

**SENATE FOREIGN RELATIONS COMMITTEE**

**TRANSNATIONAL REPRESSION**

---

**OPENING STATEMENT**

---

**Caoilfhionn Gallagher KC**

Counsel

Doughty Street Chambers

53-54 Doughty Street

London WC1N 2LS

United Kingdom

**5<sup>th</sup> December 2023**

## INTRODUCTION

1. My name is Caoilfhionn Gallagher KC. I am a barrister (King's Counsel) at Doughty Street Chambers, London, specialising in human rights and media law. My clients are based around the world: I regularly act for individuals targeted by countries such as China, Russia, Saudi Arabia, Iran, Egypt, Equatorial Guinea. Many of my clients are journalists, human rights defenders, peaceful protestors and other individuals who have been targeted by State or non-State actors and subject to other forms of reprisal, including arbitrary detention and threats to their life, because of they seek to vindicate their internationally protected rights or the rights of others, or to expose the unlawful conduct of individuals, government, and/or corporations.
2. I am an expert in journalists' safety and accountability for crimes against journalists. My caseload includes leading the international legal teams for pro-democracy activist and publisher *Jimmy Lai*, imprisoned in Hong Kong; for the bereaved family of journalist *Daphne Caruana Galizia*, assassinated in Malta; for over 150 *BBC News Persian* journalists, subjected to transnational repression by Iran; and (with my colleague Amal Clooney) for *Maria Ressa*, the Nobel Peace Prize winning journalist in the Philippines. I was appointed an expert by the Inter-American Court of Human Rights on the safety of female journalists (*Jineth Bedoya Lima v. Colombia*) and I have given expert testimony to UNESCO and Parliamentary inquiries in the Council of Europe, United Kingdom and Council of Europe.
3. Increasingly in my work I see a trend of States no longer being content to simply target critical voices within their own jurisdictions: now, they are using the long arm of the State to target their critics, wherever in the world they may be. We now live in a world in which journalists can be forcibly brought within jurisdiction by hijacking a Ryanair plane, as Belarus did in order to arrest Roman Protasevich; in which a journalist from the US is brutally dismembered in the Saudi consulate in Turkey, a Council of Europe country, as happened to Jamal Khashoggi; in which Russia poisons its critics in London; and in which journalists and human rights activists worldwide receive online death threats from State-linked actors.
4. I would like to thank the Senate Foreign Relations Committee for inviting me to give testimony today about this vitally important issue of transnational repression. In the available time I wish to focus upon two countries, Iran and China, and two stark examples which illustrate new trends in transnational repression which I see in my work: (i) the extraterritorial targeting of Iranian journalists worldwide; and (ii) transnational repression and reprisals against those supporting Jimmy Lai, the renowned pro-democracy campaigner, media owner and writer imprisoned in Hong Kong. This Committee's work in support of and solidarity with Mr Lai, a remarkable and brave man imprisoned for standing up to a bully regime, has been commendable. Today we highlight secondary, transnational targeting of those who stand up to that bully regime outside Hong Kong, including in particular Jimmy Lai's son, Sebastien, and his international legal team.

5. These examples illustrate that the nature of the threats faced by those who speak truth to power is changing – and the actions we take to combat those threats must change, too, and change urgently.

