

UN Secretary-General, UK and US raise concern over China's reprisals against Jimmy Lai's son and international legal team

29th September 2023

The UN Secretary-General has highlighted the reprisals against Jimmy Lai's son, Sebastien Lai, and their international legal team in his report to the Human Rights Council on 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights'. Jimmy Lai and Sebastien Lai are represented by an international legal team led by Caoilfhionn Gallagher KC, and including Jonathan Price, Tatyana Eatwell, Jennifer Robinson and Clare Wisson.

The Secretary-General's annual report was instituted in response to ongoing intimidation and reprisals against those engaging with the UN human rights system. The Human Rights Council has "*condemned all acts of intimidation and reprisal committed by Governments and non-State actors.*" The Secretary-General's annual report was [presented to the Human Rights Council](#) in Geneva last night, and States and civil society continue to discuss the issues at the Council today.

China and HKSAR Targeting Sebastien Lai and International Legal Team

The report raised concerns over China's targeting of individuals and organisations cooperating with the United Nations, and the fear this engenders. It noted that "*multiple United Nations actors*" had raised such concerns, and a number of human rights mechanisms have as a result explicitly sought assurances that there would be no intimidation or reprisals for cooperation with their respective mechanisms. The Secretary-General's report focused upon and raised concerns regarding the reprisals against Sebastien Lai and the international legal team for their UN advocacy on his case. The reprisals referred to in the report occurred after Caoilfhionn Gallagher KC and Jennifer Robinson [addressed](#) the 52nd session of the Human Rights Council about Mr Lai's case on 14th March 2023. Both raised concern about the broad terms of the National Security Law and its abuse against journalists and pro-democracy campaigners, and the criminalisation of those exercising their internationally protected rights to free speech. The Government of the Hong Kong Special Administrative Region (HKSAR) responded by [issuing a public statement](#), which stated the government:

"...strongly disapproved and firmly opposed the acts of the so-called 'international legal team' for Mr Lai and his son Sebastien Lai, and those of Sebastian Lai himself, to scandalise the Hong Kong National Security Law (NSL) and the judicial system of the HKSAR, and to abuse the United Nations mechanisms by soliciting the United Nations Human Rights Council to interfere in the judicial proceedings of Lai Chee-ying's case concerning the NSL."

The Hong Kong government statement went further to state that engaging with the UN in this manner was "*very likely*" to amount to obstruction of justice or contempt of court.

Again, at the 53rd session of the Human Rights Council in June 2023 when Sebastien Lai and another member of the international legal team, Tatyana Eatwell, addressed the Council, the

Government of the HKSAR released a statement criticising them for engaging with the UN and threatening that addressing the Council is *“very likely to constitute the offence of criminal contempt of court or the offence of perverting the course of justice”*.

The Secretary-General’s report refers to multiple other concerns over reprisals against Sebastien Lai and the international legal team, including:

- Attacks upon Sebastien Lai and the international legal team in State newspapers, including a report stating that the *“‘so-called’ international legal team is suspected of colluding with foreign forces to deliberately interfere with the judicial process in HKSAR in favour of Mr. Jimmy Lai,”* and indicating that they could be prosecuted under criminal law. The article also accused Sebastien Lai of colluding with foreign forces and attributed to some politicians the view that the request of assistance from the United Nations of the *“so-called international legal team”* [...] is *“evidence of collusion with foreign powers in an attempt to undermine the rule of law in Hong Kong.”*
- The international legal team being subjected to *“attempted online surveillance, in connection to the defence of Mr. Lai and related international advocacy on the case, including during their engagement with the United Nations.”*
- Reports that the international legal team and related staff have been the target of cyber-attacks in the form of repeated attempts to hack their e-mail accounts, devices and bank accounts, as well as impersonation e-mails (inbound and outbound) and emails threatening prosecution and extradition to HKSAR from accounts purporting to belong to the HKSAR authorities.
- Reports of death threats, rape threats and threats to family members.
- The concern [raised by UN experts](#) with China that the international legal team had been subjected to *“acts of intimidation and harassment, seemingly in response to its advocacy on behalf of Mr Lai.”* China was [specifically asked](#) by the UN experts to confirm that *‘instances of cooperation with the United Nations, in particular its human rights bodies and mechanisms’* was excluded from the operation of the National Security Law. China refused to confirm that UN engagement would not violate the controversial law – the same law under which Mr Lai faces life in prison.

