



Written by [Angeline Tan](#) on October 5, 2022

Embattled Jimmy Lai Denied British Lawyer Request by Hong Kong Court

SINGAPORE — The pro-Beijing government of Hong Kong has denied imprisoned media tycoon Jimmy Lai the right to be represented by a British lawyer at his impending national security trial.

Lai and other staff from the now-defunct *Apple Daily* newspaper are being accused of “colluding with foreign forces,” a breach of a new national security law that communist China imposed on Hong Kong to stamp out dissent.

High Court judge Alex Lee reaffirmed that Hong Kong’s secretary for justice and bar association had rejected Lai’s application for a “London counsel.”

The justice department said it did not offer comments on individual cases, and the chairman of the bar association failed to reply to a request for comment.

Previously, Hong Kong’s justice secretary disclosed that Lai’s trial would be heard by three security law judges instead of a jury, a decision that signifies a genuine break with the legal tradition of the city. Even a [UN human rights committee](#) (certainly not known for defending genuine “human rights”) flagged this decision as “very concerning.”

Lai’s lawyer Robert Pang told AFP that he expected the dispute over legal representation to be settled before the trial starts in early December.

Hong Kong’s legal system permits common-law jurisdiction lawyers, especially for cases where their particular field of expertise may be needed.

Lai, 74, is one of Hong Kong’s most eminent pro-freedom activists. A vocal critic of communist China, he faces several charges under the new law, such as collusion with a foreign country. His multiple legal proceedings are anticipated to be prolonged till the end of this year — and even into next year — according to some legal analysts. If convicted, Lai faces up to life in prison.

For years, his *Apple Daily* tabloid newspaper harshly criticized China’s Communist Party. The paper ceased to operate last year after its funds were frozen under the national security law, and several of the paper’s senior staff were charged together with Lai, mainly for lobbying for international sanctions against China.

Although six *Apple Daily* executives have revealed that they plan to plead guilty, Lai is determined to contest the charges.

The national security law was imposed by Beijing in 2020 to deal with the “pro-democracy” movement in Hong Kong in 2019. This law criminalizes behavior or activities deemed as treason, secession, sedition, subversion, foreign interference, or terrorism by the communist regime in Beijing.



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Furthermore, the law stipulates that Beijing can create agencies to tackle the security needs of Hong Kong, as and when the regime regards it as expedient. Various critics have denounced the law as compromising on freedoms promised to Hong Kong when it came under Chinese rule.

In July 2022, barristers from a British law firm who were representing Lai received anonymous emails warning them against traveling to Hong Kong to defend Lai.

The barristers — Caoilfhionn Gallagher, Jonathan Price, and Jennifer Robinson from Doughty Street Chambers — [told Reuters](#) these warnings originated from a generic Gmail address.

“A person that refuses to abide by the laws of the Hong Kong Special Administrative Region could be extradited ... from other jurisdictions. Foreign nationals will be charged with the offenses of subversion,” one of the emails reads. “You have been warned not to attempt entry or land in Chinese territory.”

The barristers declined to comment whether they would still go to Hong Kong for the trial.

“Threatening journalists, campaigners and lawyers within Hong Kong has been happening for some time,” the barristers responded in an email, but “now these intimidatory tactics are spreading outside the borders of China and Hong Kong.”

Baroness Helena Kennedy, director of the International Bar Association’s Institute of Fundamental Rights, decried what she said was an act of intimidation.

“Intimidating the lawyers who act for citizens pursuing freedom and democracy is the tactic of an authoritarian regime,” she said. “Jimmy Lai’s right to instruct international lawyers of his choice is fundamental to a fair trial. The Hong Kong authorities seem to have abandoned the values which underpin the rule of law.”

Meanwhile, Lai’s legal team has filed an appeal with the United Nations Working Group on Arbitrary Detention, lambasting his persistent jail sentence as unlawful.

“My dad’s only ‘crime’ is to campaign for democracy in the face of tyranny, but for that he has already spent over two years in prison and faces the rest of his life behind bars,” Lai’s son Sebastien lamented in a statement. “I ask the United Nations and the UK government to speak out for my dad, and stand up to those who seek to silence him.”

The United Nations Human Rights Committee has called for Hong Kong to repeal its national security law, highlighting the “overly broad interpretation” of its provisions and the consequent undermining of free speech in the city.

Committee vice-chair Christopher Arif Bulkan complained that the security legislation was “incompatible” with the [International Covenant on Civil and Political Rights](#) (ICCPR). The Human Rights Committee is in charge of ensuring state parties’ commitment to the treaty.

While there are provisions in the Basic Law, Hong Kong’s mini-constitution, that maintain the ICCPR, the Chinese-imposed national security law “asserts a jurisdiction that tends to override or could threaten that primacy,” Bulkan revealed to a press conference in Geneva.

Lai is already serving a 13-month jail sentence after being arrested for his role in an illegal assembly in 2020 to memorialize victims of China’s Tiananmen Square incident in 1989. Together with other prominent figures such as [Catholic Cardinal Joseph Zen](#), Lai has been regarded by the communist regime in Beijing as a dissenter to be tackled with the iron fist of the law.



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