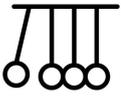


TURKEY'S UNHEARD VOICES

The National Security Law in Hong Kong

LAW

Arda Kuyucu

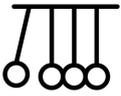


Abstract

The National Security Law that came into force in Hong Kong in 2020 has led to various changes in the region's political and legal structure. One of the most prominent cases brought under this law is the prosecution of media tycoon and pro-democracy activist Jimmy Lai. Lai is being tried on charges such as colluding with foreign forces and endangering national security. This case goes beyond being an individual criminal proceeding and has become a globally discussed issue encompassing concerns related to freedom of expression and freedom of the press. This study aims to explain the law itself, the case against Lai, and the criticisms directed at both the law and the trial.

Introduction

When Hong Kong was handed over from the United Kingdom to the People's Republic of China in 1997, the principle of "one country, two systems" was adopted, granting the region a degree of autonomy. However, following the pro-democracy protests that began in 2019, the Hong Kong National Security Law was enacted in 2020 by the National People's Congress of China. Considering its impact on political activities and the media in the region, this law has had significant consequences. The Jimmy Lai case has emerged as one of the symbolic cases of this process and remains at the forefront of the public agenda.



Development

General Framework of the Hong Kong National Security Law

The legislative process

The National Security Law was adopted by the Standing Committee of the National People's Congress of China on 30 June 2020 and entered into force in Hong Kong on the same day. However, because the law was enacted by the Beijing authorities without allowing for a local debate process, it sparked significant controversy. This situation also led to questions regarding its compatibility with the principle of “one country, two systems.”

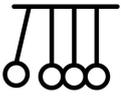
Scope of the law and types of crimes

The law primarily regulates broadly defined crimes such as attempts to overthrow state power, terrorism, and collusion with foreign forces. The fact that these offenses are defined in very general and open-ended terms has led to widespread public debate. In addition, provisions allowing certain cases to be tried in mainland China and the establishment of special security units have raised concerns regarding judicial independence and the right to a fair trial.

The Jimmy Lai Case

Allegations and charges

Jimmy Lai is a businessman best known as the founder of Apple Daily, a Hong Kong-based newspaper. The main accusation directed at Lai under the National Security Law is that he colluded with foreign forces by calling for sanctions against the Chinese and Hong



Kong authorities.

In line with this accusation, the prosecution portrays Lai as a “businessman who poses a security threat,” emphasizing his international connections and contacts with foreign politicians.

Judicial process and controversies

During Lai’s trial, several issues have drawn attention, including the rejection of bail applications, prolonged pre-trial detention, and the non-application of the jury system. In particular, the removal of jury trials in national security cases has sparked debate and raised questions about whether decisions are being made in a genuinely fair manner.

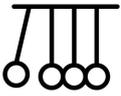
Views and Criticisms Regarding the Case

The approach of the Chinese and Hong Kong governments

The Chinese and Hong Kong governments defend the National Security Law as a necessary regulation to ensure public order and stability. With regard to the widely discussed Jimmy Lai case, they argue that a fair trial has been conducted and that the decisions taken are aimed at protecting national security.

Criticism from the international community and human rights organizations

Many countries and human rights organizations view the case as an interference with freedom of expression and freedom of the press. Amnesty International and various journalists claim that the case is politically motivated and that the democratic space in Hong Kong is shrinking. The European Union and the United States have also expressed their concerns through official statements, emphasizing that the trial does not meet the standards of a fair judicial process.



Evaluation

The Jimmy Lai case can be regarded not merely as an individual criminal trial, but as an indicator of a broader process in which the balance between security and freedom in Hong Kong is being redefined. While the protection of national security is presented as a primary objective, it is crucial to consider the impact of measures taken for this purpose on freedom of expression and freedom of the press. In particular, the classification of journalistic activities and international contacts within the scope of national security raises questions about how clearly the boundaries of such concepts are defined.

Moreover, practices such as the non-application of the jury system and prolonged periods of detention signal a significant shift when compared to Hong Kong's traditional legal framework. In conclusion, in my view, the Jimmy Lai case is an internationally significant trial that offers important insights into whether a delicate balance between national security and fundamental rights and freedoms can truly be achieved.

Works cited

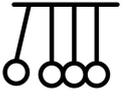
The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1990.

Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region. 2020.

Amnesty International. Hong Kong: National Security Law Reports.

Human Rights Watch. Hong Kong Reports on Media Freedom.

BBC News. "Jimmy Lai Trial Explained."



The Guardian. "Hong Kong National Security Law and Press Freedom."