

**55<sup>th</sup> Session of the Human Rights Council**  
**Interactive Dialogue with the UN Special Rapporteur on Torture**

**Oral Statement by Caoilfhionn Gallagher KC, 8<sup>th</sup> March 2024**  
**Supported by The Redress Trust**

Mr President, I thank The Redress Trust for the opportunity to address the Council today and to raise grave concerns regarding the use of evidence which appears to have been procured by torture in the prosecution in Hong Kong SAR of prominent pro-democracy campaigner and prisoner of conscience, 76 year old UK national Jimmy Lai.

Madame Special Rapporteur, on 31<sup>st</sup> January you publicly raised your concerns that the evidence of a key prosecution witness in the trial against Jimmy Lai may have been obtained by torture, and your concerns regarding China's international obligations with respect to torture. We thank you for your statement, which followed an urgent appeal we filed, as Jimmy Lai's international legal team.

Our urgent appeal cited a year-long investigation by The Washington Post, which found that a key prosecution witness, Andy Li, was tortured when imprisoned at Shenzhen Prison, in mainland China, before he turned prosecution witness against Jimmy Lai. Andy Li has been detained in a psychiatric facility since he was returned to Hong Kong SAR.

Despite this concerning publicly available information, based on credible evidence, neither China nor the Hong Kong SAR have taken steps to comply with their obligations to independently investigate the allegations.

Madame Special Rapporteur, the right to be free from torture is deemed to be so fundamental to a civilised society that it is recognised as an absolute right in international law. That is also why international law prohibits reliance on evidence derived through torture. Such statements are involuntary, inherently unreliable, violate the right to a fair trial, and reliance upon them indirectly legitimises torture and taints the justice system.

The admission of evidence procured through torture and coercion will constitute a flagrant denial of Jimmy Lai's right to a fair trial.

We call upon all States to condemn the use of torture evidence and to urge China to comply with its international obligations and the prohibition of torture.