## IRAN'S TARGETING OF JOURNALISTS GLOBALLY

6. It's often said that journalists don't want to become the story. But given Iran's actions, today we must discuss journalists' stories.
7. Iran has a long history of targeting journalists on its own soil – arresting them and accusing them of espionage simply for doing their jobs. For decades these tactics were used against local journalists; or foreign journalists when based there, such as Jason Rezaian for the Washington Post. Iran targeting journalists is not new, but there are five developments which are particularly troubling:
  - (i) Iran's tactics are now **cross-border**: no longer is Iran only targeting those who report on its own soil, but it is routinely using the long arm of the State to reach out across borders, to attempt to silence journalists based in UK, in Europe, in the US, worldwide. In their sights are media organisations such as BBC News Persian (UK); Iran International (UK and US); Voice of America (US); Deutsche Welle (Germany); Radio Farda (Czech Republic); and individual freelancers. Iran attempts to silence these journalists both through 'lawfare', weaponizing Iranian laws: accusing media organisations and journalists of terrorism offences and freezing their assets; and through a range of extra-legal tactics, including online harassment.
  - (ii) Many of Iran's transnational attacks on journalists are **gendered and misogynistic**: women journalists face especially egregious tactics. In my work for BBC News Persian, for example, I see false and defamatory information generated through different online platforms and domestic and state-controlled media, aided by search engine manipulation of search engines, so that it can be very difficult to separate facts from fakes. This includes fake images, often focusing on discrediting the female members of BBC News Persian staff among their friends and family – and the broader public – in Iran by accusing them of sexual indecencies. Examples include:
    - Fake stories stating that a BBC News Persian presenter had been raped by a colleague known to Iranian audiences and a fake photo blog showing her with her "*illegitimate child*". Later, her father was interrogated by authorities, where officers told him she had hidden it from her family because she was embarrassed about having been raped by a colleague.
    - A presenter was photo shopped into a pornographic image, which was sent to her 14-year old son in London. This is particularly threatening in that it demonstrates they know where he goes to school.

- (iii) Iran's tactics also constitute a **collective punishment of those connected to those journalists**: their family members and their sources. Family members have passports confiscated, are subject to travel bans, and are harassed in an effort to silence their relatives. Clients of mine, based in the UK, have family members in Iran who are imprisoned, placed in solitary confinement, and given a chilling message: this will continue unless your loved one stops working for the BBC, or Iran International. This is weaponising family members against their loved ones: leveraging the fact that they have loved ones within Iran to exert pressure upon journalists outside.
- (iv) Iran is engaging in unprecedented **collective punishment of journalists**. Simply being connected to a media organisation which they are targeting is enough. For example, the Iranian authorities in 2017 issued an injunction naming over 150 people, current and former members of BBC News Persian staff, simply because of that connection, including those who never appear in front of a screen and never work on political reporting. This is a legal dragnet, capturing all in its path.
- (v) And now, Iran's conduct against journalists has escalated to include routine and regular **credible threats to life** in multiple countries across the globe. For five years, the temperature has been rising, with a series of escalating deeply troubling incidents.
- First, we saw deeply troubling individual examples since 2018:
    - In October 2018 Denmark recalled its ambassador from Tehran after its security services accused Iranian intelligence service of plotting an assassination on Danish soil.
    - In December 2019 a complaint was made to the UN concerning credible death threats made to Rana Rahimpour, a BBC News Persian presenter in London. She addressed the Human Rights Council in Geneva in March 2020, saying she had been warned that she, her husband, her children and her parents would be assassinated within one month. Her crime? Being a journalist.
    - Ruhollah Zam, a journalist and refugee in France was effectively kidnapped by Iran. In October 2019, the Revolutionary Guard announced that they had lured him back to Iran (he is believed to have attended a meeting with a fake source) and arrested him. He was executed in December 2020. His crime? Being a journalist.
    - In July 2021, it was revealed that an Iranian-American journalist based in Brooklyn, Masih Alinejad, was the target of a kidnapping plot, with four individuals charged. This year, it was revealed that the FBI had disrupted another plot to assassinate her.
  - Now, these individual examples have morphed to become a systematic tool in the Iranian authorities' global toolbox. (This pattern has been analysed brilliantly by journalist Paul Caruana Galizia in a series for Tortoise,

Londongrad.<sup>1)</sup> By February 2023, the UK's security services, MI5, had revealed that UK authorities had discovered at least fifteen “*potential threats*” since January 2022 to “*kidnap or even kill British or UK-based individuals perceived as enemies of the regime.*” That's over one a month. And also in February 2023, channel Iran International had to suspend its broadcasts from the UK as it was no longer possible to protect the staff at their building in London, following credible threats to multiple staff members. A foreign State had caused such a significant threat to British journalists on British soil that they had to stop their work and move their operations. Their crime, in Iran's eyes? Being journalists.

