

Decision not to charge man for allegedly attacking reporter was made after careful consideration

In response to media enquires about a case in which a reporter was allegedly attacked by a man, a spokesman for the Department of Justice said today (December 18) that the decision not to charge the man was made by the department after careful consideration of all available evidence.

As laid down in the Prosecution Code, the decision whether or not to prosecute depends on two key elements: (1) whether there is sufficient evidence to demonstrate a reasonable prospect of conviction, and (2) whether it is in the public interest to prosecute. In the present case, the first requirement is not satisfied, the spokesman said.

The allegations against the man were that he pushed a news reporter to the ground and that the man then kicked the reporter while she was lying on the ground.

The Department of Justice has carefully and repeatedly reviewed the incident as captured in two available video clips taken by the public media, both at normal speed and in slow motion. The situation as seen from the video clips does not support the allegations.

Further, the Department of Justice has also carefully considered the statements given by all the witnesses in conjunction with the video clips. There are discrepancies between the witnesses' accounts and the clips. Such discrepancies further adversely affect the prospect of conviction should any prosecution be initiated.

The spokesman reiterated that the department fully respects freedom of the press and is committed to its protection in accordance with the laws. The department is also fully committed to the protection of the security and safety of all persons, including reporters, in accordance with the

laws. However, while this case involves a news reporter, the case should nevertheless be handled in the same way as other criminal complaints.

The department notes that reference has been made this morning by the reporter to another event in which she was assaulted while carrying out her journalistic duties at Sheung Shui. The two assailants in that case have indeed been prosecuted and convicted of common assault. That case has been concluded. The spokesman said that each case should be considered on its own facts.

Ends/Wednesday, December 18, 2013