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MEDIA CONTACTS:

Malcolm McNeil, Second Vice President, BHBA, malcolm.mcneil@arentfox.com

Alexander Rufus-Isaacs, Secretary-Treasurer, BHBA, aisaacs@rufuslaw.com

BEVERLY HILLS BAR ASSOCIATION CONDEMNS RECENT ARRESTS AND ACTIONS RELATED TO CRACKDOWN ON PRO-DEMOCRACY ADVOCATES IN HONG KONG

Beverly Hills, CA – July 27, 2020 -- The Beverly Hills Bar Association (BHBA) has carefully examined the arrest of 15 prominent pro-democracy advocates in Hong Kong on April 18, 2020. The arrests included leading lawmakers, lawyers, and party leaders who have been recognized worldwide as proponents for the Rule of Law and Human Rights under both domestic and international law. The arrests included leading barristers, all of whom have previously served as members of Hong Kong's legislative council. Two of them, Martin Lee QC and Dr. Margaret Ng QC, together with a well-known solicitor Albert Ko, have been internationally recognized for their defense of fundamental freedoms. Mr. Lee and Dr. Ng were jointly awarded the International Bar Association's Human Rights Award.

The arrests are suspected to be politically motivated and reflect a general erosion of Hong Kong's autonomy. This is despite China's commitment to maintain the city's separate common-law legal system and basic freedoms.

The arrests also coincided with the announcement of China's new National Security Law which is set to take effect January 1, 2021.

The backdrop is that China guaranteed Hong Kong's rights of peaceful assembly and free speech. The Sino-British joint declaration, a binding international agreement between China and the United Kingdom, guaranteed that Hong Kong shall enjoy separate legal and economic systems through 2047 under the policy of "one country, two systems." The basic law incorporates the international covenant on civil and political rights and embodies them in local law. This includes the guarantee that the right of peaceful assembly shall be recognized. Any arrests or prosecutions must comport with these fundamental guarantees.

The arrests were purportedly based on the pretense that there were unauthorized assemblies in the latter part of calendar year 2019. Moreover, the arrests coincided with the tightening of controls by the central authorities in Beijing including the PRC's liaison office in Hong Kong commenting on Hong Kong Court decisions, asserting that China is not bound by Article 22's provision that "*no Department of the Central People's Government and no Province, Autonomous Region, or Municipality directly under the Central Government may interfere in the affairs which the Hong Kong special administrative region and ministers on its own in accordance with this law.*"

This has had further serious repercussions because the White House has announced that U.S. policy will be to implement the 1992 law which granted Hong Kong special status. The preferential treatment has been revoked by an Executive Order revoking special economic status. That law was designed to help guarantee that Hong Kong's freedoms

would be preserved. This was closely followed by the introduction of the Hong Kong Safe Harbor Act, a bipartisan proposal to provide easy access to the U.S. for pro-democracy refugees.

The 2019 protests were triggered by the Hong Kong government's attempt to implement the law which was broadening the ability to extradite from Hong Kong to China.

The BHBA calls upon the Hong Kong government to act to drop all charges against the 15 pro-democracy advocates and to allow them their legitimate rights of protest and to practice the profession of law without governmental interference. Moreover, both Hong Kong and Beijing are urged to honor their obligations under international and domestic law and renew their commitments to the rule of law and human rights under the pledge of maintaining "one country, two systems."

Without this, Hong Kong will continue to see a decay in basic rights which will also undercut all other interests of Hong Kong, including economy, tourism, trade and banking.

The Beverly Hills Bar Association is entering its tenth decade serving more than 16,000 lawyers who live or work on the Westside of Los Angeles, as well as throughout southern California and the world. BHBA serves its members, leads the profession, supports and advocates for legislation and legal decisions supporting equal rights and the independence of the judiciary, and advocates for justice by offering continuing legal education, networking events, publications, a personnel referral service, leadership and professional growth opportunities, pro bono programs, and legislative advocacy activities. BHBA also offers virtual office services, conference room rentals, and day-use offices. Find out more at www.bhba.org.

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