

## The Fight for Freedom: Jimmy Lai and Democracy in Hong Kong

*Featuring Sebastian Lai, Sunny Cheung, Caoilfhionn Gallagher and  
Dr. Mark Clifford  
Moderated by Jay Nordlinger  
Introductory remarks by Fred Ryan*

**RYAN:** Good afternoon and welcome everyone to the Ronald Reagan Institute. I want to thank everyone who's joining us here in person at the institute, as well as all those who are watching on the live stream. Let me begin first with a special thanks to our co-host, the Committee for Freedom in Hong Kong and the Foundation for Defense of Democracies for partnering with us today on this important event. This year the Reagan Institute's Center for Freedom and Democracy launched its newest initiative called Spotlight Dissidents. This project aims to highlight the courageous efforts of those working so hard around the world to promote and protect freedom. It's especially meaningful, I have to say, for me to be able to be part of this event today because until my recent move here to the Reagan Institute to launch the Center on Public Civility, I was publisher of the *Washington Post* and we were technology partners with Jimmy Lai and with *Apple Daily*. And it was amazing to see Jimmy and his team of journalists work so hard to keep their readers informed and shed light on the abuses of the Chinese regime. And when Jimmy was arrested, we deployed the reach of the Press Freedom Partnership to give ongoing attention to the plight of Jimmy Lai and others who stand for press freedom. And Natalie Freeling leads the Press Freedom Partnership. And I'm delighted you're with us here today, Natalie.

So here today we shed light on the extraordinary struggle for freedom in Hong Kong. We all stand in solidarity with Jimmy Lai, a successful businessman, publisher, and true champion of democracy and freedom. Ahead of his upcoming trial under the Chinese Communist Party's national security law, we gather to celebrate the unwavering spirit of Jimmy Lai and to remind him and his Chinese prisoners that the whole world is watching. As we do so we can take inspiration from the powerful words of President Ronald Reagan in his 1980 inaugural address, which are engraved on the wall just outside of this room. He said, no arsenal or "no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women." When Ronald Reagan made that statement decades ago, he may have just so well been talking about Jimmy Lai, today. In a moment we'll watch the abridged version of a powerful new documentary, the *Hong Konger*, produced by the Acton Institute. Then we'll hear from a panel of esteemed experts about Jimmy Lai's case and the state of freedom in Hong Kong today. But first, we're privileged to have with us Sebastien Lai, Jimmy's son and a leader in the campaign for his father's freedom. Sebastien will share his insights into his father's formidable will, his courageous fight, and the ongoing battle for freedom and democracy in Hong Kong. Please welcome Sebastien Lai.

**LAI:** Hate to start this off with some bad news, but my father's been in jail for almost three years now. His trial has recently been delayed for the third time. And we like to joke that show trials take a lot of work. There's a lot of rehearsal that goes into a show trial, so that's why hence the delay. So don't be too hard on them. But jokes aside, that's what it is in Hong Kong at the moment. It's not the same Hong Kong as was five years ago. And it really shows you how fragile these institutions are without democracy.

So I'll go back to when he was first arrested. This was in August when he was first arrested. He was let out and he went back home and told my family to not be afraid. And I think he decided to stay in Hong Kong to tell the people of Hong Kong and his staff to not be afraid. Dad always said that fear is the cheapest weapon that our autocratic regime has against you because once you fear them, they have you in the pockets, you're cowed. And so, my father's story is really a story of hope. Of hope being more powerful than fear. It is the story of a 13-year-old going at the bottom of a fishing boat and arriving at this new place Hong Kong. And then how even though those situations were obviously incredibly tough, he found his own way. And I think that's really the beautiful thing here. It's that this child who didn't have had a fifth-grade education land Hong Kong and has the same beliefs as all of you in this room through reading through discovering this truth of how important freedom is.

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There's a funny story actually about, I look back at one of the interviews that he did, I think 25 years ago, and he basically learned English after shifts at the factories. So, 12 hour days. And then this accountant who took a liking to him, taught him English. And then the person asked him, obviously English was a very helpful thing to his career, so why did you decide to learn English? And he says, well, everybody pointing at me and telling me to do stuff, spoke English. So, I figured it was probably a good idea. And I think that's what it is. His life is. That's why he's so grateful that all these opportunities that he's had, I mean, another one is fast forward 40 odd years, he had gone to China with Milton Friedman. And as he tells it, they were sitting at a bar and they see this lady that was just doing the, I guess oldest profession in the world. She was working, she was working the bar. And Milton Friedman sits down and then goes into a one-hour dialogue about the economics of prostitution and Dad found that to be amazing because from Milton, everything was economics.

And I think that is what it is. My father is a very coherent person and I saw a video of him, the one that I was talking about before 30 years ago. And during the Hanover he was asked to because he had already started *Apple Daily* at that point, he was asked whether he would leave if they came for him, because China was coming and everybody knew the writing was on the wall, so to speak. And he says, well, I think it's time to see if we're willing to pay a high price for our convictions. And he's paid every single day for 30 odd years, which I personally at least find incredible. Because even then when *Apple Daily* first started, he was already being harassed.

A lot of the newspapers were thrown into the shore. The distributors' mob links were basically messing around with a newspaper. And as a result, it got a lot of advertising. And in the video dad jokes, if I knew they were going to do that, I wouldn't have paid all that money in advertising. They did it for us. So it is this story of a man who you don't choose where you're born, but you choose where you make a home. And I think the thing with my father is that he always says that Hong Kong gave him so much that it was the place where he really, when he arrived, he didn't have anyone there with him. It was just him by himself. And so Hong Kong's freedoms adopted him and gave him everything that he has. And so when someone came to try to take it away, that's why he stayed.

I think it's just to end this, I'm aware there is a video after this that would tell you much more, but dad used to say that Hong Kong is so poor, the only thing they have is money. And I think that is what it is because here is an example of a man whose very actions have shown the phrase that we all give a lot of currency to, which is money isn't everything. You tell that to kids, you tell that to adults. Every single person from all the financial spectrums will tell you that that is a truth. But this is a man who has shown that, who has shown that these freedoms cost, it costs to be an honest man in an autocratic country. And this is a man who at 75-year-old is happily paying that cost. So thank you very much and I hope that one day he will be here to thank you as well. Thank you.

