

Free the Hong Kong 47!

Wednesday 5 June 2024, by [YING Chan](#) (Date first published: 5 June 2024).

The no-jury landmark trial of the Hong Kong 47, presided over by three specially designated national security judges has convicted 14 out of 16 activists of taking part in a “conspiracy to commit subversion”.

Two were found not guilty, but the prosecution has already signalled appealing against this decision, and bail was immediately imposed on the two, preventing them from speaking out or leaving the territory. The other 31 had already pleaded guilty, with four having turned witness for the prosecution.

The 47 had been arrested for their part in an unofficial primary election to decide on candidates for the 2020 Legislative Council election in order to secure a majority on the Council.

The Hong Kong authorities postponed the LegCo election, changed the ground rules so that just 20 out of 90 seats were to be directly elected, and imposed a “patriotic” test to disqualify dissenting candidates, which resulted in an overwhelming “rubber stamp” legislature being “elected” in December 2021, with the lowest ever turnout in history and 89 out of 90 legislators pro-Beijing.

Most of the 47 had been held in police custody without bail since February 2021, over three years ago. This is an outrageously long delay by any standards of natural justice.

According to the report by Hong Kong Free Press, two key defense arguments were brushed aside:

- The defence had argued that the phrasing of Article 22 of the national security law – which outlines the subversion offence – suggests that any “other unlawful means” used to subvert state power must involve the use of force or the threat of force. This was dismissed by the judges as being too “narrow,” saying that limiting the scope this way would be “absurd and illogical.”
- The defence had also argued that the prosecution should have to prove that the defendants knew at the time that their acts were unlawful. During the trial, some of the defendants said they believed that their plan of vetoing the budget and forcing the chief executive to step down did not breach the national security law.

The judges, however, said the prosecution were not required to prove this. Whether a defendant “acted with a mistaken belief that his or her means was lawful” was “irrelevant,” the judges wrote.

Of the two found not guilty, the barrister Lawrence Lau had not advocated vetoing the budget in his election manifesto, and the other had joined the Civic Party late and was not part of its decision to veto the budget. The prosecution’s declared intention to pursue these two is ominous, given that it had secured a very high rate of success in appealing against judgements on trial cases related to the 2019 protests.

The convicted 45 face sentences of a minimum of up to three years to a maximum of life imprisonment.

The UK labour movement must rally its support for all convicted to be freed, in particular for trade union activists and strike leaders Winnie Yu and Carol Ng and veteran socialist “Long Hair” Leung Kwok Hung:

Winnie Yu is a nurse and the founder and chairwoman of the Hospital Authority Employees Alliance (HAEA), a labour union representing [Hospital Authority](#) staff.

Carol Ng was former chair of the disbanded Hong Kong Confederation of Trade Unions, former member of the disbanded Labour Party and founder of the British Airways Hong Kong Staff union

Leung Kwok Hung is a thorn in the side of Beijing and the HK establishment, a co-founder of the League of Social Democrats, repeatedly elected to LegCo on a platform of universal suffrage, workers’ rights, a liveable minimum wage, comprehensive social security, collective bargaining and taxing speculative business.

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Chan Ying

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