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Testimony before the Tom Lantos Human Rights Commission
“The State of Civil and Political Rights in Hong Kong”

Thank you, co-chairs, and Members of the Commission for the opportunity to testify today.

The “Pillar of Shame” is a 26-foot-high sculpture. It depicts 50 twisting and screaming faces and forms representing those cut down during the violent crackdown by the Chinese government in Tiananmen Square in 1989.

The sculpture, by the Danish artist Jens Galschoit, was first displayed publicly in Victoria Park during the annual June 4th vigil organized by the Hong Kong Alliance in 1997 - at the dawn of “one country, two systems.”

When it was first erected, the sculpture served as a “canary in the coal mine” ahead of the July 1, 1997 handover: Would there still be freedom of speech when Hong Kong became part of the People’s Republic of China? Will Hong Kong remain unchanged for 50 years as promised? Would the CCP allow the ongoing public memorialization of the Tiananmen protest and crackdown?

And so it has stood, for the past 24 years, on the campus of the University of Hong Kong. Every year, in a solemn ritual, students and activists would gather to wash the “Pillar of Shame” as part of the city’s annual commemoration of the Tiananmen massacre.

It is also the last remaining public memorial standing on Chinese soil.

A week ago, the University of Hong Kong sent a letter to the Hong Kong Alliance, stating that the sculpture must be removed by October 13,

Wednesday at 5 pm Hong Kong time, or "it will be deemed abandoned" and removed.

At the June 4 ceremony earlier this year, during which students wash the sculpture, one of them explained, "We hope to defend historical truth given that our freedom of speech is dwindling."

Albert Ho, the last Chair of the Alliance before he was jailed for participating in peaceful protest, explained in 2018 that:

"I believe any attempts to move the Pillar of Shame would symbolize a complete stripping of the university's freedom of speech and expression.

The pillar standing here symbolizes not only its basic values – of the fight for freedom and the fight for democracy – but symbolizes an even more fundamental thing, which is freedom of expression. So I think no one will dare challenge this core value.

I hope the school understands that free thought, free speech, free expression, and free research are most important. If even these freedoms are gone, then the school should be closed down."

There might not a more timely and apt metaphor to the current state of civil and political rights in Hong Kong than the fate of the Pillar of Shame.

Its creation and unveiling in 1997 was a touchstone for freedom in Hong Kong. Its impending removal and destruction in 2021 is a tombstone for freedom in Hong Kong.

What Beijing has done in Hong Kong requires the help and collaboration of private and international businesses.

The current President of the University of Hong Kong, Professor Zhang Xiang, is an American citizen.

And the law firm paid to oversee the forced removal of the sculpture, Mayer Brown, is an American firm founded in Chicago.

Reached by media, a Mayer Brown spokesperson replied that "We were asked to provide a specific service on a real estate matter for our long-term client, the University of Hong Kong. Our legal advice is not intended as a commentary on current or historical events."

Mayer Brown joins a long list of enablers of human rights atrocities in history, and they are certainly not the only or the last.

Cathay Pacific, the Hong Kong-based airline, made headlines in 2019 when it fired employees for voicing their political views. Employees were called into interrogations where they were confronted with screenshots of their social media postings that management deemed as sympathetic to the protest and then fired immediately on the spot.

Chinese authorities took the extraordinary step to order the airline to bar employees who supported the protests from working flights to mainland China. Cathay's chief executive ultimately resigned.

Four of the world's biggest accounting firms - PwC, Deloitte, KPMG, and EY - issued statements denouncing a full-page ad supporting the protests - paid for by a group of their own employees.

In a recent joint agency business advisory, the Biden administration warned that: "Business and rule of law risks that were formerly limited to mainland China are now increasingly a concern in Hong Kong."

Even more troubling is when businesses like Mayer Brown choose to or are roped into enforcing the law and acting on behalf of the authorities.

In May, Hong Kong police, citing the national security law, ordered Wix.com, an Israeli web company, to take down a site linked to Hong Kong pro-democracy activists.

