



For Immediate Release

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The Sentencing of Ma Chun-Man as the Second NSL Conviction

Washington, D.C. (November 11, 2021) — In response to the sentencing of Ma Chun-Man to 5 years and 9 months in jail for “incitement to secession” under the sweeping, Beijing-imposed National Security Law (NSL), HKDC issues the following statements.

From our Executive Director, **Brian Leung**:

“Ma Chun-Man was convicted of incitement to secession under the NSL for peacefully chanting political slogans. ‘I want to prove to everyone that the slogans I shout,’ Ma said at one rally, ‘are part of Hong Kongers’ civil liberties.’ What his verdict and sentence thus demonstrate is that free speech is now a crime in Hong Kong. When a majority of pending NSL cases are speech-related, Ma’s precedent will only intensify self-censorship and fear among Hong Kong citizens.”

“The Chinese and Hong Kong governments use ‘national security’ as a blank check for suppressing fundamental freedoms and silencing dissents. Judges were handpicked, trial by jury was absent, and Ma had been kept in custody for 11 months; he now faces a disproportionate sentence. These developments reflect the rapid erosion of the rule of law and human-rights protections guaranteed under the Basic Law. The international community must condemn and hold Beijing accountable for the violation of the Basic Law and the continuous encroachment on Hong Kong freedoms.”

From our Advisor, **Thomas E. Kellogg**:

“Simply put, Ma Chun-Man should not have been convicted of inciting secession, and should not have been sentenced to nearly six years in jail. He was prosecuted for the apparent crime of chanting peaceful political slogans in public – in essence, he was prosecuted for exercising his right to free speech. Both the verdict in Ma’s case, and the harsh sentence imposed today, show that free expression in Hong Kong has been dealt a severe blow by the National Security Law. Key slogans – even entire political points of view – have been banned, and the list of forbidden phrases and ideas will likely only grow.”

“Ma apparently engaged in his public protests in order to test the law: He believed that his right to free expression was protected by the Basic Law, Hong Kong’s mini-constitution, and that the courts

would protect his exercise of that right. And, as I've written [elsewhere](#), he had a strong basis for that belief: the Basic Law refers directly to international human rights law, which adopts a high bar for censoring peaceful political speech. Ma is now paying a heavy price for mistakenly putting his faith in the courts, and for assuming that the Basic Law's human rights provisions still apply in today's Hong Kong."

Hong Kong Democracy Council (HKDC) is a Washington, D.C.-based nonpartisan, nonprofit organization for Hong Kong's pro-democracy movement and Hong Kongers in the United States.

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