

JOINT STATEMENT OF THE HONG KONG BAR ASSOCIATION
AND THE LAW SOCIETY OF HONG KONG

1. In view of the concerns expressed in the media and by members of the public about the recent conviction and sentencing of Miss Amina Bokhary on a charge of assaulting a police officer, the Hong Kong Bar Association and The Law Society of Hong Kong wish to make the following joint statement.
2. As the individual case is still subject to continuing legal process, this statement will not comment on the particular case, but is made with a view to allaying any misgivings of the general public and helping them to understand the Court's approach in a matter of this nature.
3. Whilst the joint legal professions recognize the right to freedom of expression, and that there may be a difference of opinion as to the charges brought and as to the sentence passed in any individual case, and that some in the community may consider a sentence to be too light or too heavy, any attempt made to bring public pressure on a Magistrate or Judge to change his or her mind upon a review of sentence is to be deplored.
4. In delivering a sentence, a Magistrate or Judge must properly consider all sentencing options, and should pass the sentence that he or she considers most appropriate in all the circumstances.
5. The joint legal professions encourage a reasoned discussion of issues that touch on the administration of justice. It is part of the rule of law that the Courts are entrusted with administering justice.
6. There is a review and appeal process that is for reviewing and reconsidering the decisions of lower courts. Hence, the joint legal professions repeat that it is both unhelpful and inapt to criticize Magistrates and Judges, where that criticism is intended to bring pressure on them to decide any case or review of that case in any particular way.
7. Both branches of the legal profession are confident that the rule of law is firmly established in the Hong Kong SAR, and that it is administered by a strong and independent judiciary.

The Hong Kong Bar Association

The Law Society of Hong Kong

11th August 2010

香港大律師公會及香港律師會聯合聲明

香港大律師公會及香港律師會就近日傳媒及公眾關注 Amina Bokhary 襲警一案的判決，現發表聯合聲明如下。

由於該案件仍在司法程序處理中，此聲明不會對此案件作出評論。本聲明旨在緩和公眾對該案件的疑慮及協助公眾理解法院在處理此類案件所採取的程序。

香港大律師公會及香港律師會認同言論自由的權利，及公眾就個別案件的檢控和判決可能會持有不同意見，以及部份社會人士會認為判決過輕或過重。但對於任何意圖向裁判官或法官施加公眾壓力以期在審訊期間改變他們的決定的行為，我們深表遺憾。

裁判官或法官在判刑時必會恰當地考慮所有判刑選擇，並經審視所有情況下始作出他/她認為最適當的判刑。

我們兩會鼓勵公眾就司法行政問題作出理性討論。但法庭獲賦權執行公義，是法治不可缺少的一部份。

現行法制下有覆核及上訴機制，重新考慮下級法院作出的判決。所以，我們重申指出任何抨擊裁判官及法官，意圖向彼等施加壓力以影響他們的判決是無補於事及不適當的行為。

香港大律師公會及香港律師會深信香港特區的法治是建立在獨立的司法制度上，亦是牢固的。

香港大律師公會
香港律師會
二零一零年八月十一日