

Department of Justice responds to media enquiries

In response to media enquiries on the prosecution of nine persons relating to the "Occupy Movement", a spokesman for the Department of Justice (DoJ) gave the following reply today (March 27):

The Secretary for Justice has already pointed out when answering a question at the LegCo meeting on February 8 this year that, from around December 2014, the Prosecutions Division of the DoJ started to communicate or have working meetings with the Police and provide legal advice so as to assist the Police in their work of investigation and evidence gathering, etc. During this period, the DoJ decided how to deal with those specific cases of which investigation had been completed, including commencing judicial process against 216 persons.

Further, after considering the material submitted by the Police in respect of another group of 287 arrested persons (including about 335 investigation reports, 300 witness statements, 130 hours of video recordings and 80 items of non-video exhibits) and the relevant legal issues, the DoJ provided further detailed written legal advice to the Police at the end of last year in respect of the aforesaid 287 arrestees.

Today, the Police will commence the process for instituting prosecution against nine of the persons on the legal advice given by the DoJ. Such action is based purely on legal considerations as well as considerations relating to law enforcement. As the relevant judicial procedures are about to commence, it is not appropriate for the DoJ to make further specific comments.

The DoJ reiterates that it will continue to uphold its constitutional duty under Article 63 of the Basic Law in handling all prosecution work (including those concerning the "Occupy Movement") in an impartial, professional and apolitical manner and free from any interference.

Further, the DoJ stresses that prosecution matters should not be politicised, including that one should not speculate on the timing of the prosecution of people involved in the "Occupy Movement" from the political angle. Some people in the community surmise that action was taken against those involved in the "Occupy Movement" today because they were so instructed by the Chief Executive-elect, Mrs Carrie Lam. The DoJ stresses that such surmising is completely baseless and utterly untrue. When handling prosecution work, the DoJ does not give prior notice to the executive branch, nor did the DoJ

give prior warning to the Chief Executive-elect, Mrs Carrie Lam, as suggested by certain rumours. As in other criminal cases, the DoJ generally endeavours to handle cases as soon as possible.

Ends/Monday, March 27, 2017