

Statement Regarding Recent Attacks on Benny Tai Yiu-Ting

Saturday 7 April 2018, by [Scholars at Risk](#), [Scholars' Alliance for Academic Freedom](#) (Date first published: 6 April 2018).

The Scholars' Alliance for Academic Freedom is alarmed by a politically motivated campaign against freedom of thought and freedom of expression enjoyed by Hong Kong citizens.

Benny Tai, associate professor at the Faculty of Law of Hong Kong University and a pro-democracy activist, has become the target of this campaign recently. What Mr Tai said or did is part and partial of the very freedoms and rights that are enshrined in the Basic Law, Hong Kong Bill of Rights and the International Covenant on Civil and Political Rights. People who disagree with him should exercise their rights to engage in a public debate about the merits of competing ideas.

Instead, we are disturbed to observe that Mr Tai's speech and idea are deliberately twisted for the purpose of a new round of political prosecution against him. It is clear to our mind that Mr Tai spoke on democracy and self-determination after the fall of a dictatorship in China but he has been accused of advocating "separatism" and "the independence of Hong Kong". The accusations against Mr Tai are therefore completely groundless.

We strongly condemn the statements and criticisms made by the Hong Kong and mainland authorities against Mr Tai because they have failed to verify the facts in the first place.

We are of the view that this incident is a blatant violation of citizens' rights and freedoms which must be strongly protected and respected in order for Hong Kong to remain a free and open society.

We therefore demand the Hong Kong Special Administrative Region (HKSAR) government and the Hong Kong and Macau Affairs Office to retract their statements against Mr Tai and apologize to the people of Hong Kong for their reckless actions.

We would like to remind the HKSAR government its international human rights obligations under the International Covenant for Civil and Political Rights.

We urge the United Nations Human Rights Committee to take this incident into consideration in the Third Cycle (2018) of Universal Periodic Review on Hong Kong.

We strongly oppose any attempt to twist the Basic Law (including Article 23) and the system of law to "normalize" any form of censorship and prohibition of free exchanges of ideas and free speech which must include one's right to political beliefs in our free and open society.

Scholars' Alliance for Academic Freedom

Date: March 27, 2017

Type: Imprisonment / Prosecution

Status: Verified

New/Ongoing: New Incident

Region/Sub-region: Country or Territory: Eastern Asia, Hong Kong

Institution: University of Hong Kong

On March 27, 2017, state authorities arrested University of Hong Kong professors Benny Tai Yiu-ting and Chan Kin-man, Hong Kong Federation of Students leaders Tommy Cheung Sau-yin and Eason Chung, and five others, in connection with their work in support of Hong Kong's Occupy campaign.

Professor Tai, a legal scholar, and Professor Chan, a scholar of sociology, played key roles in organizing the Occupy campaign, a social movement launched in 2014 that called for electoral and democratic reforms in Hong Kong. The movement gained international notoriety due to a 79-day sit-in in Hong Kong's Central Square that began on September 28, 2014. The sit-in was reportedly co-organized by Professors Tai and Chan, and one of their co-defendants, Reverend Chu Yiu-ming.

On the night of March 27, 2017 — one day after the election of Beijing-backed Carrie Lam Cheng Yuet-ngo as Hong Kong Chief Executive — Professors Tai and Chan, along with Messrs. Cheung and Chung and five others, were arrested and charged in connection with their roles in the Occupy movement. The scholars and Reverend Chu were each charged with "conspiracy to commit public nuisance," "inciting others to commit public nuisance," and "inciting people to incite others to commit public nuisance," which apparently relate to the sit-in. If convicted, they could face up to 21 years imprisonment. The remaining co-defendants, including Messrs. Cheung and Chung, are facing up to 14 years imprisonment if convicted of the incitement-related charges brought against them. All nine were released on bail later that night and are scheduled to appear in court on March 30.

Scholars at Risk is concerned about the arbitrary arrest and prosecution of scholars in apparent retaliation for the peaceful exercise of their right to freedom of expression and association — conduct which is expressly protected under international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Arrests intended to limit freedom of expression and association undermine academic freedom and society generally. State authorities have an obligation to comply with internationally recognized standards of free expression, due process, and fair trial.

Scholars at Risk

Academic Freedom Monitor

* <http://monitoring.academicfreedom.info/reports/2017-03-27-university-hong-kong>

Sources:

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