

31 July 2023

LAWASIA STATEMENT OF CONCERN REGARDING ARREST WARRANTS ISSUED AGAINST HONG KONG LAWYERS

LAWASIA, The Law Association for Asia and the Pacific, expresses concern with the announcement that Hong Kong SAR Police has recently issued arrest warrants for eight people overseas, including two lawyers, and has placed bounties of HK\$1million on each of their heads for information that would lead to their arrest.

LAWASIA notes other Bar Associations have condemned these actions.¹

The subjects of these arrest warrants include lawyers who are alleged to have committed violations, including “collusion with foreign forces”, under Hong Kong’s 2020 National Security Law.

LAWASIA is deeply concerned with the broad application of the 2020 National Security Law.

LAWASIA invites attention to its previous statement dated 28 October 2020 expressing concern on the application of the 2020 National Security Law.² Paragraphs 8 and 9 of that statement read:

“8. LAWASIA also notes that since the National Security Law was enacted, several people have been arrested or charged under it, including pro-democracy supporters, student activists, the owner of a media company and six activists outside Hong Kong.

9. LAWASIA urges the People’s Republic of China and Hong Kong to ensure that all due process requirements, including the principles of fair and open trial; transparency and justice, which encompasses the provision of sufficient and timely information about the legal and administrative processes; legal representation of the accused’s choice; reasonable access of the accused to their lawyers and families; timely information of the whereabouts and status of the persons arrested, detained and/or charged; and permitting the presence of the international media at press briefings, are followed in relation to all arrests, detentions, investigations and prosecutions under the National Security Law.

LAWASIA will continue to monitor the situation in Hong Kong and any subsequent proceedings in relation to the aforementioned arrests, including where possible, by deploying an independent LAWASIA observer to review and monitor possible future proceedings. We will also continue to engage with our member associations to advocate for, and to promote the rule of law and access to justice throughout the region.”

¹ The International Bar Association’s Human Rights Institute (IBAHRI), IBAHRI expresses concern over arrest warrants for overseas pro-democracy figures, 14 July 2023. Available at: [Hong Kong: IBAHRI expresses concern over arrest warrants for overseas pro-democracy figures | International Bar Association \(ibanet.org\)](https://www.ibanet.org/News/News-Details/Hong-Kong-IBAHRI-expresses-concern-over-arrest-warrants-for-overseas-pro-democracy-figures); LAW Council of Australia, Law Council concern regarding arrest warrants issued for Hong Kong pro-democracy activists, 5 July 2023. Available at: <https://lawcouncil.au/media/law-council-concern-regarding-arrest-warrants-issued-for-hong-kong-pro-democracy-activists>, American Bar Association re: Arrest warrants and bounties on Hong Kong Lawyers, 17 July 2023. Available at: <https://www.americanbar.org/news/abanews/aba-news-archives/2023/07/statement-of-aba-president-re-hong-kong-lawyers/>

² LAWASIA Statement of Concern on the application of the National Security Law. Available at https://lawasia.asn.au/sites/default/files/2020-10/LAWASIA%20Statement%20on%20the%20Hong%20Kong%20National%20Security%20Law%202020_0.pdf

LAWASIA invites attention to Article 23 of the UN Basic Principles on the Role of Lawyers,³ which recognises:

“23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.”

LAWASIA is also concerned that professional restrictions have been sought to be imposed on these lawyers, by Hong Kong’s Secretary of Justice’s complaint to the Law Society of Hong Kong and the Hong Kong Bar Association against lawyers Kevin Yam and Dennis Kwok, respectively.

LAWASIA is also concerned at the language used by the Hong Kong SAR Chief Executive, John Lee, who reportedly referred to the eight people with bounties on their head, including lawyers, as “street rats” who should be avoided at all costs. Such language may lead to the incitement of violence against these persons, including the lawyers.⁴

LAWASIA calls upon the Hong Kong SAR government to:

- fully comply with the United Nations Basic Principles on the Role of Lawyers, ensuring that all lawyers, whether in Hong Kong SAR or outside Hong Kong SAR, can perform all of their professional functions without intimidation, hindrance, harassment or improper interference; and
- refrain from using language that is designed to intimidate or may lead to the incitement of violence against lawyers and human rights defenders.

With its commitment to upholding, protecting and promoting the rule of law, professional integrity and human rights, LAWASIA will continue to work alongside the Law Society of Hong Kong and the Hong Kong Bar Association to:

- ensure that the United Nations Basic Principles on the Role of Lawyers are protected and promoted in Hong Kong SAR; and
- ensure that due process will be observed in any disciplinary proceedings against lawyers.

LAWASIA will continue to closely monitor developments in Hong Kong including where possible, by deploying an independent LAWASIA observer to review and monitor possible future proceedings, and urges authorities to protect and promote human rights and the rule of law.

The Law Association for Asia and the Pacific (LAWASIA)

³ Available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>.

⁴ Hong Kong Free Press, Treat Hong Kong’s 8 wanted democrats like ‘street rats’ who should be ‘avoided at all costs,’ leader John Lee says, 11 July 2023. Available at: <https://hongkongfp.com/2023/07/11/treat-hong-kongs-8-wanted-democrats-like-street-rats-who-should-be-avoided-at-all-costs-leader-john-lee-says/>.