

per E-Mail
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Open Letter Regarding the Rule of Law in Hong Kong

Dear Chief Executive,

We are deeply concerned by the recent events in Hong Kong which led to countless people being injured and/or arrested as well as to the destruction of public and private property. We are especially distraught by the indiscriminate use of tear gas and television and video footage of excessive force used by police officers to disperse protestors.

The respect of human rights and civil liberties, a government accountable to the public and an independent judiciary are essential components of the Rule of Law which is the corner-stone of any democratic society. It prescribes rules and obligations for all members of society, both private citizens and public officials. We understand the pressure you are acting under but call on to respect the procedures set out in the basic law. No one would want Hong Kong to give the impression of moving from the rule of law towards a rule by law.

Adherence to the law is an integral part of the Rule of Law. A government may be required to take measures to maintain and even restore public order. However, these measures can only be implemented if they do respect the fundamental rights of citizens. These fundamental rights include particularly the freedom of peaceful assembly as well as the freedom of expression as enshrined in Hong Kong's Basic Law and in applicable international instruments including the International Covenant on Civil and Political Rights. People being arrested have the right of access to legal assistance and representation and a fair trial under the applicable laws in Hong Kong. Along the same line any attacks on the judiciary and wilful disregard of court orders undermine the rule of law.

Millions of citizens have marched in the streets in Hong Kong in the past weeks and months in order to voice their concern over the proposed legislative changes to two laws by the Hong Kong government – the Fugitive Offenders' Ordinance (FOO) and the Mutual Legal Assistance in Criminal Matters Ordinance (MLACMO). In our view, these laws do not contain the required procedural and material safeguards to protect the fundamental rights of individuals facing extradition to the People's Republic of China.

We therefore call upon the government of the Hong Kong Special Administrative Region of the People's Republic of China to halt the plan to amend the current legal framework and to withdraw permanently the proposed new legislation.
We also call upon the government to set up an independent inquiry commission with a mandate to investigate the events of the past few months.

Yours sincerely,



Edith Kindermann