

United States Senate

WASHINGTON, DC 20510

August 19, 2015

COMMITTEES:
COMMERCE, SCIENCE, AND
TRANSPORTATION
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND
ENTREPRENEURSHIP

Leung Chun-ying
Chief Executive
Hong Kong Special Administrative Region

Dear Honorable Chief Executive Leung:

I write regarding the recent charges brought against student leaders Joshua Wong, leader of the student activist group Scholarism, and Nathan Law, head of the Hong Kong Federation of Students, as well as opposition legislator Albert Chan and activist Raphael Wong related to their collective involvement in a June 2014 protest.

It is my understanding that the magistrate overseeing the case raised questions regarding the 13-month gap between the alleged incident in June 2014 and the recent arrests and court hearings this July. I believe that an explanation about the timing of the charges is both necessary and important. Without a compelling explanation, there is an appearance that these charges are politically motivated, under pressure from the central government in Beijing.

My concern has only grown with news today that Joshua Wong and Alex Chow, the former leader of the Hong Kong Federation of Students, are facing additional charges involving their participation in protest activities last September. Another student leader, Derek Lam, has reportedly also been charged. The media accounts all note that the criminal justice agency involved in prosecuting the cases is the Organized Crime and Triad Bureau which, as the name implies, is typically involved in pursuing cases against organized crime and major criminal syndicates. There is understandable concern regarding the involvement of this agency and the message it sends about how the government views these students and the grievances which animated their protests.

Only a small fraction of the initially arrested protesters have been prosecuted as of May 2015, although additional student leaders reportedly expect more charges to be forthcoming. As such, I am concerned that the recent spate of charges brought against some of the most prominent protesters could indicate the start of a troubling trend whereby months after an alleged incident, Hong Kong residents who have engaged in peaceful protests are suddenly confronted with prosecutions. Without a fair and timely process your government risks the appearance of prosecutions being used as a tool of intimidation or retaliation against those who oppose the Hong Kong government's policies, rather than as a legitimate law enforcement mechanism.

The charges brought against these activists are all the more troubling given that, in one instance, a group of police officers who were captured on film beating a handcuffed protestor have reportedly not faced any charges.

I also note with concern the travel restrictions placed on many students who participated in protests last year which have limited their ability to go to mainland China.

Together these trends are deeply troubling. I continue to follow events in Hong Kong closely, especially as we approach the one-year anniversary of the height of the protest movement, and look forward to your response about the concerns I've raised.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Marco Rubio', with a long horizontal flourish extending to the right.

Marco Rubio
United States Senator