



Tab 3

Human Rights Monitoring Group

For Decision:

Request for intervention on behalf of lawyer Dr. Margaret Ng Ngoi-yee and human rights defenders Cyd Ho Sau-lan, Cardinal Joseph Zen Ze-kiun, Dr. Hui Po-keung, and Denise Ho Wan-see (Hong Kong)

June 28, 2022

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Motion

The Human Rights Monitoring Group (the “Monitoring Group”) brings the following motion:

THAT Convocation approve the letter and public statement in the following case:

Dr. Margaret Ng Ngoi-yee, Cyd Ho Sau-lan, Cardinal Joseph Zen Ze-kiun, Dr. Hui Po-keung, and Denise Ho Wan-see – Hong Kong – Letter of intervention and public statement presented at Tabs 3.1 and 3.2.

Context

A. Rationale

The request for intervention falls within the mandate of the Monitoring Group to,

- a. review information that comes to its attention about human rights violations that target members of the profession and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;
- b. review information that comes to its attention about human rights violations that target human rights defenders in the same event or circumstances as a member of the legal profession or the judiciary as described above;
- c. to determine if the matter is one that requires a response from the Law Society; and
- d. to prepare a response for review and approval by Convocation.

B. Key Issues and Considerations

The Monitoring Group considered the following factors when making a decision about the case:

- a. There are no concerns about the quality of sources used for this report; and
- b. The letter and public statement regarding the arbitrary arrest of Dr. Margaret Ng Ngoi-yee, Cyd Ho Sau-lan, Cardinal Joseph Zen Ze-kiun, Dr. Hui Po-keung, and Denise Ho Wan-see fall within the mandate of the Monitoring Group.

Discussion

A. Sources of Information

The background information for this report was retrieved from the following sources:

1. Amnesty International¹
2. Human Rights Watch²
3. Lawyers for Lawyers³
4. Hong Kong Watch⁴
5. Congressional-Executive Commission on China⁵
6. The Globe and Mail⁶
7. Global News⁷
8. National Post⁸

¹ Amnesty International, 'Hong Kong: Arrests of activists, including 90-year-old cardinal, a 'shocking escalation' of repression' (May 11, 2022) ("Amnesty International 2022"). Online: www.amnesty.org/en/latest/news/2022/05/hong-kong-arrests-of-activists-including-90-year-old-cardinal-a-shocking-escalation-of-repression/; and Amnesty International, 'Hong Kong: National Security Law has created a human rights emergency' (30 June 2021) ("Amnesty International 2021"). Online: www.amnesty.org/en/latest/news/2021/06/hong-kong-national-security-law-has-created-a-human-rights-emergency-2/.

² Human Rights Watch, 'Hong Kong: Prominent Democracy Advocates Arrested' (13 May 2022). Online: www.hrw.org/news/2022/05/13/hong-kong-prominent-democracy-advocates-arrested.

³ Lawyers for Lawyers, 'Concerns about position of lawyers in Hong Kong' (1 July 2021) ("L4L 2021 Article"). Online: lawyersforlawyers.org/en/concerns-about-position-of-lawyers-in-hong-kong/; Lawyers for Lawyers, 'Ongoing concerns on the situation in Hong Kong and the independence of the Bar Association' (14 April 2022) ("L4L 2022 Article"). Online: lawyersforlawyers.org/en/ongoing-concerns-on-the-situation-in-hong-kong-and-the-independence-of-the-bar-association/; and Lawyers for Lawyers and the 29 Principles, 'Submission for the Review of the State report of Hong Kong, China' for the UN Human Rights Commission' (30 May 2022) ("L4L Report to UNHRC"). Online: https://lawyersforlawyers.org/wp-content/uploads/2022/06/HK-Report-Final-HRC_L4L_29Principles.pdf.

⁴ Hong Kong Watch, 'Today's arrests signal without a doubt that Beijing intends to intensify its crackdown on basic rights and freedoms in Hong Kong' (11 May 2022). Online: www.hongkongwatch.org/all-posts/2022/5/11/todays-arrests-signal-without-a-doubt-that-beijing-intends-to-intensify-its-crackdown-on-basic-rights-and-freedoms-in-hong-kong.

