

PRESS RELEASE

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MONDAY 14th AUGUST 2023

Partial Win for Jimmy Lai before Hong Kong Court of Appeal Welcome, but Not Enough

Renowned media entrepreneur and pro-democracy campaigner Jimmy Lai has secured a partial victory before a Hong Kong court. The Court of Appeal has today cleared Mr Lai and six former opposition lawmakers of organising a pro-democracy assembly. In 2021 the seven were convicted of both organising and taking part in the “unauthorised rally” on 18 August 2019, which involved approximately [1.7 million people gathering in Victoria Park](#), Hong Kong.

Today, Mr Lai’s conviction for organising the assembly was quashed by the Court of Appeal. However, his conviction for knowingly participating in an authorised assembly was upheld by the court. Mr Lai’s sentence was reduced from 12 months to 9 months – but that reduction comes long after Mr Lai has already served the full sentence.

Today’s Court of Appeal decision comes weeks after serious concerns were raised at the United Nations Human Rights Council in Geneva regarding Mr Lai’s conviction and imprisonment for his participation in peaceful pro-democracy demonstrations. On 28th June 2023, the [Governments of the United Kingdom and the United States raised grave concerns regarding Mr Lai’s prosecution for peaceful protest](#). On 30th June 2023, Mr Lai’s son, [Sebastien Lai, addressed the Human Rights Council](#) to highlight his father’s plight and call for his immediate release.

Background

Jimmy Lai - a British national – is a high-profile supporter of the Hong Kong pro-democracy movement and has been an outspoken critic of Beijing’s control over Hong Kong for many years. He is a well-known advocate of peaceful assembly. He is the founder of *Apple Daily*, one of Hong Kong’s most popular Chinese language newspapers until it closed in June 2021. In the days ahead of the closure, Hong Kong authorities arrested five Apple Daily senior executives and froze the company’s assets, as well as Mr Lai’s assets, leaving the newspaper with no choice but to close.

Hong Kong authorities have repeatedly targeted Mr Lai, now aged 76, and this has intensified since the passing of the controversial National Security Law in 2020. He has been continuously imprisoned since December 2020 and has faced a barrage of legal cases, including four separate criminal prosecutions arising from his attendance at and participation in various protests in Hong Kong between 2019-2020. Today’s Court of Appeal decision concerns only one of those sets of proceedings. Mr Lai has already completed concurrent prison sentences in relation to all four protest cases. He is currently serving a prison sentence for lease fraud, and this conviction and sentence have also been [widely criticised](#), including by the US Government.

Mr Lai faces further spurious charges under Hong Kong's draconian National Security Law, carrying a maximum sentence of life imprisonment, and sedition charges, for his journalism and peaceful pro-democracy activities. His trial is due to commence on 25th September 2023.

Reaction

Responding to today's Court of Appeal decision, **Sebastien Lai**, Mr Lai's son, said:

“The sad truth is that this changes nothing. My father's wrongful conviction for organising the assembly of 18th August 2019 has been overturned. But today's decision does not undo the damage done to my father for promoting democracy. His conviction for participating in a peaceful pro-democracy protest stands. The sentence reduction does nothing as he's already carried it out, all for exercising his internationally protected right to protest. He remains in prison and faces the rest of his life there because of the National Security Law. Defending democracy should never be a crime. I call on the Hong Kong and Chinese authorities to immediately release my father. I ask that the United Kingdom Government and the international community does all in their power to secure his freedom.”

Caoilfhionn Gallagher KC, international counsel for Mr Lai, said:

“This decision is too little, too late, and it is no more than a figleaf of due process for a system which is fundamentally unfair. 1.7 million people – a quarter of the population of Hong Kong – joined the pro-democracy assembly on 18th August 2019. Jimmy Lai should never have been convicted for organising this event and today's quashing of his conviction for organising it shows that. But his conviction for peaceful participation in protest still stands, and the reduction in his sentence is effectively meaningless, coming so late and long after the sentence has already been served.

Mr Lai is a UK national, unjustly imprisoned in Hong Kong and facing the rest of his life behind bars. We call on the Prime Minister and the Foreign Secretary to take immediate, robust action to secure Mr Lai's release.”

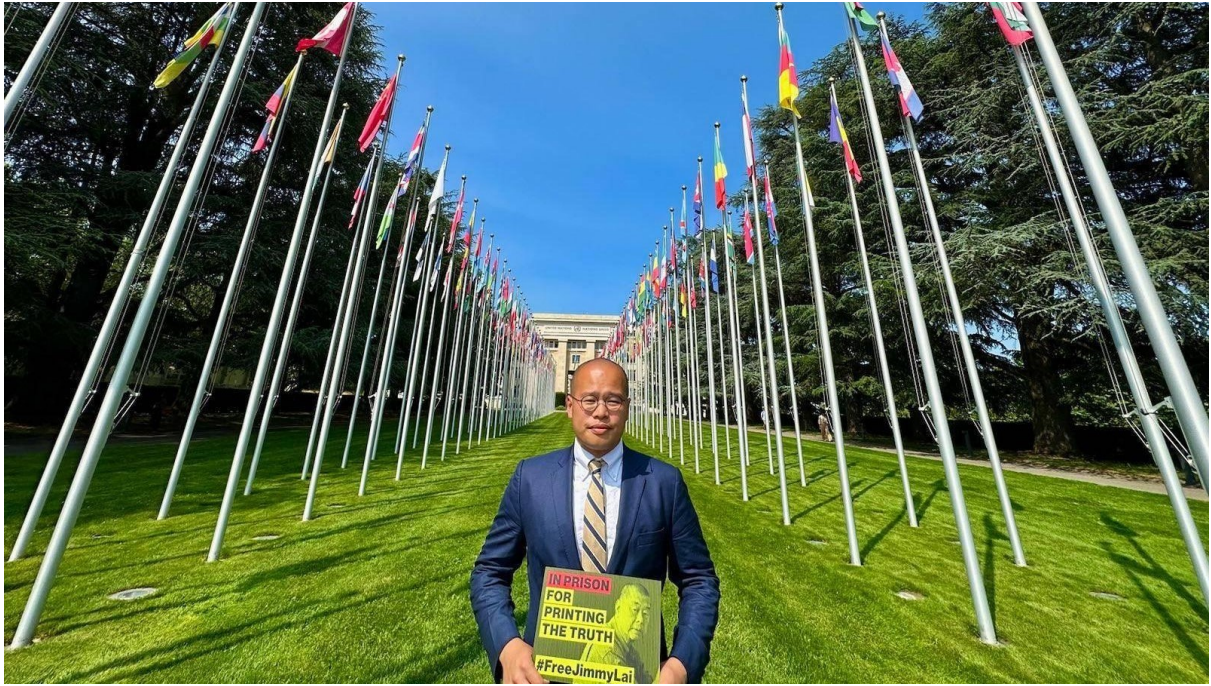
Mr Lai is represented by an international legal team, led by Caoilfhionn Gallagher KC, with Jonathan Price, Tatyana Eatwell, Jennifer Robinson and Clare Wisson.

Note: The international legal team does not act in the domestic proceedings in Hong Kong.

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Jimmy Lai. Photograph by Next Animation Studios.



Photograph by Jennifer Robinson. Sebastien Lai at the UN Human Rights Council, Geneva, June 2023.