\*Documentary Screening Break\*

**ANNOUNCER:** Please welcome to the stage moderator, Mr. Jay Nordlinger and our distinguished panelists.

**NORDLINGER:** Well, hello everyone. It's hard to talk immediately after that. He's a great man, Jimmy Lai, setting a great example and I was saying to Sebastien yesterday, he has both the burden and the joy of being the son of a great man and he's in a very difficult spot as a campaigner and he's doing it so well. I was reminded of a couple of things. I was in Taipei many years ago and was going to have a meeting with some people at *Apple Daily* and I walked into the lobby downstairs and they were looking at me, was a bust of Friedrich Hayek. I had never seen one before with a quotation from his Nobel lecture. And I thought now there's a different kind of newspaper owner. And

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yesterday I suppose I was reviewing some of the things I've written about Jimmy Lai and I just wanted to mention one tweet that he sent on November 23rd, 2020.

He begins, "let us not be afraid and fight on." Then he said, and now I'm paraphrasing. The greater the danger, the easier to arouse the world's attention, then here's a direct quote, "the world's attention is our saving grace." And there's something Jean Kirkpatrick always said that political prisoners want nothing more than to be remembered and their jailers want nothing more than for the prisoners be forgotten. So today we will pour some attention on. Sebastien, you know, born in Hong Kong, educated hither and yon, I asked him yesterday this question about identity is the hot question in the world. What are you a Hong Konger, Chinese? You have a British passport. It's kind of a blend. Hong Konger, Caoilfhionn Gallagher is a human rights lawyer and international counsel for Jimmy Lai and Sebastien Lai. She's also Ireland's special Rapporteur on child protection. Mark Clifford. I don't quite see where are you?

Let me position myself. Hello Mark. Mark is the, Mark Clifford is the President of the Committee for Freedom in Hong Kong. He is a veteran journalist and he's an expert in all things Hong Kong. He has a PhD in Hong Kong history, in fact. Sonny Cheung is a what activist politician, democracy leader. He has an affiliation with the Pacific Forum. His actual name is Sonny with a "U". This is not a nickname he tells me. He said there are many people in Hong Kong named Sonny, both men and women. And I wanted to say something about this organization that Mark Clifford heads the Committee for Freedom in Hong Kong. I was thinking about it. There is an old phrase, not so old, but a phrase in our recent political past points of light. And I think about the organizations responsible for this event today, Ronald Reagan Institute where we're all sitting, Committee for Freedom in Hong Kong, Foundation for the Defense of Democracy, the Acton Institute produced that movie. I believe these are great proponents of liberty and I know how grateful we are for them, Caoilfhionn Gallagher, I'd like to ask you for a kind of opening statement. What's important to know about Jimmy Lai, his case? Any news for us, any insights? What ought we to know simple as that?

**GALLAGHER:** Well, I wanted to start actually by using the words of Ronald Reagan, given where we're sitting. There's that very powerful phrase that he used for the first time in 1967 where he said, "freedom's a fragile thing. We don't pass it to our children through our bloodstream. It's never more than one generation away from extinction. It's not ours by way of inheritance. It must be fought for and constantly defended by each generation. For it comes only once to a people. And those in world history who've known freedom and then lost it, have never known it again." And those words were very much echoing in my mind as we were watching the film. I think we're here to discuss a remarkable man as you've seen a witty, brilliant dynamic man, and we've seen that captured a little in the film and with people who've known him over the decades, many of whom are dotted around the room.

**NORDLINGER:** It makes you feel that you know him a little. Just listening to him, it is like he's your friend already.

**GALLAGHER:** Yeah, well exactly. And I think that is something we're dealing with. We're dealing with this person who is a caged bird. In essence, the very wonderful imagery we've seen there from the Acton Institute in the film. And you get a sense I think of his personality and his wit and his drive. But in terms of where we're at now in the case situation now is we're approaching a thousand days of this man having been imprisoned for speaking truth to power. And make no mistake, that is why he's in prison. He's in prison for speaking truth to power. And what has happened with Jimmy Lai is that since 1989 when he described that awakening with Tiananmen Square and his heart becoming open, he then thereafter founded a media company and decided to put the money which was hard

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fought, which he'd gained since being a 13 year old coming on a boat as we heard so powerfully from Sebastien, he decided to put his money where his mouth was and his money, where his heart was and to found this media company.

And the next magazine came out in 1990 within months of the Tiananmen Square massacre and bloodshed. And then in 1995 followed *Apple Daily* and from the outset next magazine and *Apple Daily* were anti-corruption, pro-democracy. They were speaking truth to power. That's what they did. Some of his earliest pieces because of course as well as being a media owner, he was also a writer. He would write about calling Li Peng the butcher of Beijing. And for that the authorities hated him and targeted him and they targeted him for decades. So from 1990 his business was targeted. People who dared to advertise with him were targeted. His clothing companies in mainland China shut down. They targeted him in multiple ways. Sebastian's family home and their businesses firebombed. They attempted to silence him in multiple ways for decades. And what changed four years ago is that they had a new weapon in their armory and that was the law Lawfare and the national security law and the way in which the law has been weaponized since the 2019, 2020 protests is the real sea change that we've seen here.

And that's why they've managed to do or they think they've managed to do and what they couldn't do for decades, which is silence him. I think gatherings like this, rooms like this, the work that Sebastien's doing, the brilliant work that so many people are doing in the room needs to show them the lie that is behind their thought because they're not silencing him. And we need to show, going back to the words from the tweet, we need to show that this is a man behind bars who's like a Nelson Mandela figure, a Václav Havel figure. He is a key person in the pro-democracy movement in Hong Kong, a key person standing for speaking truth to power for press freedom. And by putting him behind bars, we need to ensure that they do not see that by doing that they've silenced him. We need to ensure that we cast a light on his case and we need to show them that keeping him behind bars is more hassle than letting him out would be. That's essential.

**NORDLINGER:** Let him be more trouble than it's worth.

**GALLAGHER:** Exactly.

**NORDLINGER:** Well.

**GALLAGHER:** And ultimately in any political prisoner case, that's what it is. In any case, where I and my colleagues around the room have worked and secured the freedom of a political prisoner, it's by ensuring that keeping the person behind bars is more hassle than doing the right thing and letting them out. And that's what we need to do.

