

October 25 2024

The Hon. Jacinta Allan, Premier of Victoria,
The Hon. Anthony Carbines MP, Minister for Police,
Shane Patton, Chief Commissioner of Victoria Police,
Luke Cornelius, Assistant Commissioner of Police,
Sean Morrison, Freedom of Information Commissioner,
Supreme Court of Victoria

To All Parties,

We the people, undersigned by allied organisations and collectives, demand an immediate end to Victoria Police' campaign of strategic incapacitation against the pro-Palestinian and anti-war protest movement in Victoria. A campaign of disinformation, intimidation and repression by Victoria Police has been actively supported by the Victorian Labor Party and major media outlets such as the Herald Sun. We deplore the violent policing that was directed at protesters during the Land Forces expo and demand an Inquiry into the use of projectile and chemical weapons against citizens in this State.

Everyone on the ground and the people watching at home witnessed unprecedented brutality by Victorian and NSW Police on Wednesday Sept 11 outside the Land forces weapons expo.ⁱ We support the calls by the Greens Party of Victoria and Melbourne Activist Legal Service (MALS) for an independent inquiry into the use of force during Land Forces. We demand a formal acknowledgment of and apology for the many Victoria Police breaches of our human rights, rights protected under the Charter of Human Rights and Responsibilities Act 2006 (VIC) and the International Covenant on Civil and Political Rights (ICCPR).

The Police were witnessed engaging in contraventions of Part 2 (10) of the Charter of Human Rights and Responsibilities Act 2006 (VIC), namely a duty to protect any person from torture and cruel, inhuman or degrading treatment. During Land Forces crowd control operations, evidence gathered shows unarmed protestors being subject to extreme physical violence such as trampling by mounted police, assault with OC spray, gun deployment of irritant canisters, rubber bullets or high velocity rounds aimed at upper torsos and faces — with lethal risk — and indiscriminate sonic weaponry that has left many with ongoing health problems.

Incidents of excessive force documented by MALS during Land Forces may constitute unlawful assault by Police. Coercive crowd control manoeuvres by police at Land Forces were observed by MALS to escalate risk, in keeping with findings from the April 2024 IBAC review of OC spray use that "in many cases the decisions and actions of police escalated incidents or increased the safety risk of those involved". We find police carriage of weaponry during civil society protests to lead to brutality and assault. We demand an end to any armed police presence at protest events.

Over 100 people were injured by Police weapons at Land Forces on Sept 11 and many more were subjected to tear gas and OC spray, both of which are designated chemical weapons. Of

those injured by Police, six required hospitalisation, while others reported they were refused medical care during the arrest process. Community medics were also injured by Police while administering first aid to injured protestors.

Evidence gathered shows many protestors endured police brutality while being detained. This included being beaten with batons, dragged, strangled, trampled and OC sprayed in the face during arrest. Part 2 (22) of the Charter of the Human Rights and Responsibilities Act 2006 (VIC) clarifies that all persons must be treated humanely when deprived of liberty.

During the Land Forces expo, Police were witnessed to have engaged in contraventions of Part 2, Section (7(3)), Section 12 and Section (16(1)) of the Charter of Human Rights and Responsibilities Act (2006) VIC by invoking the Terrorism (Community Protection) Act 2003. The Terrorism Act is explicitly not to be used to suppress protest, yet Police used powers under the Act to search, detain and remove hundreds of ordinary people speaking out against the Land Forces weapons expo. Victoria Police acknowledged on September 11th that there was "no intelligence to suggest the event was the target of any specific threat". Protest is a democratic right and cornerstone of democracy. The public is owed an explanation for the apparently extra-judicial use of the Terrorism Act to suppress protest activity.

On Thursday September 12th, a small group of protestors attempted to assemble and resume protest actions at Land Forces, however protestors were subjected to profiling and intimidation, body searches, improper seizure of personal items and arbitrary police threats to 'move on or be arrested'. The application of the Terrorism (Community Protection) Act 2003 with respect to peaceful civilians contravenes Section 4 in which advocating, protesting, dissenting or taking industrial action are explicitly not considered terrorist acts where the person doing the activity does not intend to cause serious harm to a person or create a serious risk to public safety. Many protestors attending who held anti-war placards, flags, or wore keffiyehs were allegedly profiled by Police and subjected to arbitrary detention and arrest. This Police behaviour also contravenes Section 2 (21) of the Charter of the Human Rights and Responsibilities Act 2006 (VIC), namely the right to liberty and security of person(s).

Attempts by Police to manufacture public outrage through publishing the identities of individuals associated with the anti-war movement must cease immediately as a violation of their human rights. We have seen images of our community depicted across newspapers and websites, reversing the presumption of innocence and impinging on the right to hold opinion without interference. This practice breaches (Part 2 (15)) of the Human Rights and Responsibilities Act 2006 (VIC). Use of the Police website to publish names and images of anti-war protestors makes those individuals vulnerable to further human rights infringements. Such publications violate Section (13(b)) of the Human Rights and Responsibilities Act 2006 (VIC), since individuals have been named in the public domain as criminals before the burden of proof has been met. Police publication of activists' names and faces when the burden of proof has not been met is an intimidation tactic and must cease.

