

12月17日晚，一对女性朋友在 **The Nest** 遭遇了恶劣的暴力事件。当时她们正准备上洗手间，不料她们中一人被场地经理“误认为”是男性，尽管当事人解释了自己的性别，经理却叫来保安对两名当事人进行了暴力殴打，导致两名当事人被送往医院检查治疗。同时，当时在现场的几位女性友人曾试图阻止事态恶化，却同样遭受暴力攻击。

December 17, two female friends were assaulted in the ladies room of The Nest. The manager misgendered one of them with short hair. She tried to clarify with the manager, but the manager harassed them and followed by asking the security guards to beat up both of them resulting in a comprehensive medical examination and a detailed police report. Their female friends tried to help but also fell victim to such assault in the process.

事后，**The Nest** 不但没有就此事向当事人道歉，还在多家媒体上极力狡辩，并歪曲事实，说这只是个小小的误会，而涉事经理也丝毫没有受此事影响，隔日依然照常上班。

After the incident, the manager who ordered the beating denied what had happened on media such as SmartShanghai, Shanghaiist, etc., trivialized the situation, and dismissed it as a “misunderstanding.” The manager returned to work the next day without being affected at all.

与此同时，警方并没有采取任何行动协助当事人。

In the meantime, the police did not take any actions to assist the victims.

我们希望上海的女性朋友可以和我们一起表明态度，告诉他们：我们是不会容忍暴力行为的。

We have been rallying the Shanghai community to voice out that violence will not tolerated.

分享信息•给予差评•保护社群 ——直到得到法律制裁

#性别暴力就是暴力

#保护上海女性

Repost • Dislike • Protect

Until Justice is Served —

#HaiAgainstViolence

#SayNoToNest

以下是当事人的声明

The following is the personal statement by the victims:

本人与另一位当事人袁女士于 2017 年 12 月 17 日晚，到位于上海市黄浦区北京东路 130 号六层的 Nest 餐厅及酒吧（下称“Nest”）与其他朋友一起就餐。

On December 17, 2017 evening, Ms. Yuan and I had dinner with friends at The Nest Restaurant and Bar (named as “The Nest” below) located at 6/F, 130 Beijing East Road, Huangpu District, Shanghai.

我与另一位当事人在 Nest 餐厅内使用洗手间时，因 Nest 方雇员 Nicole（现经查系 Nest 的运营主管）无端阻止本人使用洗手间，遂袁女士与 Nicole 发生争执。后双方争执不下，引起 Nest 保安注意。

When we were trying to use the bathroom in The Nest, Nicole, an employee of The Nest (later verified as Operations Manager), forbade me to use the bathroom without any reasons, so Ms. Yuan got into a quarrel with her. As the quarrel went on, it caught the attention of The Nest’s security guards.

但令人瞠目结舌的是：多名 Nest 保安进入洗手间后，在没有弄清任何事情原委的情况下，立刻将袁女士包围控制住，并和 Nicole 一起对袁女士拳打脚踢、撕扯其头发，致其几乎被当场殴打至昏迷。我在一旁试图制止和劝说，但也立刻被 Nest 保安包围并遭其殴打。事件直至我的朋友报警后才得以制止。事件的全过程，有当晚 Nest 店内监控视频为证。

What happened next really shocked us. Many security guards then entered the bathroom. Without knowing what was going on, they surrounded Ms. Yuan immediately and together with Nicole, they assaulted her and pulled her hair. Ms. Yuan almost fell into a coma. I tried to stop them but immediately got surrounded and assaulted by them. Such assault only

stopped when my friends called the police. The incidence was recorded by the CCTV of The Nest.

值得一提的是：在整个事件过程中，我和袁女士多次向在场保安求救，但 Nest 保安对于上述殴打行为不仅没有加以阻止，甚至还参与、协助以及放任殴打行为的发生。

Note that throughout the incidence, Ms. Yuan and I called The Nest's security guards for help multiple times. Not only did they deny to stop the assault, but also participated in, assisted in, and connived at it.

