
HUMAN RIGHTS SITUATION IN HONG KONG:

HONG KONG WATCH BRIEFING ON EVENTS: NOVEMBER 2023

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POLITICAL PRISONERS: ARRESTS, CHARGES & TRIALS

Closing arguments begin in trial of 47 democrats

On 29 November 2023, the closing arguments in the landmark trial of the 47 Democrats began, after ten months of a case that was initially expected to last four months.¹ The defendants participating in the closing arguments include Benny Tai, Joshua Wong, Gwyneth Ho, Winnie Yu, and Gordon Ng.² The closing arguments are expected to last ten days. One of the judges overseeing the case, Andrew Chan, said the verdict may be given in three to four months.³

The trial of the 47 democrats opened on Monday 6 February 2023. The trial concerns the 47 democrats who organised or participated in “unofficial” primaries in July 2020. As a result of these primaries, 55 people were arrested in January 2021, in the largest crackdown since the National Security Law (NSL) was passed. Further information about this is available in the Hong Kong Watch weekly newsletter.⁴

Of these, 47 have been accused of “conspiracy to commit subversion” and are now facing trial. The majority of defendants have been in detention for 2 years, as only 13 have been granted bail. 31 of the defendants have pleaded guilty. This is one of the most significant trials since the NSL was passed, and is expected to set a precedent for national security cases.

¹ <https://apnews.com/article/hong-kong-national-security-47-activists-1f0e99abdeaadd5103c0ecec10bb4a4b>

² <https://hongkongfp.com/2023/11/29/hong-kong-47-whos-who-in-the-landmark-national-security-trial-as-closing-arguments-open/>

³ <https://www.theguardian.com/world/2023/nov/29/closing-arguments-begin-in-trial-of-hong-kong-pro-democracy-activists>

⁴ <https://www.hongkongwatch.org/all-posts/2023/12/4/political-prisoner-trial-developments-in-hong-kong-this-week-27-november-1-december>

Agnes Chow Ting relocates to Canada, announces refusal to return to Hong Kong

Pro-democracy activist Agnes Chow Ting, who has remained silent since being released on bail in June 2021 and relocating to Canada for study, announced in a social media post that she will not meet bail conditions requiring her return to Hong Kong for fear of threats to her safety and well-being.⁵ The Hong Kong authorities responded by condemning Chow for committing the “offence of collusion with a foreign country or with external elements to endanger national security.”⁶

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 Hong Kong police headquarters in June 2020.⁷ Chow co-founded Demosisto, the now-defunct Hong Kong pro-democracy party, alongside activists Joshua Wong and Nathan Law.

Chow Hang Tung receives Council of Bars and Law Societies of Europe (CCBE) Human Rights Award 2023

Chow Hang Tung, an imprisoned lawyer in Hong Kong, received the CCBE award, along with Chinese lawyers Ding Jiayi and Xu Zhiyong, for her commitment to defending the rule of law in China. Each year, the award is given “to one or more lawyers or a lawyers’ organisation which have brought honour to the legal profession by upholding the highest values of professional and personal conduct in the field of human rights.” This year’s award was presented in Athens, Greece on 24 November.⁸

Chow Hang Tung was the former vice-chairperson of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China. On 4 June 2021, Chow was arrested for allegedly publicising a banned public assembly – the Tiananmen Massacre vigil.

On 30 June 2021, Chow was re-arrested for inciting an illegal assembly, which was scheduled to take place on July 1. On 7 September 2021, Chow, along with Simon Leung, Tang Ngok-kwan and Chan To-wai, former committee members of the Hong Kong Alliance, were arrested after they publicly refused a police demand for information as part of a national security probe into the organisation.⁹

⁵ <https://www.aljazeera.com/news/2023/12/4/hong-kong-activist-agnes-chow-skips-bail-moves-to-canada>

⁶ <https://www.info.gov.hk/gia/general/202312/04/P2023120400599.htm>

⁷ <https://www.ft.com/content/3a1dd92c-cabf-11e9-a1f4-3669401ba76f>

⁸ https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/Pressreleases/2023/EN_HR_20231122_PR_0423.pdf?emci=87d73322-e08a-ee11-8925-00224832e811&emdi=45093388-e28a-ee11-8925-00224832e811&ceid=17330366

