

Open letter May 10th, 2023

From:

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Owner of the Pillar of Shame

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To: Hong Kong SAR

This letter has been sent to:

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Mr. KAN Kai Yan, Andrew, PMSM

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Letter to the Hong Kong authorities in connection with the seizure of my sculpture The Pillar of Shame

I have been informed by news media and from a press release by SB (Security Bureau) on May 5, 2023 (www.info.gov.hk/gia/general/202305/05/P2023050500521.htm) that the National Security Department of the Hong Kong Police Force has seized my sculpture "the Pillar of Shame" from the Kadoorie Centre of University of Hong Kong in Shek Kong.

I would like to emphasize that the sculpture is my private property. I am surprised that SB can seize the sculpture without notifying me or my legal representative in Hong Kong Ho Tse Wai & Partners.

- *I would like an answer as to why I have not been notified of the confiscation of my sculpture.*
- *I understand that there is a search warrant issued by SB. I would like a copy of this order.*

I understand from SB official announcement on 6 May, 2023 (www.info.gov.hk/gia/general/202305/06/P2023050600378.htm) that my sculpture will be used as evidence under the National Security Law, in a case of "incitement to subversion".

The very idea of using my sculpture The Pillar of Shame in such a case, I believe, is not feasible for several reasons:

1. I brought the sculpture The Pillar of Shame to Hong Kong in May/June 1997. That is before Hong Kong was handed over by the British. The exhibition of my artwork The Pillar of Shame was at that time installed in the city and therefore also part of this handover.
2. It is an artwork made and exhibited by a Danish artist (me) as his personal project. The initiative has been mine; no one has encouraged me to set it up and I personally paid all costs for transport and setting up/exhibiting the artwork. Therefore, other individuals cannot be held responsible for it.
3. Many Hongkongers have helped me exhibit the sculpture in Hong Kong. But so have shipping companies, crane companies and the University of Hong Kong. Even the Hong Kong authorities have given me permission to set it up and move it around, and they have accepted that the sculpture has been officially exhibited for over 25 years in the city, and I have never been asked to take it down.

If one uses the sculpture to accuse people of "incitement to subversion" either because someone has participated in ceremonies around the sculpture; has taken part in the art exhibition; or has done like Hong Kong authorities and the University of Hong Kong and accepted that the sculpture was exhibited in Hong Kong for over two decades, one would have to accuse a large part of the Hong Kong population and the Hong Kong authorities as well.

4. Legally it is, in any case, not possible to use the legislation mentioned by SB:

Specifically, under HK's version of the NSL, "advocating" terrorism is a crime, but "advocating" secession or subversion is not. This is fundamentally different from similar laws in Mainland China, where advocating secession/subversion per se is a crime (like Liu Xiaobo's Charter 08). This is because HK's version of the NSL is constrained by the Basic Law, which protects freedom of speech and of expression. Therefore, if one looks at the language of HK's version of the NSL carefully, it is a crime only if one "organises, plans, commits or participates in" any of the acts of secession/subversion, or else "incites, assists in, abets or provides pecuniary or other financial assistance or property for the commission by other persons" of the acts of secession/subversion. A piece of art like the Pillar (or its creator/curator) is protected by freedom of speech/expression under the Basic Law. A piece of art, of course, cannot "organise, plan, commit..." an act of secession/subversion, or else "incite, assist, abet..." the commission of an act of secession/subversion by others.

In my opinion, the accusation is completely absurd and is not worthy of a legal system that claims in its law that “human rights must be respected” and that they are “in accordance with the constitution and the provisions of the International Covenant on Civil and Political Rights and the International Convention on economic, social and cultural rights”.

Should it be decided to continue the trial (and thus presumably the confiscation of my sculpture), I will gladly appear in court so that I can testify that the sculpture has been erected in Hong Kong on my initiative. In this case, I would recommend that you call on Chris Patten, who was governor of Hong Kong in connection with the handover and has welcomed the exhibition of the sculpture in Hong Kong several times in the press.

If SB wants to use the Pillar of Shame as evidence, the sculpture must be visible to the accusers and others involved in the trial. Therefore, the sculpture must be retrieved from the steel container in which it has been confined for over 1.5 years. This is a complicated process that requires professional expertise. I would like to offer to come to Hong Kong to help with the unpacking and setting up of the sculpture so that those involved can see the artwork itself.

I would like to state that I am the rightful owner of the sculpture and that it has only been lent for exhibition/display in Hong Kong. The agreement was that the sculpture could remain in Hong Kong as long as it could be exhibited publicly to act as a memorial to the victims of Tiananmen Square on 4 June 1989.

- *I would like confirmation that I will have my artwork returned once it is no longer seized as evidence.*
- *I would like information about the expected time perspective for the delivery of the sculpture.*

In this connection, I should mention that I have all measures in place (such as a crane company and shipping company) to take over and transport the sculpture to Denmark.

I expect a quick response to this within 14 days.

With best regards,

Jens Galschiøt, May 10th, 2023



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