

COPY

Please reply to: Michael Vidler of Vidler & Co. Solicitors

May 4, 2009

Mr. Donald Tsang Yum-keung, JP
The Chief Executive of HKSAR,
Chief Executive's Office,
Government House,
Hong Kong.

4.5.09



By Hand

Dear Mr. Tsang,

Re: Constitution of an Independent Commission of Inquiry into the Death of Limbu Dil Bahadur

We the undersigned write to request the immediate constitution of an Independent Commission of Inquiry to consider the death of Mr. Limbu and to consider the wider context in which this tragedy occurred.

We are deeply concerned that the investigation into Mr. Limbu's death is being conducted by the police rather than an independent investigatory body. This leaves members of the ethnic minority community and members of the public in general with an impression that the investigation will be unfair, biased and focused on exonerating the police officer concerned.

This perception has unfortunately been exacerbated by reports, released by the police to the media soon after the incident, which appeared intent on blackening the name of Mr. Limbu and in some way thereby excusing the actions of the police officer involved.

This state of affairs is most unsatisfactory. Unfortunately, given the present structure of CAPO, which remains part of the police, and given the lack of independent investigatory powers for the IPCC, neither body can fulfill the role of investigating this tragedy in a way that would alleviate community concerns over possible bias and unfairness.

Extending the role of the IPCC to include investigatory powers as in the UK (where it is presently investigating the death of Mr. Ian Thomlinson on April 1, 2009) would clearly be the most appropriate course of action. This will however take legislative amendment to the IPCC Ordinance. Pending this urgent legislative reform we therefore demand that an Independent Commission of Inquiry be constituted to review the police investigation into this tragedy, make a complete report of the events and circumstances of and relating to Mr. Limbu's death, identify any shortcoming, review current rules, policies and procedures applicable to the use of firearms and put to rest the ongoing concerns about a cover-up.

We also call upon the Independent Commission of Inquiry to look into the wider context of this tragedy and the perceived inability of front-line officers to treat ethnic and racial minority members of the community the same as local members of the community. The Inquiry should therefore also consider the adequacy of training of front-line officers to deal with ethnic and racial minorities; the incorporation of guidelines on the promotion of racial equality into Police General Orders and Police Procedures Manuals and the urgent need for recruitment of ethnic minority officers into the police force.

These broader issues cannot be properly dealt with by the Coroner's Inquest and need to be addressed urgently. We therefore call upon you to immediately constitute an Independent Commission of Inquiry with a remit to consider the issues raised above. We also call upon you to urgently initiate an amendment to the IPCC Ordinance so that the IPCC has independent investigatory powers separate from the police. This will restore community confidence in the investigatory processes involved in tragic incidents such as this, and will confirm your commitment to an ethnically and racially harmonious Hong Kong.

Yours faithfully,

Organizations

Abra Tingulan Ilocano Society (ATIS)
Asian Migrants' Coordinating Body (AMCB)
Asian Human Rights Commission
Asia Pacific Mission for Migrants (APMM)
Association of Indonesian Migrant Workers
Association for the Advancement of Feminism (AAF)
Bethune House Migrant Women's Refuge
Civil Human Rights Front
Coalition for Migrants Rights
Colours In Peace
Cordillera Alliance In Hong Kong (CORALL-HK)
Filipino Migrant Workers' Union (FMWU)
Hong Kong Against Racial Discrimination (HARD)
Hong Kong Christian Institute
Hong Kong Islamic Youth Association
Hong Kong Integrated Nepalese Society
Hong Kong Human Rights Monitor
Hong Kong Nepalese Federation
Hong Kong Refugee Advice Centre Ltd.
Hong Kong Unison Limited
Human Welfares Association
Human Welfare Services
International Human Rights Forum
Indonesian Migrant Workers Union
Justice and Peace Commission of the Hong Kong Catholic Diocese
Mission for Migrant Workers (Hong Kong) Society Ltd. (MFMW)

Pakistan Association of Hong Kong
 Pakistan Islamic Welfare Union, Incorporated H.K
 Society for Community Organization (SOCO)
 Society for Cultural Integration
 The Indian Resources Group
 The Hong Kong Coalition for Migrants Rights
 The Hong Kong Coalition of Indonesian Migrant Workers Organization (KOTKIHO)
 United Filipinos In Hong Kong (UNIFIL-MIGRANTE-HK)
 United Pangasinan Hong Kong (UPHK)
 ZI Teng

Individuals

Aruna Gurung, (Members of Committee on the Promotion of Racial Harmony)
 A.S. Khosa (Members of Committee on the Promotion of Racial Harmony)
 Balq Raees Begum (Members of Committee on the Promotion of Racial Harmony)
 Buddhi Bahadur Thapa (Members of Committee on the Promotion of Racial Harmony)
 Cyd Ho (Members of Legislative Council)
 Dr. Paul Yung (Members of Committee on the Promotion of Racial Harmony)
 Fermi Wong (Members of Committee on the Promotion of Racial Harmony)
 James Arthur Elms (Members of Committee on the Promotion of Racial Harmony)
 Manohar Chugh (Members of Committee on the Promotion of Racial Harmony)
 Muhammed Javed Shahab (Members of Committee on the Promotion of Racial Harmony)
 Saeed-Uddin (Members of Committee on the Promotion of Racial Harmony)
 Vandana Rajwani (Members of Committee on the Promotion of Racial Harmony)

c.c. Members of ExCo
 Members of LegCo