## TRANSNATIONAL REPRESSION AND REPRISALS FOR HUMAN RIGHTS WORK CONCERNING HONG KONG

8. Transnational repression by the Chinese and Hong Kong authorities is not new but is undoubtedly on the increase, and the tactics being used are becoming more sophisticated. This includes increasingly sophisticated cyber tactics<sup>2</sup> and alleged interference with parliamentary democracy in sustained and complex ways.<sup>3</sup> We are now seeing an increasingly blurred line between transnational repression tactics used in respect of mainland China and those used in respect of Hong Kong, and increasingly brutal tactics being used by the Hong Kong authorities.
9. The passing of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (“the National Security Law” or “NSL”) marked a particularly low point.<sup>4</sup> It was passed by China's top legislature, unanimously, on 30<sup>th</sup> June 2020, without accountability or transparency, and it entered into force in the territory that same day. In June 2020, shortly before it was passed, an unprecedented statement from over 50 UN experts was issued, expressing their alarm about the repression of fundamental freedoms in China and the Hong Kong Special Administrative Region (“HKSAR”), stating that, if passed, the NSL would “*impose severe restrictions on civil and political rights*” in the HKSAR, and would “*deprive the people of Hong Kong... the autonomy and fundamental rights guaranteed to them*” under the Sino-British Joint Declaration and the “*one country, two systems*” framework.<sup>5</sup> Amnesty International's summary encapsulates the core concerns:

---

<sup>1</sup> ‘Londongrad: Iran's hit squads,’ May 2023, Tortoise: <https://www.tortoisemedia.com/collection/londongrad-irans-hit-squads/>.

<sup>2</sup> For example, in 2019 Amnesty International reported that Amnesty International Hong Kong had been the victim of a sophisticated cyber-attack, suspected to be linked to the Chinese government: see Amnesty International, ‘[State-sponsored hackers target Amnesty International Hong Kong with sophisticated cyber-attack](#)’, 25<sup>th</sup> April 2019; and on 1<sup>st</sup> March 2023, Belgium's Centre for Cyber Security revealed that it had linked China-sponsored hackers to a “spear phishing” attacks on Belgian parliamentarian, Samuel Cogolati, in January 2021: Financial Times, ‘[Belgium's cyber security agency links China to spear phishing attack on MP](#)’, 1<sup>st</sup> March 2023.

<sup>3</sup> See the allegations regarding interference in democratic processes in Canada and the UK.

<sup>4</sup> Available in English here: <https://www.gld.gov.hk/egazette/pdf/20202448e/egn2020244872.pdf>.

<sup>5</sup> OHCHR Press Release (2020) “UN experts call for decisive measures to protect fundamental freedoms in China”, 26<sup>th</sup> June 2020. Available at: <https://www.ohchr.org/en/press-releases/2020/06/un-experts-call-decisive-measures-protect-fundamental-freedoms-china> Soon after it came into force, and following the first arrests under it, UN mandate holders issued another urgent communication, stating that they were, “*concerned that the law lacks precision in key respects, infringes on certain fundamental rights and may not meet the required thresholds of necessity, proportionality and non-discrimination under*

*“The law is dangerously vague and broad: virtually anything could be deemed a threat to “national security” under its provisions, and it can apply to anyone on the planet.”<sup>6</sup>*

