

URGENT ACTION

NINE UMBRELLA MOVEMENT LEADERS TO STAND TRIAL

Nine leaders of the 2014 Hong Kong pro-democracy protests are being charged with three vague and ambiguous offences, each facing a maximum penalty of seven years' imprisonment. The continued prosecution of prominent figures of the Umbrella Movement is having a chilling effect on freedom of peaceful assembly and expression.

On 19 November 2018, nine leaders of the 2014 Hong Kong pro-democracy movement will stand trial, which is expected to last for 20 days. Three of the protesters facing charges are the co-founders of the "Occupy Central" campaign ("the Trio"): legal scholar Professor **Benny Tai Yiu-ting**, sociologist Professor **Chan Kin-man** and retired pastor Reverend **Chu Yiu-ming**. The other six being prosecuted are student leaders **Tommy Cheung Sau-yin** and **Eason Chung Yiu-wah**, lawmakers **Tanya Chan** and **Shiu Ka-chun**, and political leaders **Raphael Wong Ho-ming** and **Lee Wing-tat**. This is the latest prosecution of Umbrella Movement protesters, following the imprisonment of three student leaders in 2017.

The prosecution of the Trio relates to the planning and implementation of the Occupy Central campaign, including a civil disobedience action to block roads in the Central District of Hong Kong. The campaign was to advocate for the democratic election of the city's head of government. 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.

The nine protesters face charges related to "public nuisance", including "conspiracy to commit public nuisance", "incitement to commit public nuisance" and "incitement to incite public nuisance". This is based on their peaceful participation in the Umbrella Movement: 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 impact of a potential conviction of the nine is significant, as the government could then refer to the court judgement to further prosecute other Umbrella Movement protesters.

Please write immediately in English, Chinese or your own language urging the Hong Kong government to:

- Drop the charges against the nine leaders of Occupy Central and Umbrella Movement based on their peaceful exercise of the rights to freedom of expression and peaceful assembly;
- Stop politically motivated prosecutions against peaceful protesters that are aimed at deterring participation in peaceful assembly and silencing critical voices;
- Bring the Public Order Ordinance into line with international human rights law and standards to respect and protect the rights to freedom of expression and peaceful assembly.

PLEASE SEND APPEALS BEFORE 19 DECEMBER 2018 TO:

Secretary for Justice
Teresa Cheng
Department of Justice
Secretary for Justice's Office
5th floor, Main Wing, Justice Place,
18 Lower Albert Road, Central,
Hong Kong
Fax: +852 39184119
Email: sjo@doj.gov.hk
Salutation: Dear Secretary

Chief Executive
Carrie Lam
Hong Kong Special Administrative
Region Office of the Chief Executive
Tamar
Hong Kong
Fax: +852 25090580
Email: ceo@ceo.gov.hk
Salutation: Dear Chief Executive

And copies to:
President
Andrew Leung
Legislative Council
Legislative Council Complex
1 Legislative Council Road, Central
Hong Kong
Fax: +852 2537 1851
Email: pid@legco.gov.hk

Also send copies to you Hong Kong and/or Chinese diplomatic representatives accredited to your country. HIS EXCELLENCY MR LIU XIAOMING, Embassy of the People's Republic of China, 49-51 Portland Place W1B 1JL, 020 7299 4049, press_uk@mfa.gov.cn

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

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.