

PRESS RELEASE

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Hong Kong Court rejects Jimmy Lai's bid to throw out sedition charge – and National Security Law charges undisturbed

A Hong Kong court has ruled in favour of the Prosecution and rejected Jimmy Lai's bid to throw out a sedition charge against him. The ruling was delivered on the third day of his trial, Friday 22nd December 2023, at West Kowloon Magistrates' Courts (Provisional High Court). It was delivered by three judges designated under the National Security Law (NSL) and approved by the authorities to oversee the proceedings.

Jimmy Lai has been imprisoned in Hong Kong since 2020 as a consequence of his peaceful pro-democracy campaigning, writing and the work of *Apple Daily*, the popular Chinese language newspaper he founded in the wake of the 1989 Tiananmen Square massacre. He is charged with offences under the Beijing-imposed NSL which carry potential sentences of life imprisonment. This includes charges of alleged "*collusion*" with "*foreign forces*" – foreign countries or overseas institutions – and "*conspiracy to collude with foreign forces*," allegedly by requesting them to impose sanctions on the People's Republic of China or Hong Kong Special Administrative Region. It is alleged that these "*crimes*" were committed both through his journalism (in articles published in his newspaper, *Apple Daily*) and in his pro-democracy campaigning work.

Mr Lai also faces a charge of "*conspiracy to produce seditious publications*" – a colonial-era offence which had until recently fallen into disuse – for over 160 publications in *Apple Daily*. This is considered a lesser charge as it carries a shorter prison sentence in the event of conviction: maximum two years.

Mr Lai's trial on NSL and sedition charges began on Monday 18th December 2023. The three judges heard legal argument on whether the prosecution had missed the time limit for charging Mr Lai with sedition, as charges should be brought within a six-month period. The charges relate to publications spanning a two year period, from 1st April 2019 to 24th June 2021. The defence had argued that the deadline should, accordingly, have been 24th December 2021. The prosecution had argued that charges were instituted within time, as a letter had been written to the court prior to the December 2021 deadline expressing an intention to press charges, which was, they claimed, a "*start*" to the proceedings.

Today the judges ruled that the prosecution filed the charge in time and that the information of the sedition charge had been laid at the Court on 14th December 2021, ten days before the deadline. Judge Esther Toh stated that the Court is of the view that the charge is not time-barred and "*so the application of the defence must fail.*"

The ruling has no effect on the charges that Mr Lai faces under the draconian NSL for collusion with foreign forces.

Responding to today's ruling, **Sebastien Lai**, Jimmy Lai's son and the leader of the international #FreeJimmyLai campaign, said:

"The Hong Kong government's goal is to persecute my dad, Jimmy Lai, for speaking out for freedom and democracy in Hong Kong.

Today's court ruling is merely a small part of the overall picture. The upcoming charges for national security are their real attacks on my dad, carrying potential life imprisonment sentences.

Dad needs to be freed immediately and unconditionally."

Caoilfhionn Gallagher KC, who leads the international legal team for Jimmy Lai and Sebastien Lai, stated:

"Today's ruling has little impact on the overall and continuing injustice in this case: our brave client, Jimmy Lai, facing life imprisonment for his journalism and for peaceful pro-democracy, pro-human rights activities. This trial is taking place in a system which is fundamentally broken and has abandoned due process and the rule of law. The authorities seek to punish Jimmy Lai for his work using both an old, colonial era sedition law and a new law tailor-made by Beijing to stifle dissent in Hong Kong, the National Security Law.

We thank the international community for supporting Mr Lai at this critical time, as his show trial gets underway. It is now essential that robust, concrete steps be taken to hold Chinese and Hong Kong authorities to account for their flagrant breaches of Mr Lai's rights, the Sino-British declaration, and international human rights standards."

Jonathan Price, a member of the international legal team, added:

"Today's ruling makes absolutely explicit - just in case anyone had been left in any doubt - that Jimmy Lai is being prosecuted for nothing more sinister than conspiracy to commit journalism. By choosing the date Apple Daily printed its last edition and its printing presses ground to a halt as the date on which Jimmy Lai's alleged crimes ceased, the prosecution has shown its hand. Jimmy Lai is in prison for daring to publish an independent newspaper in a country which no longer tolerates a free press. Journalism should not be a crime."

The Court has now adjourned until the New Year, with Mr Lai's trial due to resume on 2nd January 2023.

In international law matters, Mr Jimmy Lai and Mr Sebastien Lai are represented by an international legal team led by [Caoilfhionn Gallagher KC](#), with [Jonathan Price](#), [Tatyana Eatwell](#), [Jennifer Robinson](#), and [Sarah Dobbie](#), barristers at Doughty Street Chambers.

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