

24 October 2019

Hong Kong: Brutal attack on human rights defender Jimmy Sham

On 16 October 2019, at around 7:30p.m., at least four assailants wielding hammers and knives, attacked human rights defender **Jimmy Sham Tsz-kit** (岑子杰) on a street in the Mong Kok neighbourhood in Hong Kong. Jimmy Sham suffered injuries to his head, knees and elbows. He was left lying on the pavement bleeding from his wounds when police officers arrived on the scene. He is now in stable condition and recovering after receiving emergency treatment in a hospital.

Jimmy Sham is a human rights defender who advocates for democratic reform and equal rights for LGBT persons in Hong Kong. He is a member of the pro-democracy party, League of Social Democrats, and is running for a seat on the Sha Tin district council in the upcoming district elections next month. He is the current convenor of the Civil Human Rights Front (CHRF), a coalition of more than fifty civil society organisations working to promote democratic reforms and a wide range of human rights issues in Hong Kong. Since June, CHRF has organised several mass demonstrations against the Hong Kong government's proposed extradition bill which would have allowed the transfer of criminal suspects from Hong Kong to mainland China, where they would be at high risk of ill-treatment in detention centres and unfair trials under a fundamentally flawed judicial system controlled by the ruling Communist Party of China. Despite the government's announcement that the bill would be withdrawn, the protests have continued and the demands have expanded to include accountability for police violence and total democratic reform.

This is the second attack in less than two months on Jimmy Sham. On 29 August 2019, masked men attacked him and an acquaintance in a restaurant in the Kowloon district. The attack occurred on the same day that police had banned a demonstration that CHRF had planned to organise later that weekend. Jimmy Sham was unharmed and his acquaintance escaped with minor injuries. Three individuals have been arrested in connection with this assault.

According to the CHRF, as Jimmy Sham was attacked with hammers and knives on 16 October 2019, people near the scene tried to intervene. The assailants threatened them with knives and fled the scene in a vehicle, only after Jimmy Sham had suffered heavy injuries. At the time of the attack, Jimmy Sham was on his way to a CHRF meeting where the group was to discuss another mass rally planned for 20 October, for which the police issued a ban on 18 October.

Under Hong Kong's Public Order Ordinance, organisers of public processions involving more than thirty people must notify police seven days in advance, and obtain a "notice of no objection" from the police before proceeding. In recent weeks, the police have objected to and banned a number of planned rallies or marches, including those organised by CHRF. Unlike mainland China, the International Covenant on Civil and Political Rights (ICCPR) applies to Hong Kong. The UN Human Rights Committee, which monitors compliance with the treaty, said in 2013 that implementation of the Public Order Ordinance may facilitate "excessive restriction" on the right to peaceful assembly guaranteed by the ICCPR. The Hong Kong government's invocation on 4 October 2019 of the colonial-era Emergency Regulations Ordinance to enact a regulation prohibiting the use of face masks at both permitted and banned protests is grossly inconsistent with international human rights law and further undermines assembly rights.

In a public statement on 12 September 2019, following concerns about violence against protesters and human rights defenders in Hong Kong, four UN human rights experts reminded the Hong Kong government that it has obligations under the ICCPR to "protect the safety and rights of those who

participate in assemblies and create an environment conducive to a diverse and pluralistic expression of ideas and dissent from government policy.”

Front Line Defenders strongly condemns the attack on Jimmy Sham and is deeply concerned by other incidents of physical attacks against human rights defenders, protesters, and journalists in Hong Kong, including the nighttime attack on protesters and bystanders by a group of over 100 men in and around a train station in Yuen Long on 21 July 2019. These attacks, combined with incidents of excessive use of force by police during public protests and the mask-banning regulation, create a chilling effect on all those who organise, support and participate in peaceful assemblies to promote and defend their human rights and fundamental freedoms guaranteed under Hong Kong and international law.

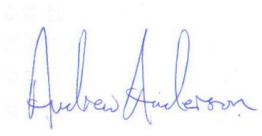
Front Line Defenders urges the authorities in Hong Kong to:

1. Carry out an immediate investigation into the attacks on Jimmy Sham and other human rights defenders ensuring they are effective, thorough and impartial, with a view to bringing those responsible to justice in accordance with international standards;
2. Take all necessary measures to guarantee the physical and psychological integrity and security of Jimmy Sham and all human rights defenders in Hong Kong;
3. Initiate without delay an independent, impartial, effective and prompt investigation into the use of force and other measures by Hong Kong law enforcement officials in their handling of public assemblies since June 2019, including allegations of ill-treatment of detainees and of sexual harassment of female protesters;
4. Initiate a genuine, broad-based consultation with the public, including human rights defenders and civil society organisations, to review all existing laws, regulations and practices that are used to unduly restrict human rights, such as the Public Order Ordinance and the Emergency Regulations Ordinance, with a view to amend and align them with international human rights law and standards.

Front Line Defenders respectfully reminds you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw your attention to Article 5: *“For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (a) To meet or assemble peacefully” (b) To form, join and participate in non-governmental organizations, associations or groups (c) To communicate with non-governmental or intergovernmental organizations”* and to Article 12 (1 and 2): *“(1) Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms. (2) The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.”*

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,

A handwritten signature in blue ink that reads "Andrew Anderson". The signature is written in a cursive style with a large initial 'A'.

Andrew Anderson
Executive Director