

URGENT ACTION

15 DEMOCRACY LEADERS ARRESTED

15 prominent pro-democracy leaders and activists were arrested on 18 April 2020 for their role in organizing and joining “unauthorized assemblies” more than six months prior. This is the most recent example of police relying on the vague Public Order Ordinance, frequently used in 2019 to prohibit and cancel largely peaceful protests. These arrests are another heavy blow to the already curtailed freedom of peaceful assembly in Hong Kong.

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

Secretary of Justice Teresa Cheng Yeuk-wah

Department of Justice
G/F, Main Wing, Justice Place
18 Lower Albert Road, Central, Hong Kong
Fax: (852) 3902 8638
Email: sjo@doj.gov.hk

Dear Secretary Cheng:

I am writing to express my concern for the arrest and charging of **Martin LEE Chu-ming, Albert HO Chun-yan, YEUNG Sum, Richard CHOI Yiu-cheong, SIN Chung-kai, AU Nok-hin, Cyd HO Sau-lan, LEE Cheuk-yan, Figo CHAN Ho-wun, Jimmy LAI Chee-ying, Avery NG Man-yuen, LEUNG Kwok-hung, LEUNG Yiu-chung, Raphael WONG Ho-ming and Margaret NG Ngoi-yee** on 18 April 2020.

These 15 prominent pro-democracy leaders are being prosecuted for “organizing and taking part in unauthorized assemblies”. Five of them are also being prosecuted for “announcing unauthorized assemblies”. These charges are based on the Public Order Ordinance, the provisions and application of which fail to meet international human rights law and standards on the right to peaceful assembly. The United Nations Human Rights Committee has repeatedly expressed concern that the implementation of the Public Order Ordinance may facilitate excessive restrictions to the right to peaceful assembly and called for its review.

Under international human rights law and standards, participating in and organizing assemblies does not require prior permission by the state. Failure to notify the authorities of an assembly should not render participation in the assembly unlawful and should not in itself be used as a basis for either arresting the participants or organizers or imposing undue sanctions, such as charging them with criminal offences.

I find it alarming that, to date, the police have announced over 7,000 arrests in connection with the largely peaceful protests that have taken place since June 2019. This continued prosecution of protest organizers and participants is having a chilling effect on the freedoms of peaceful assembly and expression in Hong Kong.

I therefore urge you to:

- **Drop all charges against the 15 pro-democracy leaders that are based on the peaceful exercise of their rights to freedom of expression and peaceful assembly;**
- **Stop prosecutions of 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, protect and facilitate the rights to freedom of expression and peaceful assembly**

Yours sincerely,

ADDITIONAL INFORMATION

On 18 April 2020, police arrested **14** prominent politicians, lawyers and activists, as well as **one** entrepreneur, for “organizing and taking part in unlawful assembly”. They are: **Martin LEE Chu-ming**, barrister, founding member of the Democratic Party (DP), former chair of the Hong Kong Bar Association and member of the Hong Kong Basic Law Drafting Committee; **Albert HO Chun-yan**, solicitor, chair of the Hong Kong Alliance in Support of Patriotic Democratic Movements in China (HK Alliance), former member of Hong Kong’s legislature (legislator) and former DP chair; **YEUNG Sum**, former legislator and former DP chair; **SIN Chung-kai**, chair of a local district council, member of DP Executive Committee and former legislator; **AU Nok-hin**, district councillor and former legislator; **Richard Tsoi Yiu-Cheong**, former district councillor, former DP Vice Chair and former HK Alliance Vice Chair; **Cyd Ho Sau-lan**, former legislator, former district councillor and co-founder of the Labour Party (LP); **Lee Cheuk-yan**, general secretary of the Hong Kong Confederation of Trade Unions, LP co-founder, former legislator and former HK Alliance Chair; **Figo Chan**, vice convenor of the NGO Civil Human Rights Front and member of the League of Social Democrats (LSD) Executive Committee; **Jimmy Lai Chee-ying**, founder of media group Next Digital; **Avery Ng**, former LSD Chair; **Leung Kwok-hung** (also known as “Long Hair”), LSD co-founder and former legislator disqualified by the court over his manner on taking the oath of office; **Raphael Wong Ho-ming**, LSD Chair; **Leung Yiu-chung**, district councillor and legislator; and **Margaret Ng Ngoi-yee**, barrister, member of the Civic Party Executive Committee and former legislator.

The 15 individuals were arrested for organizing and participating in “unauthorized assemblies” held on 18 August, 1 October and/or 20 October 2019. Five of them are also being prosecuted for announcing unauthorized assemblies on 30 September and/or 19 October 2019.

According to Articles 14–15 of Hong Kong’s Public Order Ordinance, those wishing to organize a protest are required to obtain a “notice of no objection” from the police before an assembly may proceed. Police have the power to prohibit public gatherings or impose requirements or conditions on public gatherings where the police “reasonably consider it necessary in the interest of national security or public safety, public order or for the protection of the rights and freedom of others”.

The Civil Human Rights Front filed application for organizing assemblies on the aforementioned dates, but the police issued letters of objection for all three applications. In fact, as protests became more frequent and larger in the second half of 2019, the Hong Kong police adopted a tougher approach to restricting public assemblies, ranging from revoking already-issued “notices of no objection” for marchers to objecting to protests outright on the grounds of “public security concerns”. From 9 June to 31 December 2019, the police banned 47 of 537 applications for public processions or meetings.

The 15 leaders organized and took part in rallies and assemblies on these three days in their personal capacity, without obtaining letters of no objection from the police.

International human rights law stipulates that anyone who wishes to hold a demonstration should be able to do so without requiring permission or authorization from the authorities. States may require prior notice of assemblies, but such notification regimes should not be unduly bureaucratic and should only serve the purpose of allowing the authorities to facilitate the conduct of assemblies and enabling them to take measures to protect public safety and the rights of others.

Since the the Umbrella Movement in 2014, many people have been arrested due to their involvement in protests taking place in 2014 and 2019. They were prosecuted on vague charges related to “unlawful assembly”, “unauthorized assembly” or “public disorder”. These vague and ambiguous charges appeared to be politically motivated and intended as a pretext to deter peaceful exercise of the rights to peaceful assembly and expression.

PREFERRED LANGUAGE TO ADDRESS TARGET: Chinese and English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 2 June 2020

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

NAME AND PREFERRED PRONOUN: Martin LEE Chu-ming(he), Albert HO Chun-yan (he), YEUNG Sum (he), Richard CHOI Yiu-cheong (he), SIN Chung-kai (he), AU Nok-hin (he), Cyd HO Sau-lan (she), LEE Cheuk-yan (he), Figo CHAN Ho-wun (he), Jimmy LAI Chee-ying (he), Avery NG Man-yuen (he), LEUNG Kwok-hung (he), LEUNG Yiu-chung (he), Raphael WONG Ho-ming (he) and Margaret NG Ngoi-yee (she).

And copies to:

His Excellency Mr Liu Xiaoming
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