

# Australia: Legal report documents “unlawful” police response to Melbourne climate protest

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Melbourne Activist Legal Support released a report earlier this month detailing the use of “excessive force” and “unlawful” techniques by police against people peacefully protesting the International Mining and Resources Conference (IMARC) on October 28–31.

The rallies involved about 300 climate change protestors outside central Melbourne’s Convention and Exhibition Centre, where the IMARC was held. More than 400 transnational mining corporations attended the three-day conference, including many of the most exploitative and environmentally destructive such as BHP and Rio Tinto.

The 45-page report on one demonstration exposes the increasingly repressive measures being employed by police around Australia against any expression of political dissent. Police-state measures have been pushed through parliaments by Labor and Liberal-National governments, at the state and federal level.

Melbourne Activist Legal Support (MALS)—an organisation of legal observers who send teams to protests and give advice to organisers—began its report by noting the “rise in coercive and excessive crowd control tactics by Victoria Police over several years at protest events throughout Victoria.” The organisation characterised the response of Victorian police to protests, citing “unnecessarily aggressive arrests, the unlawful use of police powers, an unnecessarily antagonistic attitude toward people engaged in protest combined with a disregard for their dignity and welfare.”

MALS highlighted eight “Areas of Concern”—including “excessive use of physical force,” “use of mounted horses for crowd control,” “use of police batons,” “use of OC [Oleoresin Capsicum] foam” and “removal or obscuring of identification name-tags and body worn cameras.”

Victoria Police’s own Regulations and Guidelines

forbid OC foam from being used against a person who is “passively resisting,” but MALS reported that this is exactly the situation in which the aerosol was used.

The report made clear that it was police who instigated violence against the protesters. One legal observer said: “[E]ven with [a] relatively small number of activists present the police were using violence and aggression. They were clearly not responding to ‘escalating tensions’ or ‘risks’ posed by protesters. Police set a tone of violence from the outset. Even before delegates or larger numbers of protesters arrived I witnessed police pushing people to the ground and reacting in a violent and aggressive manner.”

Legal observers documented police using “excessive, unnecessary and potentially unlawful uses of force” in techniques developed not for peaceful protests, such as the anti-IMARC rally, but for “circumstances where police face direct physical threat.”

The observers stated that police hostility and aggression was “clearly not responding to any ‘escalating tensions’ or ‘risks’ posed by the protesters.” Often, police gave no directions, commands or orders before resorting to force. The protests, MALS observed, included “periods of rapid movement” and “defiance,” but not physical violence.

MALS wrote that, by “refusing to move upon the direction of police, IMARC protesters were committing, at worst, very minor (Summary Act) offences” and that such offences “do not justify the use of batons, punches, kicks, the dangerous use of horses, or pepper spray.”

The Convention Centre has 39 different access points, but MALS noted that “only a few” were left open by police to conference attendees. This had the effect of corralling conference attendees through the protesters’ blockades at the limited open entrances. The report stated that “police and private security were seen directing or

shepherding attendees toward entrances already blocked by the protest picket line. Police were specifically requested not to do this by protesters engaged in police liaison roles.” It continued: “Whether intentional or not, this had the effect of maximising the contact between conference attendees and protesters.”

When police opened another entrance on the second day of the conference, the small number of protesters had to respond by “stretching their blockade line.” Further entrance openings meant “that by the final day of the conference, venue staff were directing attendees to other building access points, which significantly reduced police and protester contact. It remains unclear why this was not done earlier.”

While the legal report does not draw this conclusion, what occurred has all the hallmarks of a deliberate police provocation. On the first day of the protest, it appears that clashes between protestors and mining conference delegates were orchestrated by police, as a means of justifying their pre-prepared assaults.

Another section of the report explained that the IMARC protest operation was part of a broader shift in police tactics. A “negotiated management” approach towards protests has been dropped, in favour of tactics that have been characterised as “strategic incapacitation.”

MALS identified this as a “global trend in public order policing since 2001.” Not coincidentally, this year marked the beginning of the fraudulent “war on terror,” with the implementation of so-called “national security” measures by governments in Australia and internationally to strip away democratic rights.

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“Strategic incapacitation” was defined in the document as “a multidimensional policing strategy characterised by the deployment of massive police presence, the use of barriers, ‘preventative’ arrests, selective use of force with an array of less-lethal weapons, combined with efforts to control both the production and dissemination of information, media management and unprecedented levels of monitoring and surveillance.”

The report explained that such tactics are aimed at “deliberately containing and hampering and even neutralising protest movements, limiting their growth, size and political effectiveness.” The aim is to deter “new and a broader range of people becoming involved in protest groups,” as well as to foster a “conflictual and antagonistic attitude toward social movements from some sections of the wider public.”

MALS denounced not only the application of “levels of force designed for riots against peaceful protests” by police, but also “conservative and simplistic media reporting” which, together, “can successfully reframe a peaceful protest as ‘violent.’”

The report detailed the deceptive way that the protests were covered in the media: “The angry, surging, chaotic scenes covered in the television news footage were often the direct aftermath of a crowd surge by a phalanx of police, injurious use of force or a push by police horses into a crowd.”

The report concluded with eleven recommendations, including the prohibition of the “use of police horses in public order or crowd control scenarios” and the “unlawful use of OC aerosols.” MALS also advised that only senior police “negotiators” command police at protest events and that governments enact protocols to ensure politicians and spokespeople not make “broad public statements of support or condemnation of protest events until there has been some independent analysis and review of the policing, the context and the nature of the event.”

There has been no official response from the state Labor government or police to the report. This is in keeping with the blanket endorsement of the police violence by the government during the protests. Labor Premier Daniel Andrews declared that officers were “doing every one of us proud,” while his police minister, Lisa Neville, added that she was “100 percent comfortable” with their actions.

The legal observers’ report received almost no coverage in the media beyond a short article in the *Age* newspaper. This silence reflects an understanding within the ruling elite that such police operations will in the future be directed on a far broader scale, violently targeting not just small environmental protests but social and political unrest within the working class.



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