10. From the outset the Hong Kong authorities have, unsurprisingly, threatened the use of the NSL extra-territorially and have been using it to threaten their critics abroad. An example from March 2022: Benedict Rogers, CEO of UK-based organisation, Hong Kong Watch, was threatened with prosecution under the NSL for the publication of certain material on the organisation’s website.<sup>7</sup>
11. Little wonder that, after the passing of the NSL, a number of States suspended their extradition agreements with Hong Kong in order to protect individuals from the politically-motivated charges under the NSL.<sup>8</sup> In March 2022 the International Bar Association’s Human Rights Institute (“IBAHRI”) called on the international community to suspend extradition treaties with Hong Kong *“amid alleged intimidation by Hong Kong authorities of human rights defenders.”*<sup>9</sup>
12. In July 2023, however, there was a very grave escalation by the Hong Kong authorities. On 3<sup>rd</sup> July 2023, Hong Kong authorities issued arrest warrants and HK\$1 million bounties on eight exiled pro-democracy activists and former lawmakers: Ted Hui, Dennis Kwok, Nathan Law (former legislators); Anna Kwok, Elmer Yuen, Finn Lau (activists); Christopher Mung (a trade unionist); and Kevin Yam (a lawyer). They are based in various countries, including the UK, USA and Australia. The Hong Kong authorities allege that

---

*international law,*” and thus would not be in compliance with China’s international human rights obligations with respect to HKSAR: Communication CHN 17/2020, dated 1<sup>st</sup> September 2020, page 1.

<sup>6</sup> See <https://www.amnesty.org/en/latest/news/2020/07/hong-kong-national-security-law-10-things-you-need-to-know/>.

<sup>7</sup> Hong Kong Watch, [‘Hong Kong Watch co-founder and CEO Benedict Rogers threatened under National Security Law’](#), 14<sup>th</sup> March 2022.

<sup>8</sup> See, for example, CBC (2020) *“Canada suspends extradition treaty with Hong Kong over new security law”*, 3<sup>rd</sup> July 2020. Available at: <https://www.cbc.ca/news/politics/canada-suspending-extradition-treaty-hong-kong-over-security-law-1.5636479>; Extradition treaty with Hong Kong, Joint statement from Prime Minister, Minister for Foreign Affairs and Attorney-General, 9<sup>th</sup> July 2020. Available at: <https://www.foreignminister.gov.au/minister/marise-payne/media-release/extradition-treaty-hong-kong>; Hong Kong and China: Foreign Secretary’s statement in Parliament, 20<sup>th</sup> July 2020. Available at: <https://www.gov.uk/government/speeches/hong-kong-and-china-foreign-secretarys-statement-in-parliament>; New Zealand suspends extradition treaty with Hong Kong, 28<sup>th</sup> July 2020. Available at: <https://www.beehive.govt.nz/release/new-zealand-suspends-extradition-treaty-hong-kong>; Kate Day (2020) *“Germany suspends extradition agreement with Hong Kong”*, *Politico*, 31<sup>st</sup> July 2020. Available at: <https://www.politico.eu/article/germany-suspends-extradition-agreement-with-hong-kong/>; Ben Westcott (2020) *“US suspends extradition treaty with Hong Kong due to concerns over city’s eroding autonomy”*, CNN, 20<sup>th</sup> August 2020. Available at: <https://edition.cnn.com/2020/08/19/asia/us-hong-kong-extradition-treaty-intl-hnk/index.html>; Helsinki Times (2020) *“Finland suspends extraditions to Hong Kong, prompting response from Beijing”*, 20<sup>th</sup> October 2020. Available at: <https://www.helsinkitimes.fi/finland/finland-news/domestic/18189-finland-suspends-extraditions-to-hong-kong-prompting-response-from-beijing.html>; Reuters Staff (2020) *“Ireland suspends extradition treaty with Hong Kong”*, *Reuters*, 24<sup>th</sup> October 2020. Available at: <https://www.reuters.com/article/uk-hongkong-security-ireland-idUKKBN2781XA>

