

HONG KONG BAR ASSOCIATION

STATEMENT ON ABUSE OF PROSECUTOR BY MEMBERS OF THE PUBLIC

It was reported in the media last Friday (27 September 2019) that after a hearing at which the High Court refused to grant bail to a 15-year-old defendant charged with the offence of possession of offensive weapon, certain members of the public surrounded and verbally abused the Senior Public Prosecutor conducting the case who had to be escorted by security guards when leaving the court building.

Lawyers – whether acting for the prosecution or the defence – present their case in court based upon evidence. Both as a matter of law and under the Bar’s Code of Conduct, a prosecuting counsel’s duty is to present the case fairly and impartially, to assist the court to arrive at the truth, and to do justice between the community and the accused according to the law, rather than to secure a conviction by all means at his or her command.

The abusive conduct mentioned above is unwarranted and totally unacceptable, and may also constitute contempt of court.

We call on members of the public to exercise reason and restraint at all times, and to respect our criminal justice system with all the safeguards for defendants provided by the Basic Law, the Hong Kong Bill of Rights and the general law of Hong Kong.

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30 September 2019