

Response to the issues raised by the Amnesty International in its submission dated 7 June 2002

Offences and Punishment

Obviously there will be degrees of culpability in the criminal conduct which can give rise to offences under the Bill. It will be for the Secretary for Justice to decide whether an alleged offender is dealt with summarily or on indictment. A person who is tried summarily i.e. before a Magistrate will not be disadvantaged as far as receiving a "fair trial" is concerned. Rather he will have the advantage of being exposed to a lesser penalty.

Fair Trial - Proceedings in Camera

Clause 17 provides that the Rules of Court may make provision for the circumstances in which certain applications can be held in camera in the interests of security, defence, international relations or a witness giving evidence. "International relations" are relevant where another Government requests that intelligence or evidence it is supplying be not made public because it may, for instance, expose the source of that intelligence to danger or nullify an informant as a source of future intelligence. Rules of Court are of course subsidiary legislation and subject to the scrutiny of Legislative Council.

Security Bureau
21 June 2002