



Following the Arrest Warrants of Eight Overseas Activists, States Must Strongly Reject Hong Kong's Attempts to Extraterritorially Criminalize and Punish Peaceful Conduct Abroad

1. Hong Kong National Security Police Issue Eight Arbitrary Arrest Warrants for Political Crimes

On 3 July 2023, Hong Kong national security police issued arrest warrants and a HK\$ 1 million bounty on eight persons currently living abroad for violations of Hong Kong's National Security Law, only days after the law's third anniversary, including for conduct done while abroad.

- **Ted Hui**, former lawmaker; currently in Australia; wanted for foreign collusion, inciting secession, and inciting subversion, including for initiating the [2021 Hong Kong Charter](#) calling for continued activism abroad
- **Dennis Kwok**, former lawmaker; currently in US; wanted for foreign collusion
- **Nathan Law**, former lawmaker; currently in UK; wanted for foreign collusion and inciting secession
- **Anna Kwok**, activist; executive director of Hong Kong Democracy Council; currently in the US; wanted for foreign collusion
- **Finn Lau**, activist; founder of Hong Kong Liberty and Stand with Hong Kong; currently in UK; wanted for foreign collusion
- **Elmer Yuen**, businessman and pro-democracy commentator; currently in Canada; wanted for foreign collusion and subversion, including for organizing a Hong Kong parliament-in-exile
- **Christopher Mung**, labor activist; executive director of Hong Kong Labour Rights Monitor; currently in UK; wanted for inciting secession
- **Kevin Yam**, lawyer; currently in Australia as an Australian citizen; wanted for foreign collusion

The maximum prison sentence for incitement is 10 years, with a maximum life sentence for collusion and subversion. A Hong Kong police statement added that anyone aiding, abetting, or funding anyone accused under the law, including online, may also violate the law and be targeted.¹ The warrants are thus aimed not only at the eight activists but threaten anyone of any nationality linked to Hong Kong advocacy work abroad.

2. The Arrest Warrants Involve Serious Human Rights Violations

All of the charges target peaceful civil society action, including speech and online posts, assemblies, associations, and other activities which are protected under Hong Kong's constitutional Basic Law, its Bill of Rights Ordinance, and the International Covenant on Civil and Political Rights (ICCPR), which the Basic Law incorporates. In many cases the charges are particularly absurd. For example Kevin Yam was charged with foreign collusion for meeting Australian officials as an Australian citizen. It is also ironic that Hong Kong police are offering a bounty in order to collude with foreigners to capture persons accused of foreign collusion.

Since the China-imposed National Security Law (NSL) became effective on 30 June 2020, Hong Kong law, national security police, and courts have criminalized civil society action and ignored civil and political rights. At least 260 people have been arrested under the NSL and more than 80 for "sedition" including for social media comments, publishing articles and books, and chanting slogans. Established common law protections such as the rights to bail, a jury trial, a lawyer of one's own choosing, a minimum sentence, and other

¹ Li, Loi, "Hong Kong issues arrest warrants, bounties for eight overseas activists", RFA, 3 July 2023, <https://www.rfa.org/english/news/china/hong-kong-arrest-warrants-07032023154938.html>, citing "Eight people wanted by the National Security Department include Ren Jianfeng, Xu Zhifeng, Luo Guancong, Meng Zhaoda, etc.", RTHK, 3 July 2023, <https://news.rthk.hk/rthk/ch/component/k2/1707297-20230703.htm> (Cantonese).

protections have been ignored in NSL cases, and defendants have been subjected to reeducation programs. Under such threats of punishment, civil society in Hong Kong has completely collapsed, with an estimated hundreds of civil society, media, religious, labor, and other organizations disbanding and over 100,000 people fleeing Hong Kong since the NSL came into force. This has moved virtually all civil society and pro-democracy activity for Hong Kong abroad. The eight arrest warrants thus represent a new and aggressive expansion of the Hong Kong national security police's crackdown on critical voices by targeting civil society action abroad.

3. The Problem of Extraterritorial Application of the NSL

Central to this expansion is Article 38 of the NSL, which provides for extraterritorial application of the law, allowing it to criminalize conduct anywhere in the world by, notably, persons of any nationality, not only Hongkongers.² Last April, a Hong Kong student was arrested and charged with "inciting secession" under the NSL for social media posts she made while studying abroad in Japan after she returned to Hong Kong, marking the first extraterritorial application of the NSL to overseas activities.³ Two Australian citizens of Chinese descent have also already been prosecuted under China's NSL, which has been a model for Hong Kong's NSL, and Hong Kong police have taken extraterritorial actions such as ordering a London-based rights group, Hong Kong Watch, to take down its UK-based website.⁴

While some democratic countries have suspended their extradition agreements with Hong Kong and China, a number of states continue to have operational extradition agreements, putting activists abroad at risk if they travel. There has also been public discussion in Hong Kong about using Interpol red notices to enforce the NSL's criminalization of overseas civil society action. Although the system is not meant for political arrests, China has been influential within Interpol in recent years, making the suggestion a real threat.⁵

4. The Threat of Bounties and Other Extraterritorial Action by Hong Kong and Chinese Agents

With few legal options to enforce the arrest warrants, Hong Kong's national security police have made the extraordinary decision to offer a bounty of HK\$ 1 million (about US\$ 130,000) for assistance in bringing the accused to Hong Kong to face arrest. When asked about the purpose of the bounty, a police representative answered, "Of course, you may say that now they are in overseas, [the reward notice] will not be useful. But you never know, maybe someday they come back to Hong Kong through other illegal means",⁶ not even bothering to use a euphemism for the illegal abduction and transport of the accused persons to Hong Kong and verifying that the bounty's purpose includes rewarding such "illegal means". It is important to note that the abduction of persons on foreign territory is a well-established violation of the ICCPR's and customary international law's prohibition of arbitrary arrest, among other possible violations such as rendition.⁷ With its

² Elegant, "If you're reading this, Beijing says its new Hong Kong security law applies to you", Fortune, 7 July 2020, <https://fortune.com/2020/07/07/hong-kong-law-scope-extraterritorial-jurisdiction/>.

