

Department of Justice  
G/F, Main Wing, Justice Place  
Lower Albert Road 18  
Central, Hong Kong  
People's Republic of China  
*Per email: dojinfo@doj.gov.hk*

Security Bureau  
10th Floor, East Wing,  
Central Government Offices  
Tim Mei Avenue 2  
Tamar, Hong Kong  
People's Republic of China  
*Per email: sbenq@sb.gov.hk*

Geneva, 6 May 2021

### **Grave concerns about the conviction of Lawyers Margaret NG, Martin LEE and Albert HO**

Your Excellency,

As an association representing the interests of lawyers, the Geneva Bar Association places a great emphasis on the respect for human rights and the rule of law and is particularly concerned by the situation of fellow colleagues in the world.

In this context, the Geneva Bar Association has been monitoring the situation of Margaret NG, Martin LEE and Albert HO, all lawyers, arrested on 18 April 2020 along with 13 other veteran pro-democracy figures in relation to the 18 August 2019 peaceful march for democracy and political reform in Hong Kong.

It is thus with grave concerns that our Association has been informed that on 1 April 2021, Margaret NG, Martin LEE and Albert HO were convicted by the West Kowloon Magistrates Court for "*organising and participating in an unauthorised assembly*" pursuant to the Public Order Ordinance Cap 245, and condemned to (suspended) prison sentences.

Knowing their background – Margaret NG and Martin LEE were notably awarded the International Bar Association's Human Rights Award for their lifelong defence of freedom, democracy and the rule of law – the Geneva Bar Association fears that their convictions are related to the legitimate exercise of their freedom of speech and right to peaceful protest, as part of their mission as lawyers.

In this regard, we would like to draw your attention to article 21 of the International Covenant on Civil and Political Rights (ICCPR), to which the Hong Kong Special Administrative Region is party and provides that "[t]he right of peaceful assembly shall be recognised".

The Hong Kong SAR has thus a duty to protect and permit such peaceful protest. The Public Order Ordinance Cap 245 must be implemented in compliance with Hong Kong's obligations under the ICCPR. In this regard, the United Nations Human Rights Committee has repeatedly expressed concern that charging people under the Public Order Ordinance against peaceful protesters in Hong Kong stands to violate their human rights under the ICCPR.

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Rue de l'Hôtel-de-Ville 11 T +41 22 310 50 65

Case postale 3488 secretariat@odage.ch

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CH – 1211 Genève 3 www.odage.ch

Other UN Mandates, including the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, have repeatedly urged the authorities to ensure that the Public Order Ordinance is implemented in conformity with Hong Kong's obligations under the ICCPR.

Finally, the 1990 UN Basic Principles on the Role of Lawyers were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, that have a normative value under customary international law, and should be respected by China, which was present at the Congress and voted in favour of their adoption.

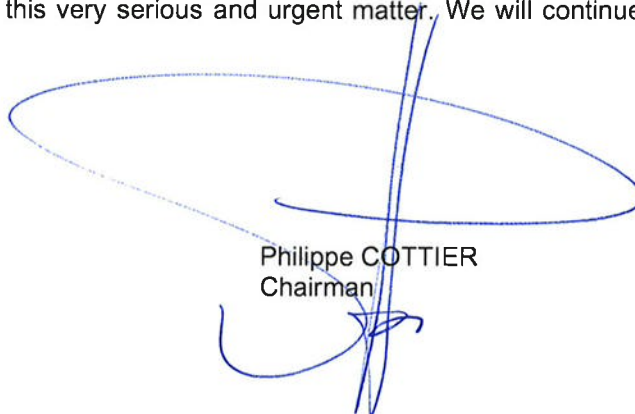
Accordingly, Chinese authorities have an obligation to ensure that lawyers can perform all of their professional functions without intimidation, hindrance, harassment or improper interference; that they are able to travel and to consult with their clients freely both within their own country and abroad; and that they do not suffer, or be threatened with, prosecution for any action taken while carrying out their duties (Principle 16). Moreover, 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. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession (Principle 23).

Along with other lawyers' associations, the Geneva Bar Association therefore calls on the Hong Kong authorities to:

- take immediate and urgent steps to safeguard and ensure that the rights to peaceful assembly and free expression in Hong Kong, including the freedom to dissent, are respected and protected, in accordance with international legal obligations and the Basic Law;
- protect Margaret NG, Martin LEE and Albert HO against any present or future harassment, intimidation and/or reprisal in the exercise of their profession and of legitimate human rights activities.

We thank you for your attention to this very serious and urgent matter. We will continue to closely monitor this case.

Respectfully yours,



Philippe COTTIER  
Chairman

cc. Embassy of the People's Republic of China in Switzerland, His Excellency Ambassador Wang SHITING, Kalcheggweg 10, 3006 Berne (china-embassy@bluewin.ch)

Embassy of Switzerland in China, His Excellency Ambassador Bernardino REGAZZONI, Sanlitun Dongwujie 3, Beijing 100600, People's Republic of China (beijing@eda.admin.ch)

UN Special Rapporteur on the independence of judges and lawyers, Mr Diego GARCÍA-SAYÁN (srindependencejl.dgs@gmail.com; srindependencejl@ohchr.org)

UN Special Rapporteur on the situation of human rights defenders, Mrs Mary LAWLOR (defenders@ohchr.org)

UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Mr Clément Nyaletsossi VOULE (freeassembly@ohchr.org)

UN High Commissioner for Human Rights, Ms. Michelle BACHELET (civilsociety@ohchr.org)