

Foreign Secretary supports the withdrawal of serving UK judges from the Hong Kong Court of Final Appeal

- Foreign Secretary reached this conclusion following consultation with the President of the UK Supreme Court and the Deputy Prime Minister and Lord Chancellor.

The Foreign Secretary supports the withdrawal of serving UK judges from the Hong Kong Court of Final Appeal. Following discussions with the Deputy Prime Minister and Lord Chancellor and the President of the Supreme Court, it was agreed that it is no longer tenable for serving UK judges to sit on Hong Kong's top court.

British judges have played an important role in supporting the judiciary in Hong Kong for many years. However, since the imposition of the National Security Law in 2020, China has continued to use this legislation to undermine the fundamental rights and freedoms of the people of Hong Kong.

These rights and freedoms were set out in the Joint Declaration agreed between the UK and China in 1984. China's actions include restrictions on freedom of expression, the stifling of opposition voices, and the criminalising of dissent.

The National Security Law also violates the high degree of autonomy of executive and legislative powers and independent judicial authority, provided for in the Joint Declaration.

The UK Supreme Court has continued to assess the situation in Hong Kong carefully in consultation with the UK Government. As National Security Law cases proceed through the Courts – and we see the far-reaching chilling effect of the legislation – it has become increasingly untenable for the UK Government to endorse UK serving judges sitting on the Hong Kong Court of Final Appeal.

Foreign Secretary Liz Truss said:

We have seen a systematic erosion of liberty and democracy in Hong Kong. Since the National Security Law was imposed, authorities have cracked down on free speech, the free press and free association.

The situation has reached a tipping point where it is no longer tenable for British judges to sit on Hong Kong's leading court, and would risk legitimising oppression.

I welcome and wholeheartedly support the decision to withdraw British judges from the court.

Deputy Prime Minister, Justice Secretary and Lord Chancellor, Dominic Raab, said:

Since 2020 and the introduction of the national security law, our assessment of the situation in Hong Kong is that it has shifted too far from the freedoms that we hold dear – making free expression and honest critique of the state a criminal offence.

This flies in the face of the handover agreement we have had with China since 1997 and, having discussed at length with Foreign Secretary and the President of the Supreme Court, we regretfully agree that it is no longer appropriate for serving UK judges to continue sitting in Hong Kong courts.

I thank our judges for being a bastion of international rule of law in Hong Kong over the past 25 years.

Background

- High profile cases proceeding through Hong Kong's Courts include those of key pro-democracy activists such as Jimmy Lai, Andy Li and the NSL 47.