

HKSAR Government strongly opposes foreign interference with judicial proceedings concerning Hong Kong National Security Law case

The Government of the Hong Kong Special Administrative Region (HKSAR) today (March 15) strongly disapproved and firmly opposed the acts of the so-called "international legal team" for Lai Chee-ying and his son Sebastian Lai, and those of Sebastian Lai himself, to scandalise the Hong Kong National Security Law (NSL) and the judicial system of the HKSAR, and to abuse the United Nations mechanisms by soliciting the United Nations Human Rights Council to interfere in the judicial proceedings of Lai Chee-ying's case concerning the NSL.

Hong Kong's judicial system has always been highly regarded by international communities. Any attempt by any country, organisation, or individual to interfere with the judicial proceedings in the HKSAR by means of political power, in order to procure a defendant's evasion of the criminal justice process, is a blatant act undermining the rule of law of Hong Kong. Making a statement with the intent to interfere with or obstruct the course of justice, or engaging in conduct with the same intent, is very likely to constitute the offence of criminal contempt of court or the offence of perverting the course of justice.

That Hong Kong is a society underpinned by the rule of law and has always adhered to the principle that "laws must be obeyed and lawbreakers be held accountable" is well recognised by international communities. The Department of Justice (DoJ) of the HKSAR, by virtue of Article 63 of the Basic Law, controls criminal prosecutions, free from any interference. Independent prosecutorial decisions for each case are made in a rigorous and objective manner, strictly based on evidence and applicable laws and are in accordance with the Prosecution Code. Prosecutions would be instituted by the DoJ only if there is sufficient admissible evidence to support a reasonable prospect of conviction, and if it is in the public interest to do so.

As guaranteed by the Basic Law and the Hong Kong Bill of Rights, defendants charged with criminal offences will undergo fair trials by the Judiciary exercising judicial power independently. Article 85 of the Basic Law clearly stipulates that the courts of the HKSAR shall exercise judicial power independently, free from any interference.

Also, Article 25 of the Basic Law provides that all Hong Kong residents shall be

equal before the law. Cases will never be handled any differently owing to the profession, political beliefs or background of the persons involved. In all criminal trials, the prosecution has to prove beyond reasonable doubt before the defendant can be convicted, and the defendant has the right to appeal under the law.

Article 4 of the NSL clearly stipulates that human rights shall be respected and protected in safeguarding national security in the HKSAR, and that the rights and freedoms which the residents of Hong Kong enjoy under the Basic Law and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the law. Article 5 of the NSL affirms adherence to the principle of the rule of law in safeguarding national security, including the presumption of innocence, the prohibition of double jeopardy, and the right to defend oneself and other rights in judicial proceedings that a criminal suspect, defendant and other parties in judicial proceedings are entitled to under the law. The Hong Kong Court of Final Appeal has pointed out that these two Articles are centrally important to the interpretation of the NSL generally.

The HKSAR Government will never tolerate, and strongly deplores, any form of interference by anyone including the so-called "international legal team" with the judicial proceedings of the HKSAR.

Ends/Wednesday, March 15, 2023