



POLICING DEMONSTRATIONS IN THE EUROPEAN UNION

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“In a second, riot police surrounded us from everywhere, left, right... It was really scary... When they surround you, they beat you, they spray you with chemicals and throw stun grenades at you, it can be lethal.”

Yiannis Kafkas, injured by police at a demonstration, May 2011, Athens, Greece

Across the European Union (EU), law enforcement officials are required to police demonstrations. However, their methods do not always comply with international standards. Amnesty International has documented incidents involving the use of excessive force, abuse of “less-lethal” weapons, obstructing access to medical assistance and arbitrary detention in several countries including Greece, Romania, and Spain. In many cases, officers have repeatedly hit peaceful demonstrators with batons, including on the head and neck, and caused serious injuries. Despite calls on the authorities across the region, these violations persist.

Many demonstrations in EU cities have taken place in response to governments’ recent austerity measures. As public resources and services become scarcer, anger over cuts in jobs and income has grown, and led to widespread demonstrations, sometimes violent, taking place in many parts of the region.

In Spain, for example, pay cuts, tax rises and the reduction in social spending led

to the start of rallies on 15 May 2011 and the formation of the so-called 15-M movement to demand, among other things, changes in the political system to allow for a greater participation of citizens in political affairs. Protests in Greece began in the spring of 2010 as a response to job losses, tax increases and spending cuts and continued throughout 2011. Demonstrations in Bucharest, Romania, took place in January 2012, calling for change in the economic, political and social situation.

There have been frequent allegations of excessive use of force and ill-treatment by law enforcement officials as they disperse crowds at these protests – even when the majority of the people are peacefully exercising their right to assembly.

In many such cases, criminal investigations into complaints against the officers who are alleged to have committed violations are not thorough, impartial or effective; in other cases, no investigation is initiated at all. As more demonstrations take place, there is a possibility that, without deeper



accountability for the police, further abuses will occur.

Amnesty International recognizes that policing demonstrations can be challenging and that law enforcement officials are sometimes required to use force to maintain order and prevent crime. However, in carrying out their duties they must adhere to international law.

This briefing documents personal stories from Greece, Spain and Romania, which illustrate the use of excessive force and “less-lethal” weapons by law enforcement officials against demonstrators and the subsequent lack of effective investigations into those incidents. The briefing illustrates some of Amnesty International’s concerns about failure of law enforcement officials to observe international obligations when policing demonstrations across EU countries and recommends good practice for policing demonstrations.



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USE OF EXCESSIVE FORCE

Video footage, pictures, press reports and witness testimonies point to the repeated use of excessive force by police during the demonstrations organized against the austerity measures on 15, 28 and 29 June 2011 in Athens, Greece. Video footage from Spain also shows police officers charging with batons and firing rubber bullets repeatedly at demonstrators who are posing no apparent threat to law enforcement officials or the public, in Barcelona on 27 May 2011.

YIANNIS KAFKAS

Yiannis Kafkas, aged 32, sustained near-fatal head injuries after he was beaten by riot police during the anti-austerity demonstration in Athens on 11 May 2011. Yiannis said that he was hit with one of the fire extinguishers that some of the riot police carry with them. He remained in hospital for 20 days, ten of them in intensive care, after emergency surgery. He still suffers from dizziness and weakness in his left arm.

Yiannis recounted: “I heard the explosions of stun grenades between 100 to 200m behind me. In a second, I felt pressure behind me from other protesters who were pushing. In a second, riot police surrounded us from everywhere, left, right... It was really scary... When they surround you, they beat you, they spray you with chemicals and throw stun grenades at you, it can be lethal. The protesters were stepping all over each other because they panicked as they had no way out. They [the police] beat us with such brutality. They beat me on my body and on my head with their batons but I also felt that two of the blows on my head came from something completely different – heavy and metal. I tried to stay up and I tried to stay alive... When I woke up in the hospital I did not have any control over my body... After I came out of my coma I wrote on a piece of paper in front of my mother and a nurse that I was hit by a fire extinguisher.”

In February 2012, nine months after a criminal investigation into the case was initiated, the police inquiry was completed and the findings were submitted to the Prosecutor. No developments have been reported on the case since then.

INTERNATIONAL STANDARDS

International law does allow the restriction of the right to freedom of peaceful assembly if it is carried out for a legitimate aim, such as the protection of public safety, order, health, or morals or the fundamental rights and freedoms of others. Restrictions should be proportionate and necessary to meet that aim.

On the use of force during the policing of assemblies, Article 3 of the UN Code of Conduct for Law Enforcement Officials states “[l]aw enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.” If the use of force is unavoidable, law enforcement officials must exercise restraint in its use.

