



# Commonwealth Lawyers Association

## Statement regarding judicial intimidation in Hong Kong

The Commonwealth Lawyers Association (CLA) has noted a Statement by the Law Society of Hong Kong on 7<sup>th</sup> December 2020.

In this statement grave concerns were raised about the intimidation of the Chief Magistrate and his family members who had received a death threat. The Law Society of Hong Kong strongly condemned the act of intimidation against a judicial officer.

The Basic Principles on the Role of Lawyers (Basic Principles) were Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. Paragraph 16 of the Basic Principles:

*“Governments shall ensure that lawyers*

*(a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference;*

The Commonwealth (Latimer House) Principles on the three branches of Government were endorsed by the Commonwealth Heads of Government at Abuja in 2003.

Section 4 states:

*“An independent impartial, honest and competent judiciary is integral to upholding the rule of law, engendering public confidence and dispensing justice”;*

The Basic Principles on the Independence of the Judiciary were adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985. This state:

*“The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary”.*

The CLA condemns any threat to or intimidation of the Judiciary or the legal profession. Judges, prosecutors and lawyers must be able to exercise their professional duties freely, independently and impartially and protected from intimidation or threat. The Executive and the Legislature must ensure this independence and protection. Otherwise the rule of law will be eroded, along with effective protection of the rights of the individual.

The CLA urges that the authorities in Hong Kong:

- **investigate any threats to the Judiciary and the legal profession; and**
- **uphold recognised international principles to ensure an impartial and independent judiciary and legal profession.**

**Commonwealth Lawyers Association (CLA)**

**9<sup>th</sup> December 2020**

EDITOR'S NOTE: **The Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. [commonwealthlawyers.com](http://commonwealthlawyers.com)