



THE BAR  
OF IRELAND

*The Law Library*

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Chief Executive  
Office of the Chief Executive  
Hong Kong Special Administrative Region  
People's Republic of China  
Tamar, Hong Kong

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Dear Chief Executive,

The Council of The Bar of Ireland represents barristers in Ireland and has as one of its core values the defence of the rule of law and internationally recognised legal standards relating to human rights, including the right to a fair trial and due process.

We write to register our grave concern at the alleged treatment by the Hong Kong authorities of our colleagues in the Hong Kong legal profession. We are alarmed that lawyers Martin Lee QC and Dr. Margaret Ng were among 15 prominent pro-democracy figures arrested on 18 April 2020. The arrests, pursuant to the *Hong Kong SAR Public Order Ordinance*, are purportedly based on suspicion of their participation in the organisation of “unauthorised assemblies” between August and October of last year.

The leaders of the Hong Kong pro-democracy movement have long argued for the right to peaceful assembly and protest, a right enshrined in the *Sino-British Joint Declaration* of 1984 and the *Hong Kong Basic Law*. The *United Nations Human Rights Committee* has repeatedly expressed concern that bringing charges of “unlawful assembly” against peaceful protesters in Hong Kong is a violation of human rights.

The Council of The Bar of Ireland shares the concerns of the international legal community on the increasing erosion of civil liberties and the rule of law in Hong Kong, and strongly echoes the recent joint statement of the *International Bar Association*, the *Bar Council of England and Wales*, and the *International Commission of Jurists*, in condemning the arrests as a “continued assault on the freedom of expression and right to assembly in Hong Kong”.

The arrest of lawyers Mr. Lee and Dr. Ng, whose peaceful and legitimate protection of human rights in accordance with domestic and international legal frameworks, causes grave concerns for access to justice and the rule of law. The Council joins its colleagues across the international legal community in calling on the Hong Kong authorities to immediately release these detainees; to drop all charges against them, and to cease what are alleged to be politicised and targeted prosecutions against those involved in peaceful demonstrations. The Council furthermore echoes the call on Hong Kong authorities to

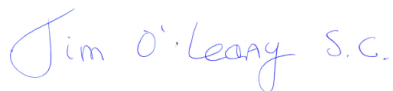
engage in constructive dialogue with the leaders of the pro-democracy movement in order to foster a climate in which their legitimate concerns over democracy and human rights can be met.

The Council of The Bar of Ireland takes this opportunity to respectfully remind the Hong Kong authorities of Article 39 of the *Hong Kong Basic Law* which expressly preserves the application of the *International Covenant on Civil and Political Rights (ICCPR) 1966* to the Hong Kong Special Administrative Region (HKSAR) and thereby the HKSAR government's duty to conform to its obligations thereunder. We further draw the government's attention to Principles 16 of the *United Nations Basic Principles on the Role of Lawyers*:

*Principle 16: '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.'*

The Council of The Bar of Ireland urges the Hong Kong authorities to ensure that the rule of law, including the necessity for an independent legal profession unhindered by any campaign which seeks to subvert lawyers' ability to fully represent their clients' interests and rights, is respected and protected.

Yours sincerely,



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Timothy O'Leary SC  
Chairperson of the Human Rights Committee  
Council of The Bar of Ireland

**CC:**

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