

Submission to the Parliament of Australia: Advocacy for Magnitsky Sanctions on Hong Kong Officials and HKETO

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Submitted by: A group of Australians who support Hong Kong and human rights

Introduction

Greetings, Members of Parliament.

We, a group of Australians who support Hong Kong and human rights, advocate deeply committed to the preservation of human rights and the rule of law. We approach you not just as concerned observers but as a group who understands that silence in the face of injustice is, in itself, a form of complicity. Our purpose in writing is to voice an urgent plea for action—action that aligns with Australia's core values—by urging the imposition of Magnitsky-style sanctions on certain Hong Kong officials and the Hong Kong Economic and Trade Office (HKETO) in Sydney.

The situation in Hong Kong is not just a distant issue of foreign policy; it is a litmus test for our collective conscience, for what we, as a nation, are willing to tolerate in the international arena.

Key Points of Concern

1. Erosion of Rule of Law in Hong Kong

What we are witnessing in Hong Kong is not merely a legal anomaly but a systemic dismantling of the rule of law. The infamous “47 Democrats” case serves as a stark illustration of how laws are no longer tools of justice but weapons of repression. These 47 individuals—people of courage and principle—have found themselves ensnared in a legal system that is increasingly beholden to political machinations rather than justice.

Prolonged pre-trial detentions and the routine denial of bail are not just legal missteps; they are harbingers of a legal system that has lost its way. The judiciary, once the bulwark of Hong Kong's autonomy, is now shackled by a creeping authoritarianism. This erosion of legal independence cannot be ignored, for it strikes at the very heart of what it means to live in a society governed by the rule of law.

2. Human Rights Violations

The cases surrounding the “47 Democrats” and the relentless persecution of Jimmy Lai highlight more than just isolated incidents of injustice; they reveal a broader strategy to crush dissent by any means

necessary. Arbitrary detention, a hallmark of totalitarian regimes, has become a frightening reality in Hong Kong.

These actions are not just breaches of international law; they are assaults on the very dignity of human beings. The denial of a fair trial is more than a legal failure—it is a moral one, one that demands a response not only from those who suffer but from those who have the power to act.

3. Suppression of Freedom of Speech and Assembly

The criminalization of peaceful political activities, such as participating in a primary election, is not just a violation of civil rights—it is an existential threat to the very idea of democracy. In Hong Kong, freedom of speech and assembly have been methodically dismantled under the guise of national security. Jimmy Lai, a beacon of press freedom, now finds himself behind bars not because he committed a crime, but because he dared to speak truth to power.

When peaceful expression is met with prison sentences, when the press is muzzled and when voices of dissent are silenced by the weight of unjust laws, it is not just Hong Kong that suffers—democracy itself is in peril.

Recommendations for Action

1. Impose Magnitsky Sanctions on Hong Kong Officials

Australia must take a definitive stand by imposing Magnitsky-style sanctions on those Hong Kong officials who have played pivotal roles in the erosion of the rule of law and the perpetration of human rights abuses. These sanctions should target their financial interests and restrict their freedom to travel, sending a clear message that Australia will not stand by while fundamental human rights are trampled.

2. Sanction the Hong Kong Economic and Trade Office in Sydney

The Hong Kong Economic and Trade Office (HKETO) in Sydney represents a government that has abandoned its commitments to international norms and human decency. Sanctioning this office would be more than a symbolic act—it would be a concrete step toward holding those who enable these injustices accountable. Consider measures such as restricting the office's operations, downgrading its diplomatic status, or even freezing its assets.

3. Enhance Coordination with International Partners

In this interconnected world, unilateral action, though powerful, is often not enough. Australia should seek to coordinate its actions with like-minded nations that have already imposed sanctions on Hong Kong officials. A united front will amplify the impact of these measures and increase the pressure on those responsible for these egregious violations of human rights.

Conclusion

The trajectory of Hong Kong's political and legal environment is a harrowing one, marked by a relentless crackdown on freedoms that were once taken for granted. Australia's Magnitsky sanctions regime offers a powerful tool to counter these injustices. By imposing targeted sanctions on Hong Kong officials and the HKETO in Sydney, Australia can reaffirm its commitment to human rights and the rule of law on the global stage.

This submission is not just a request for action; it is a call to uphold the principles that define us as a just and fair society. I trust that you will give these recommendations the consideration they deserve.

Attachments:

1. Report on the "47 Democrats" Case:

- **Source:** Hong Kong: Case against 47 pro-democracy figures must be dropped as politically motivated trial begins. (2023, February 6). Retrieved August 23, 2024, from Amnesty International
Link: [Amnesty International Report](#)
- **Source:** Hong Kong: 47 Charged Under Abusive Security Law. (2021, March 2). Retrieved August 23, 2024, from Human Rights Watch
Link: [Human Rights Watch](#)

2. Documentation on Jimmy Lai's Prosecution:

- **Source:** The trial of Jimmy Lai is symbolic of a far wider struggle for press freedom (2023, December 18). Retrieved August 23, 2024, from Thecfhk.org
Link: [Thecfhk.org](#)
- **Source:** CPJ decries Hong Kong court's dismissal of Jimmy Lai appeal, role of UK judge Neuberger - Committee to Protect Journalists. (2024, August 14). Retrieved August 23, 2024, from Committee to Protect Journalists
Link: [Committee to Protect Journalists](#)

3. International Reactions to the National Security Law and Article 23:

- **Source:** UN voices unanimously condemn Hong Kong's new national security law. (2024, March 28). Retrieved August 23, 2024, from ISHR
Link: [ISHR](#)
- **Source:** Kongers, H. "European Parliament passes urgency resolution condemning Article 23 and calling for lifeboat schemes for Hong Kongers in the EU" (2024, April 25). Hong Kong Watch. Retrieved August 23, 2024, from Hong Kong Watch
Link: [Hong Kong Watch](#)

4. Sanction Regime of the United States:

- **Source:** Hong Kong Autonomy Act Update - United States Department of State. (2021, March 17). Retrieved August 23, 2024 from United States Department of State
Link: [Hong Kong Autonomy Act Update](#)
- **Source:** Hong Kong-related Sanctions. Office of Foreign Assets Control. (2020). Retrieved August 23, 2024, from Office of Foreign Assets Control | U.S. Department of the Treasury
Link: [Hong Kong-related Sanctions](#)