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By Ben McGrath
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Hong Kong's chief executive invokes emergency law against protest movement

Hong Kong's Chief Executive Carrie Lam proceeded yesterday with her threat to invoke a colonial-era law, the Emergency Regulations Ordinance (ERO), to step up police repression of the protest movement now in its 18th week. Lam announced that face masks of any type will be banned at rallies beginning today.

Government opponents immediately called for protesters to defy the ban. Hundreds gathered yesterday at Chater Garden for a march through Hong Kong's Central district wearing masks. When the ban goes into effect today, those charged with violating the order could face a year in prison and fines of up to \$HK25,000 (\$US3,188). The ban also allows police to force people to remove facial coverings in public areas. Failure to do so could lead to six months in jail and a fine of \$HK10,000 (\$US1,275).

Lam claimed that the ban was needed as "almost all protesters who carry out vandalism and violence covered their faces." However, the use of medical face masks is extremely common in Hong Kong not only by protesters seeking to protect themselves against retribution but also by people dealing with illnesses and poor air conditions.

Police are being given a free hand to stop and question almost anyone they please. The ban will also be used as a pretext by police to further ramp up the violence that has become commonplace in recent weeks and to justify a brutal crackdown.

The invocation of the ERO demonstrates that the oppressive apparatus in place in Hong Kong did not originate with Beijing, but instead with British colonial rule. It was first

enacted in 1922 to break up strikes as the working class moved into conflict with capitalism and was last used by the British to suppress strikes and demonstrations in 1967. The sweeping ERO, which allows the government to make any regulation it deems to be in the “public interest,” is in line with increasingly draconian methods being used around the world. In invoking the mask ban, Lam pointed out that other countries had used similar measures, including France in attacking the “yellow vest” movement.

Some have questioned whether the use of the ERO is legal. Stuart Hargreaves, a law professor at the Chinese University of Hong Kong, stated, “In my view it is incorrect to view the ordinance as a blanket power for the government. There is nothing in it that overrides the requirement that all other laws comply with the Basic Law (Hong Kong’s constitution).”

In reality, however, the police in Hong Kong are stepping up their violent attacks on protesters even as Lam seeks to open a “dialogue” with more right-wing elements of the protest movement.

On Tuesday police shot 18-year-old protester Tsang Chi-kin using live rounds. He is currently in a stable condition following surgery but has been formally arrested and charged with rioting and assaulting a police officer. Thousands protested on Wednesday over the shooting, including with marches and sit-ins at schools. Previously, the police had fired live ammunition as a warning, but this was the first time a protester had been shot.

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Lam justified the use of live ammunition, stating, “There’s use of lethal weapons, corrosive liquids, snatching of suspects and snatching of police pistols. So the police have no choice but to use their guns to save their own lives.”

Lam’s comments, however, have been rapidly exposed. A memo leaked to the press on Thursday showed that police had relaxed their guidelines on the use of lethal force around 11 p.m. on September 30, removing the requirement that an officer had to show specific intent on the part of a supposed assailant to cause serious injury or death. The change was not publicized.

Other alterations to the “Force Procedures Manual” regulations on use of weaponry also include an expansion of cases when officers can use so-called non-lethal weaponry, including pepper spray, rubber bullets, tear gas, and water cannon. The full manual has

never been released to the public, with bits and pieces coming out through leaks and court cases.

With the Chinese Communist Party's 70th anniversary of coming to power on October 1 over, Hong Kong authorities are likely to feel less constrained to use lethal violence.

Beijing in recent weeks has doubled its troop levels in Hong Kong to approximately 12,000, according to Reuters. This includes members of the People's Armed Police (PAP), a paramilitary force controlled by Chinese President Xi Jinping, tasked with suppressing domestic social unrest. The PAP in total has about one million troops, or about half the size of the People's Liberation Army.

The decision to invoke the ERO to ban face masks is a sharp warning that the Hong Kong and Beijing authorities will use police state measures to suppress the protests. The ERO could be invoked to enact far more draconian regulations leading up to a decision by Lam to call in Chinese police and military units on the pretext that the Hong Kong police can no longer control the situation.

Young people and workers involved in the protests have to take stock. The deepening attack on democratic rights in Hong Kong, as around the world, is driven by the worsening crisis of global capitalism and the hostility of the ruling classes to any opposition. Any fight for basic democratic as well as social rights, such as for a job or affordable housing, is necessarily bound up with a fight to unite workers in a struggle against capitalism.

In Hong Kong, this means in the first instance a turn to the working class throughout China and a rejection of the appeals of those within the protest movement to the US and British governments, which are enacting their own anti-democratic measures at home against the working class.

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