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親愛的鄭司長：

對於 2020 年 4 月 18 日警方逮捕和起訴李柱銘、何俊仁、楊森、蔡耀昌、單仲偕、區諾軒、何秀蘭、李卓人、陳皓桓、黎智英、吳文遠、梁國雄、梁耀忠、黃浩銘、吳靄儀等人，我來信向您表達深切的憂慮。

這 15 名民主派重要領袖被以「組織及參與未經批准的集會遊行」為由起訴。其中有 5 人也被以「公告未經批准的集會遊行」為由起訴。這些控告的法源依據是《公安條例》，然而此條例的規定和應用，並不符合國際人權法和國際標準針對和平集會權之規定。聯合國人權事務委員會對此已多次表達關切，表示《公安條例》之實施將過度限制和平集會權利，並要求有關單位重新審核此條例。

根據國際人權法和國際標準，人民參與及組織集會遊行並不需要事前得到國家批准。舉辦集會遊行即使未通知上級機關，也不能因此就認定參與該集會遊行屬於非法，更不該以此為由逮捕參與人士、組織者，或施加過度的制裁，例如以刑事罪名起訴相關人士。

2019 年 6 月，香港人民發起大規模和平示威；時至今日，警方宣佈已逮捕超過 7,000 名示威相關人士，這樣的情形實為令人憂心。我們看到組織示威人士和參與者持續遭當局起訴，這已對香港的和平集會和表達自由造成了寒蟬效應。

因此，我在此呼籲：

- 撤銷對 15 位民主派領袖的所有控告，他們做的僅是行使表達自由與和平集會權。
- 停止以嚇阻人民參與和平集會和壓制批評為目的，起訴和平示威者。
- 修正《公安條例》以符合國際人權法和國際標準，尊重、維護、和促進人民的表達自由與和平集會權。

敬此

Secretary of Justice Teresa Cheng Yeuk-wah
Department of Justice
G/F, Main Wing, Justice Place
18 Lower Albert Road, Central, Hong Kong

Dear Secretary Cheng:

I am writing to express my concern for the arrest and charging of Martin LEE Chu-ming, Albert HO Chun-yan, YEUNG Sum, Richard CHOI Yiu-cheong, SIN Chung-kai, AU Nok-hin, Cyd HO Sau-lan, LEE Cheuk-yan, Figo CHAN Ho-wun, Jimmy LAI Chee-ying, Avery NG Man-yuen, LEUNG Kwok-hung, LEUNG Yiu-chung, Raphael WONG Ho-ming and Margaret NG Ngoi-yea on 18 April 2020.

These 15 prominent pro-democracy leaders are being prosecuted for “organizing and taking part in unauthorized assemblies”. Five of them are also being prosecuted for “announcing unauthorized assemblies”. These charges are based on the Public Order Ordinance, the provisions and application of which fail to meet international human rights law and standards on the right to peaceful assembly. The United Nations Human Rights Committee has repeatedly expressed concern that the implementation of the Public Order Ordinance may facilitate excessive restrictions to the right to peaceful assembly and called for its review.

Under international human rights law and standards, participating in and organizing assemblies does not require prior permission by the state. Failure to notify the authorities of an assembly should not render participation in the assembly unlawful and should not in itself be used as a basis for either arresting the participants or organizers or imposing undue sanctions, such as charging them with criminal offences.

I find it alarming that, to date, the police have announced over 7,000 arrests in connection with the largely peaceful protests that have taken place since June 2019. This continued prosecution of protest organizers and participants is having a chilling effect on the freedoms of peaceful assembly and expression in Hong Kong.

I therefore urge you to:

- Drop all charges against the 15 pro-democracy leaders that are based on the peaceful exercise of their rights to freedom of expression and peaceful assembly;
- Stop prosecutions of peaceful protesters that are aimed at deterring participation in peaceful assembly and silencing critical voices;
- Bring the Public Order Ordinance into line with international human rights law and standards to respect, protect and facilitate the rights to freedom of expression and peaceful assembly

Yours sincerely,