

*Interdisciplinarity and Law Public Seminar***從劉曉波的審訊看起****The Trial of Liu Xiaobo and Beyond**

香港大學 校務會議廳, 八樓 明華綜合大樓

(Council Chamber, 8/F Meng Wah Complex, University of Hong Kong)

星期六, 二零一零年一月三十日 (Saturday, 30 January 2010)

上午九時半至下午一時 (9:30 am – 1: 00 p.m.)

劉曉波因在互聯網上發表多篇文章, 並起草《零八憲章》及徵集簽名, 被控觸犯《中華人民共和國刑法》第 105 條第二款之規定, 以誹謗的方式試圖煽動顛覆國家政權。北京第一中級人民法院在二零零九年十二月二十五日, 裁定劉曉罪名成立, 判處有期徒刑 11 年, 剝奪政治權利 2 年。

但法院在判詞中並沒有具體說明劉曉波的文章如何構成「誹謗」, 只是把相關文章的節錄列於判詞。判決亦沒有具體說明劉曉波的甚麼行為構成「煽動顛覆國家政權」。劉曉波的辯護理由是他只是行使憲法賦予公民言論自由的權利, 但法院在裁定他的言論是已超出言論自由的範疇時, 也沒有給與具體的理據。

法院的裁決是否合理, 引起不少人的關注。在這論壇, 中國刑法、中國憲法及國際人權法的專家會分析判詞是否符合中國刑法、中國憲法和國際人權法的規定。但北京政府為何在這時候起訴並拘禁劉曉波, 亦是不少人關注的焦點。在這論壇亦會有專家從劉曉波的事件看起, 分析由他所起草的《零八憲章》對中國未來的政治制度改革及憲政發展的影響。

Liu Xiaobo was charged with committing the offence of instigating the subversion of the political power of the state through slandering under Article 105(2) of the Criminal Code of the People's Republic of China for publishing several articles on the Internet, drafting the "Charter 08", and seeking other people to sign it. On 25 December 2009, the Beijing First Intermediate People's Court decided that Liu was guilty. He was sentenced to 11 years' imprisonment and deprived of political rights for 2 years.

The Court did not provide detailed reasons in the judgement on what things were said in the articles by Liu that constituted slandering. The Court just listed extracts of those articles in the judgement. The judgment also did not explain what were the acts committed by Liu that constituted "instigating the subversion of the political power." Liu's defence was that he was only exercising his constitutional rights of freedom of expression. The Court also did not provide any concrete justification for ruling that Liu's speeches had crossed the boundary of freedom of expression. The reasoning of the Court in Liu's judgement raised the concerns of many people. In this seminar, experts in Chinese criminal law, Chinese constitutional law and international human rights laws will analyze whether the judgement can satisfy the requirements of Chinese criminal law, Chinese constitutional law and international human rights laws. The reason for the Beijing Government to have prosecuted and detained Liu at this particular moment is also the concern of many people. In this seminar, experts will look beyond the trial of Liu Xiaobo and analyze the significance of Charter 08 drafted by Liu on the prospect of political reform and constitutionalism in China.

第一節 1st Session : 劉曉波的審訊 The Trial of Liu Xiaobo

陳文敏教授, 香港大學法律學院教授 (Professor Johannes Chan, SC, Faculty of Law, HKU)

傅華伶教授, 香港大學法律學院教授 (Professor Fu Hualing, Faculty of Law, HKU)

第二節 Second Session : 《零八憲章》的意義 The Significance of Charter 08

程翔, 政治評論員 (Ching Cheong, Political Commentator)

戴耀廷教授, 香港大學法律學院副教授 (Associate Professor Benny Tai, Faculty of Law, HKU)

**以廣東話 / 普通話主講 (Seminar will be conducted in Cantonese / Putonghua.)***Simultaneous interpretation for Putonghua will be provided.*RSVP: Flora Leung at fkleung@hku.hk to reserve a place.