⁵ Congressional-Executive Commission on China, 'Hong Kong: Statement on the Arrests of 612 Humanitarian Relief Fund Trustees' (11 May 2022). Online: www.cecc.gov/media-center/press-releases/hong-kong-chairs-statement-on-the-arrests-of-the-trustees-of-the-612.

⁶ The Globe and Mail, 'Catholic Cardinal Joseph Zen, Canadian singer Denise Ho among several arrested by Hong Kong national security police' (11 May 2022). Online: www.theglobeandmail.com/world/article-catholic-cardinal-joseph-zen-canadian-singer-denise-ho-among-several/.

⁷ Global News, 'Canadian Denise Ho arrested during Hong Kong police raid on Stand News' (30 December 2021). Online: globalnews.ca/news/8479828/canadian-denise-ho-arrested-hong-kong-police-raid-stand-news/.

⁸ National Post, 'Canadian Singer and activist Denise Ho among group arrested in Hong Kong: report' (11 May 2022). Online: nationalpost.com/pmnn/news-pmn/canada-news-pmn/canadian-singer-and-activist-denise-ho-among-group-arrested-in-hong-kong-report.

9. BBC News⁹
10. New York Times¹⁰
11. The Washington Post¹¹
12. Voice of America (VOA)¹²
13. Reuters¹³
14. Hong Kong Free Press¹⁴
15. South China Morning Post¹⁵
16. ABS-CBN News¹⁶
17. Vatican News¹⁷

⁹ BBC News, 'Why are there protests in Hong Kong? All the context you need' (21 May 2020) ("BBC 2020"). Online: www.bbc.com/news/world-asia-china-48607723; BBC News, 'Hong Kong: Top UK judges resign from highest court' (30 March 2022) ("BBC 2022"). Online: www.bbc.com/news/world-asia-60926831.

¹⁰ New York Times, 'Hardliner Who Led Crackdown on Protests Is Favourite to Run Hong Kong' (Published 6 April 2022, updated 7 May 2022). Online: www.nytimes.com/2022/04/06/world/asia/john-lee-hong-kong.html.

¹¹ The Washington Post, 'Cardinal Joseph Zen of Hong Kong arrested for foreign collusion' (12 May 2022). Online: www.washingtonpost.com/world/2022/05/11/hong-kong-cardinal-zen-arrest/.

¹² VOA, 'Hong Kong Catholic Cardinal Denies Charges Over Relief Fund' (24 May 2022). Online: www.voanews.com/a/hong-kong-catholic-cardinal-denies-charges-over-relief-fund-/6586823.html.

¹³ Reuters, 'Hong Kong police file complaints to lawyer groups over national security case' (12 May 2022) ("Reuters HK"). Online: www.reuters.com/world/asia-pacific/hong-kong-police-file-complaints-lawyer-groups-over-national-security-case-2022-05-12/; Reuters, 'UK government says arrest of Catholic cardinal in Hong Kong is unacceptable' (12 May 2022) ("Reuters UK"). Online: www.reuters.com/world/uk-government-says-arrest-catholic-cardinal-hong-kong-is-unacceptable-2022-05-12/; and Reuters, 'Australian judge quits Hong Kong court, citing national security law' (18 September 2020) ("Reuters Australia"). Online: <https://www.reuters.com/article/us-hongkong-security-judges-idUSKBN26912R>.

