

# JOINT APPLICATION FRENCH, SPANISH AND ITALIAN DELEGATIONS

CCBE AWARD 2023

Hang Tung CHOW



## 1. Information about the candidate

First name: Hang Tung (幸彤)

Family name: Chow (鄒)

Place and date of birth: 24 January 1985

Nationality: Chinese

Gender: F

Address:

The candidate is currently imprisoned at Tai Lam Centre for Women: Tai Lam Centre for Women, 110 Tai Lam Chung Road, Tuen Mun, New Territories, Hong Kong.

Candidate's professional address: Harcourt Chambers, 3403, Bank of America Tower, 12 Harcourt Road, Central, Hong Kong.

Country (of residence): Hong Kong

Social media accounts:

Twitter: <https://twitter.com/zouxingtong>

Facebook: <https://www.facebook.com/tonyeechow>  
Website:

## 2. Candidate organization

Professional title or affiliation: Lawyer (barrister)

Name of organization: The Hong Kong Alliance in Support of Patriotic Democratic Movements of China (From 2015 until its dissolution in 2021)

## 3. Other Personal Information on the candidate (such as education, profession, area of work, family situation):

Chow is a practising lawyer and democracy activist. After graduating from the University of Cambridge, Chow studied law and qualified as a barrister in 2016. Since then, she has used her expertise in both China's and Hong Kong's legal systems to promote democracy and protect fundamental rights, including the following important cases:-

- Providing assistance to Hong Kong protestors who set out to Taiwan by sea and were intercepted and detained by Chinese authorities. They were held *incommunicado* for months.
- Representing civil society organizers and politicians charged with “conspiracy to commit subversion” for organizing and running in a democratic primary in July 2020.
- Representing a democratic lawmaker who was charged with “incitement to commit public nuisance” during the Umbrella Movement in 2014.

Chow was the vice-chairperson of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the “Alliance”), and served on the board of Amnesty International Hong Kong.

Chow has been in detention since 8 Sept 2021. She has been charged in four different cases, all of which were for completely peaceful acts and related to the work of the Alliance or commemoration of the June Fourth Tiananmen Massacre.

## 4. Reasons why the candidate merits the Award:

- **Chow is a prominent human rights defender now behind bars for her work.** All charges against her were for peaceful acts and related to the work of the Alliance in supporting the democratic movement in China. Chow has never advocated or condoned the use of violence. The PRC regime is using the Hong Kong judicial system to retaliate against rights defenders by political prosecutions. This also further diminishes access to justice for political prisoners in Hong Kong. Chow was arrested multiple times. On the most recent occasion, Chow was arrested at the office of her legal practice on the very morning she was due in court to represent Gwyneth Ho, who was herself detained for running in the democratic primary in July 2020.
- **Even though she has lost her personal liberty, Chow continues her resistance through the judicial system.** In most of her court cases, Chow represents herself. She has opted to plead not guilty to all charges, even though this means losing the chance of a significant discount in sentence. In persisting in applying for bail; applying to lift restrictions on media reporting on her case; and demanding particulars of allegations made

by the regime, she is resisting the secrecy shrouding national security cases. She also writes consistently about her own cases and her reflection on the rule of law in Hong Kong. This has demonstrated her exceptional courage in the plight of facing persecution.

- **Chow is particularly vulnerable to retaliation from Beijing.** Her work in preserving the memory of the Tiananmen Massacre touches a raw nerve. The Chinese Communist Party views the social movement in PRC in 1989 leading up to the Tiananmen Massacre as a challenge to its rule, and has suppressed memories of it in China for decades. It is now extending its iron grip to Hong Kong. Even the NSL was enacted and turned lots of activists in Hong Kong going into silence or in exile, she was determined to take politically sensitive cases.
- **Chow has been a staunch human rights defender for years.** She launched the global campaign “#Save12hkyouths” to call for the release of boat detainees who were forced to flee persecution, showing her persistence in activism even in the midst of crackdown of the civil society in HK. She joined the Alliance as a volunteer in 2010 and was elected as its chairperson in 2015. She was on the board of Amnesty International Hong Kong since 2012. Chow is so well recognized for her work that she was named in a statement by UN experts expressing concern about the crackdown in Hong Kong (see additional material enclosed).
- **Chow is an uncommon activist in Hong Kong voicing out for China’s human rights issue.** She has a unique insight into the linkage between HK and China’s democratic movement. Despite devotion to China’s human rights issue was unpopular after the localism movement took place in Hong Kong during the 10’ decade, she was keen on placing her efforts to denounce the degrading and dehumanised treatment in China, which was often neglected by civil society and mass public in Hong Kong, such as being vice-chairperson for the Alliance. This reflects that she is a genuine human rights defender, bringing activism not pursuing her own profile or interests.

## **5. How could the CBBE Award have a positive impact on the safety of the candidate, and/or for the cause promoted by them?**

### **Safety of the Candidate**

Chow has been convicted and is serving prison sentences in two cases (items 1-2 below), and a further two cases are pending (items 3-4 below):-

1. “Inciting and knowingly participating in an unauthorized assembly” for commemorating the Tiananmen Massacre by lighting a candle on her own in Victoria Park on 4 June 2020. She has been sentenced to imprisonment of 12 months and 6 months respectively for these charges.
2. “Inciting an unauthorized assembly”, for writing an article encouraging Hong Kongers to commemorate the Tiananmen Massacre on 4 June 2021 wherever they were, by their own means. Chow was arrested “pre-emptively”, before any assembly took place. She has been sentence to emprisonment of 15 months.
3. “Inciting subversion of state power” contrary to the National Security Law (“NSL”) imposed by Beijing, along with 2 other leaders of the Alliance.
4. Refusal to provide documents to the police related to the Alliance’s alleged acts as a “foreign agent”, along with 4 other members of the Alliance.

