

URGENT ACTION

VETERAN RADIO HOST SENTENCED FOR PEACEFUL ACTIVISM

Detained veteran internet radio host “Giggs” Edmund Wan, who had been remanded in custody for over 19 months, was sentenced to 32 months’ imprisonment on sedition and money laundering charges on 7 October. Wan is imprisoned for criticizing the government in his radio shows and fundraising for the education of young Hong Kong protesters now in Taiwan. Wan was targeted merely for exercising his right to freedom of expression through peaceful means. He must be released immediately.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Secretary for Justice Paul LAM Ting-kwok
Department of Justice
G/F, Main Wing, Justice Place
18 Lower Albert Road, Central, Hong Kong
Fax: (852) 3902 8638
Email: sjo@doj.gov.hk

Dear Chief Executive,

I am writing to express my grave concern for ‘Giggs’ Edmund Wan Yiu-sing (尹耀昇), a veteran internet radio host who has been convicted and sentenced to 32 months on charges of seditious intention and money laundering.

It is alarming to learn that Giggs is imprisoned for his political comments on Hong Kong and mainland China, as well as for hosting a fundraiser for sponsoring the education of Hong Kong youths in Taiwan. Peaceful expression of opinion and public fundraising are permissible under international human rights law and standards, and must not be criminalized or otherwise excessively restricted through the use of vague national security offences.

I find it worrying that Wan was tried without a jury and unrestricted access to legal aid. In a judicial system increasingly tilting against the accused in cases that are perceived as “related to national security”, Wan has been convicted of money laundering despite the prosecution providing scant evidence to prove that the fundraising proceeds stemmed from illegal activities. It appears that the authorities are expanding the range of the tools they use to target peaceful activists like Wan.

It is distressing that the Hong Kong authorities are weaponizing colonial-era charges that have not been used since 1967 to target dissidents. Just this July, the UN Human Rights Committee in its Concluding Observations on the Fourth Periodic Report of Hong Kong have expressed concern over the government using sedition charges to prosecute journalists and representatives of civil society exercising their right to freedom of expression. The prosecution of Wan violates international human rights laws and standards. The Committee urged the repeal of the sedition provisions in the Crimes Ordinance and an end to all cases against individuals charged for exercising their freedom of expression. The Hong Kong authorities should implement these recommendations immediately.

I therefore call on you to:

- ***Release Wan Yiu-sing immediately, as he was charged solely for peacefully exercising his human rights, and drop all charges against him;***
- ***End the practice of bringing ‘national security’ 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.***

Yours sincerely,

ADDITIONAL INFORMATION

Edmund Wan, better known as “Giggs”, is a veteran internet radio host and public affairs commentator. Prior to his arrest, he was the host of four shows on a local independent online radio station in Hong Kong. Wan also commented on current affairs on his social media platforms and paid membership platform. Other than making comments critical of the Hong Kong and Chinese central authorities, he started a fundraiser for sponsoring the education of Hong Kong youths in Taiwan in February 2020. These youths had fled the city for Taiwan as the Hong Kong government arrested tens of thousands of young people who took part in the 2019 protests.

On 21 November 2020, Wan was arrested under Article 21 of the Hong Kong National Security Law for providing financial assistance for the commission by other persons of secession. However, on 8 February 2021, Wan was officially charged with four counts of ‘doing an act with a seditious intention’. He was further charged on 10 May 2021 with an additional five counts of money-laundering and one count of conspiring to commit an act with a seditious intention. In May 2022, the prosecution reached a plea deal with Wan, under which six of the ten charges he was facing would be kept on file but not prosecuted if he pleaded guilty to the remaining charges and agreed to the prosecution’s application to confiscate the fundraising proceeds.

On 7 October 2022, Wan was sentenced to 32 months’ imprisonment for one count of sedition and three counts of money laundering. As agreed in the plea deal, the court ordered the confiscation of HK\$4.87 million (about US\$620,000) of the proceeds Wan fundraised for the young Hong Kong protesters in Taiwan. Wan had been detained for more than 19 months prior to his sentencing.

The colonial-era sedition charges in Hong Kong have only been resuscitated by the government since 2020. No one had been prosecuted under these charges since 1967. The authorities have weaponized these charges to prosecute political activists, journalists and authors who exercised their right to freedom of expression. In December 2021, executives and board members of the defunct media outlet Stand News were arrested for “seditious publications”. On 6 April 2022, national security police arrested six people on sedition charges because they “caused nuisance” during a court hearing. Two were subsequently charged with sedition for clapping and chanting slogans in court. On 10 April 2022, a journalist was arrested for allegedly publishing “seditious materials”. On 20 April 2022, a political activist was convicted of “uttering seditious words” and sentenced to 40 months’ imprisonment for chanting popular protest slogans such as “Down with the Communist Party” and “Five demands, not one less” in public.

The recent UN Human Rights Committee’s Concluding Observations on the Fourth Periodic Report of Hong Kong, China, has rightly noted that the Hong Kong government has invoked the sedition provisions in the Crimes Ordinance, after decades of disuse, to suppress freedom of opinion and expression. Moreover, sedition provisions are additionally problematic because they are construed as a national security offence, therefore is investigated by special police in the newly established national security department, which have been granted excessive investigatory powers.

PREFERRED LANGUAGE TO ADDRESS TARGET: English and Chinese

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 30 December 2022

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: “Giggs” Edmund Wan 尹耀昇 (he/his)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa17/6055/2022/en/>