

(Please scroll down for the English version)

## 新聞稿 即時發放

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日期：2024 年 5 月 28 日

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### 譴責香港政府藉「煽動意圖罪」打壓平反六四的和平訴求

香港人權資訊中心譴責香港政府於今日以《維護國家安全條例》(《條例》)的「煽動意圖罪」拘捕六人，包括現正還押候審，因作為支聯會副主席而被控顛覆國家政權罪的鄒幸彤。我們認為香港政府的拘捕行動是為了打壓意見領袖提出平反六四事件的訴求，以在六月四日前製造強大的寒蟬效應，杜絕香港社會出現有關悼念或要求平反六四事件的言論和活動。

香港政府的行動是將法律武器化，侵犯公民正當地行使言論自由的權利。同時，港府的做法正印證聯合國人權專家對訂立《維護國家安全條例》的憂慮。專家們當時指出煽動意圖罪的條文含糊不清，例如什麼行為足以使人對其政府產生「憎恨」或「蔑視」，而罪行亦與煽動身體暴力或傷害沒有任何必要的聯繫。專家們指出這些未定義的罪行概念可被濫用和任意使用，對在政治問題上與官員意見不一致的人士帶來非常真實的風險。同時，條例中的嚴厲懲罰可能會進一步助長自我審查，並可能進一步侵蝕香港已經受到嚴重打擊的公民空間。

就六人被捕後的權利，香港人權資訊中心關注警方會否根據《條例》第 79、80 條，限制被捕人士在羈留期間選擇律師及尋求法律意見的權利。聯合國《關於律師作用的基本原則》訂明：「所有的人都有權請求由其選擇的一名律師協助保護和確立其權利並在刑事訴訟的各個階段為其辯護。」我們強調被捕人士尋求法律協助是一項基本權利，延誤或限制有關權利很可能對被捕人不利及可能帶來司法不公的風險。

香港人權資訊中心促請香港政府立即釋放六人，包括應遵循聯合國任意拘留問題工作組的要求，立即釋放鄒幸彤，並根據國際法賦予她可執行的賠償權利和其他補償。事實上，工作組早於 2023 年 5 月 1 日已向香港政府發出以上的要求和意見，認為鄒遭到的拘捕及扣留，都是由於她和平地行使言論及集會自由所導致，而當局對鄒的拘捕及扣留是源自對她的長期騷擾和針對，因此屬於一種基於其政見而作出的歧視。因此，鄒幸彤被剝奪自由的情況屬任意拘留，違反了《公民權利和政治權利國際公約》第 2、9、14、19、21 和 26 條。

香港人權資訊中心並要求港府停止打壓悼念六四的活動，確保港人可免於恐懼地行使受國際人權法保障的表達自由和和平集會自由。

## 背景

香港警務處國家安全處於今日（五月二十八日）拘捕五名女子及一名男子（共六人），當中包括正在還押的鄒幸彤，指他們涉嫌違反《維護國家安全條例》下第 24 條「煽動意圖的相關罪行」。

警方指鄒幸彤透過另外五名被捕人，由二零二四年四月份開始，在社交平台專頁「小彤群抽會」，就六四事件持續發布具煽動意圖的帖文，挑起市民對中央政府、特區政府及司法機構的憎恨，及意圖煽動網民在較後期間組織或參與非法活動。這是警方首次根據於 2024 年 3 月定立的《維護國家安全條例》而採取的拘捕行動。根據相關條文，《維護國家安全條例》下的煽動意圖的相關罪行最高可被判處監禁七年。

## 參考資料：

聯合國人權專家就《維護國家安全條例》發出的函件：

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28893>

聯合國任意拘留問題工作組就鄒幸彤被拘禁的意見：

<https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-30-AEV.pdf>

聯合國《關於律師作用的基本原則》：<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>

## 關於我們

香港人權資訊中心於 2022 年成立，由一群專注法律及政策研究的香港人權工作者組成，目標是向外界提供有關香港人權、法治及政治發展的最新和可靠的資訊，以支持香港的公民社會，並以國際人權法和標準，捍衛香港的人權和自由。

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**Press Release**

From: Hong Kong Centre for Human Rights

Date: 28 May 2023

Contact: [info@hkchr.org](mailto:info@hkchr.org)

