

# Judgments provides explanations on conviction

In light of comments arising from the conviction of seven defendants who were charged with "organising an unauthorised assembly" and "knowingly taking part in an unauthorised assembly" at the District Court yesterday, the Department of Justice (DoJ) today (April 2) issued the following statement:

No one should comment on cases in respect of which legal proceedings are still ongoing as the matter is sub judice.

We must reiterate that prosecutorial decisions made by the DoJ are based on evidence, applicable laws and the Prosecution Code. The Prosecution Code explicitly stipulates that prosecutors must not be influenced by political, media or individual interest. Cases are handled with the same benchmark irrespective of the political beliefs or background of defendants. Prosecution would only be commenced and continued if there is sufficient admissible evidence to support a reasonable prospect of conviction and it is in the public interest to do so. Article 63 of the Basic Law expressly guarantees that all prosecutions are free from any interference.

The Government respects and attaches great importance to the rights and freedoms (including the freedoms of assembly, of procession and of demonstration) protected under the Basic Law. However, such rights and freedoms are not absolute and maybe subject to restrictions which are, amongst others, in the interests of public order (ordre public) and the protection of the rights and freedoms of others. Over the years, notified public processions and public meetings have taken place peacefully and orderly.

It is regrettable to note that the convictions have drawn unfair criticisms with political overtones. Any assertion to suggest that "Beijing eroding Hong Kong's freedoms" is totally baseless. Under the Basic Law, criminal prosecutions are handled by the DoJ independently.

The judgment has set out the reasons for the verdict which is publicly available at the Judiciary's website ([legalref.judiciary.hk/lrs/common/ju/ju\\_frame.jsp?DIS=134671&currpage=T](http://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=134671&currpage=T)). Members of the public are well advised to read the judgment so as to be properly and fairly informed.