¹⁴ Hong Kong Free Press ("HKFP"), 'Humanitarian fund helping arrested Hong Kong protesters will halt operations by October 31' (18 August 2021) ("HKFP August 2021"). Online: hongkongfp.com/2021/08/18/humanitarian-fund-helping-arrested-hong-kong-protesters-will-halt-operations-by-october-31/; HKFP, 'Hong Kong group supporting human rights lawyers in China is latest to disband amid police pressure' (23 September 2021) ("HKFP Sept 2021"). Online: hongkongfp.com/2021/09/23/hong-kong-group-supporting-human-rights-lawyers-in-china-is-latest-to-disband-amid-police-pressure/; HKFP, 'Stand News closes, content deleted following arrests and police raid; Chief Sec. slams 'evil elements'' (29 December 2021) ("HKFP Dec 2021"). Online: hongkongfp.com/2021/12/29/breaking-stand-news-closes-website-inaccessible-following-arrests-and-police-raid-chief-sec-slams-evil-elements/; HKFP, 'Hong Kong protest defence fund trustee Hui Po-keung arrested at airport – sources' (11 May 2022) ("HKFP 11 May 2022"). Online: hongkongfp.com/2022/05/11/hong-kong-protest-defence-fund-trustee-hui-po-keung-arrested-at-airport-sources/; and HKFP, 'Barrister, arrested over protester relief fund, asks Hong Kong court to stop police reading seized, privileged documents' (19 May 2022) ("HKFP 19 May 2022"). Online: hongkongfp.com/2022/05/19/barrister-arrested-over-protester-relief-fund-asks-hong-kong-court-to-stop-police-reading-seized-privileged-documents/.

¹⁵ South China Morning Post, 'National security law Ex-Bar Association chairman leaves Hong Kong for UK after meeting with police' (2 March 2022). Online: www.scmp.com/news/hong-kong/law-and-crime/article/3168893/national-security-law-ex-bar-association-chairman.

¹⁶ ABS-CBN News online, 'China defends Hong Kong cardinal's arrest as Western alarm grows,' (12 May 2022). Online: news.abs-cbn.com/overseas/05/12/22/china-defends-hk-cardinals-arrest-western-alarm-grows?fbclid=IwAR2_HqhxKF6qAumYKdBw3bOLtOjue0Q-jWELyop-SNo3TMfodY6YZcqXxkU&fs=e&s=c.

¹⁷ Vatican News, 'Cardinal Zen arrested in Hong Kong, Holy See expresses concern' (11 May 2022). Online: www.vaticannews.va/en/pope/news/2022-05/cardinal-zen-arrested-in-hong-kong-holy-see-expresses-concern.html.

B. Summary of Human Rights Violations at Issue

On May 11, 2022, lawyer and former legislator Dr. Margaret Ng Ngoi-yee and human rights defenders Cyd Ho Sau-lan, Cardinal Joseph Zen Ze-kun, Dr. Hui Po-keung, and Denise Ho Wan-see (together, the 'Trustees') were arrested under Hong Kong's repressive national security law for suspected conspiracy to collude with foreign forces to endanger national security as a result of their positions as trustees of the 612 Humanitarian Relief Fund (the Fund).¹⁸

The Fund provided financial support for legal assistance to people prosecuted for their participation in the 2019 mass protests in Hong Kong. The Fund ceased activities in September 2021 after police issued a statement saying they would investigate whether the entity had violated the national security law.

The arrest of the Trustees is the most recent example of the government's crackdown on human rights in Hong Kong, and prompted Amnesty International to issue the following statement:

Even by Hong Kong's recent standards of worsening repression, these arrests represent a shocking escalation. Some of the city's most respected pro-democracy figures, whose activism has always been entirely peaceful, are now potentially facing years in jail. There could be few more poignant examples of the utter disintegration of human rights in Hong Kong.

By attempting to criminalize the provision of legal, economic and medical aid to those in need, the authorities are undermining the rights to fair trial and other human rights of all people in Hong Kong.

The trustees' so-called crime of 'collusion with foreign forces' once again highlights how the vagueness of Hong Kong's national security law can be weaponised to make politically motivated, or simply malicious, arrests.¹⁹

C. Background

i. 2019 Protests and the establishment of the 612 Humanitarian Relief Fund

Protests began in June 2019 over plans - ultimately withdrawn - that would have allowed extradition from Hong Kong to mainland China. The protests, known as the Anti-Extradition

¹⁸ [The Washington Post](#), *supra* note 11.