<sup>9</sup> See <https://www.ibanet.org/IBAHRI-calls-for-suspension-of-extradition-treaties-with-Hong-Kong>. In its six monthly report on Hong Kong, dated 31<sup>st</sup> March 2022, the UK’s Foreign, Commonwealth and Development Office confirmed that *“We stand by the measures we introduced in response to the National Security Law, including suspending our extradition treaty and extending the arms embargo on China to Hong Kong.”* See <https://www.gov.uk/government/publications/six-monthly-report-on-hong-kong-1-july-to-31-december-2021/six-monthly-report-on-hong-kong-1-july-to-31-december-2021>.



they have “committed serious crimes endangering national security, advocated sanctions, undermined Hong Kong, and intimidated Hong Kong officials,” and “schemed for foreign countries to undermine Hong Kong’s financial status.” All of the suspects have been charged with “colluding with foreign forces” under the NSL, save for Mr Mung, who faces one charge of “inciting secession.” Rewards were offered for information leading to their arrests.

13. On 4<sup>th</sup> July 2023, Chief Executive John Lee said that the eight would be “pursued for life” and told journalists that, “the only way to end their destiny of being an abscondee who will be pursued for life is to surrender.”<sup>10</sup> On 11<sup>th</sup> July, he described them as “street rats” who should be “avoided at all costs.”<sup>11</sup>
14. I note that China has a history of kidnapping individuals abroad and forcibly returning them to China – for example, see the recent case of 80-year-old historian and activist Lhamjab Borjigin, arrested at his home in Mongolia and forcibly returned to China in May 2023.<sup>12</sup> Sky Net, the CCP’s campaign to return ‘fugitives’ from overseas, has been expanded since 2022.<sup>13</sup> The transnational tactics and language now being used in relation to Hong Kong must be seen against this backdrop.
15. However, the Hong Kong authorities are not only targeting Hong Kongers or ‘dissidents’ within diaspora communities (to use the term in the title of this session). The transnational harassment net is now being cast ever-wider by the Hong Kong authorities and their agents. They are now targeting those who stand up to the Hong Kong authorities, regardless of whether they have ever stepped foot in Hong Kong and regardless of their nationality. Transnational targeting of those supporting Jimmy Lai is indicative of new concerning trends which I draw to this Committee’s attention.
16. As this Committee heard from his son, Sebastien, earlier this year, Jimmy Lai is the oldest and highest profile political prisoner in Hong Kong. Since the 1989 Tiananmen Square protests and massacre, Mr Lai has been a leading figure in the Hong Kong pro-democracy movement. He is a well-known and high-profile advocate for democracy and peaceful assembly, and he has been an outspoken critic of human rights violations by the government and authorities of the People’s Republic of China. His response to the horrors of Tiananmen Square was to found Apple Daily, one of Hong Kong’s most popular newspapers and the largest independent Chinese language media outlet in the region until its forced closure in June 2021.

---

<sup>10</sup> See <https://www.reuters.com/world/asia-pacific/hong-kong-leader-says-8-overseas-activists-will-be-pursued-life-2023-07-04/>.

<sup>11</sup> See <https://hongkongfp.com/2023/07/11/treat-hong-kongs-8-wanted-democrats-like-street-rats-who-should-be-avoided-at-all-costs-leader-john-lee-says/>

<sup>12</sup> See further <https://safeguarddefenders.com/en/blog/chinese-police-kidnaps-writer-mongolia>.

<sup>13</sup> More detail is available here: <https://safeguarddefenders.com/en/blog/china-announces-expansion-sky-net-and-long-arm-policing>.

