

HUMAN RIGHTS SITUATION IN HONG KONG:

HONG KONG WATCH BRIEFING ON EVENTS: FEBRUARY 2024

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POLITICAL PRISONERS: ARRESTS, CHARGES & TRIALS

Canadian Parliament holds two hearings on the detention of Jimmy Lai, Hong Kong Watch calls for sanctions

The Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development in the Canadian House of Commons held two hearings on the detention of Jimmy Lai in Hong Kong.

During the first hearing, Hong Kong Watch Canada Policy Advisor Katherine Leung testified, outlining the importance of using Magnitsky sanctions to hold Hong Kong authorities accountable for human rights abuses. She also urged the Government of Canada to publicly call for the immediate and unconditional release of Jimmy Lai and all political prisoners in Hong Kong.¹ Hong Kong Watch co-founder and Chief Executive Officer Benedict Rogers testified in the second hearing, echoing Ms Leung's call to impose sanctions on Hong Kong officials and for the Government of Canada to place pressure on the Hong Kong authorities to release Jimmy Lai. Mr Rogers described the imprisonment and prosecution of Mr Lai, a 76 year-old entrepreneur, media proprietor and British citizen, as “emblematic of the Chinese Communist Party’s all-out assault on Hong Kong’s basic freedoms.”²

Other witnesses included Sebastien Lai, son of Jimmy Lai; Caoilfhionn Gallagher, KC, head of Jimmy Lai’s international legal team; Luke de Pulford, Executive Director of the Inter-Parliamentary Alliance on China (IPAC); Chung Ching Kwong, Senior Analyst at IPAC; Ambassador James Cunningham, former United States Consul-General to Hong Kong; Fernando Cheung, former Hong Kong legislator; and Zein Almoghraby, Director of International Programs for Journalists for Human Rights.

¹<https://www.hongkongwatch.org/all-posts/2024/2/7/hong-kong-watch-canada-testifies-at-human-rights-subcommittee-on-the-detention-of-jimmy-lai>

²<https://www.hongkongwatch.org/all-posts/2024/2/14/hong-kong-watch-co-founder-and-chief-executive-benedict-rogers-testifies-to-the-canadian-parliament-on-the-case-of-jimmy-lai-and-calls-for-sanctions>

United Nations Special Rapporteur on torture warns against evidence secured through torture in the trial of Jimmy Lai

The United Nations Special Rapporteur on torture, Dr Alice Jill Edwards, wrote to the Government of the People’s Republic of China, to address claims that evidence in Jimmy Lai’s trial from key prosecution witness Andy Li had been obtained through torture. Dr Edwards wrote, “I am deeply concerned that evidence that is expected to be presented against Jimmy Lai imminently, may have been obtained as a result of torture or other unlawful treatment. An investigation into these allegations must be conducted immediately, before any evidence is admitted into these present proceedings.”³ Mr Li was allegedly subjected to torture while in a Shenzhen prison from 2020 to 2021, including alleged subject to restraint chairs (tiger chairs) to force confessions.⁴

Dr Edwards was also part of the group of UN experts who urged the Hong Kong government to drop all charges and immediately release Jimmy Lai ahead of the Universal Periodic Review of China in Geneva last month.⁵ Other experts in this group included Ms. Irene Chan, Special Rapporteur on the protection and promotion of freedom of opinion and expression, Ms. Margaret Satterthwaite, Special Rapporteur on the Independence of Judges and Lawyers; and Mr. Clément Nyaletsossi Voule, Special Rapporteur on the rights of freedom of peaceful assembly and of association, all of the Special Procedures of the UN Human Rights Council.⁶

Chan Pui-man testifies against Jimmy Lai

Chan Pui-man, a former associate publisher at *Apple Daily*, continued to testify against Jimmy Lai this month.⁷ She is one of six senior *Apple Daily* employees who pleaded guilty to conspiring to collude with foreign forces in November 2022, and she will be sentenced after Jimmy Lai’s trial.

In her testimony, Chan described a campaign which Jimmy Lai initiated in the newspaper, urging Hong Kongers to write to US President Donald Trump. Chan also explained how she sent Jimmy Lai regular suggestions to post on social media, but that Mr Lai made the final decisions over what content to post.