¹⁹ [Amnesty International 2022](#), *supra* note 1.

Law Amendment Bill or anti-ELAB protests, then spread to reflect wider demands for democratic reform for Hong Kong.²⁰

In response to the use of unnecessary and excessive force against largely peaceful protesters at the anti-ELAB protests, prominent pro-democracy figures set up the Fund.²¹ Between 2019 and 2021, the Fund distributed HK\$243 million (CDN\$40 million) in donations, providing thousands of protesters with funds for medical aid, psychological counselling, legal advice, and emergency financial relief. It also provided loans for bail money for arrested protesters.²²

ii. 2020 National Security Law

In 2020, China enacted the *Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region* (National Security Law). The National Security Law criminalises acts that China deems challenging to its authority, including collusion with foreign forces, punishable by a maximum sentence of life imprisonment. It creates offenses that fall under the laws of the People's Republic of China, resulting in Hong Kong citizens, detained in Hong Kong, being tried under mainland China law, provided their case has been determined to fall under the National Security Law. A special committee of judges, selected by government officials from Beijing, has been established to handle National Security Law cases.²³ Since the new law was enacted, one Australian²⁴ and two UK judges have resigned from Hong Kong's Court of Final Appeal over the threat to civil freedoms posed by the National Security Law.²⁵

The National Security Law has been used arbitrarily to restrict freedom of expression, peaceful assembly, association, and liberty and to repress dissent and political opposition. The arbitrary nature of the law and its imprecise criminal definitions make it impossible to know how and when it will be deemed as violated, resulting in the arbitrary or politically motivated persecution of human rights defenders and lawyers in Hong Kong.²⁶

Under increasing political threat, civil society groups have had to refrain from criticizing the government to avoid being a target of the authorities, and civil society organizations dedicated to the protection of lawyers have had to dissolve.²⁷

²⁰ [BBC 2020](#), *supra* note 9.

²¹ 612 Humanitarian Fund website: <https://612fund.hk/en/home>.

²² [HKFP August 2021](#), *supra* note 14; [The Globe and Mail](#), *supra* note 6.

²³ [L4L 2021 Article](#), *supra* note 3.

²⁴ [Reuters Australia](#), *supra* note 13.

²⁵ [BBC 2022](#), *supra* note 9.

²⁶ [L4L 2022 Article](#), *supra* note 3; [Amnesty International 2021](#), *supra* note 1; see, for example, the case of Paul Harris: [South China Morning Post](#), *supra* note 15.

²⁷ [L4L 2021 Article](#), *supra* note 3; [HKFP Sept 2021](#), *supra* note 14.

iii. Dissolution of the Fund and arrest of the Trustees

In September 2021, the Hong Kong Police's National Security Department launched an investigation into the Fund for suspected contravention of the National Security Law. Police ordered the Fund to produce its operational information, which would identify donors as well as lawyers who received money from it.²⁸ The Fund subsequently ceased operations.

On May 11, 2022, the five trustees of the Fund were arrested for "colluding with foreign forces" under the National Security Law. They were released on bail, except for Cyd Ho, who is detained for other offences. It is reported that the Trustees have been accused of "6 crimes", including funding lobbying trips and activist meetings with British lawmakers, providing financial aid to Hong Kong "rioters" who had fled to Canada and Taiwan, and accepting donations from overseas and the now-shuttered Apple Daily newspaper. It is reported that most of these alleged actions took place before the enactment of the National Security Law, which is not supposed to be retroactive.²⁹

iv. About the Trustees³⁰

Dr. Margaret Ng Ngoi-yee

- Cambridge-educated Ng, called to the bar in 1988, is a former member of the Legislative Council of Hong Kong and a veteran campaigner for democracy. In 2019, she was named joint winner of the International Bar Association's annual award for outstanding contribution by a legal practitioner to human rights for her lifelong defence of freedom, democracy, and the rule of law.³¹
- In 2021, she received a 12-month suspended sentence for her conviction for organising and participating in an unauthorised assembly during the 2019 anti-ELAB protests (for which the LSO intervened).
- In December 2021, Ng was among seven people arrested on suspicion of conspiring to publish seditious publications due to her position as a director at Stand News, a not-for-profit pro-democracy online news source. It is alleged that Stand News published 'seditious materials' following the enactment of the National Security Law, 'with intent to cause hatred towards the government, the judiciary and cause discontent among the public'.³²

²⁸The Government of the Hong Kong Special Administrative Region, Press Release: '[Police investigate 612 Humanitarian Relief Fund](#)' (1 Sept 2021).

