

HKSAR Government strongly condemns and opposes unfounded smears against Court of First Instance verdict on conspiracy to commit subversion case

â€‹The Hong Kong Special Administrative Region (HKSAR) Government today (May 31) strongly condemned and opposed the untruthful, slandering and smearing remarks made by some Western countries (including the United States (US), the United Kingdom (UK), the European Union, Australia and more), anti-China organisations, anti-China politicians and foreign media on the verdict delivered by the Court of First Instance of the HKSAR on a conspiracy to commit subversion case yesterday (May 30).

A spokesman for the HKSAR Government said, "Following 118 days of open hearing and thorough consideration of the relevant legal principles, massive amount of evidence and submissions from the prosecution and the defence, the reasons for verdict delivered by the court yesterday clearly confirmed the occurrence of the offence of conspiracy to commit subversion, which aimed at undermining, destroying or overthrowing the existing political system and structure of the HKSAR established under the Basic Law and the 'one country, two systems' principle. Such criminal acts endangering national security had nothing to do with the so-called fight for democracy and human rights. A total of 47 persons were charged in the case. Apart from the two defendants, against whom the evidence was found insufficient for the court to be sure of their participation in the conspiracy offence, the remaining 45 defendants were convicted, showing the scale and the seriousness of the criminal scheme. With regard to the verdict on the two defendants, the Department of Justice had already informed the court of its intention to appeal.

"The HKSAR is an inalienable part of the People's Republic of China, and as a local administrative region that enjoys a high degree of autonomy under the principle of 'one country, two systems', comes directly under the jurisdiction of the Central People's Government. The core essence of the Sino-British Joint Declaration is about China's resumption of the exercise of sovereignty over Hong Kong. It did not authorise the UK to interfere in Hong Kong's affairs after its return to the motherland. The UK has no sovereignty, jurisdiction or right of supervision over Hong Kong after its return to the motherland. The external forces disregarded the fact, made skewed remarks about the verdict delivered by the court of the HKSAR by replacing the rule of law with political manipulation and confounding right and wrong, and blatantly interfered in Hong Kong's affairs which are entirely China's internal affairs. The external forces' attempt to undermine the stability and prosperity of Hong Kong is doomed to fail.

"The HKSAR law enforcement agencies have been taking law enforcement actions based on evidence and strictly in accordance with the law in respect of the acts of the persons or entities concerned, which have nothing to do

with their political stance, background or occupation. The suggestion that certain individuals should be immune from legal consequences for their illegal acts, including the illegal act of subversion, is no different from advocating a special pass to break the law, and this totally runs contrary to the spirit of the rule of law.

"The offences endangering national security stipulated under the Hong Kong National Security Law (NSL) target acts endangering national security with precision, and define the elements and penalties of the offences with clarity. On the charge of conspiracy to commit subversion, the court pointed out clearly in the reasons for verdict that the prosecution has the duty to prove beyond reasonable doubt the relevant conspiratorial agreement; the defendants' intention to carry out the unlawful means which was the subject matter of the charge; and the defendants so acted with a view to subverting the State power before the defendant may be convicted by the court.

"As guaranteed by the Basic Law and the Hong Kong Bill of Rights, all defendants charged with a criminal offence shall have the right to a fair trial by the Judiciary exercising independent judicial power. The courts of the HKSAR shall exercise judicial power independently, free from any interference. It is extremely inappropriate for the US and some Western countries, anti-China organisations, anti-China politicians, foreign media and more to make unwarranted comments on criminal trials which are ongoing in the HKSAR courts. It is also a complete disregard for the spirit of the rule of law.

"The HKSAR Government steadfastly safeguards the rights and freedoms enjoyed by Hong Kong people as protected under the law. Since Hong Kong's return to the motherland, human rights in the city have always been robustly guaranteed constitutionally under the Constitution and the Basic Law. The NSL also clearly stipulates that human rights shall be respected and protected in safeguarding national security in the HKSAR, and that the rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, that Hong Kong residents enjoy under the Basic Law and the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the law. Nonetheless, just as the case with other places in the world, such rights and freedoms are not absolute. The ICCPR also expressly states that some of them may be subject to restrictions as prescribed by law that are necessary for protection of national security, public safety, public order or the rights and freedoms of others, and more," the spokesman added.

"The so-called 'sanctions' mentioned by some foreign politicians smack of despicable political manipulation to intimidate Judges, Judicial Officers and prosecutors from the Department of Justice. These grossly interfere in China's internal affairs and Hong Kong's affairs, and violate the international law and the basic norms governing international relations. The HKSAR despises such so-called 'sanctions' and is not intimidated by such a despicable behaviour. The HKSAR will resolutely continue to discharge the duty of safeguarding national security," the spokesman said.

"In the 318-page judgment, the court has clearly set out the reasons and consideration underlying the conviction, and confirmed the occurrence of the offence of conspiracy to commit subversion. The HKSAR Government strongly demands the US and some Western countries, anti-China organisations, anti-China politicians, foreign media, and more, to immediately stop interfering in China's internal affairs and Hong Kong's affairs, and stop making baseless reports and malicious smearing on the verdict of the relevant case," the spokesperson reiterated.

The HKSAR Government steadfastly safeguards national sovereignty, security and development interests, and fully and faithfully lives up to the highest principle of "one country, two systems". It will resolutely, fully and faithfully implement the NSL, the Safeguarding National Security Ordinance and other relevant laws safeguarding national security in the HKSAR, to effectively prevent, suppress and impose punishment for acts and activities endangering national security in accordance with the law, whilst maintaining the common law system, adhering to the principle of the rule of law and upholding the rights and freedoms of Hong Kong people in accordance with the law, so as to ensure the steadfast and successful implementation of the principle of "one country, two systems".