In addition, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states that law enforcement officials shall “not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury”.



ANGELA JARAMILLO

On the evening of 4 August 2011, several hundred demonstrators protested in front of the Ministry of the Interior, in Madrid, Spain. According to the media, the police reacted to the attempt by some demonstrators to attach posters to the railings around the ministry, but witness reports gathered by Amnesty International claim that the police charged into them, including against peaceful demonstrators. Images available on the internet show riot police officers hitting demonstrators with their batons, although the demonstrators did not appear to be resisting and were holding their hands up.

Angela Jaramillo, then aged 58, told Amnesty International that she was standing alone close to a bench in Calle Castellana, when she saw about 10 riot police coming towards her. She was not threatening and was holding up her hands, but as the police were walking past her, one of the officers hit her on the face with her shield, making her fall on the bench. The officer then hit her on the left knee with her baton, causing an injury that needed medical treatment.

“A group of young people approached to help me. [...] A girl sat next to me, on the bench, she hugged me and asked: ‘Are you sure you are fine? Does it hurt a lot? Can you walk?’ At the same time a young man scolded the police from where we were standing. He told them: ‘Can’t you see that she’s not a young woman? How can you hit her? You are savages.’ The group of police then turn around, walk back, come to us and begin to beat us again [with batons]. This is when I receive a severe blow to my left hip. I bend down, put my arms trying to protect my head, I turn around and I can see how they beat up everyone who came to my aid, but especially the girl that was sitting to my right and was hugging me.”

Angela’s account was confirmed by one of the witnesses, who was also repeatedly hit with batons by police and required medical care for the injuries she suffered on her neck, hip and legs. Both filed complaints against the police the following day.

On 5 August 2011, Angela Jaramillo submitted a formal complaint, denouncing the aggression, and providing evidence, including footage of the police operation and medical reports, to a

Madrid court. On 15 March 2012, another court in Madrid issued a definitive decision not to admit the complaint as the police woman responsible could not be identified.

After suffering a heart attack, Angela Jaramillo died unexpectedly on 15 June 2012, before seeing justice in her case.

DEMONSTRATIONS IN BUCHAREST

Several demonstrations took place in Bucharest, Romania, in January 2012, triggered by austerity measures and a reform proposal aiming at partially privatizing the health care system, but were widened to include general discontent against the then government’s policies. Although the demonstrations were generally peaceful, some violent incidents were reported. On 15 January, some protesters raised barricades, set them on fire and threw stones and pieces of broken asphalt at the police, who responded with batons, water cannons and tear gas. On the evening of 19 January, violent episodes between police and demonstrators were reported in



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Riot police stand guard during a protest against the government in central Bucharest, 16 January 2012. Protests continued for several days in January and again in February, in spite of clashes between demonstrators and riot police.

University Square, when tear gas was allegedly used to disperse protesters. Reportedly, dozens of people were arrested and five demonstrators needed medical assistance.

There were several documented incidents of police officers using excessive force against peaceful demonstrators who were not offering any resistance. Video footage shows, for example, a police officer hitting a man who was lying on the ground and was not offering any resistance. It also shows two police officers hitting a demonstrator while on the ground and spraying what seem to be chemicals in his face.

The Bucharest-based human rights organization, APADOR – Helsinki Committee, has documented several cases of abuses against individuals carried out by the police during the street demonstrations in a report published in April 2012. It concludes that some of the law enforcement officers' actions had been arbitrary and disproportionate to the given situation.

ANDREI AND AGUSTIN RISTACHE

Andrei Ristache and his father, Augustin, had taken part in a peaceful protest in University Square in Bucharest, on 14 January 2012. As they left, they were stopped by police officers who started hitting them. They were then let go and while walking away, they were stopped by a group of masked police officers who hit them with their batons until they fell on the ground; they were dragged to the van and taken to the police station. As Augustin was having difficulty breathing, Andrei asked the officers to allow his father to go to hospital, but the men were told that first, they needed to be taken to the police station to be given their fines, and after that they were free to do whatever they wanted. Andrei called for an ambulance which was sent to the police station to pick up Augustin and take him to the hospital, where he remained overnight. Andrei was kept in the police station for four hours, was fingerprinted and photographed and was presented with a police fine for disturbing public order.

Both men subsequently obtained medical certificates that recorded head trauma and bruising to their bodies.