Chan also testified about Jimmy Lai’s “Live Chat with Jimmy Lai” interview series. The online interviews were hosted by Mr Lai, featuring mostly foreign guest speakers, including Hong Kong Watch co-founder and Chief Executive Officer Benedict Rogers, with

³ <https://www.ohchr.org/en/press-releases/2024/01/hong-kong-sar-un-expert-warns-against-admission-evidence-allegedly-secured>

⁴ <https://www.hongkongwatch.org/all-posts/2024/2/5/political-prisoner-trial-developments-in-hong-kong-this-week-29-january-2-february>

⁵ <https://www.ohchr.org/en/press-releases/2024/01/hong-kong-sar-un-experts-urge-authorities-drop-all-charges-against-jimmy-lai>

⁶ <https://www.hongkongwatch.org/all-posts/2023/1/26/political-prisoner-trial-developments-in-hong-kong-this-week-22-january-26-january>

⁷ <https://hongkongfp.com/2024/02/21/media-mogul-jimmy-lai-campaigned-to-win-support-from-trump-despite-pushback-from-democrats-co-leagues-court-hears/>

backgrounds in politics, academics, and activism.⁸ She said that she and her colleagues raised concerns about the interview series after the National Security Law was imposed, but that Mr Lai decided to continue this interview series because he thought, despite the risks, that international attention and pressure on Hong Kong was needed.

At the start of his national security trial, Jimmy Lai pleaded not guilty and encouraged his former colleagues to testify against him, so that they may receive reduced sentences.

Chow Hang-tung to serve another 4.5 months in jail

Chow Hang-tung, the activist and former vice-chair of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China – the now-disbanded group that previously organised annual Tiananmen Square Massacre vigils in Hong Kong – had her appeal overturned and will be serving the remainder of her sentence in jail.

Ms Chow was convicted of inciting others to take part in an unauthorised assembly relating to a Tiananmen vigil in 2021 and sentenced to 15 months in jail in 2022.⁹ She appealed this sentence, which was dismissed, and will be serving another 4.5 months in jail. Ms Chow has been in detention since 2021.

Hong Kong National Security Department says Agnes Chow Ting will be pursued for the rest of her life

Pro-democracy activist Agnes Chow Ting, who remained silent after being released on bail in June 2021 and relocating to Canada for study, announced in a social media post in December 2023 that she will not meet bail conditions requiring her return to Hong Kong for fear of threats to her safety and well-being.¹⁰ The Hong Kong authorities continue to refer to her abscondment as “shameful” and “completely devoid of integrity”.

During a press briefing this month, Deputy Commissioner of the Hong Kong National Security Department Andrew Kan said, “No fugitive should harbour the illusion that they can leave Hong Kong and evade criminal responsibility... Unless... Chow surrenders, she will be pursued for the rest of her life.”¹¹

In November 2020, Chow was arrested and sentenced to ten months in jail on an unauthorised assembly charge after participating in an alleged unlawful assembly outside

⁸<https://hongkongfp.com/2024/02/22/hong-kong-apple-daily-founder-jimmy-lai-continued-live-chats-with-us-guests-despite-staff-concerns-over-security-law/>

⁹<https://hongkongfp.com/2024/02/21/hong-kong-tiananmen-vigil-activist-chow-hang-tung-to-serve-rest-of-15-month-jail-term-after-sentence-upheld/>

¹⁰ <https://www.aljazeera.com/news/2023/12/4/hong-kong-activist-agnes-chow-skips-bail-moves-to-canada>

¹¹ <https://hongkongfp.com/2024/02/06/breaking-hong-kong-overseas-pro-democracy-activist-agnes-chow-wanted-by-police/>

Hong Kong police headquarters in June 2020.¹² She was also arrested alongside Jimmy Lai in August 2020 for alleged collusion with foreign forces. Chow co-founded Demosisto, the now-defunct Hong Kong pro-democracy party, alongside activists Joshua Wong and Nathan Law.

Hong Kong activist Koo Sze-yiu jailed for 9 months over protesting District Council race

Koo Sze-yiu, a veteran Hong Kong activist, has been sentenced to 9 months in jail for planning to protest against the overhauled District Council race in December 2023.¹³ Mr Koo was convicted of “attempting or preparing to do an act with a seditious intention” under the sedition law.

Mr Koo intended to protest the District Council elections because opposition candidates were barred from running. He had planned to take a homemade coffin to the Registration and Electoral Office last December, which had Chinese-language protest slogans that read ‘One Country, Two Systems to the funeral parlour’ and ‘Love the country and the party to get a seat.’