⁹ <https://www.hongkongwatch.org/political-prisoners>

She is currently behind bars and in June 2023, the UN Working Group on Arbitrary Detention published their opinion concerning Chow Hang Tung, finding that she has been arbitrarily detained and urged for her release, compensation, and reparation.¹⁰

Trial of former *Stand News* editors further postponed

Verdicts in the trial of two *Stand News* editors were expected on 15 November but again delayed with no indication of a postponement date.¹¹ Former editor-in-chief Chung Pui-kuen and former acting editor Patrick Lam of the pro-democracy newspaper *Stand News* pleaded not guilty to charges of conspiring to publish “seditious publications”, which relate to 17 articles published online from July 2020 to December 2021.

The online news outlet ceased operations in December 2021 after its newsroom was raided by more than 200 national security police officers and six staff members were arrested.¹² *Stand News* was one of Hong Kong’s last significant remaining independent Chinese-language, pro-democracy news outlets. Its closure signalled that the regime in Beijing no longer tolerates any form of dissident, criticism or scrutiny in Hong Kong, even though the city’s Basic Law guarantees press freedom.¹³

Jimmy Lai national security trial to start in December

Jimmy Lai’s national security trial is expected to start on 18 December 2023 and last for 80 days.¹⁴ Ahead of the trial, Jimmy Lai’s son, Sebastien Lai, is continuing to meet with government officials from around the world to press them to publicly call for his father’s release.¹⁵ At a recent film screening of *The Hong Konger* in Toronto, Sebastien Lai said of his father, “It is very scary thinking I may never see him again and that he might die in prison.”¹⁶

Jimmy Lai is a British citizen who founded the now-defunct newspaper *Apple Daily*, the largest pro-democracy newspaper in Hong Kong. After Beijing imposed the National Security Law in June 2020, Mr Lai was issued charges including organising and inciting others to participate in an unauthorised candlelight vigil and participation in peaceful

¹⁰<https://www.hongkongwatch.org/all-posts/2023/6/26/hong-kong-watch-welcomes-the-un-working-group-on-arbitrary-detentions-opinion-concerning-ms-hang-tung-chow>

¹¹<https://hongkongfp.com/2023/11/15/verdict-in-sedition-case-against-hong-kong-outlet-stand-news-further-postponed-pending-higher-court-ruling/>

¹²<https://hongkongfp.com/2023/11/15/verdict-in-sedition-case-against-hong-kong-outlet-stand-news-further-postponed-pending-higher-court-ruling/>

¹³<https://hongkongfp.com/2023/11/15/verdict-in-sedition-case-against-hong-kong-outlet-stand-news-further-postponed-pending-higher-court-ruling/>

¹⁴ <https://hongkongfp.com/2023/08/18/national-security-trial-of-hong-kong-media-mogul-jimmy-lai-to-be-delayed-again-to-december/>

¹⁵ <https://www.theglobeandmail.com/politics/article-publisher-jimmy-lais-son-presses-joly-to-publicly-call-for-fathers/>

¹⁶ <https://www.theglobeandmail.com/canada/article-jimmy-lai-hong-kong-democracy/>

protests. Mr Lai was detained on 31 December 2020 and has been behind bars for over 1,000 days.

THE STATE OF THE RULE OF LAW AND POLICING

Hong Kong Watch launches groundbreaking report on threats to the freedom of religion or belief in Hong Kong

Hong Kong Watch launched a groundbreaking report on the state of the freedom of religion or belief in Hong Kong. The report finds that the National Security Law has had an adverse effect on religious believers in the city, including self-censorship in religious activities, pressure on faith-based schools, and Beijing's increasing campaign of the 'Sinicization' of religion.