Amnesty International urged the Romanian authorities to conduct a prompt, independent, thorough and effective investigation into all the allegations and the complaints registered on use of excessive force of police officers and to bring anyone responsible for human rights violations to justice. The state secretary of the Ministry of the Interior and the General Prosecutor of Romania responded to Amnesty International's concerns, stating that, as of February 2012, four criminal complaints had been registered against police officers involved in ensuring public order during the demonstrations and that investigations would be carried out.

GOOD PRACTICE FOR LAW ENFORCEMENT OFFICIALS POLICING DEMONSTRATIONS

European governments and law enforcement authorities, in particular, must ensure that everyone within their territories can enjoy their human right to peaceful assembly, and that the rights to life and to be free from torture and other ill-treatment are respected at all times. The UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials must be the guiding principles underpinning all operations *before, during and after* demonstrations. Law enforcement officials should:

FACILITATE peaceful public assemblies.

■ It is the legitimate right of people to carry their opinion to the streets. Public assemblies should not be considered as the “enemy”. The command hierarchy must convey a clear message to law enforcement officials that their task is to facilitate and not to restrict a peaceful public assembly. This must be clearly understood by all law enforcement officials taking part in the management of the assembly.

■ In the policing of assemblies that are unlawful but non-violent, law enforcement officers must avoid the use of force. If it is unavoidable, for example to secure their safety and the safety of others, they must use the minimum necessary and comply with the UN Basic Principles.

PROTECT peaceful public assemblies, including against violent individuals or smaller groups.

■ Minor violations of the law, such as billposting, littering, minor damage to property caused by a large group of people gathering together, may lead to investigation and eventual individual liability. However, in view of the importance of the right to freedom of assembly, this should not lead to a decision to disperse an assembly.

■ The decision to disperse an assembly should be taken in line with the principles of necessity and proportionality, only when there are no other means available to protect public order from an imminent risk of violence.

■ Where a small minority tries to turn a peaceful assembly into a violent one, law enforcement officials should protect the peaceful protesters and not use the violent acts of a few as a pretext to restrict or impede the exercise of fundamental rights of a majority.

DE-ESCALATE tense or violent situations.

■ Communication with organizers and demonstrators before and during the operation should aim to create mutual understanding and prevent violence. Where outbreaks of violence are highly probable – for instance in the context of sensitive anniversaries or linked to the public outcry against austerity measures – communication with organizers and demonstrators becomes even more important, in order to reduce tension and to avoid unnecessary confrontation. Law enforcement officials and organizers should look together for ways to prevent violence or to stop it quickly as soon as it breaks out.

Protesters take part in a demonstration called by the opposition coalition parties in Bucharest on 19 January 2012.





■ When a (lawful) decision has been taken to disperse an assembly, the order to disperse must be clearly communicated and explained, to obtain, as far as possible, the understanding and compliance of the demonstrators. Sufficient time must be given to disperse.

USE police powers only for lawful aims.

■ Force should not be used to punish the (presumed or alleged) non-compliance with an order nor simply for the participation in an assembly.

■ Arrest and detention should be carried out only in accordance with procedures established by law. They should not be used as means to prevent peaceful participation in a public assembly nor as a means of punishment for participation.

MINIMIZE damage, preserve and respect life and protect uninvolved people. Use force only to the extent necessary, and only when non- or less-violent means have failed or are unlikely to achieve the legitimate objective.

■ Firearms or shotguns should never be used for the purpose of dispersing a crowd.

■ Batons and similar impact equipment should not be used on people who are unthreatening and non-aggressive. Where baton use is unavoidable, law enforcement officers must have clear orders to avoid causing serious injury and that vital parts of the body are excluded as target zones.

■ The type of equipment used to disperse an assembly must be carefully considered and used only when necessary, proportional and lawful. Policing and security equipment –

such as rubber bullets, tear gas and stun grenades, often described as “less-lethal” weapons – can result in serious injury and even death. Chemical irritants, such as tear gas, should not be used where people are confined in an area and not in a way that can cause lasting harm (such as at too close range, or directly aimed at people’s faces).

■ Clear orders should be given to all law enforcement officers that medical assistance to anyone injured must be provided without delay.

BE ACCOUNTABLE to the public and to the judiciary for all operations.

■ Any use of force during a public assembly should be subject to review, and where appropriate, investigation and disciplinary or criminal sanction.

■ Complaints against police must be effectively and impartially investigated, and where appropriate, subject to disciplinary or criminal sanction.

■ Law enforcement officials should be identifiable during public order operations (either through name or number tags). Enforceable orders must be given to ensure compliance with the obligation to wear such tags. Protective gear should be used for the protection of law enforcement officials and not as a means to hide their identity.



