

COMMENTHK

‘Political prosecution’ claims ignore the facts

Tu Haiming says that contrary to anti-China myths, Lai’s trial was fair and just, and the verdict impartial

On Monday, the High Court of the Hong Kong Special Administrative Region delivered a verdict in the case of Jimmy Lai Chee-ying, convicting him of conspiracy to collude with external forces to endanger national security and conspiring to publish seditious publications.

Lai has long been the mastermind and primary bankroller of a series of anti-China campaigns seeking to destabilize Hong Kong. Hell-bent on acting as a pawn for external forces in their strategy of using Hong Kong to undermine the Chinese mainland, he is a traitor of his own home country in every sense, having inflicted great harm on his home city through his numerous nefarious and criminal endeavors.

Lai has finally received the convictions he deserves. Monday’s guilty verdict in his national security case sounded the death knell for anti-China disruptors in Hong Kong. It also sent a clear message to external forces hostile to China: Any attempt to threaten China’s national security or undermine its national interest is bound to fail and will face the full wrath of the law.

The verdict provides a detailed explanation of the legal principles applied, an analysis of the evidence, and the reasoning behind the convictions. As indicated in the judgment, the prosecution witnesses’ testimonies were honest and reliable, supported by a huge volume of communication records and other evidence. In contrast, Lai’s own testimony was riddled with contradictions and deemed unreliable, leading to rejection by the court.

Facts revealed during the trial proved that prior to the implementation of the Hong Kong SAR National Security Law (NSL), Lai blatantly engaged in anti-China activities and openly declared: “We in Hong Kong are fighting for the shared values of the US against China. We are fighting their war in the enemy camp.” The implementation of the NSL had not kept him at bay, albeit he conducted his anti-China endeavors in a more covert manner.

The open hearing of Lai’s case lasted 156 days, examining as many as 2,200 exhibits and over 80,000 pages of documents. The court heard testimonies from 14 prosecution witnesses, and Lai himself testified for 52 days. Additionally, several accomplice witnesses testified in court. This fully demonstrates that the trial was open, fair, and just, and that the verdict was impartial, objective, and unbiased.

External forces hostile to China have kept hyping up the notion that Lai was



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tried for his political views or beliefs, which is sheer nonsense. Throughout the trial process, the court adjudicated strictly in accordance with the law and evidence, free from any interference and devoid of any political considerations. The proceedings were conducted with absolute clarity and fairness, fully demonstrating judicial justice.

The court judgment clarified the boundary between illegal acts and press freedom, dispelling the misconception held by some that press freedom entails a privilege to override the law. According to Article 19 of the International Covenant on Civil and Political Rights, the European Convention on Human Rights, and principles established in the relevant case law, media outlets and journalists must observe and fulfill special responsibilities and obligations when publishing information, including the protection of national security or public order. Journalists must act in good faith in accordance with the principles of responsible journalism, based on accurate facts, and provide reliable information to be entitled to the protection of freedom of speech and the press. In other words, journalists, like everyone else, have an obligation to comply with all laws.

Evidence showed that Lai personally managed and strictly controlled the editorial direction of Apple Daily. He communicated his political views to the senior management of the newspaper, who were compelled to follow Lai’s stance in their work. Editorial writers had to obtain Lai’s permission before being hired. Lai frequently emphasized “I am the boss,” demanding that news events be reported and interpreted based on his intention.

The prosecution pointed out that Apple Daily published 161 seditious articles, with content aimed at influencing public sentiment, inciting crowds to take to the streets, and advocating violent demonstrations. Among them, 85 were published after the NSL came into effect, and 31 involved begging for foreign sanctions. It’s evident that what Lai did had

absolutely nothing to do with press freedom; he merely used news reporting as a pretext for years to carry out acts that harmed China and its HKSAR.

