

4 Hong Kong activists including Joshua Wong handed jail terms over banned Tiananmen Massacre vigil

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by **Candice Lau (HKFP)**

<https://hongkongfp.com/2021/05/06/breaking-hong-kong-activists-including-joshua-wong-jailed-over-banned-tiananmen-massacre-vigil/>

"June 4 is coming again - we have been lighting candles in Victoria Park for 31 years and we will continue," Chow Hang-tung - vice-chair of the organising Alliance - said.

Hong Kong activists Joshua Wong and Lester Shum have been sentenced to jail for participating in a banned candlelit vigil to commemorate the 1989 Tiananmen Massacre.

- Judge Stanley Chan sentenced Wong, who was already serving a 13.5-month jail term for organising and inciting another unauthorised assembly in 2019, to 10 months behind bars.
- District councillor Shum was handed a six month sentence.
- District councillors Tiffany Yuen and Jannelle Leung were handed four months behind bars.

The group pleaded guilty at the District Court last Friday to knowingly taking part in the unauthorised assembly last year, which was banned by the police citing coronavirus fears.

The session was delayed by at least 20 minutes as Wong's prison van was stuck in traffic. After he arrived, he waved to supporters.

Ahead of sentencing, Judge Chan said that the freedom of assembly was *"not unlimited."* He added that it was a *"wise decision"* for the defendants to plead guilty given the strength of the evidence. Just before Judge Chan handed down Leung's jail term, a woman sitting in the court shouted *"objection."* Chan then proceeded to tell the woman *"not to destroy or make a mockery of the rule of law."*

Joshua Wong's jail term will be served consecutively to the four months he received for taking part in another unauthorised assembly and violating an anti-mask law during a demonstration in October 2019.

Judge Chan said that the sentence had to *"reflect the element of deterrence,"* and that the defendants showed *"no signs of remorse"* as all of them had their own political beliefs. All four defendants received a one-third deduction in their jail terms as they pleaded guilty.

2021 vigil banned

Last year, 24 pro-democracy activists were charged with either holding, participating in or inciting others to take part in the unauthorised assembly on June 4, 2020, to commemorate the 31st anniversary of the 1989 crackdown.

Among the group was media tycoon Jimmy Lai, veteran activists including "Long Hair" Leung Kwok-hung, Cyd Ho, Lee Cheuk-yan and Chow Hang-tung. They will appear in the West Kowloon

Magistrates' Courts on **June 11**.

The Tiananmen Massacre happened on June 4, 1989, ending months of student-led demonstrations in China. It is estimated that hundreds, perhaps thousands, of people died when the People's Liberation Army was deployed to crack down on protesters in Beijing.

The vigil set for this year has also been effectively banned on health grounds.

Speaking outside court, Chow Hang-tung – vice-chair of the Alliance, which organises the annual vigil – urged people to remember the 1989 massacre publicly.

She said the police have a legal duty to enable protest: *"They just give you a blanket ban... that's not right at all and not in accordance with international human rights principles. This year, June 4 is coming again – we have been lighting candles in Victoria Park for 31 years and we will continue."*

Hong Kong activist Joshua Wong jailed for 10 months over unauthorised Tiananmen Square vigil, 3 others get from 4 to 6 months

by Jasmine Siu (SCMP)

<https://www.scmp.com/news/hong-kong/law-and-crime/article/3132427/hong-kong-activist-joshua-wong-gets-10-months-jail>

Judge Stanley Chan says 24-year-old opposition figure and district councillors Lester Shum, Tiffany Yuen and Jannelle Rosalynne Leung 'openly defied the law', and were 'wise' to plead guilty. Sentencing fails to distinguish between peaceful and violent assemblies, vigil organisers argue outside courtroom.

- Imprisoned Hong Kong opposition activist Joshua Wong Chi-fung on Thursday 6 was sentenced to **10 months'** jail for taking part in an unauthorised vigil last year commemorating the 1989 Tiananmen Square crackdown.

- Three district councillors – Lester Shum, 27, Tiffany Yuen Ka-wai, 27, and Jannelle Rosalynne Leung, 26 – were also sentenced for their roles in the June 4 event in Victoria Park, with Shum receiving **six months**, and Yuen and Leung getting **four months** each.

The jail terms mean Shum, Yuen and Leung could lose their seats, given language in the District Councils Ordinance stating that an elected member is *"disqualified from holding office"* if he or she is jailed for more than three months. However, the Post understands all four defendants are considering appeals against their sentences.

