

District Court's verdict on "conspiracy to publish seditious publication" signifies justice being firmly held

â€‹The District Court today (August 29) delivered verdict on a case of "conspiracy to publish and/or reproduce seditious publication", finding all three defendants guilty of the charge.

The Hong Kong Special Administrative Region (HKSAR) Government spokesman said, "The conviction of all three defendants (i.e. the two editors-in-chief of Stand News, Chung Pui-kuen and Lam Shiu-tung, and the company which operated Stand News, Best Pencil (Hong Kong) Limited) signifies justice being firmly upheld. Any individual or organisation that incites hatred and engages in acts and activities endangering national security can never escape sanctions of the law, and such malicious acts will surely be duly punished."

In its reasons for verdict, the court pointed out clearly that the ideology of Stand News was localism which excluded China, and it even became a tool to smear and vilify the Central Authorities and the HKSAR Government during the "anti-extradition amendment bill incidents". The court found that the relevant articles, without any objective basis, attacked the Hong Kong National Security Law and the Crimes Ordinance and relevant law enforcement and prosecutorial process; spread hatred and anti-government sentiment with disinformation; attacked the law enforcement by the Police and glorified the behaviour of rioters. The court further held that, while holding chief editorial position of Stand News, Chung Pui-kuen and Lam Shiu-tung had knowledge and approved of the seditious intention of the articles, and offered Stand News as the publishing platform with the intention to incite hatred against the Central Authorities or the HKSAR Government, and hatred against the administration of justice.

The court specifically highlighted in its reasons for verdict that, according to Article 19(3) of the International Covenant on Civil and Political Rights, when the media and relevant personnel publish opinions, information and articles, they must observe and discharge "special duties and responsibilities", including protection of national security or public order, or of public health or morals. The court further cited relevant decisions on press freedom under the European Convention on Human Rights which pointed out that journalists are entitled to the protection of the freedoms of expression and of the press on the premises that they must act in good faith and on accurate factual basis and provide reliable and precise information.

The spokesman pointed out that, "The Basic Law and the Hong Kong Bill of Rights guarantee fundamental rights such as the freedom of expression, peaceful assembly, procession and demonstration. Clear lines have been drawn between unlawful seditious expressions and lawful constructive criticisms

under the Crimes Ordinance. The relevant provisions are also unambiguous. As demonstrated by the reasons for verdict of the court, Stand News completely disregarded objective facts and contravened the special duties and responsibilities emphasised by international human rights conventions which journalists must observe. As such, the claims by individual media organisations which disregard facts, as well as anti-China and destabilising individuals, foreign politicians and organisations with vicious motives, which accused the verdict of 'suppressing' freedom of the press are utterly unfounded. To distort words and acts that incite hatred as 'journalistic work' as such individuals and organisations did is indeed the gravest insult against the professional journalists of Hong Kong."

The spokesman emphasised that, "Members of the public (including journalists) in Hong Kong are, as always, free to make comments or criticisms that are based on facts, and to enjoy and exercise freedoms of the press and of speech in accordance with the law, without fear of unwittingly violating the law.

"It is the constitutional duty of the HKSAR to safeguard national security. In this regard, the HKSAR Government will ensure that laws are observed and continue to enforce the law resolutely, decisively and rigorously with a view to effectively preventing, suppressing and imposing punishment for acts and activities endangering national security with all-out efforts."