17. Due to his work, Mr Lai has been subjected to a barrage of criminal prosecutions, and faces life in prison. He is a prisoner of conscience, imprisoned for his peaceful campaigning activities, his writing, and his journalism, as well as on trumped charges based on an alleged breach of a lease. He has served four sentences already; is still serving a fifth; and now awaits trial for sedition and offences under the NSL, on charges which arise out of his journalism and pro-democracy campaigning. This hearing is timely, as Mr Lai turns 76 this week, on Friday, and his NSL trial is due to start in a little over a week, on Monday 18<sup>th</sup> December 2023. It is clear that the authorities wish to see him die behind bars, and wish to use him as an example to send a chilling message to any others who would dare to stand up to oppression in Hong Kong.
18. Jimmy Lai's son, Sebastien, who is leading the international #FreeJimmyLai campaign, lives in Taiwan and regularly travels across the world to raise awareness of his father's plight and seek to secure his release. He is a son campaigning to see his father again. For that, the Hong Kong and Chinese authorities have criticised and threatened him, using formal statements accusing him of criminal activity; subjected him to hateful attacks in State media; and have even interrupted him when he addressed the Human Rights Council in Geneva in June 2023, along with a member of our international legal team, Tatyana Eatwell.<sup>14</sup> China's conduct in Geneva shows they will stop at nothing to silence criticism. They will even interrupt a son speaking out for his father. A lawyer speaking out for her client. NGOs speaking out about the erosion of democracy, freedom of expression and the rule of law in Hong Kong. This is a bully State, using every tool in its armoury to silence, to intimidate and to threaten.
19. These are not isolated incidents. My colleagues and I, as members of the international legal team for Jimmy Lai and Sebastien Lai, have been subjected to a range of actions. None of us are Hong Kongers. None of us are 'dissidents.' Rather, we are international lawyers acting for our clients and seeking to hold China and Hong Kong to account for flagrant violations of Jimmy Lai's fundamental rights protected by international law. What we are experiencing does not come anywhere close to the most extreme examples you have heard about today, but it nevertheless raises very serious concerns.
20. Some of the transnational tactics used against us include:
  - (i) **Attacks in Chinese affiliated State media since March 2022**, particularly targeted at me, as lead counsel of the international legal team for Jimmy Lai and Sebastien Lai. This has included multiple articles in *Wen Wei Po*, for example, suggesting that my colleagues and I are "*guilty*" of committing national security offences, sedition and espionage by leading the international legal team in the case; describing me as having "*strong anti-China sentiment*" and having "*slandered China*" by raising human rights concerns in relation to the Beijing Olympics on

---

<sup>14</sup> See further <https://www.doughtystreet.co.uk/news/jimmy-lais-case-raised-united-nations-human-rights-council-geneva-0>.



my twitter account<sup>15</sup>; criticising me for “*blackening Hong Kong’s National Security Law*” by expressing concerns about it in an online meeting on press freedom at which I spoke at alongside Nobel Peace Laureate Maria Ressa of the Philippines (and another client of mine); and criticising my connections to other human rights groups, particularly Reporters Without Borders (“RSF”) and IBAHRI.

Many of the articles in State affiliated media suggest that Jimmy Lai is guilty of offences for the very act of instructing international lawyers. They carry quotes from high-ranking politicians claiming that the international legal team are, by filing appeals and making submissions to the UN Human Rights Council Special Procedures for Mr Lai, acting illegally and committing serious crimes.<sup>16</sup> By way of example, an article published in Wen Wei Po on 16<sup>th</sup> March 2023 included accusations that the international legal team for Jimmy Lai was “colluding with foreign forces” – an offence under the National Security Law. We are described as “*disgusting*,” “*anti-China foreign forces*” committing criminal offences to “*smear*” the Hong Kong and Chinese authorities, and that – by being lawyers acting for our client – we and our client are somehow, together, “*forces disrupting Hong Kong [which] are determined to intervene in Hong Kong affairs forcibly and undermine the rule of law in Hong Kong.*” By speaking to the United Nations or Parliamentarians, it is alleged that that the legal team, “*seeks foreign forces to interfere in Hong Kong affairs, which must violate Hong Kong’s national security law.*” Editorials call for ever heavier penalties for our client, and for our crimes to be investigated and for us to be arrested or extradited to face justice.