**Hong Kong human rights group condemns Hong Kong Government's  
first arrests under the new national security law**

The Hong Kong Centre for Human Rights condemns the Hong Kong government for arresting six people today for sedition under section 24 of the new national security law passed in March 2024, the Safeguarding National Security Ordinance. The arrestees include Chow Hang-tung, who is currently in detention awaiting trial for subversion as the vice-chair of the Hong Kong Alliance in Support of the Democratic Patriotic Movements of China. We believe the arrests are aimed at suppressing opinion leaders advocating for accountability for the 1989 Tiananmen Square Massacre, creating a chilling effect before 4<sup>th</sup> June to prevent any speech or activities related to commemorating or demanding accountability for the incident in Hong Kong.

The Hong Kong government has weaponized the law to infringe on citizens' rightful exercise of free speech. At the same time, the government's approach confirms the concerns of United Nations human rights experts regarding the enactment of the new national security law. The experts had pointed out that the provisions for sedition are vague. It is unclear what constitute bringing a citizen into "hatred", "contempt" or "disaffection" against the government. Also, the sanctioned actions do not necessarily connect to inciting physical violence or harm. The experts noted that the undefined concepts in the criminal legislation could be misused and arbitrarily applied, posing very real risks to dissidents. Additionally, the severe punishments under the law may further promote self-censorship and erode Hong Kong's already severely impacted civic space.

The Centre is concerned whether the police would restrict the six arrestees' right to legal representation during police custody, pursuant to sections 79 and 80 of the Safeguarding National Security Ordinance. UN Basic Principles on the Role of Lawyers stipulates that "[a]ll persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings." We emphasize that seeking legal assistance is a fundamental right, and delaying or restricting this right is detrimental to the detainees and pose a risk of judicial unfairness.

The Hong Kong Centre for Human Rights urges the Hong Kong government to immediately release the six individuals, including to comply with the UN Working Group on Arbitrary Detention's request to

release Chow Hang-tung immediately and provide her with enforceable rights to compensation and other reparations in accordance with international law. In the opinion issued to the Hong Kong government on 1<sup>st</sup> May, 2023, the UN Working Group on Arbitrary Detention found that the arrests and detention of Chow stem from long-term harassment and targeting by the Hong Kong authorities for her peaceful exercise of freedom of speech and assembly and are therefore arbitrary as they are discriminatory. The Working Group concluded that Chow Hang-tung's deprivation of liberty is considered arbitrary detention, violating Articles 2, 9, 14, 19, 21, and 26 of the International Covenant on Civil and Political Rights.

The Hong Kong Centre for Human Rights also urge the Hong Kong Government to stop suppressing Hong Kong people's right to commemorate the June 4<sup>th</sup> incident, and to guarantee Hong Kong people's right to exercise their freedoms of expression and peaceful assembly without fear.

## **Background**

Today (May 28), the National Security Department of the Hong Kong Police arrested five women and one man (a total of six people), including Chow Hang-tung, who is currently in detention, on suspicion of violating section 24 of the Safeguarding National Security Ordinance which provides for the sedition offence. The police alleged that Chow Hang-tung used the social media page "Chow Hang Tung Club" since April 2024 to continuously post seditious content about the June 4<sup>th</sup> Incident, inciting hatred against the central government, the SAR government, and the judicial authority, and intending to incite netizens to organize or participate in illegal activities later. This is the first arrest operation taken under the Safeguarding National Security Ordinance since its enactment in March 2024. According to the relevant provisions, the maximum penalty for sedition under the Safeguarding National Security Ordinance is seven years of imprisonment.

## **Reference:**

UN Human Rights Experts' opinions on the Safeguarding National Security Ordinance, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28893>  
Opinion by the Working Group on Arbitrary Detention, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-30-AEV.pdf>  
UN Basic Principles on the Role of Lawyers, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>

## **About us**

Hong Kong Centre for Human Rights is established in 2022 by a group of human rights defenders from Hong Kong with background in policy and legal research. We aim to provide credible information on Hong Kong's legal, political, and human rights development with the goal of supporting the resilient civil society of Hong Kong and upholding international human rights standards.

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