“LESS-LETHAL” WEAPONS

Amnesty International uses the term “less lethal” for weapons other than guns, in view of evidence that many of the weapons placed in this category have the potential to be lethal.

Riot control devices, such as water cannon, impact rounds (also known as plastic and rubber bullets) chemical irritants and agents such as pepper spray and tear gas, can result in serious injury and even death. Many of these weapons, including their medical effects, have not been independently assessed and some remain inherently open to misuse.

Amnesty International calls on governments to introduce strict guidelines on the design and use of such equipment and to set up adequate monitoring mechanisms to ensure that the guidelines are kept under review and adhered to.

MISUSE OF CHEMICAL IRRITANTS, STUN GRENADES AND RUBBER BULLETS

MANOLIS KYPREOS

“It was about 2.30pm and there was tension between the police and demonstrators. My experience told me there could soon be violence, so I decided to take cover. A few metres on, there was a police squad that began to fall back towards Syntagma Square. The team leader [a police official] asked me why I was taking photos. I showed them that I was a journalist and a member of the Union of Journalists. After swearing at me, the team leader ordered another officer to throw a stun grenade at me. I literally jumped and fell back. I thought I was dead. After a few minutes a group of citizens began to revive me, pouring water on my head. And then I realised that something was amiss, because I couldn’t hear.”

On 15 June 2011, Manolis Kypreos suffered total loss of hearing in both ears. In August 2011, he underwent surgery and regained part of his hearing but with great limitations; he still finds



it difficult to walk due to a lack of balance. Because of his physical disability and psychological trauma, his career as a journalist is effectively over.

In November 2011, the Athens Administrative Court awarded Manolis an interim compensation payment in relation to a claim he filed against the Greek authorities in August. At the end of 2011, the Athens Prosecutor’s Office filed charges against as yet unidentified police officers for intentionally causing the journalist serious bodily harm and the case was referred to an investigative judge. Fifteen months after



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Far left, below: Manolis Kypreos speaking at a conference of the Greek Photojournalists Association, Athens, 16 December 2011.

Left: A police officer kicks a protester during a demonstration against austerity measures in Syntagma Square, Athens, Greece, 15 June 2011.

Below, top: M., injured by a rubber bullet during a demonstration at Kakavos, near Halkidiki, Greece, August 2012.

Below, middle: A sample of the impact round used by police at the demonstration at Kakavos.

Below, bottom: Another protester received an injury to his leg, which appears to be from an impact round.

the incident and despite providing evidence, including pictures of the police unit and the head of the unit who ordered the attack against him, there has been no further progress in the case.

“LESS-LETHAL” WEAPONS USED IN HALKIDIKI, GREECE

On 5 August 2012, around 1,000 protesters, including residents of towns and villages of Halkidiki, northern Greece, were marching peacefully towards Kakavos mountain in order to protest against gold mining operations there and their environmental and economic impact.

Protesters told Amnesty International that while they were negotiating with the police to be allowed access to the mountain, riot police used tear gas against them, and put the surrounding forest at risk as the chemicals ignited. The protesters attempted to march on for several hours while being obstructed by the police, who reportedly continued to use chemical irritants and fired rubber bullets and impact rounds at them. M., one of the protesters, told Amnesty International:

“I saw a riot police officer, around 15m away from me coming out of the line and aiming with his gun, not at my legs, to scare me, but upwards. When I was shot, I felt a shake and a strong pain on my left shoulder. Other protesters were worried because of the swelling on my arm that was also gradually getting bruised but I was happy, because the rubber bullet did not hit me in the head. I also saw another riot police officer aiming with his gun at another protester whose leg was injured by the rubber bullet.”

The Minister of Citizens’ Protection denied that rubber bullets had been used against protesters. However, the protesters report that they have collected samples of rubber bullets and impact rounds found in the forest following the protest.



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Right: Spanish riot police fire rubber bullets at demonstrators during clashes at the end of a march by Spanish coal miners in Madrid, 11 July 2012. Journalist Paloma Aznar Fernandez said “rubber bullets were being fired everywhere”.

Far right: Angeliki Koutsoubou during the protest on 5 December, 2009, Athens, Greece.



ATTACKS AGAINST JOURNALISTS AND PHOTOGRAPHERS

PALOMA AZNAR FERNANDEZ

Paloma is an experienced freelance journalist. She has covered several demonstrations against the government austerity measures in Madrid.

On 11 July 2012, the so-called “Black March” brought miners from Aragón, Castilla-León and Asturias to Madrid, protesting against the government cuts affecting the carbon mining industry. Thousands of demonstrators supported it in Castellana Street, where the Ministry of Industry is located.