Authorities have also demanded data from tech companies on pro-democracy activists.

The National Security Law has proved to be the perfect weapon against civil society groups, pro-democracy politicians, and journalists. The threat to foreign businesses and employees is also clear.

It is almost impossible to know whether an action - private or public - would run afoul of the law until too late.

In July, Samuel Bickett, 37, was sentenced to four months and two weeks on one charge of assaulting a police officer. The former compliance director at Bank of America Merrill Lynch was on his way to dinner in late 2019 when he saw a man hitting a teenager with a baton and stopped to intervene. The assailant turned out to be an off-duty policeman. An altercation between the man, identified later as Yu Shu-sang, and other bystanders ensued.

Yu repeatedly said he was not a police officer. Footage shows him later lunge at Bickett with his baton in his right hand before he falls over a railing. Bickett then attempts to wrestle his baton away. Shu-sang accused Bickett of dragging him onto the floor, kneeling on his chest, and punching him in the face while he tried to wrestle the baton out of his hand.

Bickett was sentenced to the maximum-security prison - until his recent release pending his appeal.

The absence of the People's Liberation Army and rolling tanks like Tiananmen or barbwire and internment camps like those in Xinjiang does not mean that the crackdown has been any less brutal, swift, and complete.

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NSL punishes four types of activities: secession (Articles 20-21), subversion (Articles. 22-23), terrorism (Articles 24-28), and collusion with "foreign forces" (Articles 29-30), all carrying a maximum sentence of life in prison.

But in the hands of the national security forces, they have become vaguely defined, catch-all offenses to prosecute individual activists and civil society leaders while also forcing groups to self-censor and disband.

The authorities have done this by criminalizing freedom of expression as "sedition," casting legitimate international engagement, including to the United Nations or diaspora Hong Kong groups, as "collusion with foreign forces."

Fundraising by and donating to pro-democracy organizations or protest-related campaigns could be investigated as an NSL crime, leading to account and asset freeze and seizures.

The NSL established new PRC national security offices in Hong Kong while also giving Hong Kong police sweeping, unchecked powers, including warrantless searches, covert surveillance, and seize travel documents and deny bail of those suspected of possible future acts against national security.

These arrests have fundamentally weakened all civil and political rights. The result is that all kinds of civil society and political groups have been forced to dissolve and disband:

January 16: **The Union for New Civil Servants** disbanded after officials threatened to dismiss workers refusing to pledge loyalty to the Chinese Communist Party and "protect national security."

February 27: **Power for Democracy** was a pro-democracy political group established in 2002.

May 31: **The Good Neighbor North District Church**, which has aided protestors, disbanded after the police froze its bank account on suspicion of money laundering

June 26: **Ekklesia Hong Kong**

June 28 and 30: Two major medical professional groups **Frontline Doctors Union** and **Médecins Inspirés**, both active and vocal against the government responses to the protest and COVID, announced they would disband

July 3: **Next Media Trade Union.**

July 5: **Hong Kong Psychologists Concern.**

July 5: **Civil Rights Observer.**

July 4: The **Progressive Lawyers Group (PLG)**, founded in 2015.

July 12: The **Democratic Alliance**, a pro-democracy political group established in 2003.

July 24: **Hong Kong Educators Alliance**, founded in 2019.

August 15: **Civil Human Rights Front (CHRF)**, organizer of some of the largest protests, announced they would disband

August 18: **612 Humanitarian Relief Fund** announced it would cease operation by October 31. It has distributed more than HK\$243 million (US\$31.2 million) to protesters facing prosecution or financial hardship because of the protest movement since 2019

August 18: **The Alliance for True Democracy**, a coalition of the pan-democrats to fight for full universal suffrage in Hong Kong formed in 2013.

September 2: **Hong Kong Pastors Network**, a group of Christian clergy, who organized numerous prayer vigils to support the protest movement, announced it has ceased operations and disbanded.

September 4: **Civic Passion**, a political party formed in 2012.