**NORDLINGER:** That's what some Nicaraguan said to me recently when Ortega released about 200 of them. They got to be too much trouble. Mark Clifford, you've studied this fellow Jimmy Lai for a while and here he is in his mid-seventies or his early seventies, then. Sebastian was telling me he's not quite sure how old he is. In the late forties there, it was so chaotic, and his life was so, everything was so thrown into chaos. But here he is, great entrepreneur, billionaire, I guess I imagine a fleet of private jets. He had paid his dues so to speak, participated in protests, candlelight vigils, elderly could have gone anywhere. British Passport, UK, Taiwan, some Caribbean Island put his feet up. It could be here at the Reagan Institute giving a marvelous stirring speech about the crackdown in Hong Kong and the fate of Hong Kong. We'd all cheer, everyone would've understood, but he wouldn't go, wouldn't go. He

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insisted on being in a way, didn't ask for it, but he accepted imprisonment rather than exile. I know you're a writer and not a shrink, but can you tell us why? Do you understand what makes the guy tick?

**CLIFFORD:** Well I've also known him for about 30 years, I guess since shortly before Sebastian was born as a matter of fact. And I was on the board of next digital when Apple was shut down, our accounts were frozen. So I've seen pretty close up. And from those earliest days, actually Jimmy knew that he was courting this risk. And I think this is a great film. I encourage those of you who're interested. There is a longer a two hour version, but this captures the man pretty well. I think we all agree who know him and he didn't want his life to be boring. I mean he is one of the most extraordinary entrepreneurs of his generation in Hong Kong, but he wanted more. And I think when he spoke about he had kind of turned his back on China and then as he said in 1989, it was like his mother was calling to him and he was very, very close to his mother, as Sebastien will know, who lived with the family until her late nineties I think when she passed.

And Jimmy is a passionate man as you can see. And he believes, as he said, he read Hayek, he believed in free people and free markets. He believed in economic freedom, I mean something that really needs to be stressed. He saw them as going together and he's like that guy who was standing in front of the tank in that film and famous the Tank man, except he's been doing it for 30 plus years and he's really standing in front of the tank. The tank is kind of running him over, but he is surviving and I think it's, think of it as him standing in front of that tank and that tank is the Chinese state. It's Xi Jinping, it's him against Xi Jinping right now. It's personal. And that's why as Caoilfhionn and you have said this is so important of events like this because if he's forgotten, it's all over.

**NORDLINGER:** Mark, a Little chronology. Was it Tiananmen Square that radicalized him in a way that made him more democracy conscious?

**CLIFFORD:** Absolutely.

**NORDLINGER:** He had made his fortune in manufacturing and retail.

**CLIFFORD:** And then he'd started Giordano. He was actually looking for something else. He was going to go into fast food. He was going to set up a Chipotle. This would be before Chipotle. He's always looking for something else. And Tiananmen came at a particular time as he said, he turned his back on China. He's very, very free market. He was a Hong Kong guy of his generation. Mark Simon talked a little bit about that. He's this garment guy who's shuttling between New York and Hong Kong at home in both had a Rolls-Royce in New York, flashy guy with a diamond ring and really into the scene,

**NORDLINGER:** Central casting.

**CLIFFORD:** And wanted something different. And he saw those students, and actually Martin Lee, the father of democracy, asked if he reached out through an aid to ask if Jordanna would had these great shirts. Some of the people in the film talked about it, will you make some shirts for the students? And that's what started the whole thing. And then he with

**NORDLINGER:** With pictures of Tiananmen square student protestors on the shirts?

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**CLIFFORD:** Yeah, so, and then he was all in. You could see he's a passionate all in kind of guy. And I think one other thing that didn't come through enough in the movie, it's interesting because the Acton Institute and Father Sarika who made it are of course Catholic is Jimmy converted to Catholicism the week after the handover in 1997. And he's always been Catholic. And Theresa Sebastien's mother is extremely Catholic, but Jimmy's faith has deepened immensely in prison and he spends his day. I don't think of him as a victim. Jimmy is as free as he's ever been. Of course, he'd love to be out of prison, be with his family. But he has embraced this and he sees himself on a mission and he doesn't want to give up his life for it. But if he has to, he will. I think that's something that's very kind of overwhelming for anybody who knows him. As Chris Patton said, we all like to think we do that, but Jimmy's doing it,

**NORDLINGER:** Thing about exceptional people is they're exceptional.

**GALLAGHER:** There was a quote he gave in an interview in between when he was first arrested in August, 2020 and then he was arrested again in December, 2020. And since then it's been continuously in prison where he was asked if he was afraid about them coming for him. And he said, well, what's the point in being afraid? At least if I'm in prison, I'll be living my life meaningfully and being true to my principles. And that's the bottom line. He's a man who didn't run away, stood there, spoke truth to power and is living his life meaningfully in prison after standing up for what he believes in and why it's so important we all stand up for him.

**NORDLINGER:** Sunny Cheung are you, you're a young Hong Konger like certainly young to me, you and Sebastien and Jimmy Lai was this elder famous tycoon and I wonder what it meant to you young activists that he was involved, this famous wealthy guy, what did he mean to the rest of the movement? I'd see films of the umbrella movement, for example, people using their umbrellas as shields against tear gas and water cannons, a lot of young people. And then here's Jimmy Lai. He even looked different. Tell us a little about that.

**CHEUNG:** Sure. I think Jimmy has been an icon for many Hong Kong young people for many years. And when I was small, I still remember very vividly that I purchase a lot of clothes from Giordano without knowing that actually Jimmy actually established that. But when I grew up and then I started reading a lot of newspaper and many young generation, our major access of information was actually from the *Apple Daily*. And that we stopped trying to think more about politics. We try to think about the future of Hong Kong and it's actually all the hard work done by Jimmy. Without this kind of pro-democracy media in Hong Kong, it's very difficult to circumvent this kind of poor Beijing mouthpiece and disinformation or propaganda. And so for us, he has been an icon, but he seldom really actively become the first guy to join the protest standing at the front line.