1. 报警处理后，位于山西南路的上海市公安局黄浦分局外滩派出所（下称“外滩派出所”）向我与袁女士开具了验伤单。经上海市第九人民医院验伤及检查，初步诊断结果是：袁女士脸部、额顶部、眼睛、后颈部、颈椎、双上肢、下肢膝部等全身多处部位遭受不同程度的外伤，伤势严重，且正常活动受到影响；我的额顶部、后脑枕部、后颈部等头部多处部位遭受不同程度的外伤；并且，两位都接受了进一步的 CT 检查，结果尚未确定，但不排除被进一步诊断为错位性骨折的可能性。

1. After calling the police, Waitan Police Office under Huangpu Police Station of Shanghai Police Department, located at Shanxi South Road, issued us request for medical inspection slips. We went to Shanghai Ninth People's Hospital for medical inspections. Initial results are: for Ms. Yuan, there are severe injuries at the face, upper forehead, eyes, back of neck, cervical vertebrae, upper limbs, knees, and many other parts of the body affecting her normal activities. For me, there are injuries at the upper forehead, lower back of head, back of neck, and many other parts of the head with various levels of severity. We already undertook a CT scan and while we are still waiting for the results, we cannot rule out the possibility of fracture-dislocation.

2. 另外，在警方处理本案过程中，袁女士已通过外滩派出所民警，要求你方寻回其在上述殴打事件发生时丢失于 Nest 餐厅内的一条 TIFFANY 项链，但事后经你方雇员确认，该项链现已遗失。同时，袁女士佩戴的一副 CHANEL 耳环，在外滩派出所做物品交接返还时，也当场被证实已经毁损。

2. When the police was handling this case, through the police officer in Waitan Police Office, Ms. Yuan requested The Nest to find her Tiffany necklace lost during the aforementioned assault at the venue. The Nest's employee later confirmed that the necklace was not found. In the meantime, Ms. Yuan's Chanel earrings were found to be broken when returned to her later in the Waitan Police Office.

一、基于以上事实，我和袁女士认为：

A. Based on the above, Ms. Yuan and I arrived at the following conclusions:

1. Nest 作为沪上一家人均消费在 450 元以上的知名西餐厅和酒吧，竟发生雇员及保安群殴顾客的事件，是令人匪夷所思的，更是极其失当的。

1. Employees and security guards assaulting customers in The Nest, an affluent restaurant and bar with the average dinner costing 450 yuan a person, is appalling, unbelievable, dangerous and extremely inappropriate.

2. 根据我国法律的有关规定，餐饮公共场所负有保障来店客户人身、财产免受损害之安全保障义务。在上述事件中，你方雇员及保安不仅没有尽到其应尽义务，更实际参与殴打和/或放任、协助殴打顾客的行为，致使客户遭受了严重的人身损害及财产损失。这是对客户健康权、财产权等相关合法权益的严重侵犯，你方及你方雇员应当承担相应的侵权责任。

2. According to provisions of relevant laws, F&B venues are responsible for the safety of their customers and their personal property. In the aforementioned incidence, The Nest's employees and security guards not only failed to fulfill their responsibilities, but also actively participated in and/or connive at and assisted in assaulting customers, causing severe physical injuries and personal property loss and damages. This is a severe infringement of customers' rights such as health and property. Your side and your employees shall bear all liabilities of such infringement.

二、我希望 Nest 于 2017 年 12 月 27 日之前：

B. I hereby request The Nest to comply with the following before December 27, 2017:

1、以公司的名义书面向我和袁女士赔礼道歉；

1. Send Ms. Yuan and me a written apology in the name of the company behind The Nest;

2、返还我和袁女士当天在 Nest 的全部消费费用；

2. Refund all expenses in The Nest by Ms. Yuan and me on the day when the incidence happened;

3、赔偿我和袁女士因你方侵权行为而遭受的财产损失和精神损害，包括但不限于相关的医疗费、护理费、营养费、交通费、误工费损失、个人物品损失，以及精神损害抚慰金等。

3. Indemnify Ms. Yuan and me for all loss and mental distress, including but not limited to, medical fees, nursing fees, nutrition fees, transportation fees, cost of lost labor productivity, cost of lost personal belongings, and spiritual damage.