- (ii) **Reprisals from the HKSAR government, through formal public statements.** These State media attacks are combined with formal sabre-rattling statements from the Hong Kong authorities, accusing us of committing criminal offences. Our crime? Being lawyers. Doing our jobs. Such a statement was released in March 2023, for example, following Jennifer Robinson and my addressing the UN Human Rights Council in Geneva, accusing the legal team of committing criminal offences for engaging with the UN on behalf of our clients, “*abusing*” UN processes, and “*scandalising*” the National Security Law and the Hong Kong courts. That same statement also criticised Sebastien Lai and claimed he was committing criminal offences by speaking out and calling for his father’s release.<sup>17</sup>

---

<sup>15</sup> Qi Zhengzhi, Wen Wei Po, [黎智英律師收「國安電郵」警方譴責有人冒警](#), 2<sup>nd</sup> March 2022 (unofficial translation to English).

<sup>16</sup> Wen Wei Po, [Jimmy Lai’s son “sold himself out” and begged for external intervention in national security case. The SAR government strongly condemned it](#), 16<sup>th</sup> March 2023 [unofficial translation].

<sup>17</sup> The full statement is available here:  
<https://www.info.gov.hk/gia/general/202303/15/P2023031500686.htm>

(iii) These formal actions by State actors are combined with **an extensive and prolonged campaign of hacking attempts cyber-harassment**, which has been distressing and frightening. This has included repeated hacking attempts on personal and professional accounts, and multiple death, rape and dismemberment threats to me, and threats to my family members, all of which are being dealt with by the authorities. We also regularly receive false notifications of inbound WhatsApp calls, purporting to come from individuals when they are alone with female members of the legal team, which has been particularly frightening and intimidating. The timing and content of these attacks are plainly designed to be attritional and stop me doing my job as Jimmy Lai's lawyer: the attacks come thick and fast on key days for the case. It also includes spying attempts, including requests from bogus journalists, bogus lawyers or bogus Parliamentary aides and staffers seeking information about the case, our client and our approach. Of most concern to me are tactics which I would describe as 'privilege phishing,' seeking to obtain legally privileged, sensitive information about clients or other targets of the authorities and thus put them at risk. I regularly receive emails impersonating professionals – including emails impersonating a Senate staffer, and partners in US law firms – requesting sensitive information; and emails purporting to be sent by me are sent to my clients and others. For example, when the NGO Safeguard Defenders published their recent report on illegal Chinese police stations abroad, they received an email purportedly from me offering them my services pro bono, starting an email chain which then led to requests for sensitive source information. Impersonation of a lawyer is a criminal offence in multiple countries worldwide for good reason. These are deeply concerning tactics which could risk the physical safety, liberty or even the lives of individuals who are fooled by it.

(iv) **Intimidatory physical surveillance within and near the UN building in Geneva:** throughout this year, I and colleagues on the international legal team have been placed under surveillance, followed and photographed whilst meeting with OHCHR staff and State Missions on Mr Lai's case. I understand that one of these incidents – which took place within the UN building itself – was investigated and was confirmed to be State activity.

21. These actions are clearly designed to send a message: we should not act for Jimmy Lai, and we should not raise concerns about China and Hong Kong's human rights records with the United Nations, other international organisations or States. If they go to these lengths and devote such resources to secondary targeting of lawyers like me, it gives an indication of the scale on which they are operating. I have acted in the most sensitive of cases for two decades, and the tactics which I see in Jimmy Lai's case are on a different scale and of a different severity to anything I have seen before.

22. I am grateful to the UN Secretary-General for drawing attention to these actions in his Report on Cooperation with the United Nations, its representatives and mechanisms in the field of rights, 21<sup>st</sup> August 2023. It states that multiple UN actors have raised concerns

about reprisals by China against those cooperating with the UK and fear thereof,<sup>18</sup> many of whom are necessarily anonymous. Our case is the only non-anonymised example.<sup>19</sup> Alarmingly, China has refused to confirm to the UN Human Rights Committee in its fourth periodic review of HKSAR, or to the UN Special Procedures, that engagement with the UN would not constitute an offence under the National Security law, stating to the Human Rights Committee that it would “*depend on the particulars of the case and on the activities of the body in question.*”<sup>20</sup>