So somehow he was like a legend, like a myth, right? But then one day in 2019 I was approached by Jimmy and then he told me that, so I want to have a dinner with some young people, young students who understand the movement well to come to my house to have dinner together. So we were nervous. We were very nervous because he was a legend. And then we finally have this opportunity to have dinner with him. And when we arrived at his house, he opened a very good white wine. And as an undergraduate student still by that time it was the best white wine I've ever had. And it was very cool. So, we were nervous, so we were wondering, so what Jimmy want to talk to us or what you want to deliver? Actually not, he didn't mean to say anything to instruct us, you have to do this, you have to do that in order to lead the movement or et cetera. You just want to be a very generous old person sitting there trying to hear our stories and try to be patient and supportive. That's it. So we were very grateful for having this opportunity. And the very last message he sent to me before he went into jail was that we will meet

again. So I still hope that I can meet him and as long as I think the international committee and the US government can do more, I still remain hopeful that I can see Jimmy one day.

**NORDLINGER:** Sunny, let me put one more to you. My impression is that the Chinese government has succeeded in making Hong Kong another PRC city without distinctiveness political distinctiveness. It has been subsumed into the PRC. What do you think?

**CHEUNG:** I think that's a very complicated question. First of all, of course, I mean the Chinese government, the Chinese Communist Party, they have been trying very hard to eradicate the distinctiveness of Hong Kong. They want Hong Kong without freedom. But at the same time, they want Hong Kong to preserve the economic freedom because they still rely on Hong Kong

**NORDLINGER:** They want a cash cow, if they may use an old phrase,

**CHEUNG:** Yes, they still rely Hong Kong a lot to attract foreign direct investment to now. So when people often say Shanghai, Shezhen, they are going to replace Hong Kong, but economically speaking, that's not the fact. In fact, they still rely on Hong Kong given how special and the economic reputation Hong Kong enjoy and gain in the previous decade. So after the crackdown happened, when we see how many capital, how many investment still growing in Hong Kong day by day, I think that actually imploded Beijing government a lot because there is no consequences for them. I mean the US, don't get me wrong, I think the US has been doing a lot trying to divest with China, and I think they are doing a very good job on that. But many us so-called like-minded allies in the world, like the UK government, like the British, I don't think they're doing enough. Many European countries, they're still investing a lot in Hong Kong. And that's not optimal regarding what different to all the political prisoners in Hong Kong.

**NORDLINGER:** So you remind me, someone in this film says, I don't think it was in the excerpt that's in the complete film. Someone said it's an American, it's a former representative in Hong Kong says something like international financial capitals and political prisoners usually don't go together. It's odd to have political prisoners in an international financial capital. It's creepy Sebastien. You know your dad?

**LAI:** Indeed, I do. Yeah.

**NORDLINGER:** You aren't surprised that he stayed. You're not surprised, really, are you?

**LAI:** No, we actually, it is like we talked about yesterday, just some context. I was on his podcast. It's not like we have this

**NORDLINGER:** He's a victim, a victim,

**LAI:** Wonderful podcast by the way. But just like we talked about yesterday, I think there are opportunities for people to stand up for what they believe in. And it wasn't my place. Even though obviously I want to see my dad for Christmas, I want him to be there for my marriage that I had a year ago. But it is not my place to go between someone and his fate and his beliefs. And so yeah, I'm not surprised. I'm proud.

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**NORDLINGER:** Governments have been doing some about your father could do more. Speak a little about that if you care to the US. Government's been not bad, other governments not so hot. What ought they to do in your view? I see Caoilfhionn smiling.

**LAI:** So, the US government has, well. She knows I'm about to go. The US government has been very good, I think to the US audience. And actually to paraphrase Reagan, human rights isn't something that you get because you're born somewhere in another place. These freedoms are things that every single person deserves.

**NORDLINGER:** It's not just for Anglo Americans.

**LAI:** So that's what it is. And I think America understands the cost of freedom just because it is in your being, it's in your history. And every single day, many, many people come to this country because of this very institution. Now, unfortunately, and just to preface this, I am British, the UK government, hasn't been as good? They have since spoken out, but they're still not using, they started court for his release for example. They still haven't condemned what is happening in Hong Kong. And it's a real shame. And I think it look it at it objectively, rationally, it's also a horrible mistake because I mean look, why would you give a passport to someone? You're not giving a passport to someone because you think this is a bad person. Here's a passport, right? You're giving a passport to someone because you want to point to that person and say, this is our guy.

**NORDLINGER:** It's the only passport your dad has.

**LAI:** It is the only passport he has. In fact, when he landed in Hong Kong, it was the first time he was recognized as a person by any state.

**NORDLINGER:** A couple of times you've quoted your dad on something and I don't fully understand it. I want to understand it better. Is his line, Hong Kong's a poor city. All we have is money. Tell me a little about that. What's the phrase?

**LAI:** Hong Kong is so poor, the only thing we have is money. The only thing they have is money. Because there was this belief, and actually Sonny could probably talk.

**NORDLINGER:** Sunny's smiling, he understands and he knows that I don't so elaborate.

**LAI:** There was this belief that the government propaganda was basically saying that all these kids were going out because they couldn't buy houses. Hong city was unaffordable. There was this narrative that all this was just done because either they were being paid either or that they were dissatisfied financially and that's why they were doing this. And I think all of you know here know that it's ridiculous. I mean the thing is even those guys don't believe this. It's important to note, I think for all of us here, but also for the UK, that the elites in China and Hong Kong don't send their kids abroad to our universities. I think goodness or their heart, they're not buying homes and shipping money in London and New York because they want this place to, because they love America. Why not? They're doing it because these systems, these freedoms that we have protect them and it is a system that is objectively better and they vote with that feat.



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**NORDLINGER:** Caoilfhionn Gallagher counselor, the dictatorships, when they imprison people, they always have fig leaves, right? They always have some made up charge. What are the fig leaves in the Jimmy Lai case?

**GALLAGHER:** Yeah, so what I'm increasingly seeing in my work acting for human rights defenders, pro-democracy, campaigners journalists who are targeted by regimes is that regimes have got smarter about how they do it. So for many years, what people would do is they'd be charged with, for example, criminal libel. So one of my clients, Maria Ressa, who won the Nobel Peace Prize a number of years ago from the Philippines, some of the charges against her are for cyber libel and people understand this is public interest journalism and someone's being threatened with jail for being a journalist and for writing a piece and those kind of actions. So using defamation law, that was the original type of action that was used. But what we're now seeing increasingly is the use of regulatory laws and also laws, which essentially are designed to smear the reputation of the person. So that's a new tactic that's being used.

