

The National Security Law (NSL) in force: The NSL 47 trial an important landmark in Beijing's annihilation of Hong Kong's autonomy

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The 47 pro-democracy activists in Hong Kong charged in 2021 with trying to overthrow the government by running an unofficial primary to pick opposition candidates for local elections were sentenced on 19 November. Au Loong Yu was interviewed by the World of Labour, Germany about the trial.



Can you summarize what this new wave of repression involved? Who was targeted and what were the sentences for these people?

Benny Tai, the main “culprit”, was handed ten years imprisonment, the highest sentence among the 45 found guilty under the National Security Law (NSL), which is so vaguely worded that in essence it is arbitrary. Two other defendants were acquitted.

This [BBC report: Who are jailed?](#) gives a briefing to the NSL 45. On top of that, I recommend the [report](#) of American Chinese activist Promise Li which highlights those activists either in the now disbanded Confederation of Trade Unions or those in the new trade union movement 2019. The latter include Carol Ng and Winnie Yu, who were sentenced to 4 years 5 months and 7 years 9 months respectively. Lee Cheuk-yan was the chief leader of the CTU but he is prosecuted under different charges. Promise’s report also mentioned Leung Kwok-hung, or “Long Hair”, the left veteran since 1970s, who was sentenced to 6 years 9 months.

Both Winnie and Long Hair, along with 14 defendants, pleaded not guilty, while the 29 others pleaded guilty. Some international leftists have asked me why so many pleaded guilty. Are they repenting of what they did in the primary election? I do not know the answer to the second question, but I guess the best approach to this question is to look at it individually.

As to the first, we may start from a more general picture – their pleading guilty is quite similar to the 1936 Moscow trial, a show trial where the rule of law was totally absent, and where the old leading Bolsheviks pleaded guilty after being tortured and had their families threatened. One should not forget that all 47 were remanded in custody for three years before the kangaroo court sentenced

them. A second factor for their plea is that all of them had been active under a relatively liberal environment and never been prepared to undergo such a level of state brutality. Amongst them there are also new hands in political activism who only got involved in 2019, so are inexperienced and untested.

The revolt was very much a spontaneous one, where hundreds of thousands of people became active for the first time. This makes the 16 of who refused to confess, and were even more severely punished for that, even more outstanding.

We were surprised at the severity with which the so-called troublemakers were prosecuted. At that time there was no significant unrest in Hong Kong to which the government had to react. Is there a reason for this timing?

The sentenced 45 were punished simply for doing a primary election, which is a normal thing to do in any part of the world, including Hong Kong before Beijing crushed it. But this is unforgivable from the point of view of Beijing and Xi as autocrat. The primary citizen referendum on the list of candidates was the first ever in Hong Kong. 600,000 citizens came out to vote, showing the public eagerness for democratic participation. This, however, was enough to annoy Beijing.

What was even more annoying to Beijing was that Benny Tai, the mastermind of the primary, publicly announced his intention to continue to challenge the Hong Kong government through voting down its budget if the yellow camp won the election. In Beijing's eyes this was nothing but treason. This accusation is of course nonsense in any country with some semblance of democracy. The point, however, is that Beijing is the antithesis of democracy, especially after since Xi got his thirtd term.

The self-governing Hong Kong under the regime of "one country two systems" was always meant to be provisional – according to the Basic Law it is only valid for 50 years. But Xi doesn't want to wait for another twenty plus years before he or his successors finish off Hong Kong's autonomy. All the evidence show that after Xi came to power in 2012, he has been deliberately curtailing Hong Kong's autonomy, which then kick started a vicious cycle of provoking Hong Kong people's resentment and resistance which in turn prompted Xi to be even more hard-line, This is what culminated in the 2019 revolt, its suppression and then the big purge.

