

amnesty international human rights imperatives for the new Hong Kong

June 28 1997

1. The International Covenant on Civil and Political Rights (ICCPR) should not be undermined

- all laws should be consistent with the ICCPR as applied to Hong Kong, and enshrined in the Bill of Rights
- Maintain the cycle of reporting to the expert UN body that monitors implementation of the ICCPR

2. Freedom of expression and association should not be restricted

- offences such as subversion, theft of state secrets should be narrowly defined so as not to impair the exercise of fundamental rights
- no organisation should be at risk of deregistration for carrying out peaceful economic, social or political activities
- the right to assembly can only be restricted on public order grounds if there are genuine concerns of violence
- no civil suits should be brought against individuals for the peaceful expression of political views

3. Public confidence in the legislature should be restored

- elections to the new legislature, which the Chief Executive has promised within 12 months, must take place in a free and fair climate which allows for full freedom of expression and association
- legislation under Article 23 should be left to the new elected legislature -- rather than the Provisional Legislature
- no retroactive legislation criminalizing peaceful political activities should be passed

4. Police, army and prison personnel should remain under scrutiny

- an independent human rights commission should be established with powers to investigate *inter alia* complaints against police and army personnel
- the Complaints Against the Police Office should be established as a statutory body with its own powers of investigation
- PLA personnel should be brought before Hong Kong courts for any offences against Hong Kong civilians

5. Independence of the judiciary should not be compromised

- all Courts, including the Court of Final Appeal, must have full independence in making decisions on cases, without interference by the HKSAR government or by the National People's Congress
- any interpretation of the Basic Law by the National People's Congress should be transparent, be accompanied by a full and public explanation, and be consistent with the ICCPR