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Subject:Open Letter to Mr Allcock, Solicitor General

An Open Letter to Mr. Allcock Regarding his Dismissal of Fears for the Bill to Implement Article 23

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Ref: Your article, There will be no “secret trials” <http://www.basiclaw23.gov.hk/english/focus/focus6.htm>

Mr Allcock,

After reading your article I am alarmed because it is like a confession from the Solicitor General himself that the Bill to implement Article 23 is indeed a threat to the basic rights of the Hong Kong people.

Mr. Allcock started by stating that there would be no “secret trials”. Yet you warned that in the context of appeals against the banning of a local organization the possibility of the *special court procedures* arise under the Bill. Precisely these *special court procedures* include closed-door hearings held in the absence of the appellants and their legal representatives. Is Mr. Allcock saying that there will be no secret trials but there will be closed-door hearings?

Ironically you described the banning of an organization as *an administrative decision by the Secretary for Security, akin to many other administrative decisions such as the revocation of a licence to conduct a certain activity*. How can such a serious matter as banning an organization be compared to a general administrative routine like revocation of a licence, which usually follows well-defined and established rules? Furthermore Mr. Allcock wrote that the banning of a local organization would not directly result in any criminal sanction but the activities MUST cease. This is a truth in disguise.

Another appalling issue brought up in your article was the question of sensitive information. Practically it means that in the event of a closed-door hearing information that is classified as confidential will not be disclosed. In China today many peaceful Falun Gong practitioners, democracy activists, human rights advocates, journalists and Christians from certain churches have faced closed-door trials and are sentenced to long labour-camp or jail sentences without anybody knowing why or what crimes they have committed because no “confidential information” was disclosed.

Mr. Allcock also wrote, “In response to concerns that a special appeal tribunal might not be as independent as the courts, the government now proposes that any appeal against a ban should go to the courts. But there is still the need to protect confidential material and sources from disclosure. How can this be done without prejudicing the fairness of the appeal?”

Why did Mr. Allcock ask this question? Did you mean that the concerns for unfair trials under Article 23 could not be avoided?

A large part of your article is devoted to describing how countries like the UK and Canada have dealt with immigration laws to exclude persons engaged in espionage or terrorism. Again, your comparison of peaceful

activities of local organizations that are merely exercising the basic rights with international terrorists activities is hard to comprehend.

Your article confirms the fears that critics of the bill have voiced. The basic human rights of the Hong Kong people cannot be safeguarded if Article 23 is implemented without amendments made to the current Bill. Under pressure from the Mainland government many peaceful organisations like Falun Gong, human rights organisations and the Catholic Church will be among the first to be targeted.

I do not know why Mr. Allcock, the Solicitor General, made such misleading statements about the Blue Bill. Perhaps one day you would tell the world the truth. Whatever the reason no harm has been done yet but time is running out. I sincerely hope that Mr. Allcock would not participate in a process that would threaten liberties enjoyed by the Hong Kong people without any abuse for more than 50 years.

Yours sincerely,

Thomas Choo
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