

7 August 2019

LAWASIA STATEMENT OF CONCERN ON THE CONTINUING VIOLENCE AND DAMAGE TO THE RULE OF LAW AND ADMINISTRATION OF JUSTICE IN HONG KONG

LAWASIA, the law association for Asia and the Pacific, has as one of its objects the promotion of the administration of justice, the protection of human rights and the maintenance of the rule of law within Asia and the Pacific region (Region). It is comprised of the peak or predominant bar associations, law societies and law organisations in the various jurisdictions within the Region.

LAWASIA views with grave concern the recent events in Hong Kong.

There have been in the recent weeks mass street protests in Hong Kong against an extradition bill, namely the “Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill” proposed by the government of Hong Kong. The mass protests against the extradition bill resulted in the government suspending and then shelving the tabling of the bill. With continuing street protests and demands for the government to withdraw the bill, the government subsequently declared that the extradition bill is “dead”. It is reported that protestors insist, among other demands, that the extradition bill be withdrawn.

The rights to freedom of expression, speech and peaceful assembly are fundamental human rights, and are foundations of civilised society.

Whilst the large majority of protestors are reported to have exercised their rights to peacefully protest and demonstrate in public, there have been reports of elements in various parts of Hong Kong resorting to violence such as vandalism of private and public properties, as well as the use of rods and projectiles such as bricks and metal objects. It is reported that such violence is escalating and spreading to different parts of Hong Kong.

The authorities have a duty to facilitate peaceful public assemblies, demonstrations and protests, and a duty to ensure the safety of peaceful protestors and civilians, as well as to prevent damage to property. In doing so, there have been wide reports or allegations of excessive and gratuitous use of force being employed by the authorities in some instances against protestors, journalists and other civilians.

In the most recent incidents over the weekend of 3rd August 2019, it is reported that some quarters of the protestors and the police traded petrol bombs and tear gas.

LAWASIA urges all parties to exercise extreme restraint, to respect the rule of law and to cease the cycle of violence. The biggest collateral victims of such violence if it were to continue unabated would be the peaceful people of Hong Kong, the administration of justice and the rule of law in Hong Kong.

LAWASIA urges all parties to conduct themselves responsibly and to act immediately to diffuse the situation, de-escalate tensions, avoid further violence, and promote confidence in and respect for the

law through peaceful means. In the interests of the administration of justice and the rule of law, there should be a resolution of the contending allegations of violence by both sides of the divide.

In this regard, and with a view to restoring normalcy and peace, and to promoting confidence in the rule of law in Hong Kong, LAWASIA urges the government of Hong Kong to consider the efficacy of immediately establishing an independent inquiry, whether pursuant to the Commissions of Inquiry Ordinance (Cap 86) or other suitable form of inquiry, to inquire into the events, incidences and allegations of violence; identify and address causes, issues and concerns pertaining and giving rise to the current situation and events; reconcile differences, disputes and conflicts; and make appropriate recommendations to the government.

Continued violence by any party would serve to undermine the rule of law, hijack the voices of peaceful protestors and disenfranchise the rights of the peoples of Hong Kong.

Much could be lost through unabated conflict and violence; much would be gained with good sense, good faith, the ascertainment of truth and re-conciliation, and the maintenance of the primacy of the rule of law.

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Christopher Leong
President, LAWASIA