

PRESS RELEASE

*** FOR IMMEDIATE RELEASE – FRIDAY 15th NOVEMBER 2024***

UN Working Group on Arbitrary Detention finds Jimmy Lai is unlawfully and arbitrarily detained and calls for his immediate release

The United Nations (“UN”) Working Group on Arbitrary Detention has found that British citizen Jimmy Lai is unlawfully and arbitrarily detained in Hong Kong and has called for his immediate release.

In its Opinion No. 34/2024, the Working Group found multiple violations of Mr Lai’s fundamental rights and freedoms arising from his arrest in August 2020 and his subsequent detention and imprisonment by the Hong Kong authorities, including for his peaceful participation in pro-democracy demonstrations, his conviction for fraud said to arise out of a lease violation, and with respect to his ongoing prosecution for alleged sedition and alleged ‘conspiracy to collude with foreign forces’ under the draconian Law of the People’s Republic of China on Safeguarding National Security in Hong Kong (“NSL”).

The Working Group concluded, in relation to all of the cases Mr Lai has faced since August 2020, and continues to face, Mr Lai’s detention is unlawful and arbitrary. Accordingly, the Working Group called on the Hong Kong government to:

- immediately release Mr Lai;
- take steps to remedy Mr Lai’s situation without delay;
- accord Mr Lai an enforceable right to compensation and other reparations; and
- conduct a full and independent investigation into Mr Lai’s arbitrary and unlawful detention and take appropriate measures against those responsible for the violation of his rights.

The Working Group also expressed its alarm at Mr Lai’s detention in prolonged solitary confinement since December 2020 and urged the Chinese and Hong Kong authorities to immediately remedy the situation and to urgently investigate the use of evidence obtained by torture.

In each of the cases Mr Lai has faced in Hong Kong, the Working Group found that his arrest and ongoing detention and imprisonment is in violation of his rights to freedom of expression and to peaceful assembly and of association, his right to fair trial, and the prohibition of arbitrary detention, as guaranteed under the International Covenant on Civil and Political Rights 1966 (“ICCPR”). The Working Group concluded that Mr Lai has been arrested and detained as punishment for his legitimate exercise of the rights to freedom of expression and peaceful assembly, and therefore his detention is unlawful and arbitrary. The Working Group stressed “*that no trial of Mr Lai should take place*” and concluded in unequivocal terms that “*taking into account all the circumstances of the case, the appropriate remedy would be to release Mr Lai immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.*”

Serious concerns were also raised in relation to:

- Interferences with the independence of the judiciary and the rule of law in light of the National Security Law, which undermine Mr Lai’s right to a fair trial;
- Harassment and intimidation of Mr Lai’s lawyers undermining his right to a defence; and

- The heightened risk to Mr Lai given his advanced age (77), recalling its Deliberation No.11 which notes that States should refrain from detaining individuals over the age of 60 in places of detention “*where the risk to their physical and mental integrity and life is heightened.*”

Hong Kong and China did not respond to the Working Group’s requests for detailed information about Mr Lai’s case. The Working Group had also asked that the government clarify the legal provisions said to justify Mr Lai’s detention as well as their compatibility with Hong Kong, China’s obligations under international human rights law. No response was provided.

Based on its findings, the Working Group has requested that the Hong Kong, China government provide an update within 6 months about Mr Lai’s release, the compensation and reparation that has been made, the outcome of the investigation into the violation of Mr Lai’s rights and any law reforms to address the concerns raised by the Working Group.

Commenting on the Working Group’s Opinion, Mr Lai’s son, **Mr Sebastien Lai**, who leads the #FreeJimmyLai campaign, said:

‘I am grateful to the UN Working Group for ruling that my father’s detention is unlawful and for calling for his immediate release. My father is now 77 and has spent nearly four years in a maximum security prison in solitary confinement. His treatment is inhumane.

I hope the Working Group’s ruling will strengthen the resolve of governments around the world who support freedom, democracy and human rights to secure my father’s freedom, and save his life.’

Speaking today, international counsel for Mr Lai and Sebastien Lai, **Ms Caoilfhionn Gallagher KC**, added:

‘This is an excoriating ruling against the Chinese and Hong Kong authorities from the UN Working Group on Arbitrary Detention. It is a resounding endorsement of what we have said all along: Jimmy Lai is being unlawfully and arbitrarily detained in respect of each and every case brought against him in Hong Kong. He is a victim of gross and continuing violations of his fundamental rights, in multiple respects. He should not spend another minute in prison.

Arbitrary detention is prohibited under international law. In its Opinion, the UN Working Group calls for Mr Lai’s immediate release. This is the latest addition to a growing chorus of governments and institutions calling for Mr Lai’s immediate and unconditional release. Now, China must heed these calls and release Mr Lai, without any further delay.’

