

URGENT ACTION

BARRISTER CHARGED FOR SOCIAL MEDIA POSTS

Chow Hang-tung, a human rights lawyer and an organizer of the annual Hong Kong vigil commemorating the Tiananmen crackdown, was charged for “advertising or publicising unauthorised assembly”. The arrest came after Chow posted messages on social media asking people to individually commemorate China’s Tiananmen crackdown in June 1989, as the public vigil was banned. This is yet another example of the chilling effect on freedom of expression and peaceful assembly in Hong Kong as authorities increasingly use the Public Order Ordinance to target activists and human rights defenders.

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

Secretary for Justice Teresa Cheng Yeuk-wah
Department of Justice
G/F, Main Wing, Justice Place
18 Lower Albert Road, Central, Hong Kong
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Email: sjo@doj.gov.hk

Dear Secretary Cheng:

I am writing to express my grave concern for **Chow Hang-tung (鄒幸彤)**, a barrister who has been arrested and charged for “advertising or publicising unauthorised assembly”. It is alarming to learn that she was targeted simply for writing social media posts asking people to commemorate the Tiananmen crackdown in a private manner. This act is a mere peaceful expression of opinion, which is permissible under international human rights law and standards, and must not be criminalized.

I find it distressing that the authorities increasingly use the Public Order Ordinance to target activists and human rights defenders who exercise their right to freedom of expression and peaceful assembly. Over the past two years the authorities have arrested, charged and sentenced at least nine members of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China for taking part in unauthorized assemblies.

As you will be aware, under international human rights law and standards, participating in and organizing peaceful 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 therefore call on you to:

- **Drop all charges against and release Chow Hang-tung immediately and unconditionally, as she was charged solely for peacefully exercising her rights;**
- **End the practice of bringing criminal charges against those who have simply exercised their right to freedom of expression or other human rights;**
- **Review and amend all laws and regulations, and end all related measures, that violate the exercise of human rights, in particular to freedom of expression, peaceful assembly and association.**

Yours sincerely,

ADDITIONAL INFORMATION

Chow Hang-tung was first arrested on 4 June 2021 on the charge of “advertising or publicising unauthorised assembly” under Section 17A(1D) of the Public Order Ordinance. Released shortly after on bail, she was arrested again on 30 June and has since been remanded into custody. Police revoked her bail for allegedly inciting others to join a banned rally on 1 July 2021.

Chow is a long-term human rights defender. Prior to becoming a human rights lawyer, she was very vocal in advocating labour rights in China and supporting human rights defenders in China. As a barrister in Hong Kong, she has defended political activists targeted by the National Security Law. She is also the vice chairperson of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Hong Kong Alliance), the organizer of the world’s largest annual commemoration of the Tiananmen crackdown.

Hong Kong’s annual Tiananmen vigil on 4 June has been banned on Covid-19 grounds since 2020. It has been increasingly evident that the Hong Kong authorities have been using Covid-19 as a pretext to muzzle the rights to freedom of expression and peaceful assembly.

United Nations Human Rights Treaty Bodies and experts have long been expressing concern about the Hong Kong government imposing excessive restrictions on the right to freedom of peaceful assembly. According to Articles 14–15 of Hong Kong’s Public Order Ordinance (POO), those wishing to organize a protest are required to obtain “a notice of no objection” from the police before an assembly may proceed. Twenty-four activists who participated in last year’s peaceful Tiananmen vigil have since been arrested, and some have been jailed. Vague and ambiguous charges such as “inciting others to participate in unauthorized assembly” appeared to be politically motivated and intended as a pretext to deter peaceful exercise of the rights to peaceful assembly and expression.

The [Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region](#) (NSL) was unanimously passed by China’s National People’s Congress Standing Committee (NPCSC) and enacted in Hong Kong on 30 June 2020 without any formal, meaningful public or other local consultation.

The impact of the NSL has been immediate and sweeping. The law’s expansive definition of “national security”, which follows that of the Chinese central authorities, lacks clarity and legal predictability and has been used arbitrarily as a pretext to restrict the human rights to freedom of expression, peaceful assembly and association, among others, and to repress dissent and political opposition. By accusing political parties, academics and other organizations and individuals actually or perceived to be critical of the present government and political system in Hong Kong of threatening national security, the authorities have sought to justify censorship, harassment, arrests and prosecutions that violate human rights.

Following the arrests under the POO and ongoing accusations of violating the NSL from pro-Beijing scholars and media, the Hong Kong Alliance dismissed all staff members and significantly reduced the number of committee members in July 2021 to mitigate the risk of prosecution.

PREFERRED LANGUAGE TO ADDRESS TARGET: English and Chinese

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 22 September 2021

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

NAME AND PRONOUN: Chow Hang-tung (she/her)

And copies to:

HONG KONG ECONOMIC & TRADE OFFICE

(International Organisations Act, 1968-S.I.1997/1334)

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