³ Yang, "Hong Kong student arrested over social media posts in Japan", DW, 24 April 2023, <https://www.dw.com/en/hong-kong-student-arrested-upon-return-from-japan-sparks-fears-over-security-laws-reach/a-65418216>.

⁴ Feng, "Hong Kong warrants spark fears of widening 'long-arm' political enforcement by China", RFA, 4 July 2023, <https://www.rfa.org/english/news/china/hong-kong-warrants-07042023172805.html>.

⁵ Id.

⁶ Ho, "Hong Kong national security police issue HK\$1 million bounty each for 8 self-exiled activists", HKFP, 3 July 2023, <https://hongkongfp.com/2023/07/03/breaking-hong-kong-national-security-police-issue-hk1-million-bounty-each-for-8-self-exiled-activists/>.

⁷ An arrest procedure occurring without legal basis is inherently arbitrary. This is particularly true given that the states in question have suspended extradition treaties with Hong Kong and China to intentionally foreclose a legal basis for transferring persons. In addition, the basis of the underlying crimes is political and civil society action, violating relevant ICCPR rights, making the abductions doubly arbitrary.

bounty and statements, the Hong Kong government may be internationally responsible for soliciting, inciting, and/or aiding and abetting such international violations and crimes.

Experts have already warned of the threat of extraterritorial physical assault, abduction, and rendition by Hong Kong authorities.⁸ Hong Kong national security police are increasingly adopting or being overtaken by the methods of Chinese police—both because Chinese police operate in Hong Kong alongside their Hong Kong counterparts and they have the power to move cases to China’s jurisdiction, which influences local police action—and there are already documented cases of Chinese agents operating in foreign countries through unauthorized “police service stations”.⁹ This includes many documented cases of extraterritorial surveillance of accused persons, as well as cases of rendition or kidnapping by Chinese agents of accused persons both regularly inside China and extraterritorially from other territories to bring them back to China to face arrest, including Hong Kong and credible reports of Australia, New Zealand, the US, Vanuatu, and Fiji.¹⁰

Extraterritorial harassment and assault have also been widely reported, including recent attacks against pro-democracy Hong Kong demonstrators by pro-Beijing activists in Southampton and by Chinese diplomats in Manchester.¹¹ Hong Kong police have also made threats against family members and used other forms of harassment or pressure to induce accused persons to return to Hong Kong, such as the police taking away and questioning the Hong Kong family of Nathan Law, who lives in Australia, and agents threatening the Hong Kong family of Michael Chong, a Canadian MP, under the reported direction of a Chinese diplomat in Canada.¹²

5. The International Community Must Take these Threats Seriously and Take Action

Human Rights Now condemns the Hong Kong police’s decision to issue arrest warrants and a bounty for eight persons engaged in peaceful civil society action abroad. We call on Hong Kong authorities to immediately withdraw the warrants and bounty and to revoke the NSL as incompatible with civil and political rights.

We also urge the international community to take the threat of extraterritorial action by Hong Kong and Chinese authorities seriously and to investigate and prevent all attempts by Hong Kong and Chinese agents to harass, threaten, surveil, assault, or kidnap persons living abroad or their friends and family, or to solicit or aid others in doing any of these things through a bounty or any other method.

We call on states to further implement measures to protect persons in their territory from extraterritorial interference by Hong Kong or Chinese agents, and to suspend any extradition treaty with China and Hong Kong if they have not yet done so. States should also consider appropriate measures against Hong Kong officials, such as disinviting Hong Kong Chief Executive John Lee to the APEC meeting in the US in November and implementing targeted sanctions against Chinese and Hong Kong officials responsible for serious abuses, including those linked to the recent eight arbitrary arrest warrants and bounty.

⁸ Hawkins, Hurst, "Hong Kong issues arrest warrants for eight overseas democracy activists", Guardian, 3 July 2023, <https://www.theguardian.com/world/2023/jul/03/hong-kong-issues-arrest-warrants-for-eight-overseas-democracy-activists>; Dorfman, "The Disappeared", FP, 29 March 2018, <https://medium.com/foreign-policy/the-disappeared-e1d4b496a7a9>.

⁹ Li, Loi, *supra*, note 1.

¹⁰ There is a common pattern of victims initially reporting being kidnapped and later withdrawing their report and denying it. <https://medium.com/foreign-policy/the-disappeared-e1d4b496a7a9>.

¹¹ Li, Loi, *supra*, note 1.

¹² Mao, "Nathan Law: Police raid family home of exiled Hong Kong activist", BBC, 11 July 2023, <https://www.bbc.com/news/world-asia-china-66161692>; Fife, Chase, "China views Canada as a 'high priority' for interference: CSIS report", Globe and Mail, 1 May 2023, <https://www.theglobeandmail.com/politics/article-china-targets-mps-csis/>; Lilley, "Trudeau knew but didn't act on China's threats to MP's family", Toronto Sun, 1 May 2023, <https://torontosun.com/opinion/columnists/trudeau-knew-but-didnt-act-on-chinas-threats-to-mps-family>.