23. The campaign by China/ Hong Kong to silence dissent and critical voices, and to shutdown scrutiny of the international scrutiny of their actions, is comprehensive and it is sophisticated. The actions listed above are designed to intimidate and silence individuals who are simply calling upon the authorities to comply with their international obligations, and, in the case of Hong Kong, its own domestic law that purports to guarantee rights and freedoms to person in Hong Kong. It is clear that China and Hong Kong’s weaponisation of the law – its ‘lawfare’ – extends not only to those within its own borders, such as Jimmy Lai; and those who it erroneously describes as “*self-exiled*”, such as the individuals with the bounties; but to anyone, anywhere in the world, who dares question their narrative.

## CONCLUSION

24. These examples of Iran and China/ Hong Kong make clear the new nature of the threats we face across the globe. These are not distant issues. Nor are they diaspora only issues, or dissident issues. They impact upon us all.
25. One often thinks of transnational repression as being targeted at members of a diaspora, victims of human rights violations or members of civil society activists whose work or campaigning exposes grave human rights violations or other abuses committed by a State. The targeting of my colleagues and I, as the legal representatives of Jimmy Lai and Sebastien Lai, is illustrative of the extent to which China attempts to shut down any and all scrutiny of its conduct and compliance with its international obligations, including those who engage with the UN Human Rights Council, of which China is a member<sup>21</sup> and as a member, purports to uphold the principles and purposes of the UN and the promotion

---

<sup>18</sup> Report of the Secretary-General on Cooperation with the United Nations, its representatives and mechanisms in the field of rights, 21<sup>st</sup> August 2023, A/HRC/54/61, para. 26 and Annex I, para. 55.

<sup>19</sup> Ibid, Annex I, para. 56.

<sup>20</sup> Ibid, para. 23; Human Rights Committee, Summary record of the 3895<sup>th</sup> meeting held on 12<sup>th</sup> July 2022, Fourth Periodic Report of China cont., CCPR/C/SR.3895, 20<sup>th</sup> July 2022, para. 44; Response to the letter from the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on matters concerning Hong Kong Special Administrative Region of the People’s Republic of China, (AL CHN 1/2023), CH/HR/2023/46, 1<sup>st</sup> May 2023, para. 56.

<sup>21</sup> China’s term for the 17<sup>th</sup> cycle expires on 31<sup>st</sup> December 2023. On 15<sup>th</sup> October 2023 China was re-elected by the General Assembly in accordance with resolution 60/651, to serve for an additional term that will expire on 31<sup>st</sup> December 2026.

and protection of human rights. It is an outrage that China can sit on the Human Rights Council whilst at the same time continue to its attempts to harass and intimidate with individuals and entities who seek to engage with it.

26. The US Government issued a Hong Kong Business Advisory on 16<sup>th</sup> July 2021 warning US businesses of the emerging risks to their operations and activities in Hong Kong posed by the National Security Law.<sup>22</sup> The growing threat of transnational repression by China and the Hong Kong authorities underlines the need for urgent effective measures must be taken to address incidents of physical and online targeting and harassment of lawyers, members of civil society, human rights campaigners, and academics, who are based outside of China and Hong Kong. Such measures, at a national level, require a “whole government” approach to an issue that engages the interests of national security, foreign affairs, and business and trade, in cooperation with social media platforms and tech companies. Individuals and groups at risk must be warned of the sophisticated and insidious methods used to target perceived critics of China and Hong Kong, and associated risks. At an international level, it is only through the collaboration and cooperation of States, that this growing threat can be properly addressed, and individuals are protected.

**Caoilfhionn Gallagher KC**  
**5<sup>th</sup> December 2023**

---

<sup>22</sup> Department of State, Department of the Treasury, Department of Commerce, Department of Homeland Security, [Hong Kong Business Advisory](#), 16<sup>th</sup> July 2021.