The report includes many recommendations, including advising governments which have envoys dedicated to religious freedom to report annually on the state of freedom of religion or belief in Hong Kong. The report calls on the United Kingdom to include the state of freedom of religion or belief in its six-monthly reports on Hong Kong as well as the European Union to include the situation on the state of freedom of religion or belief in its annual report on Hong Kong. The report also urges the United Nations Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the right to education to pay close attention to the situation in Hong Kong.¹⁷

Benedict Rogers, co-founder and Chief Executive Officer of Hong Kong Watch and author of the report, joined politicians, journalists, and Hong Kongers at events in the European Parliament in Brussels, multiple think-tanks in Washington, DC, the Canadian Parliament in Ottawa, and the Houses of Parliament in London to launch the report. Former Canadian Ambassador to China David Mulroney, endorsed the report, describing it as "a clear, compelling, and carefully researched report on the extent to which the Chinese Communist Party, which has steadily wrapped Hong Kong in its coils, has now begun to devour religious freedom in the territory".¹⁸

¹⁷<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>

¹⁸<https://www.hongkongwatch.org/all-posts/2023/11/23/hong-kong-watch-launches-religious-freedom-report-in-the-parliament-of-canada-in-ottawa>

European Parliament debates independence of the judiciary and political prisoners in Hong Kong

The European Parliament held a plenary debate on the human rights situation in Hong Kong, which included the state of judicial independence and the increasing number of political prisoners in the city.

Hong Kong Watch issued a briefing to mark the debate, summarising key developments in Hong Kong and outlining policy recommendations for the European Commission and European Member States to take. The full briefing is available on the Hong Kong Watch website.¹⁹

The recommendations included introducing lifeboat routes for Hong Kongers who need a lifeline out of the city, issuing targeted sanctions against Hong Kong and Chinese officials responsible for the crackdown on human rights in Hong Kong, and the suspension of extradition treaties with the People's Republic of China and the Hong Kong SAR.²⁰

United Nations hosts Universal Periodic Review Pre-Session on China to review rule of law in China and Hong Kong

This month, the NGO UPR hosted a Pre-Session for the Universal Periodic Review (UPR) on China. The UPR is a UN review process which every member state is required to go through every four to five years, and is a mechanism to ensure scrutiny of every country's human rights record and recommendations for improvement.

Benedict Rogers delivered a statement during the Pre-Session on behalf of Hong Kong Watch in consultation with Hong Kongers from other NGOs, stating, "As the UPR focuses on human rights in the People's Republic of China (PRC) since 2018, we urge member states to highlight the drastic human rights violations in Hong Kong in this time period. Although many regions of the PRC face very serious human rights violations, Hong Kong has undergone the most dramatic changes in this period, shifting from one of Asia's most open cities to a police state."

Mr Rogers urged UN Member States to press China to repeal the National Security Law as well as the sedition law. He also called for the Member States to recommend that China free all political prisoners, stop eroding judicial independence in Hong Kong, and take urgent

¹⁹<https://www.hongkongwatch.org/all-posts/2023/11/23/hkw-briefing-for-the-european-parliament-destruction-of-judicial-independence-and-the-persecution-of-democrats-in-hong-kong>

²⁰<https://www.hongkongwatch.org/all-posts/2023/11/23/hkw-briefing-for-the-european-parliament-destruction-of-judicial-independence-and-the-persecution-of-democrats-in-hong-kong>

action to ensure the people of Hong Kong can exercise their rights under international law without fear.²¹

MEDIA FREEDOM IN THE CROSS HAIRS

Hong Kong journalist Minnie Chan missing after trip to China

Minnie Chan, a journalist for the *South China Morning Post*, failed to return to Hong Kong and has been out of contact after attending a defence and security forum in Beijing. Ms Chan last filed an article to be published from the forum on 2 November.²² Friends and colleagues fear Ms Chan may be undergoing questioning from Beijing authorities.²³

In a statement, *South China Morning Post* said, “Her family has informed us that she is in Beijing but needs time to handle a private matter. Her family has told us she is safe but has requested that we respect her privacy.”

