

Proposed Public Statement on behalf of Hong Kong 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

The Law Society of Ontario condemns the arbitrary arrest 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

Toronto, ON — The Law Society of Ontario is condemning the arbitrary arrest of Hong Kong lawyer 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.