

## **NSL Trial of 47 Democrats: 5 Developments This Week (27 Feb- 3 Mar 2023)**

### **Week 4: 27 February- 3 March 2023**

The [long-anticipated trial](#) of the 47 democrats opened on Monday 6 February 2023. The trial concerns the 47 democrats who organised or participated in “unofficial” primaries in July 2020. As a result of these primaries, 55 people were arrested in January 2021, in the largest crackdown since the National Security Law was passed.

Of these, 47 have been accused of “conspiracy to commit subversion” and are now facing trial. The majority of defendants have been in detention for 2 years, as only 13 have been granted bail. 31 of the defendants have pleaded guilty. This is one of the most significant trials since the National Security Law was passed.

Here are the updates on the fourth week of the trial of the 47 democrats:

#### **Development 1: Hong Kong prosecutors outline evidence that will be used against 47 democrats to establish a conspiracy**

On Monday, prosecutors outlined a [list of evidence](#) that they will use to attempt to establish a collective conspiracy amongst the 47 democrats to coordinate primaries and the alleged plan to block government legislation if elected to the Legislative Council.

The listed evidence includes newspaper articles, video clips, video transcripts, and Facebook posts. Under the legal principle of co-conspiracy, statements made outside court by an alleged co-conspirator to another can be admitted as evidence against all involved.

#### **Development 2: Hong Kong prosecutors apply for a witness anonymity order as the trial hearing is adjourned early**

On Wednesday, the National Security judges overseeing the trial of the 47 democrats [adjourned](#) the trial hearing early following the absence of former Eastern district councilor Lee Yue-shu, who sustained a head injury due to Thai boxing and was taken to hospital.

Lee Yeu-shu is one of the defendants on bail and his lawyers request for the trial to continue in his absence was rejected by the judges who adjourned the hearing early.

Hong Kong prosecutors on the same day requested a witness anonymity order for an undercover police officer who collected evidence and footage of the alleged coordination meetings for the unofficial primaries.

### **Development 3: The police turn on state witnesses phones to help with their confessions and testimony on behalf of the Government.**

On Friday, the defence's cross-examination of the defendant turned state witness, former lawmaker Au Nok Hin, began.

In his [cross-examination](#) Au Nok-hin revealed that the Hong Kong police returned his phone and the phones of other defendants turned state witnesses to help with their confessions and testimony on behalf of the Government.

### **Development 4: State witness Au Nok-hin reveals divisions in the pro-democracy camp over plan to block the Government's budget**

Under the defence's [cross-examination](#), the former lawmaker turned state witness Au Nok-hin revealed that there was division amongst the pro-democracy parties regarding support for a plan to block the Government's budget if elected to the Legislative Council.

Au Nok-hin in his cross-examination revealed that a number of key figures from the Civic Party were not present at coordinating meetings regarding the primaries and that figures within the Civic Party refused to support a plan to veto the Government's budget.

During questioning, he confirmed that similar concerns were raised by the Social Democrats that they would struggle to veto a budget that included spending provisions for education and pensions.

### **Development 5: Lawmakers call for Claudia Mo to be given compassionate release to visit her husband**

A cross-party group of 54 UK parliamentarians have [written](#) to the UK Foreign Secretary to call for him to press for the release of the former Hong Kong lawmaker Claudia Mo on compassionate grounds so that she can visit her husband who is currently in hospital recovering from pneumonia.

As one of the 47 democrats, Claudia Mo, has been in jail for nearly two years after having her bail application denied.