South China Morning Post threatened legal action against *Hong Kong Free Press* for their coverage of Minnie Chan’s disappearance and attempts to clarify her whereabouts.²⁴ Reporters Without Borders, Committee to Protect Journalists, and the Hong Kong Journalists Association also released statements expressing their deep concern for Ms Chan’s situation.²⁵

Ms Chan has worked at *South China Morning Post* since 2005 and previously worked for Jimmy Lai’s newspaper *Apple Daily*. Ms Chan is highly regarded for her well-sourced coverage of Chinese military developments.

²¹<https://www.hongkongwatch.org/all-posts/2023/11/29/hong-kong-watch-addresses-united-nations-universal-period-review-pre-session-on-china-in-geneva>

²² <https://edition.cnn.com/2023/12/05/media/concerns-missing-hong-kong-reporter-china-intl-hnk/index.html>

²³ <https://www.aljazeera.com/news/2023/12/4/second-scmp-reporter-went-missing-in-china-last-year-sources-say>

²⁴ <https://www.article19.org/resources/legal-threat-against-hkfp/>

²⁵ <https://edition.cnn.com/2023/12/05/media/concerns-missing-hong-kong-reporter-china-intl-hnk/index.html>

Hong Kong Financial Secretary Paul Chan attends Asia-Pacific Economic Cooperation (APEC) Summit and Xi Jinping meets Joe Biden in San Francisco

Hong Kong Financial Secretary Paul Chan attended the Asia-Pacific Economic Cooperation Summit in San Francisco after a successful campaign to bar US-sanctioned Hong Kong Chief Executive John Lee from entering the US. During the Summit, Mr Chan demonstrated new opportunities in technology and finance in Hong Kong, introduced US companies to Hong Kong, and broadened his network in the international community.²⁶

At the same time as the APEC Summit, Chinese President Xi Jinping met with US President Joe Biden for the first time in more than a year. The White House reported that President Biden raised concerns regarding Beijing's human rights violations, including in Hong Kong, Xinjiang, and Tibet.²⁷ President Xi and President Biden agreed to improve artificial intelligence (AI) safety through US-China bilateral talks and to resume high-level military-to-military communications as well as bilateral cooperation to combat illicit drug manufacturing and trafficking.

US House Foreign Affairs Committee marks up Hong Kong Economic and Trade Office (HKETO) Certification Act

The US House Foreign Affairs Committee marked up H.R. 1103, the Hong Kong Economic and Trade Office (HKETO) Certification Act. H.R. 1103 requires the President to remove the extension of certain privileges, exemptions and immunities to HKETOs if Hong Kong no longer enjoys a high degree of autonomy from the People's Republic of China.

The markup of H.R.1103 means the bill introduced by Rep Chris Smith and Rep Jim McGovern will now be considered for a time slot to be debated and voted on in the US House of Representatives.²⁸

In October 2022, Hong Kong Watch published the first research on the privileges and immunities of HKETOs worldwide. The report, *PRC Embassies in Disguise: Hong Kong Economic and Trade Offices are Another Overseas Arm of the CCP*, recommended that

²⁶<https://hongkongfp.com/2023/11/13/finance-chief-paul-chan-hopes-to-expand-hong-kongs-network-of-friends-at-apec-summit-in-us-amid-economic-uncertainty/>

²⁷<https://www.whitehouse.gov/briefing-room/statements-releases/2023/11/15/readout-of-president-joe-bidens-meeting-with-president-xi-jinping-of-the-peoples-republic-of-china-2/>

²⁸<https://www.hongkongwatch.org/all-posts/2023/11/29/us-house-foreign-affairs-committee-marks-up-bill-to-review-the-status-of-hong-kong-economic-and-trade-offices>

governments review the diplomatic status of the HKETOs and consider rebranding them as part of the Chinese Embassy following the introduction of the National Security Law.²⁹

Hong Kong Watch releases briefing on US firms complicit in withholding Hong Kongers' Mandatory Provident Fund (MPF) savings

Hong Kong Watch published a briefing on the role of US companies in withholding Hong Kongers' Mandatory Provident Funds (MPF) pensions savings. The briefing reveals that US-headquartered MPF trustees including AIA, Prudential, and Principal have prevented Hong Kongers from accessing an estimated USD\$588.5 million worth of savings after fleeing to the UK under the British National (Overseas) visa scheme.³⁰

After the Mandatory Provident Fund Schemes Authority (MPFA) declared in March 2021 that the Hong Kong government no longer considers BNO passports as valid travel and identity documents, thousands of Hong Kong migrants who fled to the UK on the BNO scheme have been denied access to their pensions. This retaliatory action by the Hong Kong government was not accompanied by changes in laws or regulations regarding MPF operations.

