

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2019/03/31/hong-kong-scrap-proposed-extradition-changes>

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Transfers to China Would Risk Torture, Unfair Trials

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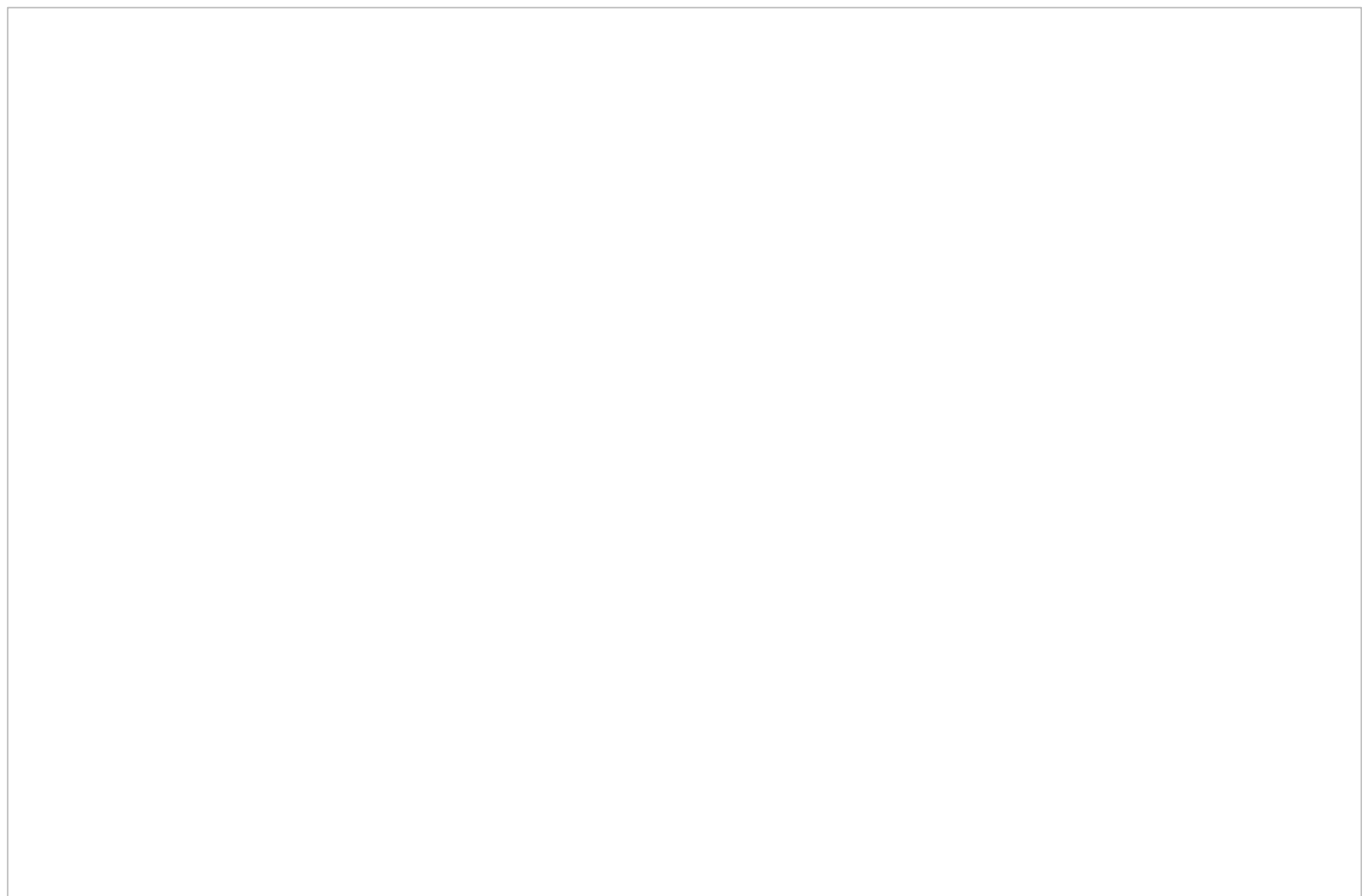
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In this Oct. 10, 2018, photo, Hong Kong Chief Executive Carrie Lam attends a question and answer session after delivering her policy speech at the Legislative Council in Hong Kong. 2018 AP Photo/Vincent Yu

(Hong Kong) The [Hong Kong](#) government should withdraw proposed revisions to two laws concerning extradition, Human Rights Watch said today in a joint [letter to Hong Kong Chief Executive Carrie Lam](#). The amended laws would allow the transfer of people accused of crimes abroad to mainland China, as well as other countries, where they would be at risk of torture or other ill-treatment, and unfair trials. The letter was co-signed by Amnesty International and the Hong Kong Human Rights Monitor.

The proposed changes to Hong Kongs extradition laws would permit transfers to mainland China, putting Hong Kong people at risk of torture and unfair trials, said [Sophie Richardson](#), China director. The amendments would tarnish Hong Kongs reputation for the rule of law, and should be scrapped.

China's justice system has a record of [arbitrary detention](#), [torture](#), and other ill-treatment, of serious violations of fair trial rights, and of [various systems](#) of incommunicado [detention without trial](#). These problems are exacerbated because the judiciary lacks independence from the government and the Chinese Communist Party.

Under existing legislation, the Hong Kong government can only extradite people to countries with which it has standing extradition agreements, or to other countries on a case-by-case basis. Changes to these arrangements must be ordered by the Hong Kong chief executive handpicked by Beijing and scrutinized by the Legislative Council, Hong Kongs partially elected legislature.

In February 2019, the Hong Kong Security Bureau [proposed changes to the Fugitive Offenders Ordinance](#) and the Mutual Legal Assistance in Criminal Matters Ordinance, which would expand the case-by-case extradition arrangement to mainland China. They would also remove the Legislative Councils role in reviewing these individual executive requests, a crucial layer of governmental and public oversight.

The International Covenant on Civil and Political Rights (ICCPR), which applies in Hong Kong, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Hong Kong is bound, as well as customary international law, prohibit returning people to places where there is a real risk of torture and other ill-treatment, unfair trials, and other serious human rights violations.

These amendments would heighten the risk for human rights activists and others critical of China being extradited to the mainland for trial on fabricated charges, Richardson said. This is a devastating blow to the freedoms promised Hong Kong upon its handover to Chinese sovereignty in 1997.

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