Contrary to Western narratives over Lai’s case, press and speech freedoms are guaranteed by the Basic Law and the Hong Kong Bill of Rights Ordinance. Both the NSL and the Safeguarding National Security Ordinance explicitly stipulate that human rights shall be respected and protected in safeguarding national security. The presence and operations of almost all major Western mainstream media outlets in Hong Kong attest to its ample press freedom.

Throughout Lai’s trial, external forces and Western media outlets hostile to China have ruthlessly and desperately denigrated Hong Kong’s NSL, law enforcement actions and judicial procedures, employing a variety of tactics.

First, they kept spreading rumors, for example, claiming that Lai was “imprisoned before trial”, which departs from fact. Lai had previously been sentenced to five years and nine months in prison for commercial frauds. His subsequent detention over national security and sedition offenses occurred while he was serving that sentence. Lai’s daughter claimed to foreign media that her father received no medical care in custody, that his “eyesight and hearing were deteriorating” and he “could barely walk”. The truth is, Lai was seen to be in good physical condition when he showed up on Monday.

Second, Western politicians have repeatedly tried to intimidate Hong Kong judges, prosecutors, law enforcement officers, and officials by threatening to impose sanctions, in a blatant attempt to derail lawful adjudication and obstruct the administration of justice.

Third, Western politicians and media have packaged Lai as an “upright media man”, a “devout Christian”, and a “fighter for freedom, democracy, and human rights”. But Hong Kong residents know that Apple Daily, founded by Lai, built its fortune on peddling sensationalism, sex, and violence, and was notorious for fabricating fake news. Over the years, the newspaper and other publications run by Lai have been penalized more than 100 times by the Obscene Articles Tribunal in accordance with the law.

It’s unsurprising that Western politicians and media are scrambling to toss self-righteous rhetoric against Lai’s convictions. But they do not have a market in the international community; they can earn a few brownie points domestically at most.

The views do not necessarily reflect those of China Daily.

Myths about Lai’s trial collapse under scrutiny

Before and after the verdict in the national security case against former media tycoon Jimmy Lai Chee-ying was delivered on Monday morning, a familiar chorus of criticism had emerged from certain Western quarters, painting the legal proceedings as “persecution” rather than prosecution.

Yet, a careful examination of the evidence presented over more than 150 days of testimony reveals not a story of oppression, but rather a textbook case of how democratic societies protect themselves from those who would exploit freedom to undermine sovereignty itself.

The charges against the 78-year-old founder of the now-defunct Apple Daily are neither trivial nor unprecedented in free societies — conspiracy to collude with foreign forces and conspiracy to publish seditious materials. What makes this case extraordinary is not the nature of the charges, but rather the brazenness with which the conduct was carried out and the international support network that enabled it. The evidence laid bare in Hong Kong’s courts tells a disturbing story of systematic efforts to invite foreign intervention against one’s own government — actions that would be prosecuted with equal vigor in Washington, London or Canberra.

Consider the facts that have emerged during trial. Lai maintained close relationships with an array of senior American officials that reads like a who’s who in the United States’ national security establishment. In 2019, he met with then-vice president Mike Pence, then secretary of state Mike Pompeo, and then-House Speaker Nancy Pelosi, explicitly requesting that Washington impose sanctions on China as a whole and the Hong Kong Special Administrative Region in particular. These were not casual conversations or journalistic interviews — they were calculated lobbying efforts designed to weaponize US foreign policy against his home city.

The financial trail proves equally revealing. Between 2013 and 2017, Lai paid HK\$1.76 million (\$225,000) to Paul Wolfowitz, former US Deputy Secretary of Defense — a sum the prosecution argues was intended to influence US policy toward China. Lai himself funded trips totaling HK\$23 million for Wolfowitz and retired vice-chief of staff of the US Army Jack Keane to visit Taiwan four times, where they met with the island’s then-leader, Tsai Ing-wen. These were not scholarly exchanges but strategic interventions that emboldened separatist sentiments.