Hong Kong Watch previously published briefings on the role of UK and Canadian-based MPF trustees in withholding up to £2 billion and C\$1.5 billion, respectively.^{31,32}

Main US federal government pension fund will exclude investments from Hong Kong and China

Federal Retirement Thrift Investment Board (FRTIB), the main US federal government pension fund worth USD\$771 billion, announced it will exclude Hong Kong- and China-listed stocks, changing the benchmark index of its international fund. FRTIB cited increasing tensions between the US and China.

Aon, FRTIB's investment consultant, said, "If the current investment restrictions on China are the beginning of further restrictions spanning China and Hong Kong investments, this

²⁹https://static1.squarespace.com/static/58ecfa82e3df284d3a13dd41/t/6347a880571e015d3d667986/1665640582083/Briefing+_03+-+final+%281%29.pdf

³⁰https://static1.squarespace.com/static/58ecfa82e3df284d3a13dd41/t/6548bf637e85b1018abe395f/1699266403437/MPF+USA+briefing_2023_draft2-2.pdf

³¹<https://www.hongkongwatch.org/all-posts/2023/4/16/hong-kongers-who-have-fled-to-the-uk-are-being-denied-access-to-over-2-billion-in-savings>

³²<https://www.hongkongwatch.org/all-posts/2023/10/24/canadian-banks-blocking-hong-kongers-access-to-an-estimated-c15-billion-in-pension-savings>

level of uncertainty can outweigh the benefits of expanding the I Fund to include China and retaining exposure to Hong Kong.”³³

Hong Kong Watch publishes briefing on countering foreign interference in industry and technology in Canada

Hong Kong Watch published a briefing on countering foreign interference in industry and technology in Canada. The briefing outlines gaps in the ability of the Government of Canada to counter industrial and economic espionage, especially in technology and intellectual property.

The briefing calls on the Government of Canada to focus on regulatory enhancement, strengthening institutional security, and scrutinising access to advanced technologies to counter the growing threats of economic and technological espionage from all adversarial foreign states.³⁴

Hong Kong Watch releases briefing on Hong Kong Canadians who have experienced transnational repression

Hong Kong Watch published a briefing on Hong Kongers facing intimidation in Canada. Five case studies of Hong Konger Canadians from Toronto, Vancouver and Calgary who have been active in the pro-democracy movement or Hong Kong community demonstrate how the Chinese Communist Party or agents acting on its behalf, carries out acts of intimidation targeted at Hong Kongers in Canada.

The briefing recommends that the Government of Canada establishes a hotline for victims to report acts of intimidation by foreign agents with service available in Cantonese. The briefing also advises the Standing Committee on Public Safety and National Security (SECU), the Standing Committee on Foreign Affairs and International Development (FAAE), and the Special Committee on the Canada–People’s Republic of China Relationship (CACN) to hold hearings on the subject as well as the Canadian Senate and House of Commons to advance Bill S-237.³⁵

³³ <https://www.ft.com/content/6e5d00ec-de0d-4c57-82ea-4b2846ef8004>

³⁴ <https://static1.squarespace.com/static/58ecfa82e3df284d3a13dd41/t/6527acdb0ddf39daba44be/1697098972231/HKW+Foreign+Interference+in+Industry+Briefing.pdf>

³⁵ <https://www.hongkongwatch.org/all-posts/2023/11/2/hong-kong-watch-publishes-briefing-and-case-studies-on-hong-kongers-facing-intimidation-in-canada>

KPMG and Deloitte ask staff to use burner phones during work trips to Hong Kong

KPMG and Deloitte, two of the world's largest audit and consulting firms, advised employees to use burner phones while visiting Hong Kong, revealing the decline of the once-thriving international financial hub. A senior cybersecurity executive told *The Financial Times*, "We have been recommending for several years that clients treat the risk of being in Hong Kong as the same as mainland China. I think what you're seeing is that message sinking in now."³⁶

OTHER DEVELOPMENTS

Over 190,000 Hong Kongers apply for UK's British National (Overseas) visa

191,000 Hong Kongers have applied for the British National (Overseas) visa in the two-and-a-half years since its opening. From July to September, 11,500 people arrived in the UK. This marks a slight uptick from the last three quarters, which is likely to do with the start of the new school year starting in September.