District Judge Stanley Chan Kwong-chi said it was clear the defendants' actions had been *"deliberate and premeditated"*, at a time when Hong Kong's public order situation remained volatile in the aftermath of the unprecedented social turmoil of 2019.

Judge Chan said the court could not underestimate the event's potential risk factor, as emotions could have run high, and the unruly might have taken advantage of that to incite violence.

"[The four defendants] openly defied the law," Judge Chan said. "The only mitigating factor is their guilty plea."

Outside court, **Chow Hang-tung**, vice-chairwoman of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China, which organises the annual vigil, said they were very disappointed with the ruling.

"It failed to respect our right to freedom of assembly, and it failed to draw any distinction at all between peaceful assembly and violent assembly," Chow said. "The court seems to feel that any

expression of political dissent is something that should be suppressed and subjected to deterrent sentences. I think this is wrong."

Chow Hang-tung added that they were still planning to hold a vigil this year and had applied for a letter of no objection from the police. They have not yet heard back.

The District Court previously heard the candlelight vigil drew some **20,000** participants, despite police banning the annual event for the first time since 1990 amid concerns over Covid-19 infection risks.

- Prosecutors said police had to implement road closures and divert traffic along three streets in Causeway Bay for about two hours that night, while those in the park - most of them dressed in black - chanted political slogans and sang *"political songs"*.
- Defence counsel Graham Harris SC had urged the court not to jail the four defendants, noting that they had worn face masks and played a passive role throughout the assembly, which he described as peaceful and orderly.

But the judge said all four defendants were political figures who knew full well they were taking part in an unauthorised public meeting involving a large crowd that would certainly generate traffic obstruction and public health risks amid the coronavirus pandemic.

"The fact that the participants were wearing masks or maintaining any kind of social distancing does not exonerate their culpability," Chan said. *"Literally speaking, the defendants were saying to the public at large they could enjoy more freedom than others."*

The judge said the defendants made *"a wise decision"* to plead guilty, in light of the strength of evidence against them in this straightforward case.

But he also noted that none of them had shown remorse because of their political convictions, which meant they were not suited for community service - not even Yuen and Leung, who had no prior convictions.

Judge Chan further observed that Wong was a repeat offender - with six previous convictions, three of them similar to the present case, since August 2016 - and that the current offence was committed while he was out on court bail over another case.

He concluded **a deterrent sentence was necessary** and jailed all four defendants, granting a one-third discount to credit their timely pleas.

Before passing sentence, the judge noted that people had noisily chanted slogans as he left the courtroom after the last hearing, and reminded those present they were not in a public concourse. *"We have rules here, we have convention, we have etiquette,"* Chan said. *"No one can enjoy more freedom than others in this court of law."*

Still, a woman interrupted his delivery of the sentences by shouting *"objection"* twice in the packed courtroom.

The judge immediately warned that her conduct could be considered contempt of court and said people should air their grievances outside the courtroom.

"Lady, you don't have a right of audience in this court," he said. *"Do not destroy, and make a mockery of, the rule of law in Hong Kong."*

- Joshua Wong, 24, is currently behind bars for his roles in two anti-government protests in 2019, sparked by a now-withdrawn extradition bill. He was originally slated for release in November, before he was handed the latest jail term, which will run afterwards.

- Wong, Shum and Yuen have been denied bail after they were charged with subversion under the national security law, alongside 44 other opposition figures over an unofficial primary election for the Legislative Council last summer.

Their 20 co-defendants in the vigil case, including media tycoon Jimmy Lai Chee-ying, have not yet

entered pleas.

Two other defendants, Nathan Law Kwun-chung and activist Sunny Cheung Kwan-yang, have fled the city and are wanted by police.

Nathan Law, a former opposition lawmaker, said he was devastated by the news of his friends being sent to jail for peacefully exercising their rights to protest and assembly.

"I could have been there, sitting behind bars, if I had not left Hong Kong," Law said.

"The sentencing itself expresses a message that even the court is convinced that Hong Kong people do not have the natural rights to continue the [Tiananmen vigil], and deterring sentencing is needed to punish the activists who lit a candle that night."

Samuel Chu, managing director of the Washington-based Hong Kong Democracy Council, said **Beijing and Hong Kong authorities were trying to erase history by jailing those who dared to remember the 1989 Tiananmen protesters.**

"The latest sentences also made clear the government's intent: to keep the most recognisable and powerful voices for Hong Kong, like Joshua Wong, behind bars indefinitely by whatever means," Samuel Chu said.