By March 2020 the mass mobilizations had ceased to exist, but Beijing's agenda is not to merely suppress revolts, but to crush Hong Kong's autonomy once and for all, so as to be able to evade all its promises to Hong Kong for ever. This is not just about making Hong Kong safe for the regime per se. It serves a broader purpose – by the great purge in Hong Kong this eliminates the potential of Mainlanders imitating Hong Kong's democratic movement and rising up again. One of the lessons which Beijing learnt from the 1989 democratic movement is that the moment when the Mainlanders and Hong Kong democratic struggles joined hand in as they did them must never be repeated. With the 2019 revolt, the CCP now see Hong Kong's autonomy as threatening to its rule in the Mainland. Only by crushing Hong Kong totally could Xi Jinping sleep well.

Thus the November trial and sentencing is just one of the episodes of an ongoing process of breaking Hong Kong's opposition and civil society as a whole. The fact that right now there is no unrest in Hong Kong to rationalize the harsh sentencing has no bearing on Beijing's long term agenda.

Can you summarize the development from smashing the mass movement until today?

By spring 2020 the mass protest had already been completely suppressed first by the implementation of lockdown under Covid (where the Hong Kong government also seized the

opportunity to make things even more difficult for the protesters), followed by arresting all the 47 organizers of the primary in January 2021, banning the June Fourth Memorial vigil, and finally the inauguration of the National Security Law on 30 June. Freedom of the press was crushed in June when the government forced the Apple Daily to close down, and its boss, Jimmy Lai, was arrested. The next victim was the Stand News. From then on the NSL was used to attack many influential organisations and people, many of whom had nothing to do with any “illegal” protests in 2019.

The disbandment of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China in September 2021 is a typical example. First the Hong Kong government banned its 2021 memorial vigil, arrested its leaders whose only crime was holding an annual candle vigil in memory of the June Fourth Massacre, which it had been doing for more than 40 years.

It appeared that the alliance disbanded itself. In fact it was accused by the government as “colluding with foreign forces”, and then its leader Chou Hangton was arrested, and other leaders were being harassed and threatened, until the government broke their will of resistance and disbanded.

In the past five years Beijing’s repression against protesters has been very severe. As of the end of March, 2024, around ten thousand had been arrested, among them four thousand students. Seven thousand are still remanded in custody. The whole process of retaliation implies that Beijing is not satisfied with just suppressing the 2019 protesters, rather its full agenda aims at the total destruction of civil liberties and associations, a process still in progress today.

The labour movement was struck hard by the authorities. Some trade unions were smashed. What is left?

While the government targeted the Alliance, it was also simultaneously turning against two very important labour organisations – the CTU and the Professional Teachers’ Union. Targeting the CTU should come as no surprise because it was heavily involved in the 2019 protest in a non-violent way. The latter however participated in the protests only marginally and very law-abiding. Yet both were forced to disband. But the teacher’s union was the largest union in Hong Kong, with a membership of 100,000 and the only mass union in the sector, then it should not surprise us why Beijing wanted to smash it as well.

One of the most surprising developments of the 2019 Hong Kong revolt was the sudden rise of a new trade union movement. The revolt started with strong suspicions against all types of organizations. From October onward, however, the tide turned and there were louder and louder calls for union organizing among young activists as well, and soon actions were taken. Between the end of 2019 and the end of 2020, the number of newly registered unions grew explosively. Between 2012 and 2018 the annual net growth in number of registered trade unions never exceeded ten. According to the Registry of Trade Unions, 2019 first saw a sudden net rise of 20 new registrations, followed by a 56.5 percent jump in the net growth rate in 2020 (or 489 newly registered unions) and then a further 8.6 percent rise in 2021.

No one knows exactly how many of them belonged to the pro-democracy camp, because the Beijing supporters, in competition with the former, also launched their “new unions”. But beyond numbers there is also the aspect of public advocacy and militancy, from their leadership to their rank and file, something which only the former possessed. But with escalating repression in the later half of 2021, 74 unions disappeared in 2022, and another 21 in 2023. Some of the pro-democracy unions were forced to disband after being accused by the authorities of conducting affairs unrelated to their charters.