It is also distressing to see bail conditions used to restrict the human rights of protestors, rights which are protected under the Charter of the Human Rights and Responsibilities Act 2006 (VIC) (Part 2 (16)). Bail conditions are intended to i) ensure the accused presents at court and ii) ensure the community, especially witnesses, are not harmed. Yet Police are routinely using bail conditions to limit the freedom of movement, association, assembly and expression of individuals involved with protest activity, despite there being no bail concern. The practice of dispensing with an individual's human rights because they are suspected of holding dissenting

opinions is patently undemocratic and is a violation of both the Charter and the International Covenant on Civil and Political Rights. The Police practice of imposing repressive bail conditions on activists must cease.

We support the calls for an independent inquiry into the Police brutality witnessed at Land Forces. We demand the Government adhere to its obligation to protect and promote the rights of protestors in alignment within the Charter of the Human Rights and Responsibilities Act 2006 (VIC). We demand that Police strategic incapacitation operations against our community be withdrawn. This policing strategy is characterised by the deployment of massive police presence, indiscriminate use of force with an array of weapons, 'preventative' arrests, restrictive bail conditions, along with unprecedented levels of monitoring and surveillance, which breach individuals' rights to privacy and may constitute harassment. This overexertion of police powers can be seen as an attempt to dissuade the public from exercising their rights to assembly and expression at protests.

In light of an abundance of evidence clearly showing violent Police misconduct we, the people undersigned, make the following demands of the elected Victorian Government and Police;

- Establish an Independent Inquiry into policing at the Land Forces expo
- Enforce a total ban on police weapons at protests
- Immediately cease publishing names and images of activists suspected of protest-related offences
- End the practice of imposing restrictive bail conditions on individuals charged with low level offences, including common protest-related charges
- Cease monitoring and surveillance operations against ordinary citizens in the anti-war movement
- Ensure that in future citizens are not met with reckless, violent responses from Police whilst exercising their human rights to protest as stated in the Charter of Human Rights and Responsibilities Act 2006 (VIC)
- Prove that the shooting of protesters was approved lawfully, including to the chest and head, and if it was not approved explain why it was not stopped.
- Publicly address the ways in which Police violated the Charter of Human Rights and Responsibilities Act 2006 (VIC) during and after Land Forces 2024
- Share evidence of the terrorist threat that enabled the Chief of Police, Minister of Police, Premier and Supreme Court to grant Police special powers under the Terrorism Act.
- Explain why hundreds of police including PORT and NSW Riot Police had no body cams on, or did not have their bodycams operational, whilst searching, brutalising and arresting protesters.
- Explain why many police had no visible badges or identification numbers on during 11th September operations.

Each member of the Victorian Government and Victorian Police have sworn oaths to protect and promote human rights, and the people undersigned call on each of you to align yourselves with the oaths you have made.

¹ Examples of Police brutality on Sept 11 at the Land Forces expo.

1. A 71-year-old man was knocked to the ground when riot police charged towards a group of protesters. There was no 'provocation' and no arrest motivation for this police charge. It was an indiscriminate attack intended to move protesters from their (lawfully held) position. The riot police smashed into this elderly man with their shields and then trampled him as they continued their charge. The man sustained multiple bruises and concussion.

2. A 33-year-old woman stooped to assist an eighty-year-old protester who had been pushed to the ground by police. While the woman was bent over assisting the elderly person, several police beat her about the kidneys and lower back using batons. The woman suffered major bruising and required hospitalisation.

3. A 16-year-old person was tackled around the neck and thrown to the ground, resulting in contusions of the face and skull, concussion and bleeding from the nose and ear. Police then knelt on the young person's back and forced their face further into the gravel. The young person was arrested and refused medical attention. The person had not committed any offences, they were simply present at the protest.

4. A press photographer was shot in the head by a foam bullet fired by Police, perforating their eardrum and removing part of their ear. Community medics attempting to treat this person were sprayed with OC spray by Police as they attempted to stem the bleeding. Police refused access to emergency workers (ambulance paramedics) who attended to take the injured person to hospital. The injured person was later hospitalised.

5. A young man was held on the ground by Police, with one officer kneeling on his back while another two officers pinned his arms down with their knees. A fourth officer lifted the young person's head up so that a fifth officer was able to spray OC chemicals directly into the person's face.

6. A 17-year-old person was arbitrarily arrested — plucked from the crowd for no apparent reason — and reported that arresting officers held her by the throat for several minutes. The girl described the assault as 'being strangled'. The assault caused her to have difficulty breathing and left bruises on her throat.

7. A young disabled person was arbitrarily arrested and placed in zip-tie handcuffs so tight they caused loss of circulation to the hands. The person was denied medical attention in custody. Six weeks later the bruising is still visible.

8. More than two dozen people were diagnosed with concussion resulting from Police use of Flashbang Grenades.