So for example, we see someone like Mir Shakil ur Rehman in Pakistan being charged with apparently some financial fraud from about 30 years previously in a thinly veiled attempt to smear his reputation, undermined his reputation as a journalist and media owner. So he kill two birds with one stone. You manage to jail the person, the media owner, but you also undermine their reputation. So that tactic that has been growing over the last number of years has now been used on steroids in Hong Kong. Exactly what's happened to Jimmy Lai. So the fig leaves that have been used against him are as follows. First of all, he received convictions and sentences in four separate sets of proceedings related to the 2019 2020 protests. And just to give you an indication of one of those, he was charged and convicted of both organizing and participation in one particular protest in August, 2019 at which 1.7 million people were on the streets in Victoria Square. To put that in context.

**CLIFFORD:** Heck of an organizing job.

**GALLAGHER:** Yeah, that's a quarter of the population. So they claim the kind of bogeyman is there's a small number of people who organize this and they claim he's one of them and he gets convicted of this and he also gets convicted of participation in it. And he received a sentence which he finished serving last year now a number of weeks ago in the Hong Kong courts, his appeals succeeded and they accepted that he hadn't in fact organized it and they quashed the conviction and utterly ludicrous. He is already served the sentence. He finished serving the sentence a year ago. Yeah, exactly. So that's one of the sets of convictions. But what they then did this time last year, and this is something where the US government was extremely helpful and many of you in the room who were involved in making this happen. I see people from Senate foreign relations here, Maggie and others who were instrumental and people from the NSC were instrumental in making this happen. He was convicted on a completely spurious fraud charge, which related to a lease violation. And he received a five-year, nine month sentence. Now that was designed to ensure that going into his national security law trial, they could call him a convicted fraudster. That's what they wanted to do. And he got convicted.

**CLIFFORD:** That was a so-called apolitical charge.

**GALLAGHER:** Yeah, precisely. And it was designed to be exactly like the tactic I was talking about, something which has a whiff of the person being dishonest. So in precisely the same way that they go after Maria Ressa for tax evasion to kind of make people think she's dishonest. That's the new tactic. So they go after him claiming that there was a violation of the lease terms and he gets convicted of fraud on that basis. And the US government on the day

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he was convicted, put out an incredibly powerful statement saying these were sham charges. And it was wonderful that they did that. I'm afraid the UK government on that day was grappling with quite a few other things, including a change of Prime Minister and there was radio silence from the UK, and this is after you may have seen over here, there's been rather a few changes at the top of the UK government over the years. We've had the Boris Johnson years, the Theresa May days, and now we're into the Rishi Sun months. We can put it that way.

**CLIFFORD:** If I can jump in to put this in context, this would be like, you rent my apartment, I say no pets, and you have a cat in there and I say, you're going to prison. This has never been a criminal case in Hong Kong. It's a civil case. It's outrageous.

**NORDLINGER:** It's not like Jimmy Lai can't pay his rent for heaven sake.

**CLIFFORD:** I mean it was using a spot the size of a couple of chairs that he sublet to a private company. And from the newspaper, I mean I was on the board, we knew about it. Shareholders knew about it, and they called it fraud. Again, it was the level of having a cat in and throwing you in jail for six years. I mean, it's outrageous.

**GALLAGHER:** Yeah, ludicrous.

**NORDLINGER:** Mark, I was thinking of the case of Liu Xiaobo who won the Nobel Peace Prize, which is a pretty big deal, but it seemed not to make a dent. It didn't affect the Chinese government at all. They went merrily on imprisoning this fellow, and he died in prison or in a military hospital where they put him at the last minute. And it seemed to me over the years that Beijing paid no price whatsoever for its persecution of Liu. What I wonder is, let me ask this question first. I can say, how can the Chinese government be made to pay a price for what it's doing to Jimmy Lai? But I'd also like to ask, sometimes I hear people say the Hong Kong government, I say Beijing, is there a difference? Are the shots being called from headquarters in Beijing? Does the Hong Kong government obey.

**CLIFFORD:** Yes, there is a difference, but Hong Kong still has its own currency, its own tax regime, but the shots are being called in Beijing. And I would say they're being called if not directly, by Xi Jinping, by part of that small circle of Polit-Bureau of Central Committee people. Okay? They didn't pay a price or they didn't pay a high enough price for Liu Xiaobo. A couple of points, maybe we didn't have the pressure up enough. It was also a different time geopolitically, right? The world was still riding high on China, WTO, the Olympics, 2008, 2009, when Liu Xiaobo was most active with the charter movement patterned after some of the successful Eastern European movements, it looked like China was still moving in a more liberalizing direction. That was the high point, okay? Things have gone backwards the last 15 years, but history goes in waves, I think, or in cycles.

And we're at a different point now. I grew up at a time when the Berlin Wall was immutable. It was going to be there forever. I actually remember it going up to, it's an early memory. I saw the wall in Berlin, I lived in Berlin, never was going to come down in my lifetime. Nobody thought it was coming down. So we keep playing the game and we keep making life difficult for the Chinese. We do everything we can. What can governments do? They can make sure they're talking about political prisoners. And it's not only Jimmy as a director, I have six other colleagues who are in jail. They're just being held hostage for Jimmy's case. They've all said they'll plead guilty, let 'em be sentenced, or at least let them be out on bail. But they're just being held hostage. They've been two plus years.

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There are hundreds of other Hong Kongers who actually 38% of the people in Hong Kong jails now are just being held on remand without bail. They're waiting for their trials, which are taking years and years. So we've got to just keep raising our voices. And I think this is the perfect place to have this because Ronald Reagan against the advice of so many people around him said, tear down that wall, Mr. Gorbachev. And I think we need to be public. Our leaders need to be public. We've talked about the UK, we've talked about the US. Different countries are going to have different approaches, but I think we in civil society need to make sure that our elected, our political governmental representatives are really making a big deal about this. It can't be business as normal with China and with Hong Kong as long as you have, it's not just the Hong Kongers. We've got more people being incarcerated, more of a civilian incarceration than we've seen at any period since the Nazi regime. And we want to go along as if it's business as normal.