Hong Kong Watch helped establish the BNO visa policy. The BNO visa allows BNO status holders and their dependents to live, work, and study in the UK for five years, after which point they can apply for settlement, and then will be eligible for British citizenship one year after. The Home Office Impact Assessment on the BNO visa policy published in October 2020 estimated 258,000 to 322,400 people from Hong Kong will arrive over the first five years of the scheme.³⁷

Hong Kong Watch publishes research on how Hong Kongers could swing seats in next UK general election

Hong Kong Watch published research on how 140,000 Hong Kongers who will be eligible to vote in the next UK general election could swing key seats for the three main political parties, producing briefings covering the top-10 target seats based on where Hong Kongers live for the Conservatives, Labour, and Liberal Democrats.

Four of the top-five constituencies that Hong Kongers are moving to are currently held by Labour: Salford and Eccles; Manchester Central; Birmingham, Ladywood; and Poplar and Limehouse. The commuter belt constituencies of Guildford, Reading West, Wokingham, South Cambridgeshire, and Watford, all currently held by the Conservatives, could be swung

³⁶ <https://www.ft.com/content/eace699c-ce75-485b-ac14-e6c10375fdcc>

³⁷ <https://www.hongkongwatch.org/all-posts/2023/11/28/over-190000-hong-kongers-apply-for-uks-bno-visa>

by the Hong Konger vote. Warrington (seats North and South) will also be a key battleground for Labour and the Conservatives which Hong Kongers will impact.

Those who hold a British National (Overseas) passport are entitled to register as voters in respect of all UK elections, provided that they also fulfil the age and residence requirements for such registration and are not subject to any other legal incapacity.³⁸

Hong Kong Watch co-organises policy conference in Berlin

Hong Kong Watch alongside the Institute of European Democrats and Freiheit für Hongkong e.V. co-organised a one-day policy conference in Berlin. The conference consisted of two policy sessions focused on “Germany’s new China Strategy: How do we stand by our principles?” and “What are Hong Kong and Taiwan’s significance for the EU and the International Order?”

Speakers included: Sam Goodman, Director of Policy and Advocacy at Hong Kong Watch, Mikel Burzako, CEO of the Institute of European Democrats, Engin Eroglu, Member of the European Parliament, Ray Wong, Chair of Freiheit für Hongkong e.V., Noah Barkin, Senior Fellow in the Indo-Pacific Program of the German Marshall Fund, Ulrich Lechte MdB, Foreign Affairs spokesperson of the FDP Parliamentary Group in the Bundestag, Boris Mijatović MdB, Spokesperson for human rights policy and humanitarian assistance of the Green parliamentary group, Prof. Dr. Shieh Jhy-wei, Representative of Taiwan in Germany, Prof. Amy Siu, General Secretary of Freiheit für Hongkong e.V., and Didi Kirsten Tatlow, an investigative journalist at Newsweek.

Sam Goodman said, “A clear message coming out of this well-attended conference is that German and European policymakers must continue to pay close attention to national security trials in Hong Kong and be ready to act when it comes to responding to the unjust sentencing of political prisoners in Hong Kong.” The full conference can be viewed on the Hong Kong Watch website.³⁹

³⁸<https://www.hongkongwatch.org/all-posts/2023/11/22/first-time-and-floating-how-140000-hong-kongers-could-swing-seats-at-the-next-uk-general-election>

³⁹ <https://www.hongkongwatch.org/all-posts/2023/11/17/hong-kong-watch-co-organises-one-day-policy-conference-in-berlin>