

Suspension of agreement on surrender of fugitive offenders and agreement on mutual legal assistance in criminal matters between Hong Kong and the US

The Hong Kong Special Administrative Region (HKSAR) Government received notice from the Consulate General of the United States of America (US) in Hong Kong on August 18 on the suspension or termination of three bilateral agreements signed between the HKSAR Government and the US Government, namely the agreement for the surrender of fugitive offenders (SFO), the agreement for the transfer of sentenced persons and the agreement concerning tax exemptions from the income derived from the international operation of ships. The HKSAR Government has issued a severe reprimand against this by way of a press statement today (August 20).

In accordance with the instruction of the Central People's Government (CPG), the HKSAR Government has issued a notice to the Consulate General of the US in Hong Kong today to suspend the implementation of the Agreement between the Government of Hong Kong and the Government of the United States of America for the Surrender of Fugitive Offenders and the Agreement between the Government of Hong Kong and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters (MLA).

A Government spokesman said, "It is an international practice to safeguard national security through enactment of laws. The US has put in place relevant legislation and enforcement mechanisms for safeguarding its national security and sovereignty. Examples of relevant legislation in the US include the National Security Act, Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot) Act, Logan Act, Homeland Security Act, etc."

"However, the US has unilaterally suspended the SFO agreement with the HKSAR using the enactment of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region as an excuse. The move by the US does not only smack of political manipulation and double standards, but is also gross interference in China's internal affairs and a grave violation of international law and basic norms governing international relations. The HKSAR Government strongly objects to the US's move. It has politicised juridical co-operation, thereby seriously damaging the basis of juridical co-operation between the HKSAR and the US."

All along, with the authorisation and assistance of the CPG, the HKSAR Government has conducted close and effective law enforcement co-operation with the US under the legal framework of SFO and MLA agreements based on the principle of mutual assistance and reciprocity. Notwithstanding the suspension of the Agreement between the Government of Hong Kong and the

Government of the United States of America for SFO and the Agreement between the Government of Hong Kong and the Government of the United States of America on MLA, the HKSAR has established a comprehensive co-operation regime for MLA and SFO. The HKSAR Government will, as always, uphold the principle of mutual assistance and reciprocity, and carry out law enforcement co-operation with other members of the international community in accordance with the law.