



JOINT STATEMENT

[For immediate release: Saturday 18 April 2020]

Hong Kong arrests of pro-democracy figures condemned by international legal community

The international legal community is seriously concerned by the arrest of 15 veteran pro-democracy figures in Hong Kong on Saturday 18 April 2020. In what appears to be a further clampdown on civil liberties and democracy following the 2019 protests, which began over the introduction of a controversial extradition bill, those arrested today include senior figures in the pro-democracy movement. These include lawmakers, party leaders and lawyers such as the democratic politician and legislator, **Martin Lee QC** who was also involved in the drafting of the Basic Law, the media owner, **Jimmy Lai**, and the barrister, **Dr Margaret Ng**. In October of last year, Margaret Ng and Martin Lee were jointly awarded the International Bar Association's Human Rights Award for their lifelong defence of freedom, democracy and the rule of law.

The arrests are purported to be based on suspicion of organising and taking part in 'unauthorised assemblies' on 18 August, 1 October and 20 October 2019, pursuant to the Hong Kong SAR Public Order Ordinance. No explanation has been reported for the apparent delay between those protests and the timing of today's arrests. The leaders of the Hong Kong pro-democracy movement have long argued for their rights to peaceful assembly and protest to be exercised without the need for consent from the authorities.

The right to peaceful protest is protected under the Joint Declaration and the Basic Law. As part of the 'One Country, Two Systems' policy, the Hong Kong Basic Law guarantees freedoms that are not available to those in mainland China until 2047. Hong Kong residents are guaranteed the rights to 'freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration'. Article 21 of the International Covenant on Civil and Political Rights ("ICCPR") provides that "[t]he right of peaceful assembly shall be recognised." The Basic Law expressly preserves the ICCPR as applicable to the Hong Kong Special Administrative Region. The State has a duty to protect and facilitate such protest, and the Public Order Ordinance must be implemented in conformity with Hong Kong's obligations under the ICCPR.

Following growing concerns of eroding civil liberties and the rule of law in Hong Kong, the 2019 protests have been unprecedented in their scale and reach and have led to physical violence by authorities, as well as a regrettable violent response by a minority of demonstrators. Excessive crowd dispersal techniques have been used by the authorities, including the dangerous use of tear gas, water cannons, firing of rubber pellets, pepper spray and baton charges by the police to disperse pro-democracy demonstrations, and there is reliable evidence of violence upon arrest. No proper investigation into excessive force has taken place and indeed calls from the international community, including the United Nations High Commissioner of Human Rights, have been rejected.

Today's arrests demonstrate the continued assault on the freedom of expression and right to assembly in Hong Kong. Indeed, we are gravely concerned that the arrests of senior lawyers and legislators who set out to protect human rights in a non-violent and proportionate manner, and pursuant to both rights granted in both domestic and international legal frameworks, represent an assault on the rule of law itself. The United Nations Human Rights Committee has repeatedly expressed concern that charges of 'unlawful assembly' against peaceful protesters in Hong Kong risks violating human rights. The arrest of a prominent media owner also sends a chilling message to those whose journalism is vital to a free society.

It is critical that authorities do not use their powers to encroach on fundamental human rights, and it is vital that legal systems continue to protect citizens from any abuse of power which may otherwise be unseen during the COVID-19 crisis in which the international community is submerged..

We strongly urge the Hong Kong authorities to immediately release the 15 individuals arrested and drop all charges against them. Moreover, we call on the authorities to discontinue such politicised and targeted prosecutions immediately and urge the Hong Kong government instead to engage in constructive dialogue with the leaders of the pro-democracy movement to foster a climate in which their legitimate concerns over democracy and human rights can be met.

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Notes to the Editor

1. The **International Bar Association** (IBA), *the global voice of the legal profession*, is the foremost organisation for international legal practitioners, bar associations and law societies. Established in 1947, shortly after the creation of the **United Nations**, it was born out of the conviction that an organisation made up of the world's bar associations could contribute to global stability and peace through the administration of justice. The **International Bar Association's Human Rights Institute** (IBAHRI), an autonomous and financially independent entity, works to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.
2. The **Bar Human Rights Committee of England and Wales** (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.
3. The **Bar Council of England and Wales** represents over 16,500 barristers and is devoted to ensuring the Bar's voice is heard effectively at home and overseas in promoting the rule of law and access to justice.
4. Since 1952 the **International Commission of Jurists** has performed a unique and prominent role as a nongovernmental organisation defending human rights and the rule of law worldwide.

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