Most damning, perhaps, is Jimmy Lai’s role in the Stand with Hong Kong (SWHK) organization and its international lobbying efforts. He advanced HK\$5 million for a G20 Global Advertisement Plan and suggested funding 10,000 pounds (\$13,368) to develop individuals as “political stars” capable of rallying international opposition to Beijing. Text messages presented in court show Lai directing his newsroom to abandon journalistic balance entirely, instructing editors to present only the “yellow camp” perspective associated with anti-government movements. This is not press freedom. It is anti-establishment political propaganda masquerading as journalism.

Yet, despite this mountain of evidence, Western critics persist in several key mischaracterizations that demand correction. The most persistent myth is that Lai has been “imprisoned without trial”. This fundamentally misrepresents reality: Lai is currently serving a five-year and nine-month sentence handed down in December 2022 for fraud convictions entirely separate from the national security charges. He is not being held “pre-trial” but is already a convicted criminal serving time for established offenses.

Equally misleading are claims about his health and treatment. Lai’s own lawyers confirmed in court that their client has been receiving appropriate medical care, with daily visits by healthcare professionals and cardiac monitoring. Far from the frail figure portrayed in some Western media outlets, Lai appeared vigorous and articulate during his own testimony — hardly consistent with narratives of “mistreatment”. His initial decision not to receive communion was his own choice, later reversed, yet this personal decision was cynically spun into allegations of religious “persecution”.

The complaint about “solitary confinement” similarly collapses under scrutiny. The HKSAR government has repeatedly clarified that Lai’s separate detention arrangements were implemented at his own request and in consideration of various factors, including his safety. This is standard practice in correctional facilities worldwide when housing high-profile inmates, not evidence of vindictive punishment.

Critics also point to the trial’s length as evidence of unfairness, conveniently ignoring that much of the delay stemmed from defense tactics. Lai’s legal team launched multiple challenges — disputes over legal privilege and journalistic materials, judicial reviews



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regarding the hiring of British barrister Tim Owen, arguments about statute of limitations on sedition charges — each adding months to the proceedings. This is not “persecution” — it’s the defense exercising every legal avenue available, something that demonstrates the robustness of Hong Kong’s legal system.

The absence of a jury has been seized upon as proof of a “show trial”, yet this too misrepresents both law and logic. The SAR’s secretary for justice’s decision to proceed without a jury was based on legitimate concerns about the case’s foreign elements and the safety of jurors and their families — concerns validated by the very Western pressure campaign now being waged. Ireland, Britain, New Zealand and Greece all permit non-jury trials in specific circumstances. When American courts tried foreign agents during the Cold War, similar protective measures were considered routinely, not authoritarian.

What truly reveals the double standard at play is imagining these same facts in reverse. Would Washington tolerate a wealthy US media mogul meeting with Chinese officials to request sanctions against Washington? Would London accept a British publisher funding foreign military figures to influence United Kingdom policy? Would any Western democracy permit its citizens to coordinate with foreign intelligence and defense establishments to undermine their own government’s authority? The very suggestion is absurd, yet this is precisely what the evidence suggests Lai did — and what some Western voices now defend as “press freedom”.

The timing of US President Donald Trump’s promise to “100 percent” secure Lai’s release exposes the nakedness of such foreign interference. His casual assertion that getting Lai out would be “easy” through trade negotiations reduces Hong Kong’s independent Judiciary to a bargaining chip. Beijing’s sharp rebuke of such meddling is not authoritarian overreach but a defense of sovereignty that any self-respecting nation would mount. One struggles to imagine Chinese officials publicly promising to extract American defendants from US courts without triggering bipartisan outrage in Washington.

Throughout the 150-plus days of testimony, the three judges — Justices Esther Toh Lye-ping, Susana D’Almada Remedios and Alex Lee Wan-tang — have demonstrated the careful deliberation expected of common law jurists. Their probing questions about the distinction between legitimate criticism and seditious intent, their meticulous examination of editorial decisions at Apple Daily, and their accommodation of defense requests all testify to a legal process functioning exactly as they should.