²⁹[ABS-CBN News](#), *supra* note 16.

³⁰Information taken from the Fund's [website](#), *supra* note 21, with other sources cited.

³¹The Gazette, '[IBA 2019: Hong Kong 'now at a very critical stage'](#)' (24 September 2019).

³²[HKFP Dec 2021](#), *supra* note 14.

Cyd Ho Sau-lan

- Ho, who earned her degree at the University of Waterloo, is a former member of the Legislative Council of Hong Kong. She is an advocate for LGBT rights and has been a significant voice against gender discrimination and discrimination on family roles.³³
- Ho is already serving a prison sentence for taking part in an unauthorized vigil in 2020 to commemorate the 1989 Tiananmen Square massacre.³⁴

Cardinal Joseph Zen Ze-kiun

- A retired Cardinal of the Catholic Church, Cardinal Zen has been a supporter of the democratic movement in Hong Kong, is a defender of religious freedom, and is active in the fight against the Chinese Communist Party's interference in missionary and church activities.

Dr. Po-Keung Hui

- Hui, a prominent academic and social commentator, was arrested at the Hong Kong airport on his way to work as a visiting scholar in Europe. Hong Kong's Lingnan University ended its contract with Hui a month before the Fund ceased to operate. Academics who played prominent roles in Hong Kong's democracy movement have often found themselves dropped by universities.³⁵

Denise Ho Wan-see

- Ho is a Canadian-Hong Kong gay rights activist and pop singer. Although born in Hong Kong, she was raised in Montreal. In 2021, she was arrested alongside Dr. Ng for her work as a former board member of Stand News.³⁶

D. Current Status

Although arrested for suspected conspiracy to collude with a foreign country or with external elements to endanger national security, the Trustees have reportedly since been charged with one count each of "failing to apply for registration or exemption from registration of a society within the specified time limit". They appeared in court on May 24, 2022, and pleaded not guilty to the charge. Their trial is scheduled to begin September 19, 2022.³⁷

³³ Wikipedia page: https://en.wikipedia.org/wiki/Cyd_Ho.

³⁴ [Washington Post](#), *supra* note 11. She is expected to be released in June 2022.

³⁵ [HKFP May 2022](#), *supra* note 14.

³⁶ [Global News](#), *supra* note 7.

³⁷ [VOA](#), *supra* note 12.

Dr. Ng has asked Hong Kong's High Court for an order barring police from reading and using legally privileged materials seized during her May arrest.³⁸

Following the arrest of the Trustees, the Hong Kong Police's National Security Department announced they had lodged complaints against several lawyers to the Law Society and the Bar Association, claiming that its investigations into the Fund had "revealed that a number of solicitors and barristers were suspected of professional misconduct when providing legal services," without giving names or specifics.³⁹ It was reported that at least 30 barristers are implicated in the complaints.⁴⁰

These complaints to the Hong Kong Law Society and Bar Association are seen as an intimidation tactic against lawyers who have represented protesters.⁴¹

Note that Chief Executive for Hong Kong Carrie Lam will be replaced on July 1, 2022, by Chief Executive for Hong Kong-elect John Lee. Human rights activists believe the situation in Hong Kong could worsen under this new leadership, as Lee has championed the National Security Law.⁴²

E. International Response

Several government officials, international human rights organizations and monitoring bodies have expressed concern regarding the arrest of the Trustees.