The international legal team for Jimmy Lai and Sebastien Lai is led by [Caoilfhionn Gallagher KC](#), and includes [Jonathan Price](#), [Tatyana Eatwell](#), and [Jennifer Robinson](#), all of Doughty Street Chambers, London.

Background

Jimmy Lai is a 77-year-old British citizen and renowned pro-democracy campaigner, media entrepreneur, writer, and [prisoner of conscience](#). He is currently imprisoned in Hong Kong and has been detained there, in solitary confinement, since December 2020. He was initially held on remand in pre-trial detention and was then convicted and sentenced to lengthy terms of imprisonment for participation in peaceful pro-democracy assemblies and a vigil marking the anniversary of the Tiananmen Square protests and massacre of 1989. He is currently serving a sentence of imprisonment in relation to a spurious fraud conviction said to arise out of the breach

of a commercial lease which has been widely condemned as an abuse of the law to silence dissent and freedom of speech. For example, the United States [condemned the conviction](#) and described the sentence as a “*grossly unjust outcome*” which “[b]y any objective measure... is neither fair nor just”, a view supported by the Working Group’s findings in its Opinion concerning Mr Lai’s case.

Mr Lai is currently standing trial for alleged sedition and alleged conspiracy to collude with foreign agents under the controversial NSL (the “**NSL trial**”). On the Prosecution’s own case, Mr Lai is being accused of practising journalism, speaking to politicians about politics, and raising concerns about accountability for human rights violations in Hong Kong. If convicted, Mr Lai faces life imprisonment.

Mr Lai’s NSL trial has been the subject of significant delays. After repeated delay his trial eventually began on 18th December 2023. On the eve of his trial, 17th December 2023, the then United Kingdom (“**UK**”) Foreign Secretary, Lord Cameron, [called](#) on the Hong Kong authorities to end its politically motivated prosecution of Mr Lai and to release him. His trial, originally slated to last for 80 days, is still ongoing. The prosecution closed its case on 11th June 2024. The trial was adjourned for six weeks until 24th July for legal submissions by the defence that there was no case to answer. The court rejected that submission on 25th July 2024 and adjourned the case for a further 4 months to 20th November 2024, when Mr Lai is expected to start giving his evidence.

Earlier, on 22nd January 2024, five Special Rapporteurs released a [statement](#) calling for Mr Lai’s immediate and unconditional release.

On 31st January 2024 the UN [announced](#) that the Special Rapporteur on torture had written to the authorities in China to address claims that the evidence of a key prosecution witness in Mr Lai’s trial had been obtained through torture, and calling for an immediate investigation into the allegations.

On 16th October 2024 the UK Prime Minister, Sir Keir Starmer, [confirmed](#) to Parliament that Mr Lai’s case is a priority for the UK Government and called on the Hong Kong authorities to immediately release Mr Lai. On 23rd October 2024, in response to questions in Parliament concerning the Foreign Secretary’s recent visit to China, the Foreign Secretary, David Lammy, [confirmed](#) that he had reiterated the Government’s call for Mr Lai’s immediate release in meetings with his counterpart in Beijing.

ENDS

Notes for editors:

1. Working Group Opinion No. 34/2024 concerning Mr Jimmy Lai Chee-ying (Hong Kong, China) is available [here](#).
2. The [Working Group on Arbitrary Detention](#) is one of the thematic special procedures overseen by the United Nations Human Rights Council. It is constituted by five internationally recognised, independent experts in the field, of balanced geographical representation, and its rulings are considered to be authoritative of States’ international obligations.

3. The Working Group concluded that Mr Lai's detention is arbitrary and falls within categories I, II, III and V used by the Working Group in its consideration of the cases submitted to it. The criteria applied by the Working Group is available [here](#). In summary (and in relevant part):
 - **Category I** applies when it is clearly impossible to invoke any legal basis (in domestic and/ or international law) justifying the deprivation of liberty.
 - **Category II** applies where the deprivation of liberty results from the exercise of rights and freedoms guaranteed by the Universal Declaration of Human Rights 1948 and the International Covenant on Civil and Political Rights 1966, including the rights to freedom of expression, of association and of peaceful assembly, and to a fair trial.
 - **Category III** applies where the total or partial non-observance of the international norms relating to the right to a fair trial is of such gravity as to give the deprivation of liberty an arbitrary character.
 - **Category V** applies when the deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; or disability or other status, and which aims towards or can result in ignoring of the equality of human rights.
4. Background information on Mr Lai's case is available at www.supportjimmylai.com or on social media using the hashtag *#FreeJimmyLai*.
5. For press enquiries please contact LaiPress@doughtystreet.co.uk.