

WRITTEN STATEMENT
Submitted by Patrick Poon

I would like to thank the CECC and this distinguished audience for giving me this opportunity to share my experience and my view on the situation of the civil society in Hong Kong. I will focus on the drastic change of civil society space from the time I changed my job as a journalist to become an NGO worker with local and international NGOs since the early 2000s to the era of “red net”, as I would describe, after the National Security Law was imposed on Hong Kong by the Chinese authorities. Redline is simply not enough to describe the scope. The Hong Kong and Chinese governments wouldn’t even make it clear about where the redline is so that they can arbitrarily restrict Hong Kong people’s freedoms. The message is clear – you can only survive if you don’t challenge the government.

When I started my NGO career focusing on supporting workers, writers and lawyers in mainland China, the civil society was very vibrant. We could organize all kinds of activities, ranging from staging demonstrations to call for release of detained dissidents in China to arranging writers and lawyers to meet with their counterparts in Hong Kong. We never experienced any interference or felt any threats. Even when I was an Amnesty researcher, I wouldn’t feel too much for my personal risk when I commented on the detention of Chinese dissents or when I worked on documenting Uyghur and Kazakh cases in relation to the political re-education camps. I still remember how a mainland Chinese writer once exclaimed when he arrived in Hong Kong and I met him at the train station: “I could finally breathe the air of freedom.” It was the time when many young university graduates in Hong Kong who would be willing to get a relatively low salary to work on issues that we believed we could do something to help our friends in China.

During that time, I was able to communicate with many high-profile mainland Chinese dissidents without fear. Late Nobel Peace Prize laureate Liu Xiaobo had so much hope for Hong Kong’s support that he contacted me and several others in Hong Kong in late 2008 to invite prominent pro-democracy figures in Hong Kong to co-sign the “Charter 08”. Many of those democratic figures, some of them now in prison, and myself were among the first batch of co-signatories. We didn’t need to think much when we decided to co-sign it. These experiences led me to continue my work in international NGOs like Amnesty as I believed that it is significant to push China to comply with its international obligations. It’s unimaginable at that time that Hong Kong’s freedom of expression and freedom of assembly are completely gone. Even

prayer meetings or mass to commemorate the victims of the Tiananmen Massacre are now deemed too sensitive.

For NGOs in Hong Kong, we used to feel secure to co-organize talks on human rights issues in China and Hong Kong, no matter public or closed-door, with universities in Hong Kong. We didn't need to worry too much about our personal safety comparing with activists in China. But now, everyone needs to have a second thought or self-censor the content of the events before planning such activities. We used to be able to organize public talks by inviting human rights lawyers from China to share their experiences to the general public. Now, it's just unimaginable how similar activities could be done anymore in Hong Kong.

We used to be able to hold public rallies, from small scales of demonstrations outside the China's Central Government Liaison Office calling for the release of detained Chinese dissidents to mass rallies calling for universal suffrage in Hong Kong, without any interference. Police officers at that time were friendly and would even engage in discussing the route with the organizers. The police made it very clear to us that we didn't need to get their permission to hold any rallies. We only needed to inform them, and they would routinely issue a "letter of no-objection", only formalities, despite that the Public Order Ordinance has been repeatedly criticized by UN human rights experts as restrictive of freedom of assembly. Sometimes, the police would just call us to confirm that we would be organizing a demonstration if we forgot to inform them in advance. However, after the anti-Extradition Bill protests in 2019 and the imposition of the NSL in 2020, the situation has completely changed. Anybody appearing in places like the Victoria Park, where the annual candlelight vigil to commemorate the Tiananmen Massacre used to take place, on 4 June would be questioned by the police and warned that they would be charged with "illegal assembly" if they stay there. Like many Hongkongers, I honestly didn't believe that unionist Lee Cheuk-yan, solicitor and former legislator Albert Ho and barrister Chow Hang-tung, leaders of the now disbanded Hong Kong Alliance in Support of Patriotic Democratic Movements of China which organized the annual candlelight vigil, would be accused of "inciting an unauthorized assembly" for an assembly that had been allowed for over 30 years. They are now even facing the same notorious charge of "inciting subversion of state power" like many Chinese activists.

Finally, I would also like to share a bit about experience as a former court reporter as I'm puzzled how difficult it is to cover court news in Hong Kong nowadays. I covered quite a lot of trials about protesters being accused of "obstruction in public place" for

staging small-scale protests that occupied some space, such as outside China's Central Government Liaison Office. Those were already the big news in those days. The sentences the protesters faced were about a few weeks. Granting bail was considered normal and I never heard any judge at that time would say that they didn't trust that the defendants would commit the said offence during bail. Presumption of innocence was well observed. Reporters wouldn't feel any restrictions on reporting anything in open trials, except for knowing the fact that we shouldn't disclose the facts for cases that would be committed to be tried at the High Court. Now, everything has changed. Even reporting details about bail application is banned by the courts in Hong Kong. Judges rarely consider public interest when they make judgements.

I appreciate that there have been some efforts to pressure the Hong Kong and Chinese governments. However, the situation won't change until the Hong Kong and Chinese governments can see the real consequences. We shouldn't give them the impression of business as usual as they are cracking down on our civil society.

While various governments have issued statements expressing concern about the erosion of human rights in Hong Kong, it's difficult to see any real impact as the Chinese and Hong Kong governments have realized that they can continue doing business despite severe criticism of human rights records.

Authoritarian regimes like China and their supporters have learned that they can divert attention of all criticism on human rights by pointing out that there are also serious human rights violations in democratic countries. However, check and balance is what democracies should emphasize as different from tyrannies. Democratic governments should make the business community realize that there is real consequence for colluding with dictatorship.

Combining the effort of pushing China and Hong Kong governments to comply with the international human rights standards and economic sanctions on senior officials would be the most effective and mutually beneficial way to ensure accountability, otherwise democracies will eventually succumb to authoritarian propaganda, which nobody would want to see.

Therefore, I would urge the US government to impose further sanctions on all senior Hong Kong and Chinese officials.

Thank you.