

## **From June 4 to Article 23**

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For the victims of the June 4 massacre, the memory of death is a way to seek justice. Prof. Ding Zilin of People's University in Beijing, the mother of a June 4 victim, suffered from the loss of her only son, Jiang Jieliang, who was only 17 when he was killed, and thus began to document the deaths of those who died in the 1989 massacre. Because she does not want the victims to die an anonymous death in unknown circumstances, she also does not want the victims' surviving families to suffer mistreatment and humiliation anonymously. More importantly, she believes that unless the truth is disclosed and the murderers are charged we will not be able to stop such a tragedy from happening again in China.

Truth-telling is not merely a rendering of the facts; it is giving voice to a reality. The victims' surviving families must break out of the bondage of silence. They must have the space to speak for themselves, to voice their pain and anger about the violence that they have experienced, to confront the evil of violence. In this process, shame is shifted to its rightful owner, the perpetrator of the attack, not the victim of violence.

For the victims' families, the suffering of June 4 is not only a memory about the past; it is the anguish they have carried, and continue to carry, for the past 14 years. With the Chinese government's denial of their bloody crackdown of the people's peaceful movement on June 4, the victims' families not only have suffered from the loss of their loved ones, but they have also lost their right to live a normal life, including the right to share with the world their pain and openly mourn the deaths of the victims, the right to put forward their views and finally the right to seek justice to hold the murderers accountable for what they have done.

Year after year though there are voices saying, "Let bygones be bygones. Since China is moving toward a more open and progressive society, the most important thing now is to enable China to have better cooperation with the international community and to make China get out from under the shadows of poverty and backwardness and adopt the Western values of democracy and human rights."

This statement not only disrespects the victims' right to seek justice, but it also permits the killers to disown their responsibility for their crime. Elie Wiesel reminds us that what hurts the victim most is not the cruelty of the oppressor but the silence of the bystander. We must always take sides. Neutrality helps the oppressor, never the victim.

For the people of Hong Kong, commemorating June 4 every year reminds us that the movement evolved into the demands of the students for political reform. The government though, instead of maintaining a dialogue with the students, denounced the democracy movement as being "counterrevolutionary"; and in the end, the movement was brutally crushed with guns and tanks. In the eyes of the country's leaders, all citizens must surrender their loyalty to protect the security of the one-party State. This deference is how they define "patriotism." However, the students demonstrated to us that the true spirit of love toward our country must be moved by one's freedom of conscience and that blind submission or obedience to the State should not be equated with patriotism.

While being touched by the sacrifice of the students for freedom in Tiananmen in 1989, the people of Hong Kong presently do not have to sacrifice for their right to speak out against the

government. However, the Hong Kong government is currently rushing to legislate by July this year national security laws on treason, subversion, secession, sedition and the theft of state secrets under Article 23 of the Basic Law. A group of academics criticised the government for not doing justice to public opinion in the three-month consultation on the Article 23 legislation that ended in December 2002 in order to present an impression of positive public support to the government's proposals. With all these questions, we worry that the law will then become a means to deny, rather than to protect, the rights of Hong Kong's people.

One major threat is that the Article 23 legislation will criminalise free speech, especially the proposals regarding sedition and the theft of state secrets. For example, in the bill, the government has not provided a rationale for protecting information relating to Hong Kong's affairs which are within the purview of the central authorities. From the manner in which government officials in China initially handled the severe acute respiratory syndrome (SARS) crisis, it is very clear that their lack of transparency and accountability has seriously harmed people's health on the mainland as well as that of the global community. This should be an important lesson for the Hong Kong government as well.

For many years, Hong Kong's people have taken for granted their freedom, which they believe is like a free gift for which we do not have to pay a price. Even under the threat of national security legislation, many people, such as members of the business community and pro-Beijing camp, are willing to sacrifice Hong Kong people's freedom for the sake of their own self-interests as they organise people to either support the legislation or remain silent. Some of them even promote support for the legislation as a way for Hong Kong people's to purportedly express their patriotism toward our motherland. Is it patriotic though to lose one's freedom?

Meanwhile, on the mainland, the government does not have a good human rights record. One of the tools of suppression that are utilised are laws with broad definitions that permit the authorities to curb any perceived threat to their power. Does Hong Kong want to adopt similarly vague laws that have the potential to be used in the same way?

While some may say that Hong Kong is not ruled by a one-party government, it must also be stated that Hong Kong does not enjoy a fully democratic system either. The chief executive is chosen by just 800 people in a community with a population of nearly seven million, and only half of the legislature will be directly elected by the people in the 2004 elections. The checks and balances of Hong Kong's executive-led government are weak, and the independence of the judiciary suffered a major setback by the reinterpretation of a Court of Final Appeal (CFA) decision by the Standing Committee of the National People's Congress (NPC) in Beijing in 1999 at the request of the Hong Kong government. Moreover, the media, the government's watchdog, has been plagued by reports of self-censorship. In this environment, the proposed Article 23 legislation poses a threat to the continuation of Hong Kong's freedoms.

From the tragic sacrifice of the deaths of June 4, the people of Hong Kong must learn a lesson from the courage of the students and workers in Tiananmen and stand up and say No to the proposed national security legislation while they still can.