September 12: August 10: The **Hong Kong Professional Teachers' Union (HKPTU)**, Hong Kong's largest teachers' union representing 95,000 members and 90% of the teachers in the city, formally voted to dissolve after 47 years of operations

September 14: **WALL-FARE**, formed on December 14, 2020, to support those who are imprisoned because of their involvement in the pro-democracy protest movement.

September 18: **Hong Kong Information Technology Workers' Union (HKITWU)**, formed in 2019 to serve as the voice for IT professionals.

September 19: **Hong Kong Confederation of Trade Unions (HKCTU)**, established on 29 July 1990 and had more than 160,000 members in 61 affiliates who worked for legal protection of worker and trade union rights.

September 21: **Cheung Sha Wan Community Establishment Power** is a local political group based in Cheung Sha Wan of Sham Shui Po District founded in 2015.

September 21: **China Human Rights Lawyers Concern Group**, a non-profit organization that advocated for the protection of human rights lawyers and legal rights defenders in China. It was established on 20 January 2007 by a group of lawyers, legislators, and academics based in Hong Kong, including Albert Ho.

September 24: **Student Politics**, dissolved after its core members charged under National Security Law.

September 25: **Hong Kong Alliance in Support of Patriotic Democratic Movements of China**, the group behind the annual June 4 vigil since 1989, voted to dissolve.

Many of the disbanded groups encountered a similar pattern of threats, attacks, and government investigation.

Pro-Beijing media, sometimes Hong Kong government officials, would publicly criticize and suggest that a group's activities might have run afoul of the NSL. The Professional Teachers' Union (PTU) was described by CCP mouthpieces the *People's Daily* and Xinhua as "**a malignant tumor.**" Hours later, the government cut ties with the union, announcing that officials would no longer consult and cooperate with them on matters of mutual concern. Days later, PTU announced it would dissolve.

Groups also faced arbitrary and irregular government investigations. Though Civil Human Rights Front (CHRF) had organized marches with police permission for 19 years, Hong Kong Police Commissioner Raymond Siu suggested in an interview with pro-Beijing newspapers that **CHRF broke local laws by not registering as a company with the Companies Registry and as a legal society with the police force.**

This week, police obtained court orders under NSL to require the 612 Humanitarian Relief Fund to disclose its source of donations, donor information, and the purpose of donations. The fund has distributed more than HK\$243 million (US\$31.2 million) to protesters facing prosecution or financial hardship because of the protest movement since 2019

I was also asked by the Commission to briefly address **the impact of NSL and its complete capture of the education system in Hong Kong.**

Since 2019, authorities have begun **deregistering teachers** for introducing protest or pro-democracy-related themes or materials in the classroom. Others were targeted for their protest participation or political views shared online outside classrooms and schools. 269 complaints accusing teachers of misconduct have been filed from June 2019 to December 2020, and 154 have been disciplined - many of them based on anonymous complaints.

Earlier this year, the government announced the **imposition of national security education** as part of the "necessary measures to strengthen public communication, guidance, supervision, and regulation over matters concerning national security, including those relating to schools, universities, social organizations, the media, and the internet."

Students as young as 6 years old will learn how to sing and respect China's national anthem and be taught what constitutes offenses such as "sedition" or "collusion" and their associated and appropriate penalties.

The Education Bureau has issued a new curriculum designed to instill "affection for the Chinese people"; geography lessons must affirm China's claim over disputed areas of the South China Sea. Bringing a copy of the newspaper Apple Daily to the classroom or teaching a class about the 1989 Tiananmen protest could mean a lifetime ban from teaching.

The US and this Commission must respond quickly and urgently:

Hold those responsible for depriving civil and political rights in Hong Kong with targeted sanctions and public condemnation.

The Lantos Commission should adopt political prisoners such as Jimmy Lai, Chow Hung-tung, Gwenyth Ho, etc.

Require reporting and briefing on whether the Chinese government and affiliated entities have engaged in **intimidation or harassment of any groups and individuals** in the US.

Demand US and international businesses, like Mayer Brown, who operate in the US to answer for their complicity in the crackdown in Hong Kong.