



**Statement by The Law Society of Hong Kong
in Response to Call by US Congress Representatives for Sanctions
against Judges, Prosecutors and Government Officials of Hong Kong**

1. The Law Society of Hong Kong notes from media reports that a bill to provide for a review of sanctions with respect to Hong Kong (the “Bill”) had been introduced in the US House of Representatives by a group of US Congress Representatives on 2 November 2023.
2. The Bill would require a determination on whether a list of 49 Hong Kong judges, prosecutors and government officials included in the Bill qualify for sanctions under specified US human rights related legislation.
3. The Law Society strongly condemns any attempt to interfere with the administration of justice or challenge the rule of law, judicial independence, prosecutorial or governance integrity.
4. In Hong Kong, judicial independence is constitutionally entrenched in The Basic Law of the Hong Kong Special Administrative Region (the “Basic Law”). For instance, Article 2 guarantees independent judicial power, including that of final adjudication in accordance with the provisions of the Basic Law; Article 19 provides that Hong Kong shall be vested with independent judicial power; and Article 85 provides that the courts shall exercise judicial power independently, free from any interference.
5. The constitutional role of judges and judicial officers is to apply the law. Article 84 of the Basic Law states that judges and judicial officers shall adjudicate cases in accordance with the law. The Judicial Oath requires all judges and judicial officers to safeguard the law and administer justice without fear or favour.
6. Article 63 of the Basic Law provides that the Department of Justice in Hong Kong shall control criminal prosecutions, free from any interference.
7. The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (“NSL”) was enacted in accordance with the Constitution of the People’s Republic of China and the Basic Law.

8. Government officials having a role under the NSL are fulfilling their statutory duties pursuant to the provisions in the law. It is worth noting that NSL expressly provides that in safeguarding national security, the HKSAR shall respect and protect, in accordance with the law, human rights which the residents of HKSAR enjoy under the Basic Law and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, including freedoms of speech, of the press of publication, of association, of assembly, of procession and of demonstration.
9. Any attempt to exert pressure by the implementation of sanctions against a judge, a prosecutor or a government official due to the type of cases that he or she is assigned to handle or the statutory role that he or she has to perform is an affront to the rule of law and judicial, prosecutorial and governance integrity. The Law Society calls for respect for the rule of law.

The Law Society of Hong Kong
3 November 2023