**NORDLINGER:** Mark, you reminded me of something for many years, or I hadn't thought of this in a long time, but when you said that things happen and there are surprises in the world sometimes for the better. In about 1993, I happened to meet Paul Nitze and I said to him, there wasn't a human being who knew more about US-Soviet relations than he or about the Cold War than he not one. I said to him pretty basic, were you surprised by the collapse of the Soviet Union and the end of the Cold War? And he goes, of course not my boys. He said, yes, I was. What an interesting if he was, everyone else had to then. Sonny an unpleasant topic. Not that the rest have been pleasant. So the Chinese government has bounties on the heads of activists and exile, but we're not speaking figuratively, by the way. It's not a metaphor. Literal bounties, cash rewards, I believe.

**CLIFFORD:** Turning him in.

**CHEUNG:** Many others.

**NORDLINGER:** This is serious business. And I asked Sebastien yesterday a rude question, do you take precautions? They said, well, I do what I need to do, say whatever you want about this disgusting and to me frightening issue.

**CHEUNG:** I'm glad you bring it up because in recent years, I mean in academia or in dc, many people have been talking about transnational repression. This is a very new phenomenon, really, I brought up by the CCP. And that also demonstrated very nature of CCP, is that even though you left Hong Kong, you flat Hong Kong. But still, if you oppose the CCP, if you oppose Beijing, they can still find ways to intimidate you. They can still find ways to harass you. And I think the US is doing something very incrementally to cope with this problem and situation. But again, not many other countries in the world, especially in Europe, have been doing that.

Especially I have to thank many dissidents here, have to thank FBI, the federal agency. They have been providing support to dissident, to Hong Kong, and for my knowledge to Tibetans, to Uyghurs to other people in order to help them to protect their own personal safety. But from what I heard in other foreign government, they don't even recognize at our knowledge this is a problem. So I think we have a lot to do. We have to do something coordinated and have some joint effort to protect the safety of people who dare to speak against autocratic regime, to protect people who have the courage to still talk about China nowadays. And I think the US is a powerhouse to do that. So I think given us many policy makers here, I recognize some here in audience here. So I hope that this can be a consensus built by you all and also shared to all your allies in the world,

**NORDLINGER:** This business of transnational repression that Chinese government does it, the Cubans, the Turks. A few years ago, a Turkish exile said to me, the Turkish government had an office of abductions and executions, and I thought he was describing the office. No, that's its formal name, office of abductions, and they're completely blunt about it. Yeah. Sebastien, we talked about this before, but I would ask you to do it again and for others to join in this sort of a question about the world at large. Hong Kong's a very attractive city. People like to go there. And what I wonder is, in your opinion, should tourists visit and have a good time and spend money and go to those delicious restaurants? Should investors invest? I was saying Sebastien, one of my favorite musicians in all the world is Jaap van Zweden, the Dutch conductor, and he's a music director of the Hong Kong Philharmonic. Fine. I mean, it's his career, but it bothers me a little. You were more generous than I yesterday about people going to Hong Kong. But I'd like to hear from you again on this subject, say, as Bill Buckley would say, the appropriate things.

**LAI:** So in terms of tourism, look, Hong Kong still has great food, right? I really do miss the food. The issue is that if you're going to Hong Kong under the national security law, it's very easy essentially to get persecuted, prosecuted and persecuted for opinions that you hold that are very much opinions that every single person holds in America. An example of this is a girl liked, there was a student in Japan who liked a few social media posts about democracy, and she went back home to Hong Kong, she was arrested. Now that's a pretty easy thing to do, and it's pretty crazy thing to get arrested. So as long as you're careful, I guess tourism, it's okay in terms of business.

**NORDLINGER:** But I'm using the old fashioned word now. Pardon the old fashioned of this word. Is it moral?

**LAI:** Is it moral? I think that's a very load of phrase I think. No, no. Okay, look,

**NORDLINGER:** You're so polite. You were well raised, Sebastian.

**LAI:** No, because this is very important. It's not everybody that's staying in Hong Kong is a bad person. Not every single person that's running a business in Hong Kong is a bad person. I think that is a very important narrative to say. I mean, the reason why we're here is because what my father did is he's the only tycoon doing it. Doesn't mean everybody else is bad. It really shows how the communist government gets you Look, obviously you have some bad tycoons, but you have some good guys as well. I don't think it's as clear cut as that.

**NORDLINGER:** So you were talking about investors before I interrupted you. Yeah,

**LAI:** Sorry.

**NORDLINGER:** I'm the one who's, sorry.

**LAI:** But just going back to in terms of investment, look, Hong Kong's is a city of human capital. It has nothing else. People like my father, like many of the Hong Kongers escaped from China, arrived in Hong Kong, decided to make that place their home and really built it up from a fishing village, from rickshaws to Mercedes. That is the story of Hong Kong. Now, the reason why the people of Hong Kong could do this is because of those freedoms that we have here in America, rule of law, freedom of press, free speech. And the stupid thing that Hong Kong, the government of Hong Kong is doing right now is that they are going through a show trial, putting these freedom on trials. I'll give you an example, right? To this day, if you just, I don't know if there's an email to the Hong Kong government, but ask them if you have free press, they'll tell you they have free press.

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Google *Apple Daily* raids, 500 policemen running into the biggest newspaper in the city, ticking every single thing they could take, forcing reporters to stop writing. Now, that is not free press rule of law. So going back to what Caoilfhionn said, the charge that my father got five years, nine months for these violations, the cat in the apartment, so to speak, that was a commercial charge. Now, if you offend the wrong person in Hong Kong, you might not get five year, nine months, but what you want someone knock on your door at five in the morning. Do you want someone to raid your offices, to embarrass you in front of everyone, to keep you in there for six months? That is what Hong Kong is. Every investor measures that risk and decides whether there is reward, but they should be very aware that that is the risk that they put themselves through. That is the risk they put their employees through.

**NORDLINGER:** As you pointed out, if they can break an agreement with the British government, they can break an agreement with some company.

