

Prosecutions made independently and free from any interference

In response to certain media reports and local and overseas comments made concerning the arrest and prosecution of a number of persons for organising and participating in unauthorised assemblies, a Government spokesman reiterated that investigations by law enforcement agencies and prosecutions by the Department of Justice (DoJ) are carried out in strict accordance with the law.

"Under section 10 of the Police Force Ordinance, the Police have the duty to take lawful measures to arrest persons based on sufficient evidence and according to the laws in force. The Police are duty bound to handle every case in a fair, just and impartial manner," the spokesman said.

"Article 63 of the Basic Law provides that 'the Department of Justice of the Hong Kong Special Administrative Region shall control criminal prosecutions, free from any interference.' The prosecutors have always been discharging this constitutional duty independently and professionally, without fear or favour. 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, made strictly in accordance with the Prosecution Code which is available to the public," the spokesman added.

As the Secretary for Justice has explained on many occasions, the Prosecution Code of the DoJ provides clear, consistent guidelines and principles for carrying out prosecution work. It is the responsibility of the prosecutors to apply the highest of professional standards in handling all criminal cases. 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.

"The HKSAR Government always respects and protects human rights and freedoms. However, these rights are not absolute. As pointed out by the Chief Justice of the Court of Final Appeal at the Ceremonial Opening of the Legal Year 2020, "it is important to understand that the

enjoyment of these rights has limits so as not to affect adversely to an unacceptable level the enjoyment by other members of their community of their rights and liberties".

As legal proceedings are on-going, it is inappropriate for anyone to comment on the cases as it would create a public discussion which may amount to a trial by the public. No one should embark upon baseless speculations. These types of accusations may be perceived as purporting to influence the proper discharge of public duties," the spokesman said.

The rule of law is a core value in Hong Kong. Any unfair and unfounded allegation made with a view to undermining and discrediting our independent criminal justice system is vehemently refuted.

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