Amnesty International issued a statement, quoted above, criticizing the Trustees' arrests, and calling on the government of Hong Kong to, "stop pursuing criminal charges against members of the 612 Humanitarian Relief Fund and others who are being targeted simply for peacefully exercising their rights to freedom of expression, association or assembly."⁴³

Lawyers for Lawyers and **the 29 Principles** raised the arrest of the Trustees as well as the subsequent police complaints to the Law Society and Bar Association about lawyers who received money from the Fund in their submissions to the UN Human Rights Committee.⁴⁴

Human Rights Watch called on the Hong Kong police to drop their baseless criminal investigations against the five prominent pro-democracy advocates, noting that the cases highlight the Hong Kong government's broadening crackdown on human rights.⁴⁵

³⁸ [HKFP 19 May 2022](#), *supra* note 14.

³⁹ [Reuters HK](#), *supra* note 13.

⁴⁰ [L4L Report to UNHRC](#), *supra* note 3 at para. 37.

⁴¹ *Ibid* at para. 38.

⁴² [New York Times](#), *supra* note 10.

⁴³ [Amnesty International 2022](#) *supra* note 1.

⁴⁴ [L4L Report to UNHRC](#) *supra* note 3 at paras. 27, 28, 37 and 38.

⁴⁵ [Human Rights Watch](#), *supra* note 2.

Benedict Rogers, Chief Executive of U.K.-based **Hong Kong Watch** called for the immediate release of the Trustees, stating, “[t]oday’s arrests signal beyond a doubt that Beijing intends to intensify its crackdown on basic rights and freedoms in Hong Kong.”⁴⁶

The US **Congressional-Executive Commission on China** condemned the arrests as a continuation of the government’s effort to dismantle the institutions safeguarding the rule of law and human rights of the Hong Kong people, by threatening them with criminal investigation and prosecution under the pretext of national security.⁴⁷

British minister James Cleverly called the arrest of the Trustees under the National Security Law “unacceptable,”⁴⁸ while **Canadian Foreign Affairs Minister** Melanie Joly tweeted: “The news of multiple arrests in Hong Kong of former trustees of a legal defence fund, including Denise Ho, is deeply troubling. The ongoing targeting of civil society groups erodes the rights and freedoms of [Hong Kong] residents guaranteed under [Hong Kong’s] basic law.”⁴⁹

Both the **Vatican**⁵⁰ and the **Catholic Diocese of Hong Kong**⁵¹ have expressed concern about the arrest of Cardinal Joseph Zen.

F. Past LSO Interventions

The LSO previously intervened on behalf of one of the Trustees, Dr. Margaret Ng. In May 2021, the LSO wrote to condemn the conviction and unjust sentencing of Dr. Ng (and 14 others) for organizing and participating in unauthorized protests in 2019.

The LSO has also intervened in the following Hong Kong cases:

- September 2021: LSO condemned threats to lawyers Jonathan Ross and Selma Masood, due to their participation in the Hong Kong Law Society elections, and
- May 2017: LSO intervened in a case that involved the government taking action against Professor Benny Tai, a lawyer who organized public protests.

⁴⁶ [Hong Kong Watch](#), *supra* note 4.

⁴⁷ [Congressional-Executive Commission on China](#), *supra* note 5.

⁴⁸ [Reuters UK](#), *supra* note 13.

⁴⁹ Quoted in the [National Post](#), *supra* note 8.

⁵⁰ [Vatican News](#), *supra* note 17.

⁵¹ Catholic Diocese of Hong Kong, ‘[Response of the Catholic Diocese of Hong Kong to Cardinal Joseph Zen’s Incident](#)’ (12 May 2022).

June 28, 2022

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Your Excellency and Chief Executive Lam:

Re: Arbitrary arrest of Dr. Margaret Ng Ngoi-yee, Cyd Ho Sau-lan, Cardinal Joseph Zen Ze-kiun, Dr. Hui Po-keung, and Denise Ho Wan-see

I write on behalf of the Law Society of Ontario* to voice our grave concern over the arbitrary arrest of barrister Dr. Margaret Ng Ngoi-yee, and human rights advocates Cyd Ho Sau-lan, Cardinal Joseph Zen Ze-kiun, Dr. Hui Po-keung, and Denise Ho Wan-see (together, the "Trustees"). When lawyers, paralegals, judges, and human rights advocates have suffered from fundamental injustices, we advocate for the protection of their rights.