**LAI:** Yeah, yeah, yeah. Accounting firms had no chance they're willing to break it with the British government.

**NORDLINGER:** Tell me, Caoilfhionn.

**GALLAGHER:** I just wanted to add something on this. I mean, I think we've been speaking about quite a few deeply concerning issues. So transnational repression, the number of political prisoners that Mark's been referring to, the national security law, which we haven't spent much time on, but which is a chilling piece of legislation which essentially converts to terrorism or sedition any form of criticism of the authorities. Now, this is a piece of legislation which applies to all of us in this room. We're all committing criminal offenses by even daring to have this discussion here. So it applies to anyone on the planet, whether they've ever lived in Hong Kong, whether they've ever stepped foot within Hong Kong. And I think key thing, just to bear in mind here, is the mismatch between the continuing perception some people have of Hong Kong as a free trade financial hub, a place where it's safe to operate as a law firm, a rule of law compliant place, and what's happening on the ground.

Now, just to give you a sense, because there's three ways I think where there's a fundamental mismatch between that conception and what's in fact happening. First is the number of prisoners, Mark referred to it. Now here you have a place which is masquerading as an international arb and has an international financial capital. And it's holding numbers of political prisoners only on the same kind of scale as Myanmar and Belarus. That's what you're dealing with. You have in relation to the national security law, a piece of legislation which has been condemned by the United Nations, condemned by the European Union, condemned by the UK government, condemned by the US government and so on. And that now applies, and it applies to any company that's operating in Hong Kong and using the national security law. We've seen with *Apple Daily* state-sponsored theft of a hugely successful company and a hugely important pro-democracy newspaper. And that was done on the say so of John Lee Ka-Chiu wearing a previous hat on the basis of the executive in Hong Kong, having a suspicion that there was a breach of the national security law. And we all know, as you heard at the start from Sebastien, that Jimmy Lai's national security law trial hasn't even taken place yet. It's now delayed until December this year after he'll have been in prison for three years. So before ever having been a decision, the company has been shut down on suspicion of breaching that law.

**NORDLINGER:** A simple-minded question, is delay bad?

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**GALLAGHER:** Well, sometimes you hear kind of phrase justice delayed is justice denied. Now to be clear, we do not think here that Jimmy Lai is going to receive justice in the Hong Kong system because the Hong Kong system is no longer a rule of law compliant system. We had recently a prosecutor boasting of there being a 100% conviction rate under the national security law. So this is only going... It is a high rate. It may be because the prosecutor's doing their job incredibly well. It may be because the law is drafted so breathtakingly broadly that any form of criticism of the authorities is converted to a crime. But that's a deeply concerning position. And we think what they're doing here is there is embarrassment for the authorities in Hong Kong. And the prospect of having a three month trial dragging on. And to be clear, what he's charged with under the national security law is really two different things.

One of them is engagement with foreign agents. That's a crime under the national security law. It's coming and having meetings with people like Pompeo, Pelosi here in Washington, speaking to people like you in rooms like this, that's the first kind of category of charge that he faces. And the second category of charge that he faces relates to journalism. So it relates to pieces printed in *Apple Daily*, which told the truth about Tiananmen Square dared to tell the truth about Tiananmen Square that were supportive of the pro-democracy campaigners in 2019, 2020. So he's being prosecuted for those things, for activities which all of us in the room take for granted and activities which are at the heart of the freedoms, which this institute is all about. But that's the key fundamental mismatch. And on the transnational repression, I just wanted to add something really quickly on that because I and colleagues in the room, Jennifer and Jonathan, who work on these cases, we work on many cases involving transnational repression by Russia and by Iran.

The three biggest offenders in terms of transnational oppression in the world at the moment are Iran, Russia, and China. Now, Iran and Russia are pariah states. And China, including Hong Kong, is not being treated as a pariah state. You have Hong Kong still being treated by many US businesses, by many US individuals, by many governments worldwide as if it's a respectable state. And to use Congressman Mike Gallagher's phrase, you have many people who are wearing golden blindfolds as they continue to operate, as if it's business as usual in Hong Kong. And that's a fundamental difference. And it seems to me it is high time that we as the international community call that out. Now we know that this has leverage. We know that John Lee's first policy statement last October was all about the importance of attracting international investment post covid, the importance of FinTech companies, financial services, investment banks, law firms continuing to operate in Hong Kong.

And we need to show them that they cannot achieve that policy objective while they use the national security law and lawfare in the way that they are. And while this remarkable man who we're talking about today, Jimmy Lai is behind bars, we have to show them that actually we need to hit them where it hurts. And we need to show them that that policy objective they have and their aim to continue having Hong Kong seen as a free market, free trade hub, a center of international trade in international business, they cannot achieve this objective unless they change their ways.

**NORDLINGER:** Mark,

**CLIFFORD:** You can see Caoilfhionn was supposed to be acting on Jimmy's behalf in Hong Kong. You see why they didn't, even for a show trial, you wouldn't want her there. Sorry, Jay. I'm serious, right? I mean this is what they don't want. I don't know if you followed, they have barred, there were two other, anyway, Tim Owen was ultimately going to do it even in a hundred percent conviction rate. And you forgot to mention the judges who are handpicked. You don't want people at Caoilfhionn telling the truth.

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**NORDLINGER:** Does Jimmy Lai have reputable counsel? Does he have a team that is, or is it all a show? Is it all just to stop...

**CLIFFORD:** The thing is he has an international team that's not allowed to go to Hong Kong. I don't know if you want to speak on this or not, but

**GALLAGHER:** To be clear, being a lawyer in Hong Kong at the moment, being a human rights lawyer, being a criminal defense lawyer is an act of bravery. And many lawyers have been targeted too, simply for daring to do their jobs or for setting up, for example, a fund to support the protesters. So I'm very careful in these cases. When we deal with people who are imprisoned in Iran, imprisoned in Saudi Arabia and so on, imprisoned in Egypt, and you're dealing with domestic counsel in those countries, we do not underestimate for a moment the pressures that those teams are under.

**NORDLINGER:** No, in fact, Vladimir Kara-Murza in Russia had this incredibly brave lawyer, I'm afraid I can't remember his name, but he was told very clearly that he would be the next arrested and he fled. Mark, that the thought crosses my mind, and I don't know, this is maybe a little, I don't know, wouldn't it be something if the imprisonment and persecution of Jimmy Lai backfired on them? Wouldn't that be something? That'd be great, wouldn't it? Look, make a kind of closing statement for us. And I'm going to go to Sunny. Well go ahead, mark. First make a...

