

Secretary for Justice Teresa Cheng Yeuk-wah  
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Dear Secretary Cheng:

I am writing to express my concern about the 64 individuals charged so far in relation to the National Security Law since its enactment on 30 June 2020. It is alarming to learn that many of them have been prosecuted simply for peacefully chanting slogans in protests, publishing commentaries on the internet or in newspapers, or taking part in peaceful political advocacy work. These acts are mere peaceful expressions of opinion, and even if critical of the government are permissible under international human rights law and standards and must not be criminalized.

It is further distressing that Jimmy Sham Tsz-kit (岑子杰), Gwyneth Ho Kwai-lam (何桂藍) and Leung Kwok-hung (梁國雄), along with 32 other political opposition figures who had been involved in “primaries” in July 2020 organized by the opposition camp for the Legislative Council election, have been held in pretrial detention for four months. In their pretrial hearings, the prosecution cited evidence, such as interviews with international media and correspondence with foreign diplomats, as proof that the defendants are likely to “continue acts that endanger national security”.

According to internationally recognized human rights standards, “national security” cannot be invoked to justify restrictions on rights and freedoms unless genuinely and demonstrably intended to protect a state’s existence or territorial integrity against specific threats of the use of force; nor can this national security framework legitimately be applied by governments to protect themselves against embarrassment or exposure of wrongdoing, or to entrench a particular ideology.

I therefore call on you to:

- Drop all charges against and release those who are prosecuted solely for peacefully exercising their rights, unless there is sufficient credible and admissible evidence that they have committed an internationally recognized offence and are granted a fair trial in line with international standards;
- 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, and ensure that any legal provisions aimed at protecting national security or in the name of counterterrorism are clearly and narrowly defined and conform to international human rights law and standards;

Yours sincerely,