Court of Final Appeal upholds acquittal of seven democrats

The Hong Kong Court of Final Appeal dismissed the prosecution’s application to challenge the acquittal of Jimmy Lai and veteran democrat Martin Lee, as well as ex-lawmakers Lee Cheuk-yan, Margaret Ng, Leung Kwok-hung, Cyd Ho and Albert Ho.¹⁴ The seven democrats were accused of leading a march on 18 August 2019, which was attended by an estimated 1.7 million people as part of months-long protests against a controversial extradition bill.¹⁵

The seven were charged with organising an unauthorised assembly, and found guilty for organising and knowingly participating in an unauthorised assembly in April 2021. Five of the seven were given jail terms of up to 18 months while Martin Lee, Albert Ho and Margaret Ng received suspended sentences.

¹² <https://www.ft.com/content/3a1dd92c-cabf-11e9-a1f4-3669401ba76f>

¹³ <https://hongkongfp.com/2024/02/16/veteran-hong-kong-activist-koo-sze-yiu-jailed-for-9-months-over-planned-protest-against-district-council-race/>

¹⁴ <https://hongkongfp.com/2024/02/23/breaking-hong-kongs-top-court-rejects-govt-bid-to-appeal-acquittal-of-7-veteran-democrats-over-2019-protest/>

¹⁵ <https://hongkongfp.com/2019/08/18/breaking-organisers-say-1-7-million-joined-hong-kong-pro-democracy-rally-police-use-force-protesters-reiterate-5-demands/>

US State Department meets with exiled Hong Kongers facing HK\$1 million bounties

The US Department of State held a closed-door roundtable between senior US officials and the Hong Kongers in the US who have been issued arrest warrants with HK\$1 million (£101,118) bounties by the Hong Kong government for peacefully advocating for democracy.

In July and December 2023, the Hong Kong national security police issued a total of 13 arrest warrants with HK\$1 million bounties for exiled Hong Kongers who now live and advocate for democracy in the US, UK and Australia. These individuals, as well as their families and friends in Hong Kong, continue to be targeted and intimidated by the Hong Kong government.

THE STATE OF THE RULE OF LAW AND POLICING

Over 85 organisations, foreign governments issue public statements and submissions condemning the Hong Kong government's consultation process for Article 23 legislation

Over 85 Hong Kong civil society and human rights organisations published a joint statement in response to the Hong Kong government's public consultation for the proposed Article 23 legislation in Hong Kong. The letter condemned the Hong Kong government's plans to introduce domestic security legislation under Article 23 of the Basic Law.

Hong Kong Watch also made a submission to the Hong Kong government's public consultation for the proposed Article 23 legislation. The submission legally analysed how Article 23 will bring further devastating consequences for human rights and freedoms in Hong Kong, beyond the impact of the National Security Law imposed by Beijing in 2020.¹⁶ Many of the proposed provisions are vague and criminalise people's peaceful exercises of human rights.¹⁷

The international community, including numerous governments and politicians, continue to express their concerns on the proposed Article 23 legislation. On the final day of the consultation process, UK Foreign Secretary Lord Cameron released a strong statement condemning the Article 23 legislation, defending the integrity of the Sino-British Joint Declaration, democracy and the rule of law.¹⁸ The US Department of State also published a statement expressing serious concerns about Article 23, including its overly vague and broad provisions that will likely further violate rights and freedoms in Hong Kong.¹⁹

¹⁶<https://www.hongkongwatch.org/all-posts/2024/2/27/hong-kong-watch-makes-submission-to-hong-kong-government-for-article-23-public-consultation>

¹⁷<https://www.hongkongwatch.org/all-posts/2024/2/19/over-80-organisations-sign-joint-statement-on-the-hong-kong-governments-consultation-for-article-23-legislation>

¹⁸<https://www.gov.uk/government/news/uk-statement-on-hong-kong-national-security-proposals>

¹⁹<https://www.state.gov/hong-kongs-proposed-article-23-legislation-further-undermines-one-country-two-systems-framework/>

The Hong Kong government formally launched the legislative process with a four-week “public consultation” on 30 January 2024, which ended on 28 February 2024. The law which prohibits seven types of offences, including treason, espionage, and theft of state secrets, is expected to be passed “as soon as possible”.²⁰

STATE SECURITY AND ECONOMY

US Congressional-Executive Commission on China holds hearing on human rights in China

The US Congressional-Executive Commission on China (CECC) held a hearing in the US Congress, titled, ‘The PRC’s Universal Periodic Review and the Real State of Human Rights in China’. The hearing was chaired by CECC Chair Representative Chris Smith, and CECC Co-Chair Senator Jeff Merkley and several Commissioners participated.²¹

The hearing follows China’s Universal Periodic Review (UPR) at the United Nations (UN), which took place on 23 January 2024 in Geneva. During the UPR, many UN Member States made critical recommendations for China to improve its human rights, including 18 recommendations on Hong Kong. These recommendations highlighted human rights violations under the National Security Law and increasing violations against journalists and human rights defenders in the city.