**CLIFFORD:** No, I was just going to say, look, for every Liu Xiaobo, some people die in prison. I think Jimmy, of course, he doesn't want to die. Of course his family doesn't want him to die in prison, but he's ready for it. But on the other hand, you have a Natan Sharansky, and I was lucky enough to moderate a discussion, a live kind of discussion like this, but online just before Jimmy went into prison, Sharansky was in for nine years, and they talked a lot. And I've talked to Sharansky subsequently, and they had a number of private conversations.

**NORDLINGER:** Sharansky and Jimmy talked a lot.

**CLIFFORD:** Yeah, yeah. I mean, the one, we did this live stream, and they also had some private ones. And Sharansky said it was amazing, this guy, he was looking up and he said, it probably looking up to Sharansky, will you be my mentor? I want to learn from you. You were in there for nine years in the Gulag with the KGB. How'd you do it? And I think Jimmy has proven a very, very adept student, and we can't handicap history. But it's, again, I think of that guy standing in front of that tank. We don't know what happened to him, but I mean, Jimmy is kind of metaphorically standing in front of the Chinese tank.

**NORDLINGER:** And you remind me how important family members are.

**CLIFFORD:** Yes. And that's one thing

**NORDLINGER:** Sharansky says, the biggest mistake that KGB ever made was letting Avital out of the country.

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**GALLAGHER:** Can I say something on the point of family, which is we're speaking about one brave man here today, Jimmy Lai. But actually Sebastien is very modest and is important to say there is. Well, there's in fact two very brave men to my left as well. And I don't want to leave you out, I'm sure.

**NORDLINGER:** Oh, you can leave me out. Caoilfhionn, feel perfectly free to leave me out again. I'm sitting in my recliner, drinking milkshakes.

**GALLAGHER:** But I do just want to highlight that Sebastien himself has been threatened because of speaking out for his father. And the result is that Sebastien cannot return to Hong Kong. He cannot return. He has been the subject of hit pieces in state media. There've been very aggressive statements, written formal statements from the Hong Kong authorities. He and our colleague, Tatyana Eatwell, when they addressed the UN Human Rights Council in June in Geneva, were interrupted by China. Myself and colleagues have had many threats ourselves too. But Sebastien is in a position where for doing what he's doing and speaking in the way that he has tonight, telling personal stories about his father and simply asking for his father to be released, he has also been threatened. He's also been told that he's committing criminal offenses. This is the long arm of the Hong Kong authorities.

**NORDLINGER:** Sebastien, you're a chip off the old block.

**GALLAGHER:** But it does mean that unless things change, as Sebastien will never see us father again. I just want people to understand that's what we're dealing with here. We're dealing with a situation where we have a 75 year old man behind bars for speaking truth to power already there for almost a thousand days. And Sebastien has not been able to see him since December, 2020. And that's why we've got to take action. Just this brilliant phrase that was used. In fact, one of your colleagues from *Apple Daily* in a farewell letter in *Apple Daily's*. Last issue that said this, "I'm particularly touched by a recent cartoon I saw an apple is buried in the ground, but from its seeds comes a tall tree full of even bigger and more beautiful Apples. Love you forever. Love Hong Kong forever." And I think to what you were saying about it being potentially counterproductive, I think what we need to talk about here is how we take those seeds, how we plant those apples, and how we ensure that we make clear that what they did in December, 2020 when they put Jimmy Lai behind bars, it was not worth their while was the wrong thing to do. And it's got to be something which comes back to bite them.

**NORDLINGER:** Sunny, say whatever you like, give us a comment on whatever you like, maybe something that's been overlooked, something on your mind.

**CHEUNG:** Sure. I just want to highlight how bad the situation is in Hong Kong right now after Jimmy and other many courageous political activists are being imprisoned, and especially after how Hong Kong autonomy is being destroyed. So many people here must be aware of the invasion of Ukraine, right? So after the invasion, Hong Kong as an international financial hub is being a very important transition hub for (unintelligible) to go there to find a safe harbor to circumvent the US and other country's sanctions because the Hong Kong government is very receptive about this kind of autocratic capital and this kind of investment to go there. Without *Apple Daily*, without Jimmy, without the whole civil society, Hong Kong, right now, is becoming something that the Chinese government can really manipulate very easily in order to do something to benefit their own interests. And at the same time, very interestingly, Hong Kong still can enjoy this kind of international privilege that actually should be deprived. Hong Kong is still an independent member of WTO. Hong Kong is still an independent member of ASEAN [Association of



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Southeast Asian Nations] and many this kind of example to demonstrate that there are lots of things we can do in order to put pressure on Hong Kong government.

**NORDLINGER:** Apart from the PRC, Hong Kong is a member of these international organizations.

**CHEUNG:** Yes. A lot of WTO

**NORDLINGER:** Isn't that absurd?

**CHEUNG:** ASEAN Summit is going to be held in San Francisco this October APAC [Asia-Pacific Advancement Conference], the APAC, the APAC summit, and this APAC summit. Hong Kong is also, they're going to send a representative to go there. And lots of this kind of international organization, Hong Kong still has a voice in this path forward. But is that a problem? I think so. Personally, I think this is a problem and we should do more to put pressure on Hong Kong government to help support people like Jimmy and other political presenters to remind the Beijing government that what they did should not be tolerated. And the privilege and the advantage of Hong Kong as an international financial hub should be revoked or at least should be (unintelligible).

**NORDLINGER:** What a good point. As we near the end, April Ponnuru, could I ask, there's an announcement to be made about an artwork. Oh, would you mind just coming in? Come on up. And just because you know more about it than I do.

**PONNURU:** No, I am very happy to.

**NORDLINGER:** Yeah, yeah, take a mic. Take a mic please. Thank you.

**PONNURU:** Downstairs you'll see there are some postcards and it's a beautiful drawing that Jimmy did while he was in prison of Christ on the cross. And we thought it'd be a nice idea to turn these into postcards that would then be sent back to Jimmy. So you'll see those downstairs if you'd like to send a message. We're not looking for political messages, sort of thoughts and prayers kind of messages that I think every one of these that he receives really gives him a great amount of encouragement. And so feel free to fill out those postcards. They'll be on the tables downstairs at the reception and we'll gather them and we'll make sure they get to Jimmy. So thank you very much.

**NORDLINGER:** Thank you. Well, Sunny Cheung, Mark Clifford, and Caoilfhionn Gallagher and Sebastien Lai. Thank you very much and God bless you all. Thank you, ladies and gentlemen.

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