

FIRST PERSON

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“The government operates on the philosophy of projecting its authority over the population without listening.”

Canadian barrister **Robert Tibbo** took on Edward Snowden’s case pro bono in 2013 and played a key role in securing the whistleblower’s rights and subsequent safe passage out of Hong Kong. He tells Dan Creffield about a decade of fighting criminal and human rights cases, learning Mandarin and Thai, and why Occupy was fundamentally the government’s fault.



At university I hadn’t decided on whether to study law or medicine. So I got a degree in chemical engineering, which would mean either of these options would be open later.

Chemical engineering is the same as law, in that for both disciplines you work on solving problems—in law using English, in engineering using mathematics.

I took my law degree in New Zealand and a post-grad in private and public international law in Australia.

I first recognized the Asia-Pacific’s potential while backpacking in the region.

People were going to Latin America, or Europe. But things were really happening in Japan, South Korea and Southeast Asia.

So I made the move. During this time I traveled to Tianjin to study Mandarin. I also learned Thai at Chulalongkorn University.

It was a big investment of time and effort, but if you want to be in Asia it’s prudent to learn the local language.

It paid off—I now use Mandarin daily.

I arrived in Hong Kong in late 1990. Why here? I looked at the Asia-Pacific jurisdictions which bring in talent and don’t discriminate on nationality, and it boiled down to here and Singapore.

Most other [countries] have strict immigration policies and other barriers for foreign professionals.

Drawing in talent from all over the world has allowed Hong Kong and Singapore to thrive.

Edward Snowden was under my care for a significant time he was here. I had done a lot of pro bono work before and around that time.

My instructing solicitor Jonathan Man and I had successfully secured the release of dozens of asylum seekers from immigration detention, many being held illegally.

Those efforts brought a lot of attention from vulnerable people to my law practice.

I also have a strong background in public, administrative and criminal law and extradition—areas relevant to Snowden’s legal challenges.

At that time everyone was trying to find out where he was, but they were looking in the wrong places and we were able to avoid detection.

I simply focused on doing my job as a barrister and treated him as any other vulnerable client.

And he was highly vulnerable; he had made a decision of conscience to make those disclosures, exposing the US government’s conduct.

As a consequence his safety, security and even life were at risk.

The Snowden case was clear-cut in that public interest in the disclosure of

the US government’s egregious conduct far outweighed any public interest in concealment or non-disclosure.

Whether you’re up against the government with all its machinery and resources, or a similarly large corporation, people are entitled to legal protection. The role of the barrister is to create a level playing field.

Laws and policies should assist people. It is not just about control. These are factors that are fundamental to creating democracy and a harmonious society.

The Hong Kong government operates on the philosophy and strategy of projecting its authority over the population without listening, and thus fails to understand the needs, wants and goals of the people.

This is a top-down approach that is at odds with the whole concept of a democracy.

The devastating effects of such a top-down and undemocratic approach by government are numerous. These include the authoritarian policies and legislation that govern foreign domestic helpers, asylum seekers and other vulnerable groups.

These groups have been severely marginalized, heavily discriminated against and some subjected to a multitude of criminal laws that do not apply to ordinary residents of Hong Kong.

Controlling, as opposed to empowering people, is inconsistent with democracy

and ultimately is the root cause of discord and disharmony in society. It is also the cause of the abuse of vulnerable groups in Hong Kong.

Civil disobedience is part of the democratic process and typically occurs when the government fails to act in the interests of its constituency and fails or refuses to be accountable for its acts.

Fundamentally the government is at fault when the public feels it is necessary to take to the streets.

The Occupy protests are an example of this civil disobedience, where stakeholders in society took non-violent, conscientious steps in exercising their right to freedom of expression in seeking actual universal suffrage in Hong Kong.

Hong Kong is my home and it has become a part of me and my family.

At this stage of my life I look forward to continuing to participate in and contribute to this truly unique society.

NEED TO KNOW...

In addition to his career as one of the SAR’s leading barristers, Robert Tibbo has made a name for himself as a champion of torture claimants, refugees and asylum seekers. He is active in a number of NGOs such as Vision First and the Hong Kong Helpers Campaign.