

# URGENT ACTION

## FINAL “UMBRELLA NINE” ACTIVIST SENTENCED

Lawmaker Tanya Chan has been sentenced to eight months' imprisonment, suspended for two years, for using a loudspeaker to urge participants to join the 2014 Hong Kong pro-democracy Umbrella Movement protest. Tanya Chan is one of nine protest leaders who have been convicted of vague and ambiguous “public nuisance” related charges, four of which were sentenced to imprisonment. Their conviction and sentencing set a dangerous precedent, paving the way for the Hong Kong government to use vague and ambiguous charges for blanket prosecution and imprisonment of peaceful protesters.

**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  
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Email: ceo@ceo.gov.hk

Dear Chief Executive:

On 10 June 2019, lawmaker **Tanya Chan** was sentenced to eight months' imprisonment, suspended for two years, for using a loudspeaker during the Umbrella Movement in 2014 to urge participants to join the protest. While the court handed down a suspended sentence to allow her to continue her medical treatment for a brain tumour, her conviction on criminal charges of “incitement to commit public nuisance” and “incitement to incite public nuisance”, was solely for exercising her human rights to freedom of expression and peaceful assembly.

The conviction of the nine Umbrella Movement leaders in 2019 and the imprisonment of **Professor Benny Tai Yiu-ting, Professor Chan Kin-man, Raphael Wong Ho-ming and Shiu Ka-chun** sets a worrying precedent that the vague and ambiguous “public nuisance” related charges could be used for blanket prosecution and imprisonment of peaceful protesters. In this case, evidence of “incitement” was very broad and 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 nine have appealed against the convictions and the four imprisoned have sought review on the sentencing.

**We call on you Chief Executive to ensure that the convictions of the nine Umbrella Movement leaders are overturned without delay, and the four imprisoned leaders, who are prisoners of conscience, imprisoned solely for peacefully advocating for democracy in Hong Kong, are released immediately and unconditionally.**

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.

Lawmaker Shiu Kar-chun could be disqualified from his elected position if absent from meetings in the Legislative Council, Hong Kong's legislature, for three months. He applied to attend the meetings, but the prison authority rejected the request, even though Shiu indicated that he was willing to follow the authority's arrangements and guidance such as being handcuffed whenever he went to the Legislative Council building for meetings.

The four imprisoned activists have continued to express their concerns about Hong Kong's human rights protection, such as by writing public letters urging people to protest against the government's bill to amend the extradition laws that would allow the government to hand over people in Hong Kong to mainland China authorities, which brought over 1 million peaceful protesters to march in the streets on 9 June 2019 and almost 2 million on 16 June.

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 human right of peaceful assembly.

By the end of the protests in December 2014, 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:** 4 August 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/asa17/0257/2019/en/>