

Non-jury trial ordered for Hong Kong's 47 democrats national security case

mercredi 17 août 2022 (Date de rédaction antérieure : 16 août 2022).

Trial by jury has been used by Hong Kong's common law legal system for 177 years but legislation imposed by China in 2020 to curb dissent allows cases to be heard by dedicated national security judges.

Hong Kong's justice minister has ordered a non-jury trial for the city's largest national security case to date in which dozens of pro-democracy politicians face up to life in prison, according to documents seen by AFP.

Trial by jury has been used by Hong Kong's common law legal system for 177 years but legislation imposed by China in 2020 to curb dissent allows cases to be heard by dedicated national security judges.

Some 47 defendants including democratically elected lawmakers, unionists and academics have been charged with "conspiracy to subversion" for organising an unofficial primary election among democrats two years ago.

An order signed by new Secretary for Justice Paul Lam dated Saturday cited the "involvement of foreign elements" in the case as a reason to depart from the tradition of jury trial.

It also cited the "personal safety of jurors and their family members" and a "risk of perverting the course of justice if the trial is conducted with a jury".

Instead the trial will be heard by three judges who have been handpicked by the government to try national security cases.

The documents seen by AFP showed preparatory hearings for the trial would be conducted before a panel of three judges in an open court in September and November.

AFP has asked Hong Kong's Department of Justice for comment.

The trial is the second national security case to be handled without a jury in Hong Kong.

In the first last year, motorcyclist Tong Ying-kit was sentenced to nine years in jail after losing a judicial challenge against the non-jury arrangement.

Trial by jury has been described by the justice department as one of the Hong Kong judiciary's "most important features".

But a national security law imposed in 2020 states that a jury can be excluded if there is a need to protect state secrets or the safety of jurors and their families, as well as if "foreign forces" are involved.

The 47 defendants in the present case are political figures ranging from modest reformists to radical

localists.

Their case was first brought to court in March last year when most of the group were denied bail after a marathon four-day hearing before a security magistrate.

Journalists have been prevented from reporting on most of the pre-trial hearings

P.-S.

<https://hongkongfp.com/2022/08/16/non-jury-trial-ordered-for-hong-kongs-47-democrats-national-security-case/>