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## **HONG KONG**

### **IMPRISONED JUNE 4 VIGIL ORGANIZER FACES FURTHER CHARGES**

Human rights lawyer and China's labour rights advocate Chow Hang-tung was charged for "inciting subversion" under the new National Security Law on 9 September 2021 and faces potential 10 years' imprisonment. At the time of being charged, she was the vice-chair of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Alliance), the organizer of the annual Hong Kong vigil commemorating the 1989 Tiananmen crackdown since 1990. Chow Hang-tung was exercising her fundamental human right of freedom of expression through peaceful means, and charges against her must be dropped and they must be released immediately.

The Hong Kong government claimed on many occasions, including to the UN in the [reply to the list of issues](#) in relation to the periodic report of the implementation of the ICCPR in Hong Kong, that freedoms including freedom of assembly and expression may be restricted for the protection of 'national security'. However, the prosecution of Chow and other activists who peacefully exercised these rights violates international human rights laws and standards. [Such standards](#) specifically state that governments cannot restrict these freedoms on the grounds of national security [unless their exercise constitutes the use or credible threat of force](#) that threatens a state's existence or territorial integrity.

The national security police used the vigil and other peaceful activism of the Hong Kong Alliance as evidence of endangering national security. Demanding justice and remembering victims of the 1989 Tiananmen crackdown are peaceful expressions that cannot be restricted under the pretext of national security.

#### **Write to the Secretary for Justice urging her to:**

- drop all charges against and release Chow Hang-tung immediately, as she was charged solely for peacefully exercising her rights
- end the practice of bringing 'national security' charges against those who have simply exercised their right to freedom of expression or other human rights
- review and amend all laws and regulations, and end all related measures, that violate the exercise of human rights, in particular the right to freedom of expression, peaceful assembly and association

**Write to:**

Secretary for Justice  
Teresa Cheng Yeuk-wah  
Department of Justice  
G/F, Main Wing, Justice Place  
18 Lower Albert Road, Central, Hong Kong  
Fax: 011 852 3902 8638  
Email: [sjo@doj.gov.hk](mailto:sjo@doj.gov.hk)  
Salutation: Dear Secretary Cheng:

**And copy:**

His Excellency Peiwu Cong  
Ambassador  
Embassy of the People's Republic of China  
515 St. Patrick Street  
Ottawa, ON K1N 5H3  
Fax: (613) 789-1911  
Email: [chineseembassy.ca@gmail.com](mailto:chineseembassy.ca@gmail.com)

**Additional information**

For three decades, the Hong Kong Alliance organized the world's biggest commemoration of the Tiananmen crackdown, which took place on the evening of 3–4 June 1989, when hundreds – possibly thousands – of people were killed in Beijing when troops opened fire on students and workers who had for months been peacefully calling for political and economic reforms as well as an end to corruption. Thousands across China were also arrested and imprisoned for participating in the demonstrations. Every year on 4 June since 1990, tens and sometimes hundreds of thousands of people joined a candlelight vigil in Hong Kong's Victoria Park to remember those killed. They called on the Chinese authorities to reveal the truth about what happened and take accountability for the fatalities. For the past two years, the vigil was banned on Covid-19 grounds. Before the Hong Kong candlelight vigil was banned in 2020, it was the only large-scale commemoration of the Tiananmen crackdown that took place in the country.

On 8 September 2021, Chow and three former leaders of the Alliance, Simon Leung Kam-wai, Tang Ngok-kwan and Chan Dor-wai, were arrested after they refused to comply with the authorities' request to submit information about the Alliance's members, staff, and partner organizations. Another former leader Tsui Hon-kwong was arrested two days after.

On 9 September 2021, the Alliance, along with Chow Hang-tung and prominent veteran politicians Albert Ho and Lee Cheuk-yan, were [charged with "inciting subversion"](#). At the time of being charged, Chow was the vicechair of the Alliance.

Following the initiation of prosecutions against core members and increasing pressure from the government, the Hong Kong Alliance disbanded on 25 September 2021.

On 29 September 2021, the National Security Department informed the Hong Kong Alliance that its assets, including bank accounts and a property, were frozen under the Implementing Rules of Article 43 of national security law. On 26 October 2021, the Chief Executive ordered the Hong Kong Alliance be removed from Companies Register because the Alliance's work, including organizing peaceful assemblies, undermines the Central governments' "ability to safeguard national security and to maintain public safety and order".

The [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region](#) (NSL) was unanimously passed by China's National People's Congress Standing Committee and enacted in Hong Kong on 30 June 2020 without any formal, meaningful public or other local consultation. The impact of the NSL has been immediate and sweeping. The law's expansive definition of "national security", which follows that of the Chinese central authorities, lacks clarity and legal predictability and has been used arbitrarily as a pretext to restrict the human rights to freedom of expression, peaceful assembly and association, among others, and to repress dissent and political opposition. By accusing political parties, academics and other organizations and individuals actually or perceived to be critical of the present government and political system in Hong Kong of threatening national security, the authorities have sought to justify censorship, harassment, arrests and prosecutions that violate human rights. The overly broad definitions of the National Security Law have given the authorities free rein to silent dissent and crack down on civil society organizations. The Hong Kong government increasingly criminalizes the work of civil society organizations, accusing local and overseas activists and groups who form international partnerships or do peaceful international activism of "colluding with foreign forces".

Chow Hang-tung is a long-term human rights defender. Prior to becoming a human rights lawyer, she was an advocate for labour rights and human rights defenders in China. As a barrister in Hong Kong, she has defended political activists targeted by the National Security Law. On 13 December 2021, Chow was sentenced to 12 months' imprisonment for taking part in an unauthorized assembly after joining a peaceful candlelight vigil commemorating the Tiananmen crackdown on 4 June 2020. On 4 January 2022, she received a 15-month prison sentence in a second conviction on the charge of "inciting others to take part in an unauthorised assembly" after she published a social media post asking people to commemorate the Tiananmen crackdown on 4 June 2021.