The Inter-active Dialogue in Geneva regarding the Secretary-General’s report comes shortly after a side-event at the Human Rights Council concerning freedom of expression in Hong Kong, on Wednesday 27th September 2023. Sebastien Lai was speaking at that event. [China urged countries to boycott the event](#) but, as has been [widely reported](#), the boycott backfired: the event was co-sponsored by 25 States (led by the UK) and the room was full.

Responses to the Secretary-General’s Report

At the Human Rights Council in Geneva, a number of States responded to the UN Secretary-General’s reprisals report, condemning China’s intimidation of Sebastien Lai and Mr Lai’s lawyers.

Speaking last night at the UN Human Rights Council, Thursday 28th September, the Delegation of the **United Kingdom** of Great Britain and Northern Ireland (**Bob Last OBE**) stated:

“The UK unequivocally condemns each and every act of intimidation or reprisal... Following an appearance at the Council earlier this year, Sebastien Lai, the son of

Jimmy Lai, their international legal team and others have faced shocking intimidation and harassment by the Chinese authorities. When individuals or organisations face threats or retaliation for engaging with international bodies, not only do the individuals involved suffer, but so do our collective efforts towards upholding human rights."

Speaking today, Friday 29th September, the [Delegation of the United States of America](#) (Jeffrey Regner) stated:

"The United States remains deeply concerned about the chilling effect of reprisals against human rights defenders and other civil society actors both online and offline. States that engage in acts of transnational repression, including harassing, intimidating, threatening, and exacting reprisals against individuals outside of their sovereign borders, such as the People's Republic of China, the Democratic People's Republic of Korea, and Russia, must be thoroughly investigated and held accountable.

We condemn Hong Kong's extra-territorial application of the National Security Law by issuing bounties for information leading to the arrest of eight pro-democracy activists who no longer live in Hong Kong. This is a dangerous precedent that fails to respect other countries' sovereignty and threatens human rights and fundamental freedoms. We also condemn the harassment of Jimmy Lai's legal team following their engagement with the HRC."

Responding to the Secretary-General's report, **Sebastien Lai** said today:

"Thank you to the UN Secretary General for highlighting China's aggressive attempts to silence me and our international legal team. But they will not succeed. I will not rest until my father is freed."

Speaking today, **Caoilfhionn Gallagher KC** said:

"China and HKSAR authorities have long harassed our client, Jimmy Lai, for his work as a pro-democracy campaigner, writer and media owner. They tried to silence him. They failed.

Now those same authorities are also attempting to harass Mr Lai's son, Sebastien, and us, the international lawyers. They are now trying to silence us. They will also fail.

Reprisals like these are not just an attack on the legal profession and Mr Lai's right to vindicate his internationally protected rights through UN mechanisms. They are also an attack on the international human rights system. While directed at us, these threats may have a chilling effect, intimidating and threatening individuals and civil society organisations in Hong King and China from cooperating with the UN. These reprisals must be condemned in the strongest possible terms."

Baroness Helena Kennedy of the Shaws KC, Director of the International Bar Association Human Rights Institute, commented on the targeting of the international legal team:

“A fundamental element of the Rule of Law is that lawyers are independent. Just like judges. The lawyer must not be confused with the client. Their role in acting for a client should not be interpreted as the sharing of a world view. The lawyer is there to argue the client’s case as the client would himself or herself if they were trained in the law. The lawyer is defending the right to a fair trial and due process. The ethical lawyer acts in all our interests by keeping the system of law fair for all.

Governments that harass and intimidate lawyers do not adhere to the Rule of Law. China is failing to preserve these fundamental rights and their attacks on lawyers are a symptom of a system that is wholly unjust.”

**** ENDS ****