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致鄭司長：

我來信表達對 2020 年 6 月 30 日國安法正式實施後，截至目前被控違反國安法的 64 人表達關切。他們當中許多人可能僅因在示威活動中和平呼喊口號、在網路或報紙發表評論，或參加和平政治倡議活動而被起訴，這樣的情形令人擔憂。這些行為僅僅是在和平表達意見，即使批評政府，也是國際人權法和國際標準所允許的，不該被定為刑事犯罪。

更令人擔憂的是，曾參加 2020 年 7 月反對黨舉辦的立法會選舉「初選」的**岑子杰、何桂藍、梁國雄**及其他 32 位反對派人士，已經被審前拘留四個月。在他們的審前聽證會上，控方舉證包含國際媒體採訪和與外國外交官來往的信件，藉此證明被告有可能「繼續進行危害國家安全的行為」。

根據國際公認的人權標準，除非能證明是確實為保護國家存在、領土完整、保障國家免於武力的明確威脅，否則不可使用「國家安全」為由正當化對權利和自由的限制，政府也不能合法使用此國家安全框架，保障自己免於羞辱或違法行為曝光，亦不能用來鞏固特定意識形態。

我在此敦促您：

- 除非有足夠可信且可採納的證據，證明被告犯下國際公認的罪行，並確保他們能得到符合國際標準的公平審判，應撤銷控告並釋放那些僅因和平方行使權利而被起訴的人。
- 停止刑事起訴那些僅在行使言論自由權或其他人權的人。
- 審查並修改所有法律和規範，同時終止所有侵犯人權的行為，尤其是言論自由及和平集會結社的相關措施；也須確保所有保護國家安全和反恐怖主義的法律條款，定義清晰、嚴格，且符合國際人權法和國際標準。

敬此

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Dear Secretary Cheng:

*I am writing to express my concern about the 64 individuals charged so far in relation to the National Security Law since its enactment on 30 June 2020. It is alarming to learn that many of them have been prosecuted simply for peacefully chanting slogans in protests, publishing commentaries on the internet or in newspapers, or taking part in peaceful political advocacy work. These acts are mere peaceful expressions of opinion, and even if critical of the government are permissible under international human rights law and standards and must not be criminalized.*

*It is further distressing that **Jimmy Sham Tsz-kit (岑子杰)**, **Gwyneth Ho Kwai-lam (何桂藍)** and **Leung Kwok-hung (梁國雄)**, along with 32 other political opposition figures who had been involved in “primaries” in July 2020 organized by the opposition camp for the Legislative Council election, have been held in pretrial detention for four months. In their pretrial hearings, the prosecution cited evidence, such as interviews with international media and correspondence with foreign diplomats, as proof that the defendants are likely to “continue acts that endanger national security”.*

*According to internationally recognized human rights standards, “national security” cannot be invoked to justify restrictions on rights and freedoms unless genuinely and demonstrably intended to protect a state’s existence or territorial integrity against specific threats of the use of force; nor can this national security framework legitimately be applied by governments to protect themselves against embarrassment or exposure of wrongdoing, or to entrench a particular ideology.*

***I therefore call on you to:***

- Drop all charges against and release those who are prosecuted solely for peacefully exercising their rights, unless there is sufficient credible and admissible evidence that they have committed an internationally recognized offence and are granted a fair trial in line with international standards;***
- End the practice of bringing criminal charges against those who have simply exercised their right to freedom of expression or other human rights;***
- Review and amend all laws and regulations, and end all related measures, that violate the exercise of human rights, in particular to freedom of expression, peaceful assembly and association, and ensure that any legal provisions aimed at protecting national security or in the name of counterterrorism are clearly and narrowly defined and conform to international human rights law and standards;***

*Yours sincerely,*