

URGENT ACTION

NINE UMBRELLA MOVEMENT LEADERS CONVICTED

Nine leaders of the 2014 Hong Kong pro-democracy protests have each been found guilty of vague and ambiguous “public nuisance” related charges. They were convicted solely on the basis of their peaceful participation in the Umbrella Movement protests. They indicated that they will appeal, to prevent the government from referring to the conviction to prosecute other activists or further deter peaceful protests advocating dissenting views. The conviction of these nine prominent figures of the Umbrella Movement is likely to have a chilling effect on freedom of peaceful assembly and expression in Hong Kong.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

The Hon. Teresa Cheng
Secretary for Justice
Government of the Hong Kong SAR
5th Floor, Main Wing, Justice Place
18 Lower Albert Road, Central
Hong Kong
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Dear Secretary Cheng:

On 9 April 2019, nine leaders of the 2014 Hong Kong pro-democracy protests were convicted of vague and ambiguous charges, including “conspiracy to commit public nuisance”, “incitement to commit public nuisance” and “incitement to incite public nuisance”. They could face up to seven years in prison and the judge will announce the sentencing on 24 April.

Among the nine activists are the co-founders of the “Occupy Central” campaign – legal scholar Professor **Benny Tai Yiu-ting**, sociology Professor **Chan Kin-man** and retired pastor **Reverend Chu Yiu-ming**, student leaders **Tommy Cheung Sau-yin** and **Eason Chung Yiu-wa**, lawmakers **Tanya Chan** and **Shiu Ka-chun**, and political party leaders **Raphael Wong Ho-ming** and **Lee Wing-tat**. They have all been convicted solely for their peaceful exercise of the rights to freedom of expression and peaceful assembly.

The nine indicated that they will appeal, to prevent the government from referring to the conviction to prosecute other protesters or further deter peaceful protests advocating dissenting views.

We call on you Secretary Cheng to stop the politically motivated prosecution against the nine Umbrella Movement leaders and other peaceful protesters that are aimed at deterring participation in peaceful assembly and silencing critical voices.

Yours sincerely,

ADDITIONAL INFORMATION

Benny Tai Yiu-ting, Chan Kin-man and Chu Yiu-ming co-founded the "Occupy Central" campaign in 2013. The campaign advocated for the democratic election of the city's head of government and was intended to be a civil disobedience action to block roads in the Central District of Hong Kong. It became part of the large-scale pro-democracy Umbrella Movement protests, which were carried out in an overwhelmingly peaceful manner over 79 days between September and December 2014.

For the other six activists convicted, most of the charges relate to their peaceful participation in the Umbrella Movement protests, namely, directing protesters to different streets outside the government headquarters and urging others, through loudspeakers, phone calls and text messages, to join the protests.

The Hong Kong government has arrested and prosecuted many peaceful protesters since the Umbrella Movement, usually on vague charges related to "unlawful assembly", "unauthorized assembly" and "public disorder". These charges are based on the Public Order Ordinance, the provisions and application of which have been repeatedly criticized by the UN Human Rights Committee for failing to fully meet international human rights law and standards on the right of peaceful assembly.

By the end of the protests, the government had arrested 955 people who had taken part in the Umbrella Movement protests over the course of the 79 days and another 48 after the protests had ended. Many were soon released, but police notified them that criminal investigations were still ongoing and that they would be re-arrested and charged should there be sufficient evidence to prosecute them. A pattern of long intervals between initial arrests and the decision to prosecute has meant that only a small proportion of the protesters who were arrested have faced trial.

In July 2016, three student leaders were convicted after climbing into "Civic Square" during the protest of 26 September 2014. Joshua Wong and Alex Chow were found guilty of "taking part in an unlawful assembly" and Nathan Law of "inciting others to take part in an unlawful assembly". The court originally ordered non-custodial sentences against them, but prosecutors appealed to seek harsher penalties. In August 2017, the three student leaders were handed jail terms of six to eight months and were imprisoned before being released on bail in October and November 2017 pending an appeal. On February 2018, the Court of Final Appeal overturned the jail sentences.

By continuing to prosecute prominent figures of the Umbrella Movement protests after undue delays, hundreds of other protesters are left uncertain if the government is planning to pursue charges against them as well. This uncertainty, together with the use of vague and ambiguous charges and harsh sentences, is having a chilling effect on the rights to freedom of peaceful assembly and expression in Hong Kong.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Chinese

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 21 May 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Benny Tai Yiu-ting (him/he), Chan Kin-man (him/he), Chu Yiu-ming (him/he), Tommy Cheung Sau-yin (him/he), Eason Chung Yiu-wa (him/he), Tanya Chan (she/her), Shiu Ka-chun (him/he), Raphael Wong Ho-ming (him/he) and Lee Wing-tat (him/he).

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa17/9372/2018/en/>