Although the Hong Kong courts used to enjoy judicial independence and were publicly perceived as upholding the rule of law and rights, the courts have been co-opted by the PRC regime as a weapon of oppression in recent years and especially since the social movement in Hong Kong. Chow will not receive a fair trial in Hong Kong, for the following reasons:-

- **Judges hearing NSL cases are appointed by Hong Kong's Chief Executive and do not have security of tenure.** Under the NSL, judges may be removed for speech and conduct that the government deems to jeopardize national security. They therefore have strong institutional incentives to rule in favor of the government.
- **The rights of detained persons in Hong Kong are severely limited.** In prison, Chow is not able to conduct legal research over a computer. The Correctional Services Department has also intentionally made it difficult for lawyers to visit her, and barred her from receiving books necessary for preparing her Defence.

Chow is at risk of the following: -

- **The maximum sentence for "inciting subversion" is imprisonment of 10 years.**
- **The government may bring additional charges, since the government is keen on using NSL as a tool to suppress dissidents.** Chow as a prominent and influential activist and determined not to compromise to the government, the prejudiced treatments is often directed against these activists now.
- **She may be transferred to China for her NSL charges.** The NSL provides that certain cases can be transferred to China for trial. China has no independent judiciary and trials are often seen as unfair.
- **She could be disqualified by the Hong Kong Bar Association.**

Given the unfair judicial process in Hong Kong, the only hope of mitigating the PRC's retaliation against Chow is by increasing her visibility and drawing the free world's awareness to her unfair treatments, since it is a huge milestone to endorse her constant efforts in promoting human rights.

### **The Candidate's Cause**

From 1989 until 2019, Hong Kong was known as the only jurisdiction on Chinese soil where the Tiananmen Massacre could be openly commemorated. The Alliance, of which Chow was the vice-chairperson, organized annual candlelight vigils in a large urban park in Hong Kong, which was consistently attended over the years by between 38,000 to 180,000 people. Attendance usually surged in the years when freedoms in Hong Kong were also at risk. However, the vigils in 2020 and 2021 were banned by the police ostensibly for controlling covid, while such public gathering restrictions were not enforced for indoor gatherings or rallies held by pro-government groups. At least 12 others were convicted for attending vigils in 2020 and 2021.

### **6. Consent**

The candidate has accepted to be nominated:

**Yes**

**7. Additional materials:** Please send **no more than three additional files** in support of this nomination. These may include pictures, biographies, written materials, etc.

Please see enclosed: -

1. Chow's mitigation submissions made in person (without legal representation) on 13 December 2021, for the purpose of sentencing in the criminal case concerning the June Fourth vigil on 4 June 2020
2. Press release from the United Nations Office of the High Commissioner for Human Rights: "Hong Kong: Arrests under security law are serious concern, UN experts call for review", 12 October 2021: <https://www.ohchr.org/en/press-releases/2021/11/hong-kong-arrests-under-security-law-are-serious-concern-un-experts-call>
3. "Chow Hang-tung, a barrister-turned-defendant who knows the legal system better than the judge", 23 February 2022, published by the International Services for Human Rights: <https://ishr.ch/defender-stories/chow-hang-tung-a-barrister-turned-defendant-who-knows-the-legal-system-better-than-the-judge/>

### **8. Link on articles:**

<https://www.bbc.com/news/world-asia-china-59864810>

<https://edition.cnn.com/2022/01/04/asia/chow-hang-tung-hong-kong-sentenced-intl-hnk/index.html>

<https://www.france24.com/fr/asia-pacifique/20220104-hong-kong-chow-hang-tung-condamn%C3%A9e-%C3%A0-15-mois-de-prison-pour-une-veill%C3%A9e-pour-tiananmen>

[https://www.lemonde.fr/international/article/2022/01/04/hongkong-la-militante-chow-hang-tung-condamnee-une-seconde-fois-pour-avoir-incite-a-commemorer-la-repression-de-la-place-tiananmen\\_6108140\\_3210.html](https://www.lemonde.fr/international/article/2022/01/04/hongkong-la-militante-chow-hang-tung-condamnee-une-seconde-fois-pour-avoir-incite-a-commemorer-la-repression-de-la-place-tiananmen_6108140_3210.html)

<https://www.la-croix.com/Monde/Hong-Kong-Chow-Hang-tung-les-droits-lhomme-peau-2022-01-08-1201193811>

<https://www.lefigaro.fr/flash-actu/hongkong-l-avocate-chow-hang-tung-une-des-figures-du-mouvement-pour-la-democratie-de-nouveau-arretee-20210630>

<https://29principles.uk/en/contents/defending-rights-%E2%80%98new%E2%80%99-hong-kong>

<https://29principles.uk/en/contents/chow-hang-tung-barrister-turned-defendant-who-knows-legal-system-better-judge>