

**Statement of the Hong Kong Bar Association
The Upcoming Trial of Four Chinese Citizens and Lawyers/Activists**

1. The Hong Kong Bar Association (HKBA) refers to the statement initiated by the China Human Rights Lawyers Concern Group and the Taiwan Support China Human Rights Lawyers Network, and co-signed by a number of international legal organizations, including the Bar Human Rights Committee of England and Wales, the Institut des droits de l'homme des avocats europeens, the International Commission of Jurists, and the Union Internationale des Avocats, in relation to the trials of four Chinese citizens and lawyers/legal activists for alleged offences ranging from “subverting state power”, “inciting subversion of state power” to “disruption of court order” that are said to commence in the near future.

2. Although the HKBA is not in a position to co-sign the above statement, the HKBA considers and observes that, in accordance with the relevant Mainland Chinese laws and international human rights obligations and norms subscribed by the People’s Republic of China (PRC) (including the UN Convention Against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment or Punishment), the said four Chinese citizens and lawyers/legal activists are entitled to the following:
 - Not to be tortured or cruelly or inhumanly treated during detention pending trial, whether for the purpose of obtaining a confession or information, or of punishment, or of oppression.
 - Presumed innocent unless and until found guilty by the court after trial.
 - Representation by a lawyer of the accused’s own choice during trial.
 - Adequate facilities and unimpeded access to the materials constituting the case of the prosecution for the proper preparation of the trial, including visits by the accused’s lawyer to take instructions and give confidential legal advice without monitoring.
 - An open trial before a duly and lawfully constituted court conducted in accordance with the Law of the PRC on Criminal Procedure whereby both the prosecution and the defence are afforded fair and full opportunities to present their respective cases.
 - A reasoned judgment that addresses all elements of the alleged offences charged and all points of contention during the trial.

3. The HKBA trusts that the Central Authorities of the PRC and the Mainland Chinese prosecutors and judges responsible for the conduct of these upcoming trials are fully aware of the above entitlements and will ensure their full and proper implementation, irrespective of who the accused are, what the crimes they are accused of, and the circumstances underlying their accusation and trial.

Dated 31 March 2017
HONG KONG BAR ASSOCIATION