Hong Kong Watch co-founder and Chief Executive Officer Benedict Rogers testified alongside Rana Siu Inboden, Emile Dirks, Sophie Luo and Rushan Abbas. Mr Rogers highlighted the UPR recommendations on Hong Kong, violations of freedom of religion or belief across China including Hong Kong, and other human rights violations in Hong Kong, particularly related to the current trial and imprisonment of Jimmy Lai.²²

Hong Kong Watch publishes briefing paper on Canadian House of Commons’ Special Committee report into pension fund investment in China

Hong Kong Watch published a briefing on the Canadian House of Commons’ Special Committee on Canada-People’s Republic of China’s (PRC) report, outlining the Committee’s recommendations and offering further suggestions for how other governments, in the UK, US and EU, could follow the example set by Canada.

²⁰ <https://www.reuters.com/world/china/hong-kong-leaders-start-legislative-push-tighten-national-security-laws-2024-01-30/>

²¹ <https://www.cecc.gov/events/hearings/the-prcs-universal-periodic-review-and-the-real-state-of-human-rights-in-china>

²² <https://www.hongkongwatch.org/all-posts/2024/2/1/hong-kong-watch-testifies-at-cecc-hearing-in-us-congress-on-human-rights-in-china>

In December 2022, the Special Committee conducted a series of hearings to investigate the exposure of Canadian investment funds to human rights violations in the PRC. The Committee summoned pension fund executives and expert witnesses, including former Hong Kong Watch Director of Policy and Advocacy Sam Goodman and Co-founder and Trustee Aileen Calverley, to provide testimony and recommendations on addressing this issue.

On 13 December 2023, the Special Committee presented an interim report to the House, which reviewed the findings and recommendations and proposed further actions based on reports by Hong Kong Watch. The recommendations made by the Committee mark an important first step towards ensuring, through legislative and regulatory means, that the savings of ordinary citizens in Western countries do not end up indirectly funding gross violations of human rights or military buildup in the PRC. However, in order for any such measures to be successful, allied Western nations must ensure that similar measures are taken across all of their jurisdictions. Prohibitions on imports and investment should be harmonised and enforced by all relevant parties. In cases where a list of banned entities does not exist, governments should consider adopting and adapting the existing lists from allied countries.²³

Canadian Immigration Committee passes motion to study MPF access for Hong Kongers in Canada

The Canadian Standing Committee on Citizenship and Immigration passed a motion to study pension transferability and access to the Mandatory Provident Fund (MPF) for Hong Kongers now residing in Canada. The motion asks the Committee to invite representatives of Manulife Financial and SunLife Canada, Canadian trustees of the MPF, to appear as witnesses.

Tom Kmiec MP, Shadow Minister for Immigration, Refugees and Citizenship and member of the Standing Committee on Citizenship and Immigration, said in a video on social media: “These companies are allowing themselves to be used by obeying local laws in Hong Kong and stopping the transfer of pension funds by Canadian citizens and Canadian permanent residents to Canada.”

Hong Kong Watch previously published a briefing on MPF access for Hong Kongers, finding that Manulife and SunLife are withholding access to over CAD\$1.5 billion worth of hard-earned pension funds. Subsequent Hong Kong Watch research found that Manulife and SunLife have rejected over 90 percent of Hong Kongers in Canada who have tried to withdraw their MPF savings.²⁴

²³<https://www.hongkongwatch.org/all-posts/2024/2/1/hong-kong-watch-publishes-briefing-paper-on-canadian-house-of-commons-special-committee-report-into-pension-fund-investment-in-china>

²⁴<https://www.hongkongwatch.org/all-posts/2024/2/15/canadian-immigration-committee-passes-motion-to-study-mpf-access-for-hong-kongers-in-canada>

German firm BASF to exit Xinjiang after claims of Uyghur forced labour

German chemicals producer BASF announced that it will exit Xinjiang following media reports on alleged human rights violations related to two of its joint ventures in the Xinjiang region. In a statement, BASF said that “regular due diligence measures including internal and external audits have not found any evidence of human rights violations in the two joint ventures”, but that the reports “indicate activities inconsistent with BASF’s values”. BASF also said it decided to divest from its two joint ventures in Xinjiang at the end of 2023 due to “the market environment and carbon footprints”, but that it would accelerate its withdrawal from the region after the reports related to human rights abuses.²⁵

Hong Kong Watch has previously researched the investments of pension fund providers in the Uyghur region as well as their complicity in human rights violations.²⁶ These abuses continue to take place, and we are witnessing a slow departure by foreign companies.

