

No bail but immediate and lengthy detention for HKCTU chair

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We write to update the case on the 47 democrats, who participated in the primaries of Legislative Council (LegCo) in July 2020, were arrested on 6th January and were charged with conspiracy to commit subversion, including Carol Ng, chair of the Hong Kong Confederation of Trade Unions and Winnie Yu, chair of the Hospital Authority Employees Alliance. (1)

Their case was first mentioned between 1st and 4th March regarding their application for bail. The trial is adjourned to 31st May while Carol and Winnie were rejected bail. In other words, before a long trial takes place to make a judgement, they already start serving the sentence for at least 3 months.

Speaking of the provisions in the draconian national security law, which has been enforced since July 2020, contrary to common law practice, no bail becomes the default position and the defendant must persuade the judge that s/he will be no longer a risk to national security.

Initially 15 out of 47 accused, excluding Carol and Winnie, were granted bail on the following harsh conditions, in addition to respective amount of cash bail and frequencies of reports to the police -

1. To make or refer no comment and commit no acts that might be regarded as offence to national security;
2. To stand in no election, regardless of the level and the organiser;
3. To contact no foreign officials and politicians and their assistants;
4. To surrender all travel documents;
5. To observe travel ban and a 7-hour curfew every night.

The prosecutor appealed against the grant of bail to 11 defendants. They are still detained with the remaining 32 defendants, pending prosecution appeal to the High Court, which is adjourned to 13th March at the latest.

It was a torturing process to go through the 4-day long hearing. The first day of hearing ended so late in the midnight that the defendants had no time to sleep before the next hearing began. Some of them were exhausted, collapsed and were hospitalised.

The emotional support they received from the public was limited by the insufficient allocation of seats for the audience. The rest of the public, waiting outside the court despite the changing weather throughout the week, kept being harassed by the police in the excuse of maintaining social distance.

The primaries aimed to let the voters decide the optimal list of candidates in a proportional representation system and win majority in the LegCo election, scheduled last autumn but postponed with the excuse of the pandemic. Carol and Winnie stood in the primaries on behalf of the trade unions to fight for labour rights and democracy.

As reiterated by our update earlier, this prosecution was an act of political retaliation against the

democracy movement over the 2019 protests and political suppression of the labour movement in Hong Kong.

In addition to the judicial attacks, the regime also exploits the postponement window to minimise the prospect of the democrats to win in the election by changing the electoral system in Hong Kong and to impose the reform by passing it through the Nation People Congress.

The proposed reform purports to ensure patriots ruling Hong Kong by screening out any candidates whom Beijing considers as unpatriotic and to allocate more seats for indirect election but fewer for direct election by the people. This means a regression in democracy and threatens the room for survival of trade unions and other civil society organisations in the future, since more pro-Beijing lawmakers would be elected from this process to shape an authoritarian political landscape.

Thank you for all the solidarity messages related to the recent crackdowns in Hong Kong. We have started reaching out to the public to collect solidarity messages for the detained democrats. More updates will follow as the case proceeds further.

Let's stand together with the trade unions and political prisoners, who are all fighting for democracy and rights in Hong Kong.

#SolidarityWithHKUnion

#WeLoveFreedominHK

Note :

1. <https://mailchi.mp/hkctu.org.hk/update-on-hong-kong-28-february?e=599833ae6e>

P.S.

<https://mailchi.mp/hkctu.org.hk/no-bail-but-immediate-and-lengthy-detention-for-hkctu-chair?e=599833ae6e>