

JOINT OPEN LETTER TO HONG KONG SECRETARY FOR JUSTICE

July 20, 2020

Ms. Teresa Cheng Yeuk-wah
Secretary for Justice
Department of Justice
G/F, Main Wing,
Justice Place,
18 Lower Albert Road,
Central, Hong Kong

CC: Carrie Lam, Chief Executive

Re: Prosecution of Tiananmen Vigil Organizer Chow Hang-tung

Dear Secretary Cheng,

We, a group of 72 international non-governmental organizations and individuals, are writing to call on your government to drop the charge of “inciting unauthorized assembly” against Chow Hang-tung (鄒幸彤) and unconditionally release her. Ms. Chow is a barrister and vice president of the civil society group Hong Kong Alliance, which organizes the annual Victoria Park vigil to commemorate the 1989 Tiananmen Massacre. Police arrested Chow on June 4, 2021, released her on bail on June 5, but detained her again on June 30.

The charge against Chow is based on alleged violations of Hong Kong’s Public Order Ordinance, which requires organizers to notify police of demonstrations in advance, and requires them to get a “notice of no objection” from the police before proceeding. The United Nations Human Rights Committee has [criticized](#) the law, saying that “it may facilitate excessive restriction” on basic rights. Human rights organizations have repeatedly urged the Hong Kong government to amend the law because it is incompatible with international standards on freedom of assembly.

The police [banned](#) the 2021 vigil on public health grounds, although Hong Kong has kept Covid-19 under control and had few infections at the time. Following the announcement of the ban, Chow wrote an [opinion article](#) and a [Facebook post](#) urging people to mark the occasion by lighting candles and that she would do so in a public space. There is no basis for interpreting her message as “inciting” people to publicly gather or violate social distancing rules in effect at the time.

We are also concerned about repeated [calls](#) to ban the Hong Kong Alliance by Lu Wenduan (卢文端), vice chairperson of the Chinese Communist Party-controlled All-China Federation of Returned Overseas Chinese, and [others](#) who often represent the Chinese government’s views and baselessly allege that the Hong Kong Alliance is “subversive,” “colludes with foreign forces,” and violates the National Security Law. Under such pressure and threats of prosecution, the Alliance has terminated its staff and downsized its operations.

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As you know, Hong Kong people are entitled to the human rights guarantees enshrined in Hong Kong's de facto constitution, the Basic Law. Those rights are also guaranteed by the International Covenant on Civil and Political Rights (ICCPR), which is incorporated into Hong Kong's legal framework via the Basic Law and expressed in the Bill of Rights Ordinance. The ICCPR guarantees the rights to freedom of expression, information, association, and peaceful assembly, among other basic liberties. It protects the rights to participate in public affairs, vote at genuine periodic elections, and be a candidate for public office. It also ensures the rights of criminal suspects to a fair and public hearing by an independent and impartial court.

That Central Chinese government and Hong Kong officials continue to deny these rights, as reflected in the arbitrary arrest and detention of Chow Hang-tung, undermines your credibility in upholding international legal guarantees, and is unlikely to yield the "stability" you say you want.

We look forward to receiving your response on this important matter.

Sincerely,

Act with HK

Alvin YH Cheung, *Affiliated Scholar, US-Asia Law Institute, New York University*

Andréa Worden, *Independent Scholar*

Article 19

Australia Hong Kong Link

Bar Human Rights Committee of England and Wales

Canada-Hong Kong Link

Canadian Friends of Hong Kong

ChinaAid

China Against the Death Penalty

China Change

China Political Prisoners Concern Group

Chinese Human Rights Defenders

Committee to Support Chinese Lawyers

Core Group for Tibet Cause - India

Covenants Watch

Dawn of Hong Kong

Democracy for Hong Kong (D4HK)

Dialogue China

Eva Pils, *Professor of Law, Dickson Poon School of Law, King's College London*

Freedom House

Front Line Defenders

Gill Boehringer, *Professor and former Dean, Macquarie University Law School*

Hong Kong Committee in Norway

Hong Kong Democracy Council

Hong Kong Forum, Los Angeles

Hong Kong Outlanders in Taiwan (臺灣香港邊城青年)

Hong Kong Watch

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Human Rights in China
Human Rights Network for Tibet and Taiwan
Humanitarian China
International Campaign for Tibet
International Commission of Jurists
International Federation of Journalists
International Service for Human Rights
International Tibet Network
James D. Seymour, *Independent Scholar*
Judicial Reform Foundation
Justice Abroad
Kevin Carrico, Senior Lecturer, Monash University
Lawyers' Rights Watch Canada
Leitner Center for International Law and Justice
Lhagari Namgyal Dolkar, *Tibetan Activist*
Martin Flaherty, *Professor, Fordham Law, Princeton University*
Michael Polak, *Barrister, Church Court Chambers*
Monitoring Committee on Attacks on Lawyers, International Association of People's
Lawyers
National Campaign for Free Tibet Support
Netherlands for Hong Kong
New Yorkers Supporting Hong Kong (NY4HK)
NorCal HK Club
Penghsuan Lee, *Taiwanese Activist*
Pingtung Bar Association
Richa Guo, *Director, New School for Democracy*
SERious for HKG
Stand with HK@JPN
Stuart Russell, *Professor, Macquarie University School of Law (retired)*
Students for a Free Tibet India
Students for a Free Tibet Taiwan
Tainan Bar Association
Taipei Bar Association
Taiwan Association for Human Rights
Taiwan Bar Association
Taiwan Forever Association (台灣永社)
Taiwan Support China Human Rights Lawyers Network
Teng Biao, *Pozen Visiting Professor, University of Chicago*
Tenzin Tsundue, *Tibetan Activist and Writer*
Tom Kellogg, *Executive Director, Georgetown Center for Asian Law*
Torontonians HongKongers Action Group
Uyghur Human Rights Project
Vancouver Society in Support of Democratic Movement
Washingtonians Supporting Hong Kong (DC4HK)
We are Kiwi HongKongers
Yellow Power NZ