

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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URGENT INVESTIGATION REQUIRED INTO USE OF CHEMICAL IRRITANTS AGAINST PROTESTERS IN POLAND

Polish authorities must launch a prompt, impartial, independent and effective investigation into the recent allegations of use of chemical irritants by police against protesters on the night of 26 July, said Amnesty International today. Law enforcement authorities must refrain from using such tactics in the context of policing demonstrations, as the use of chemical irritants have an indiscriminate effect and a high potential of being used arbitrarily, which is in contravention of international human rights law and standards.

Amnesty International has obtained reports that the police in Warsaw used chemical irritant spray against protesters during the demonstration held in front of the Presidential palace on the night of 26 July. Hundreds of people gathered to protest after President Andrzej Duda had signed the latest piece of legislation, which further undermined the independence of the judiciary by making it easier for the government to replace the President of the Supreme Court. The legislation was passed by the Parliament on 25 July. Hundreds of protests have been carried out across the country in the last two years since the government initiated a wide range of legislative changes aimed at increasing political influence and control over the judiciary and restricting human rights, including women's rights. Amnesty International and other national and international organisations have previously documented episodes of unnecessary and excessive force by police against protesters¹.

According to information obtained by Amnesty International, people were peacefully protesting until about half past 10pm. The situation had seemingly remained calm until the moment the police pulled two people to the side for ID checking – apparently for spraying graffiti on the ground. People and journalists immediately surrounding the police started calling on law enforcement officials to release the protesters, which led to increasing tensions between the police and demonstrators.

„I heard someone screaming, someone fell down. After a few seconds, I felt a gel-based substance on my face. It hit my left eye, my throat and neck. I started to feel pain, which had been more and more intense and could not open my eye“
Anna Prus, one of the protesters, reported to Amnesty International on 27 July.

Onwards more police arrived to the scene to respond to the situation. Journalists and bystanders were also reportedly hit by the chemical irritants during the protest: „We saw dozens of police officers surrounding the crowd of protesters. Police used spray without any warning. I was hit by the spray into my neck, which was burning until this morning“ a journalist from radio TokFM, Hanna Zielińska, told Amnesty International.

Hanna also reported that several other people were hit by the irritants, among them journalists and bystanders. „I saw five persons, including one tourist, who were hit in their faces and the gas got into their eyes. They were crying. Eventually someone went to the pharmacy and got a cleansing lotion“.

An ambulance arrived on the spot after being called by the protesters, and advised them on how to treat the burns.

Amnesty International remains seriously concerned about such allegations of use of chemical irritants by the police during the incident, which may contravene Poland's obligations under international law. According to the information the organization has collected, chemical irritants have been sprayed directly against individuals and without any warning issued prior to their use.

¹ Poland: The Power of 'the Street', Protecting the Right to Peaceful Protest in Poland – Amnesty International report, launched on 25 June 2018 and available at <https://www.amnesty.org/en/documents/eur37/8525/2018/en/>

The European Court of Human Rights has concluded on several occasions that spraying pepper or other irritants directly into protesters' faces amounts to a violation of the absolute prohibition of torture and other ill-treatment. The Court has warned that 'pepper spray' and other irritants can produce effects such as respiratory problems, nausea, vomiting, irritation of the respiratory tract and of the tear ducts and eyes, spasms, chest pain, dermatitis and allergies. In strong doses, chemical irritants may cause necrosis of the tissue in the respiratory or digestive tract, pulmonary edema or internal hemorrhaging.

According to international standards on the use of force, chemical irritants are by their very nature likely to have an indiscriminate effect and they can affect also bystanders and peaceful demonstrators who should be allowed to continue their protest. Such substances may only be used in situations of generalized violence in order to disperse a crowd or when the level of violence has reached an uncontrollable degree. Clearly audible warnings must be issued prior to their use and people must be allowed sufficient time to leave the area. The excessive generalized use of chemical irritants, affecting peaceful protesters and bystanders would be disproportionate and in breach of Poland's human rights obligations.

The Polish police confirmed on social media the use of chemical irritants but claimed that it was in response to substances being firstly used by protesters against law enforcement.

Amnesty International urges the Polish authorities to promptly investigate the incident in an impartial and independent manner to establish the circumstances in which the chemical irritants were used and, if its use was in contravention to international law and standards, impose disciplinary or criminal sanctions as appropriate. Amnesty International reiterates the call for chemical irritants not to be used unless all other available options have been tried and exhausted beforehand and urges the Polish police to refrain from any general use of irritants within the context of peaceful protests taking place across Poland.

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