Foreign Direct Investment in China reaches 30-year low

Foreign Direct Investment in mainland China reached a 30-year low, signalling that foreign businesses continue to leave China as a result of US sanctions, tougher crackdowns on spying, and the steadfast slowdown in China’s economic growth. The Chinese government continues to tighten their grip on companies conducting market analysis, which prevents foreign companies from evaluating the operating environment before investing. There also continue to be reports of foreign workers being arbitrarily detained without notice.²⁷

Although the Chinese government is attempting to mitigate the factors which are prompting foreign businesses to leave by easing access to acquisitions and revenue requirements for companies under antitrust laws, the business community is under no illusions.²⁸ At the beginning of February, more than 40 percent of business executives surveyed at a Goldman Sachs session held in Hong Kong considered China’s stock market to be ‘uninvestable’.²⁹

We expect to increasingly see this trend among businesses investing in mainland China in Hong Kong, as more companies are suspicious of the business environment in a place where the rule of law and fundamental freedoms continue to be dismantled.

²⁵ <https://www.theguardian.com/world/2024/feb/09/german-firm-basf-to-pull-out-of-xinjiang-after-uyghur-abuse-claims>

²⁶ <https://static1.squarespace.com/static/58ecfa82e3df284d3a13dd41/t/648316485ae974222b0385f/1686312526570/ESG+report+20+May.pdf>

²⁷ <https://www.bloomberg.com/opinion/articles/2024-02-05/china-is-locking-up-foreign-business-executives?leadSource=uverify%20wall>

²⁸ <https://asia.nikkei.com/Economy/Foreign-direct-investment-in-China-falls-to-30-year-low>

²⁹ <https://www.bloomberg.com/news/articles/2021-07-29/goldman-clients-are-asking-if-china-s-stocks-are-uninvestable?leadSource=uverify%20wall>

OTHER DEVELOPMENTS

International Religious Freedom Summit held in Washington, DC, Hong Kong Watch highlights state of freedom of religion or belief in Hong Kong

Hong Kong Watch's co-founder and Chief Executive Benedict Rogers moderated a plenary panel at the International Religious Freedom Summit, which is a broad coalition that supports religious freedom worldwide. Mr Rogers spoke about freedom of religion or belief in Hong Kong and the trial of devout Catholic Jimmy Lai, alongside Nazila Ghanea, United Nations Special Rapporteur on freedom of religion or belief, Michael Abramowitz, President of Freedom House, and Robert Jenkins, Assistant to the Administrator for the Bureau for Conflict Prevention and Stabilization (CPS) of the United States Agency for International Development (USAID).³⁰ He also highlighted Hong Kong Watch's groundbreaking report on threats to freedom of religion or belief in Hong Kong, which finds that the draconian National Security Law has had a chilling effect on religious believers in the city, including widespread self-censorship in sermons and other religious activities, threats to faith-based schools and the increasing introduction of Beijing's campaign of 'Sinicization' of religion.³¹

Lionel Messi stays on sidelines during match in Hong Kong, sparking outrage from the government

The Hong Kong government reacted with outrage to Inter Miami FC footballer Lionel Messi failing to come out on the pitch due to an injury during a match in Hong Kong, and fans booed the players and demanded refunds. Three days later Messi was well enough to play in Japan, adding insult to the Chinese Communist Party. Messi issued a video apology on social media days later, but the fact that Inter Miami FC travelled to Hong Kong calls into question the judgement of its owner David Beckham as his fellow British citizens continue to be threatened by the Hong Kong government in the trial of Jimmy Lai and the world responds to the proposed Article 23 legislation which would severely curtail basic civil liberties in Hong Kong.³²

³⁰ <https://www.hongkongwatch.org/all-posts/2024/2/6/hong-kong-watch-concludes-visit-to-washington-dc>

³¹ <https://www.hongkongwatch.org/all-posts/2023/11/7/hong-kong-watch-launches-groundbreaking-new-report-on-threats-to-freedom-of-religion-or-belief-in-hong-kong>

³² <https://www.hongkongwatch.org/all-posts/2024/2/15/lionel-messi-shouldnt-have-been-in-hong-kong-in-the-first-place-benedict-rogers>