

HKSAR handles Lai Chee-ying's case and his custodial arrangements in accordance with law

Regarding Lai Chee-ying's case involving the Hong Kong National Security Law and the related custodial arrangements, the so-called "Lai Chee-ying's overseas international legal team" once again spread misinformation and made smearing remarks recently. The Government of the Hong Kong Special Administrative Region (HKSAR) today (November 17) condemned this act, and issued a statement to clarify relevant issues to set the record straight.

A spokesman for the HKSAR Government said, "Legal practitioners should act on the basis of facts and evidence. However, we noticed the so-called international legal team has repeatedly distorted the truth, blatantly discredited the judicial system and trials of the HKSAR, and fabricated information about the treatment provided to Lai Chee-ying during his custody. This behavior is completely contrary to the professional ethics that legal practitioners should uphold. In fact, Lai Chee-ying's side has publicly clarified that he has never given instructions to the so-called international legal team to act on his behalf, which shows that the credibility of the so-called international legal team has long been in doubt. While Lai Chee-ying's actual legal representative has recently made a clarification, indicating that he is receiving appropriate treatment and care in prison, it is shocking that the so-called international legal team continues to deliberately publish false information, mislead the United Nations (UN) and abuse its mechanisms.

"In fact, the Correctional Services Department (CSD) is committed to ensuring that the custodial environment is secure, safe, humane, appropriate and healthy, and have put in place established mechanism to ensure the rights of persons-in-custody (PICs) are protected, including arrangement of regular inspection of independent visitors, namely Justices of the Peace. The HKSAR Government emphasised that the CSD adopts the above arrangements when handling matters related to inmate Lai Chee-ying, which is the same as other PICs.

"In the interests of a particular prisoner or for the maintenance of good order and discipline, the Commissioner of Correctional Services is empowered to make arrangements under section 68B of the Prison Rules that such prisoner should not associate with other prisoners (i.e. the so-called 'solitary confinement'). One of the purposes of the relevant arrangement is to ensure the personal safety and well-being of the PIC, which can be requested by the PIC themselves and approved by the Commissioner after considering the matter in accordance with the law; or the Commissioner may make such arrangements after considering the relevant factors in accordance with the legal requirements and procedures."

The spokesman stressed, "It must be clarified that the arrangement for

Lai Chee-ying's removal from association from other PICs has been made at his own request and approved by the CSD after considering all relevant factors in accordance with the law all along. The unfounded remarks by the so-called Lai Chee-ying's international legal team and other anti-China forces regarding Lai Chee-ying's solitary confinement are completely fact-twisting and are merely a despicable political maneuver with malicious intention to smear and attack the HKSAR Government."

The spokesman said, "The HKSAR Government has repeatedly stressed that all cases (including this case) are handled strictly on the basis of evidence and in accordance with the law; the Department of Justice of the HKSAR, by virtue of Article 63 of the Basic Law, controls criminal prosecutions, free from any interference; all defendants will receive fair trial with applicable Hong Kong laws (including the Hong Kong National Security Law) and under the safeguards of the Basic Law and the Hong Kong Bill of Rights.

"The Basic Law specifically provides that the HKSAR enjoys independent judicial power, including that of final adjudication, and the courts of the HKSAR shall exercise judicial power independently, free from any interference. When adjudicating cases concerning offence endangering national security, as in any other cases, judges remain independent and impartial in performing their judicial duties. Cases will never be handled any differently owing to the profession, political beliefs or background of the persons involved. To suggest otherwise is utter nonsense without regard to objective facts with the intention to smear the judicial system of the HKSAR.

"In addition, the Hong Kong National Security Law further affirms adherence to the principle of the rule of law in preventing, suppressing and imposing punishment for offences endangering national security, and provides for the presumption of innocence and the prohibition of double jeopardy, and protection of 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.

"All cases concerning offence endangering national security will be handled in a fair and timely manner by the law enforcement, prosecution and judicial authorities of the HKSAR as required by Article 42(1) of the Hong Kong National Security Law. The time taken between the institution of prosecution and the completion of trial of each case depends on a multitude of factors. The prosecution and defence will adhere to any direction given by the court to ensure a timely trial."

The spokesman said, "We oppose the groundless criticism and conclusion against the HKSAR by the relevant Working Group of the UN based on a series of false and misleading accusations. We urge the Working Group to perform its duties in a fair and objective manner while respecting the independent judicial power of the HKSAR in order to prevent any abuse of UN mechanisms to interfere with ongoing judicial proceedings in the HKSAR, which contradicts the spirit of the Charter of the United Nations based on the principles of sovereign equality and non-interference."

The spokesman stressed that, "We will never tolerate, and strongly deplore, any form of interference by any foreign power or individual with the judicial proceedings and internal affairs of the HKSAR."