The verdict on Lai’s national security case demonstrates that the Hong Kong SAR can maintain both openness and the nation’s sovereignty, that press freedom does not include the right to conspire with foreign powers, and that wealth and foreign connections do not place some above the law. The evidence suggests that Lai crossed the line from journalism to subversion, from criticism to conspiracy, from protected speech to criminal conduct.

Six of Lai’s co-defendants — senior figures at Apple Daily, including former chief executive Cheung Kim-hung and former chief editor Ryan Law — have already pleaded guilty to collusion charges, as has his former “assistants” Mark Simon and Chan Tsz-wah, a former member of SWHK. Their admissions have bolstered the prosecution’s case and undercut narratives that these charges are baseless persecution. People do not plead guilty to fabricated offenses when facing life imprisonment.

Western critics would do well to respect Hong Kong’s judicial process rather than attempt to prejudge or interfere with it. The careful presentation of evidence, the opportunity for the defense to challenge every assertion, and the judges’ thoughtful deliberation represent the rule of law in action. Those who genuinely care about legal integrity should support this process, not seek to subvert it through political pressure and coordinated media campaigns.

The verdict has made it clear that no individual, regardless of wealth, international connections, or self-proclaimed righteousness, is above the law. In a world where accountability for the powerful grows increasingly rare, that alone is worth defending.

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National security, human rights are compatible

Jimmy Lai Chee-ying, Apple Daily Ltd, Apple Daily Printing Ltd, and Apple Daily Internet Ltd were charged with conspiracy to collude with external forces to endanger national security and conspiracy to publish seditious publications. The three designated judges delivered a unanimous guilty verdict in the case under the Hong Kong SAR National Security Law (NSL).

The trial lasted a total of 156 days in open court, during which Lai himself testified for as many as 52 days. Following the closing statements from Aug 18 to 28, the designated judges spent nearly four months carefully assessing a vast amount of evidence with the law in mind and the comprehensive arguments presented by all parties before reaching a guilty verdict. This process precisely reflects the fact that the court conducted the trial and delivered the judgment based on the principles of openness, fairness, and impartiality, embodying the spirit of the rule of law.

Article 85 of the Basic Law stipulates that the courts of the Hong Kong Special Administrative Region shall exercise judicial power independently, free from any interference. In all criminal trials, the courts strictly adhere to the law and evidence, and the prosecution must prove its case beyond reasonable doubt before a defendant can be convicted. This standard was equally applied in the



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case of Lai. While the court found the prosecution witnesses to be honest and reliable after an extensive cross-examination, the press summary of the judgment clearly states that the court found Lai’s evidence to be contradictory and inconsistent, and that he was evasive and unreliable in many instances. The court rejected his evidence.

Hong Kong residents enjoy freedom of the press and speech as protected by the Basic Law and the Hong Kong Bill of Rights Ordinance. In fact, the court made it clear that Lai was not on trial for his political views or beliefs, and that it would only consider the law and evidence to determine if the prosecution had proved the charges against the defendants beyond reasonable doubt. It was evident that Lai’s case has absolutely nothing to do with press freedom.

Both the NSL and the Safeguarding National Security Ordinance explicitly

stipulate that safeguarding national security must respect and protect human rights. They also ensure that the rights and freedoms of Hong Kong residents under the Basic Law, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights as applied to the HKSAR — including freedom of the press, speech, and publication — are protected in accordance with the law.

Safeguarding national sovereignty, security, and development interests is the supreme principle of the “one country, two systems” policy. As a member of the Legislative Council who participated in the full deliberation on the Safeguarding National Security Ordinance, I affirm that the imperative to safeguard national security and to respect and protect human rights are fully compatible. I have also witnessed the executive, legislative, and judicial branches of the HKSAR government diligently fulfilling their duties and responsibilities since the implementation of the NSL, striving to prevent, suppress, and punish acts and activities endangering national security. Essentially, security is the prerequisite for development and the cornerstone of Hong Kong’s long-term prosperity and stability.

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