

Statement of the Hong Kong Bar Association (HKBA)

Against Personal Attack on Judges

The HKBA is dismayed to see that some media outlets and individuals criticized a High Court judge who delivered a judgement last Thursday, 19 November 2020, for his decision in a case concerning the failure of the police officers to display identification when carrying out operations during the social unrest last year and the inadequacies of the system handling complaints against the police.

Some individuals have also been reported to have launched personal attacks on the Judge questioning his motives and integrity.

As stated in a number of statements which the HKBA issued only recently, the HKBA deplores irrational and unrestrained attacks on the Judiciary and members of the Judiciary.

The Judiciary is one of the core institutions under the Basic Law that is meant to operate without interference from the other arms of government and the public. It serves, protects and upholds the Rule of Law in Hong Kong for everyone's benefit, even those who do not like its judgments. Cases before the Courts are dealt with according to established legal principles following fair and transparent procedures. Appeals are available to parties who find the Court's ruling unacceptable.

Members of the public have the right to discuss and criticize judicial decisions through rational discourse and debate. There is, however, no justification whatsoever for exerting pressure on Judges in an attempt to persuade them to decide cases one way or another. Depending on the circumstances, this kind of pressure constitutes an interference with judicial proceedings and may be a contempt of court.

Dated: 23 November 2020