR AN INDEPENDENT COMMISSION OF INQUIRY INTO USE OF FORCE BY HONG KONG POLICE ON JUNE 12, 2019, (June 12, 2019) <https://www.nchrd.org/2019/06/hong-kong-excessive-use-of-force-open-letter/>.

<sup>36</sup> Greg Torode & James Pomfret, *Hong Kong's Judges Voice Fears Over China Influence in Judiciary*, REUTERS, (March 15, 2018), <https://www.reuters.com/article/us-hongkong-law/hong-kongs-judges-voice-fears-over-china-influence-in-judiciary-idUSKCN1GR0LD>.

<sup>37</sup> WORLD ECONOMIC FORUM, THE GLOBAL COMPETITIVENESS REPORT 2019 267, 583 (2019), [http://www3.weforum.org/docs/WEF\\_TheGlobalCompetitivenessReport2019.pdf](http://www3.weforum.org/docs/WEF_TheGlobalCompetitivenessReport2019.pdf). Hong Kong ranked 8/141 countries in judicial independence, above the United States at 25/141.