

The Hon. Carrie Lam  
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Dear Chief Executive;

On 24 April 2019, four leaders of the 2014 pro-democracy Umbrella Movement protests, Professor Benny Tai Yiu-ting, Professor Chan Kin-man, Raphael Wong Ho-ming and Shiu Ka-chun, were sentenced to eight to 16 months' imprisonment, on conviction of "public nuisance" related charges for "obstructing public places and roads" during the protests.

The nine were convicted of vague and ambiguous charges, including "conspiracy to commit public nuisance", "incitement to commit public nuisance" and "incitement to incite public nuisance", solely for their peaceful exercise of the rights to freedom of expression and peaceful assembly. It is the first time the government used these charges against peaceful protestors. Prosecutors based the charges on common-law offences, which allows for harsher sentences compared to similar charges under statutory law. The conviction and sentencing for "incitement" and "incitement to incite public nuisance" have long-term negative impacts on the enjoyment of the human rights to freedom of expression and peaceful assembly in Hong Kong. In this case, evidence of "incitement" 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 conviction and the imprisonment of the four sets a worrying precedent that these vague and ambiguous charges could be used for blanket prosecution and imprisonment of peaceful protestors, exacerbating the chilling effect on freedom of peaceful assembly and expression in Hong Kong. The nine indicated that they will appeal against the conviction.

We call on you Chief Executive to ensure the immediate and unconditional release of the four prisoners of conscience, imprisoned solely for peacefully advocating for democracy in Hong Kong, and that their convictions are overturned without delay.

Yours sincerely,