

# URGENT ACTION

## FOUR UMBRELLA MOVEMENT LEADERS IMPRISONED

Four leaders of the 2014 Hong Kong pro-democracy Umbrella Movement protests have been sentenced to eight to 16 months' imprisonment, on conviction of "public nuisance" related charges for "obstructing public places and roads" during the protests. They are prisoners of conscience imprisoned solely for peacefully advocating for democracy in Hong Kong. Their imprisonment sets a precedent that government could use vague and ambiguous charges for blanket prosecution and imprisonment of peaceful protesters, exacerbating the 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. Carrie Lam  
Chief Executive  
Government of the Hong Kong SAR  
Office of the Chief Executive  
Tamar, Hong Kong  
Fax: +852 2509 0580  
Email: ceo@ceo.gov.hk

Dear Chief Executive:

On 24 April 2019, four leaders of the 2014 pro-democracy Umbrella Movement protests, **Professor Benny Tai Yiu-ting, Professor Chan Kin-man, Raphael Wong Ho-ming and Shiu Ka-chun**, were sentenced to eight to 16 months' imprisonment, on conviction of "public nuisance" related charges for "obstructing public places and roads" during the protests.

The nine were convicted of vague and ambiguous charges, including "conspiracy to commit public nuisance", "incitement to commit public nuisance" and "incitement to incite public nuisance", solely for their peaceful exercise of the rights to freedom of expression and peaceful assembly. It is the first time the government used these charges against peaceful protesters. Prosecutors based the charges on common-law offences, which allows for harsher sentences compared to similar charges under statutory law. The conviction and sentencing for "incitement" and "incitement to incite public nuisance" have long-term negative impacts on the enjoyment of the human rights to freedom of expression and peaceful assembly in Hong Kong. In this case, evidence of "incitement" included newspaper articles directed to the public at large; press conference statements and media interviews that happened months before the protests; and videos taken by the police of protest leaders using loudspeakers to urge participants to invite others to join the protests.

The conviction and the imprisonment of the four sets a worrying precedent that these vague and ambiguous charges could be used for blanket prosecution and imprisonment of peaceful protesters, exacerbating the chilling effect on freedom of peaceful assembly and expression in Hong Kong. The nine indicated that they will appeal against the conviction.

**We call on you Chief Executive to ensure the immediate and unconditional release of the four prisoners of conscience, imprisoned solely for peacefully advocating for democracy in Hong Kong, and that their convictions are overturned without delay.**

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 (the "Chief Executive") 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.

Among the eight protesters sentenced on 24 April were the co-founders of the "Occupy Central" campaign – legal scholar, Prof. Benny Tai Yiu-ting and sociologist, Prof. Chan Kin-man, who each received 16 months' imprisonment. The other two imprisoned are political party leader Raphael Wong Ho-ming and lawmaker Shiu Ka-chun, each sentenced to eight months' imprisonment.

Another co-founder of the "Occupy Central" campaign, retired pastor Rev. Chu Yiu-ming, student leader Eason Chung Yiu-wa and political party leader Lee Wing-tat were sentenced to suspended imprisonment; student leader Tommy Cheung Sau-yin to community service. Lawmaker Tanya Chan's sentencing was postponed to 10 June due to her health condition.

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

In July 2016, three student leaders were convicted after climbing into the "Civic Square" outside government buildings during a protest on 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 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.

By continuing to prosecute prominent figures of the Umbrella Movement protests after long 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 the prosecution's pursuit of 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:** 6 June 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/asa17/0191/2019/en/>