On May 11, 2022, the Trustees were arrested under Hong Kong's repressive national security law for suspected conspiracy to collude with foreign forces to endanger national security due to their work as trustees of the 612 Humanitarian Relief Fund (the "612 Fund"). The 612 Fund was established in response to the use of unnecessary and excessive force by police against largely peaceful protesters during pro-democracy protests in June 2019 and provided protesters with financial support for medical and legal assistance. In 2021, Hong Kong police opened an investigation into the 612 Fund for alleged violations of the national security law and demanded information on its donors and lawyers who received funds for their work on behalf of protesters. The 612 Fund subsequently ceased operations in October 2021.

International human rights organizations, such as Amnesty International and Human Rights Watch, have condemned the Trustees' arrests, citing them as an example of the government's broadening crackdown on human rights in Hong Kong. The Trustees are some of Hong Kong's most prominent pro-democracy figures, and their arrest for the

crime of 'collusion with foreign forces' highlights how the vagueness of the national security law results in the arbitrary or politically motivated persecution of human rights defenders and lawyers.

After arresting the Trustees, the National Security Department of the Hong Kong Police lodged complaints against several lawyers to the Law Society and the Bar Association, claiming that its investigations into the 612 Fund revealed that these lawyers were suspected of professional misconduct. It is unclear how these allegations are related to national security, and it raises concerns that the complaints are aimed at intimidating lawyers, especially those who represent protesters and human rights advocates.

In light of these circumstances, the Law Society of Ontario urges Your Excellency and Chief Executive Lam to comply with China's obligations under international human rights laws, including the United Nations' *Universal Declaration of Human Rights* and the *Basic Principles on the Role of Lawyers*.

Article 9 of the *Universal Declaration of Human Rights* states:

No one shall be subjected to arbitrary arrest, detention or exile.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society of Ontario urges the Governments of China and Hong Kong to:

- a. immediately and unconditionally withdraw all charges against Dr. Margaret Ng Ngoi-yee, Cyd Ho Sau-lan, Cardinal Joseph Zen Ze-kiun, Dr. Hui Po-keung, and Denise Ho Wan-see;
- b. ensure that if there is a trial, that Dr. Margaret Ng Ngoi-yee, Cyd Ho Sau-lan, Cardinal Joseph Zen Ze-kiun, Dr. Hui Po-keung, and Denise Ho Wan-see are tried without undue delay, in a fair and public hearing by a competent, independent, and impartial tribunal established by law;
- c. ensure that lawyers, paralegals or judges in Hong Kong shall not suffer, or be threatened with, prosecution or administrative, economic, or other sanctions for any action taken in accordance with recognized professional duties, standards, and ethics;
- d. ensure that all lawyers, paralegals, judges and human rights defenders in Hong Kong are free from arbitrary arrest or detention;
- e. ensure that all lawyers, paralegals, judges and human rights defenders in Hong Kong can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- f. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Jacqueline Horvat

Treasurer

**The Law Society of Ontario is the governing body for more than 55,000 lawyers and 9,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal professions in the public interest and the Law Society has a duty to advance the cause of justice and the rule of law.

