

Prosecutions made strictly in accordance with law

In response to comments from some overseas politicians concerning a man who was charged under the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, a spokesman for the Department of Justice (DoJ) today (December 12) reiterated that all prosecutions are carried out in strict accordance with the law.

Article 63 of the Basic Law provides that prosecutions in the Hong Kong Special Administrative Region (HKSAR) are made by the DoJ, free from any interference. No one should interfere or attempt to interfere with independent prosecutorial decisions which are based on an objective assessment of all admissible evidence and applicable laws.

"As the case is under legal proceedings, it is inappropriate for any of us to comment further. We are appalled by such open demands for withdrawal of charge and immediate release of the defendant by senior officials in another jurisdiction. Such acts not only disrespect the HKSAR's judicial system and undermine the spirit of the rule of law, but also attempt to meddle in Hong Kong's affairs which are internal affairs of the People's Republic of China," the DoJ spokesman said.

The Secretary for Justice has emphasised on many occasions that the Prosecution Code of the DoJ provides clear, consistent guidelines and principles for carrying out prosecution work. A prosecutor must not be influenced by any investigatory, political, media, community or individual interest or representation. All prosecutorial decisions are based on admissible evidence, applicable laws and the Prosecution Code, without political consideration. Cases will not be handled any differently owing to the political beliefs or background of the persons involved. Prosecutions would only be commenced if there is sufficient admissible evidence to support a reasonable prospect of conviction.

Any demands or statements that purport to interfere with the prosecutorial decision and process controlled by the DoJ or the independent exercise of judicial power by the judiciary of the HKSAR will be futile. These constitutional functions and duties are laid down in the Basic Law and the independent exercise of them is guaranteed. Every law-abiding person should respect and uphold such guarantees and the HKSAR Government will ensure that these powers and duties are properly and duly exercised free from any interference. The judicial process will be continued in accordance with the law, fairly and independently.