There are still many unions left but the most influential or most militant have gone. For example, the

new Hospital Authority Employee Unions had 18,000 members and had conducted a five days strike against the government's initial refusal to lockdown the city under Covid. No wonder why it was also forced to disband after the implementation of the NSL. The emergence of new trade unions was initially promising as it showed the potential to steer the revolt to an even more labour based struggle. Their disappearance under suppression is a tremendous loss to both the labour and the democratic struggle there.

Another example; just one month after the passing of the NSL, Cathay Pacific, now clearly aware of their power over the union, declared they would cancel all collective bargaining with their unions. The Cathay Pacific Airways Flight Attendants Union, with more than 7000 membership and a long history of standing up to their employer, is now being robbed of their right to collective bargaining. This also shows the real agenda of Beijing's move in relation to Hong Kong.

Are there signs of new social tensions and open conflicts, of labour unrest and maybe new independent structures or organisations?

Very few. The Foodpanda delivery workers had struck in protest against the management cutting of their wages twice, once in 2022 and then this March, but they also did it carefully, for instance intentionally avoiding assembly. They are also un-unionized. They are mostly South Asian and less connected to local politics, which might partly explain the police's tolerance. But in general the space for social resistance keeps on shrinking; no sign of new organisation that can effectively and partially resist the repression. Small protests of five or six people in solidarity with the Ukrainian and the Gaza Palestinian might be tolerated, or a similar size of non-political protests. There are still activists engaging in internal gatherings or relief work (for instance supporting those imprisoned activists, attending and reporting on trials, writing letters to prisoners etc) which is of course very important in this situation. Calling larger open protests is just too risky however.

The protest movement was huge in 2019 and brought over a million out on the streets. Especially the youth became radical and militant. They didn't all leave Hong Kong. What are they doing today? Are there attempts to break out of the silence?

Two hundred thousand, including most of the young people, left for Britain. Thousands had fled to US, Australia, Taiwan etc. We do not know how many are young. Surely most of the young activists have stayed. No matter where they are, most of them are now demoralized. This is understandable. The suppression in Hong Kong, although not comparable to the level of violence and bloody as the June Fourth Massacre, in terms of consequences it is similar, that is, the annihilation of hope among the young generation and instill enough fear into them to stop them thinking independently and acting politically.

We are now in a dark long tunnel with no light in sight. We should not lose hope, because at the same time the CCP is also facing mounting social and economic and, in the future, possibly political crisis as well. As I said before, China is entering the most dangerous period, and under this situation one serious mistake from the top leaders may also create a new opening, just like the 2022 White paper movement. But a long period of calm is also possible. To sum up, for those who still place hope for a democratic transformation, this is a period of caution, patience, intensive reading, learning and debate, not the period of bold actions.

There were left wing magazines that showed protesters waving American flags during the 2019 revolt. This makes all attempts to organize solidarity for the movement from here difficult. Without getting the facts right, it will be difficult to raise interest and solidarity for Hong Kong people suffering under repression.

I totally agree with you. But don't take individual facts out of context. As I write in my book on the revolt, there was waving of American flags, but also flags of Barcelona, in defiance of those right wing protesters who, in line with some Western allies' were hostile towards the Catalan independence movement. There were of course right wing voices in the protest, but in a movement of 2 millions, the multitude were united on the five demands which were all basic democratic rights. What defined the movement were these rising masses and their demands, not the few hundreds who waived the US flags. We should fight the right while appreciating the fact that the masses started to take matters into their hands. If the left in Europe refused to be in solidarity with this popular movement and their subsequent repression, abandoning the Hong Kong people and their workers in their fight for basic rights just because their movement had not been neatly leftist enough, dare I say that this is not what internationalism have taught us.

Au Loong-Yu

P.S.

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