



The UIA Institute for the Rule of Law

STATEMENT

Paris, February 2, 2021

Concerns about the Arrest of US Lawyer John Clancey in Hong Kong

On January 6, 2021, 53 people were arrested in Hong Kong following their participation in a pro-democracy primary election last July, which authorities allege was part of a plan to subvert state power.

The mass arrests were made under the “Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region” (“NSL”) enacted in June 2020, in the aftermath of 2019 anti-government protests. The new law criminalizes acts of subversion, secession, terrorism and collusion with foreign powers to intervene in the city’s affairs and provides for a maximum sentence of life imprisonment.

Among arrested persons facing charges of subversion, was John Clancey, American human-rights lawyer and Hong-Kong resident, who works in the law firm Ho Tse Wai and Partners. Mr. Clancey is also President of the Asian Human Rights Commission and treasurer of the political organization, Power for Democracy, in Hong-Kong. According to the latest information received, he was granted bail on January 7, 2021 pending further inquiries and thus far would not have been charged.

In July 2020, UIA and UIA-IROL expressed their grave concern concerning the adoption of the NSL¹. The NSL poses a serious threat to the Rule of Law, to Hong Kong’s democratic institutions, and to the fundamental principles enshrined in the Hong Kong Basic Law.

UIA-IROL notes with concern that since the adoption of the NSL, the Hong Kong authorities have made extensive use of the law to repress opposition and pro-democracy movements.

The arrest of Mr. Clancey, a U.S. citizen, is all the more worrisome since it is the first use of the new National Security Law against a foreigner. In particular, the offence of subversion is being used “*to detain individuals for exercising legitimate rights to participate in political and public life*”, said Liz Throssell, a spokesperson for the U.N. Human Rights Council in Geneva².

The UIA-IROL expresses deep concern over the arrest of Mr. Clancey, as it is a clear infringement on his right to his freedom of expression.

More about the UIA-IROL

The Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL) promotes the Rule of Law and supports and defends, in particular, (1) lawyers, judges and human rights defenders who are harassed, threatened and/or persecuted in the exercise of their professions, (2) the independence of the legal and judicial professions, and (3) the UN Basic Principles on the Role of Lawyers, especially in defense of human rights.

For more information go to: www.uanet.org - uiacentre@uanet.org
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¹ <https://www.uanet.org/en/news/hong-kong-national-security-law-threatens-rule-law>

² <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26640&LangID=E>