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Dominic Barton, Canadian Ambassador of Canada to the People's Republic of
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Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Wang Junfeng, All China Lawyers Association

Albert Ho Chun Yan, Chairperson, China Human Rights Lawyers Concern Group

Sophie de Graaf, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Mary Lawlor, Special Rapporteur on the situation of human rights defenders,
Office of the United Nations High Commissioner for Human Rights

Diego García-Sayán, Special Rapporteur of the Human Council on the
independence of judges and lawyers, Office of the United Nations High
Commissioner for Human Rights

Marina Brillman, International Human Rights Policy Adviser, The Law Society of
England and Wales

Proposed Public Statement on behalf of Hong Kong lawyer Dr. Margaret Ng Ngoi-ye and human rights defenders Cyd Ho Sau-lan, Cardinal Joseph Zen Ze-kiun, Dr. Hui Po-keung, and Denise Ho Wan-see

The Law Society of Ontario condemns the arbitrary arrest of lawyer Dr. Margaret Ng Ngoi-ye and human rights defenders Cyd Ho Sau-lan, Cardinal Joseph Zen Ze-kiun, Dr. Hui Po-keung, and Denise Ho Wan-see

Toronto, ON — The Law Society of Ontario is condemning the arbitrary arrest of Hong Kong lawyer Dr. Margaret Ng Ngoi-ye, and human rights advocates Cyd Ho Sau-lan, Cardinal Joseph Zen Ze-kiun, Dr. Hui Po-keung, and Denise Ho Wan-see (together, the “Trustees”). When lawyers, paralegals, judges, and human rights advocates have suffered from fundamental injustices, we advocate for the protection of their rights.

On May 11, 2022, the Trustees were arrested under Hong Kong’s repressive national security law for suspected conspiracy to collude with foreign forces to endanger national security due to their work as trustees of the 612 Humanitarian Relief Fund (the “612 Fund”). The 612 Fund was established in response to the use of unnecessary and excessive force by police against largely peaceful protesters during pro-democracy protests in June 2019 and provided protesters with financial support for medical and legal assistance. In 2021, Hong Kong police opened an investigation into the 612 Fund for alleged violations of the national security law and demanded information on its donors and lawyers who received funds for their work on behalf of protesters. The 612 Fund subsequently ceased operations in October 2021.

International human rights organizations, such as Amnesty International and Human Rights Watch, have condemned the Trustees’ arrests, citing them as an example of the government’s broadening crackdown on human rights in Hong Kong. The Trustees are some of Hong Kong’s most prominent pro-democracy figures, and their arrest for the crime of ‘collusion with foreign forces’ highlights how the vagueness of the national security law results in the arbitrary or politically motivated persecution of human rights defenders and lawyers.

After arresting the Trustees, the National Security Department of the Hong Kong Police lodged complaints against several lawyers to the Law Society and the Bar Association, claiming that its investigations into the 612 Fund revealed that these lawyers were suspected of professional misconduct. It is unclear how these allegations are related to national security, and it raises concerns that the complaints are aimed at intimidating lawyers, especially those who represent protesters and human rights advocates.

In light of these circumstances, the Law Society of Ontario urges Your Excellency and Chief Executive Lam to comply with China's obligations under international human rights laws, including the United Nations' *Universal Declaration of Human Rights* and the *Basic Principles on the Role of Lawyers*.

Article 9 of the *Universal Declaration of Human Rights* states:

No one shall be subjected to arbitrary arrest, detention or exile.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society of Ontario urges the Governments of China and Hong Kong to:

- a. immediately and unconditionally withdraw all charges against Dr. Margaret Ng Ngoi-yee, Cyd Ho Sau-lan, Cardinal Joseph Zen Ze-kiun, Dr. Hui Po-keung, and Denise Ho Wan-see;
- b. ensure that if there is a trial, that Dr. Margaret Ng Ngoi-yee, Cyd Ho Sau-lan, Cardinal Joseph Zen Ze-kiun, Dr. Hui Po-keung, and Denise Ho Wan-see are tried without undue delay, in a fair and public hearing by a competent, independent, and impartial tribunal established by law;

- c. ensure that lawyers, paralegals or judges in Hong Kong shall not suffer, or be threatened with, prosecution or administrative, economic, or other sanctions for any action taken in accordance with recognized professional duties, standards, and ethics;
- d. ensure that all lawyers, paralegals, judges and human rights defenders in Hong Kong are free from arbitrary arrest or detention;
- e. ensure that all lawyers, paralegals, judges and human rights defenders in Hong Kong can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- f. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.