Paloma was wearing her journalist tag and had her camera round her neck. She told Amnesty International that the police officials surrounded demonstrators, and charged towards them after a demonstrator threw one of the crowd barriers in front of the Ministry of Industry at the police. She said rubber bullets were being fired everywhere and in response, some of the demonstrators threw stones at police officers. She was looking for a colleague who had been

hurt during the riot, when she was hit by a rubber bullet on her right hip. She reported that police officers did not wear any visible identification and were shooting rubber bullets at the crowd. Video footage shows police officers hitting people lying on the pavement with batons, and shooting rubber bullets at very close range.

On a previous occasion, Paloma had also been beaten by a police officer with a baton, during a demonstration against the visit of Pope Benedict XVI to Madrid in August 2011. On that occasion she saw at least five police officers hitting a young girl lying on the ground:

“I thought that they would stop beating her, if I identified myself as a journalist. I ran and shouted, but on the contrary, one of them hit me on my knee several times. The street was dark, but there were a lot of cameras as there is a governmental building there.”

On 20 August 2011 she submitted a formal complaint to the Madrid courts denouncing the aggression. The case was closed on 13 October 2011. The judicial statement says that although the facts could amount a criminal offence, the perpetrator could not be identified.

“I thought that they would stop beating her, if I identified myself as a journalist... but on the contrary, one of them hit me on my knee several times.”

Paloma Aznar Fernandez



OBSTRUCTING ACCESS TO MEDICAL ASSISTANCE

ANGELIKI KOUTSOUBOU

On 6 December 2009, Angeliki Koutsoubou, then aged 61, was participating in the Athens demonstration on the first anniversary of the death of Alexandros Gregoropoulos together with her husband and other members of the Workers' Revolutionary Party. She was hit by a "DELTA Force" police officer on his motorcycle and suffered serious head injuries, hearing loss in the left ear, a fractured collarbone and four ribs. According to witnesses, the driver of the police motorcycle that injured Angeliki, along with some other police motorcyclists, drove intentionally at the group of peaceful demonstrators with whom she was protesting.

Dimitris Georgiou, a doctor who was demonstrating with Angeliki Koutsoubou, told Amnesty International:

"I tried to lift [Angeliki] up but the officers on the motorcycle, along with other officers, beat me, despite my saying that I was a doctor. I was

beaten with batons on the head and when I lifted my right hand to protect myself, I was hit on my wrist." Another police officer also allegedly beat Angeliki Koutsoubou while she was lying unconscious on the ground and bleeding from her ear. Angeliki lay there for half an hour and another doctor from her group reported that when he requested the police officers to call an ambulance, they verbally abused him and said "Why should we call an ambulance? You are going to burn it."

In March 2012, the Prosecutor assigned to the case decided to reject Angeliki Koutsoubou's complaint against the police. In a brief reasoning, the Prosecutor rejected the claim that the officer intentionally drove into her and injured her. An appeal was filed against the decision but it was rejected by the Appeal's Prosecutor in July 2012.

CONCLUSION

In the current climate of economic crisis and austerity measures, it is not only people in Greece, Romania and Spain that have reacted loudly. Demonstrations across Europe have increased in size and frequency, while budgets for public services are shrinking. The police – who have also been affected by austerity measures – are often the most visible arm of the state.

Use of excessive force and arbitrary dispersal and arrests risk alienating the population, and may turn anger against the government into anger against the police, heightening tension and the risk of further violence.

It is crucial for both public order and the rights of citizens across the EU that law enforcement officials respect international standards and good practice guidelines when policing demonstrations.

Governments across the EU must clearly communicate these obligations to law enforcement officials and ensure that they are observed.



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RECOMMENDATIONS

Amnesty International calls on governments of the European Union to:

- Take all necessary measures to prevent use of excessive force and other human rights violations by law enforcement officials in demonstrations;
- Comply at all times with international human rights obligations and with international standards on policing, in particular the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Ensure that prompt, thorough, impartial and effective investigations are carried out into all allegations of use of excessive force and serious human rights violations by law enforcement officials;
- Ensure that disciplinary and, where appropriate, criminal proceedings are initiated against law enforcement officials who are found to have used excessive force;
- Provide adequate reparation to victims of police abuse and ill-treatment;
- Scrutinize the training provided to law enforcement officials, ensuring that more thorough training on the lawful use of force and firearms as well as on respect for human rights is included.

Above: A young woman offers a flower to the police during a protest in central Madrid, 4 August 2011.

Cover: Greek riot police officers walk through a cloud of tear gas during clashes with protesters in Syntagma square, Athens, Greece, 15 June 2011.

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Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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