

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a serif font, centered between two horizontal blue bars.

NEW YORK
CITY BAR

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November 22, 2019

Via email

The Honorable Carrie Lam
Office of the Chief Executive
1 Tim Wa Avenue, Admiralty
Hong Kong, S.A.R.
ceo@ceo.gov.hk

Re: An Independent Commission of Inquiry into the Use of Force by Hong Kong Police

Dear Chief Executive Lam:

I am writing on behalf of the New York City Bar Association (the “Association”) to express our grave concern regarding allegations of improper and excessive use of force by Hong Kong police during protests in 2019.¹

As the analysis enclosed with this letter describes, credible media reports allege that police in Hong Kong have: acted as agents provocateurs, engaged in abuse of protesters, over-used or misused rubber bullets and teargas and other less than lethal weapons, improperly used live ammunition on protesters, and used force against journalists. These reports raise serious questions about the human rights situation in Hong Kong and the lack of professionalism, integrity and respect for human rights displayed by the Hong Kong police force. The reports also raise serious concerns about the capacity of Hong Kong’s police force, as an agency and instrumentality of the Hong Kong government, to discharge its international human rights obligations under the *International Covenant on Civil and Political Rights* and its cognate provisions in the Hong Kong Basic Law and to adhere to principles of international law set forth in *Use of Force and Firearms by Law Enforcement Officials*, as well as the mandatory requirements of the *Convention Against Torture*.

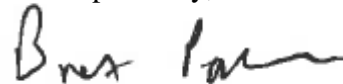
Because of these concerns, the Association calls on the Hong Kong government to promptly appoint a neutral and independent body to investigate the conduct of its police force. Despite recent attacks on their independence, Hong Kong’s legal profession and its judiciary have

¹ The Association is an independent non-governmental organization with more than 24,000 members in over 50 countries. Founded in 1870, the Association has a long history of dedication to promoting the rule of law in China and in Hong Kong, chiefly through its Committee on International Human Rights, its Asian Affairs Committee, and its Task Force on the Independence of Lawyers and Judges.

the capacity to be a neutral and independent third-party in an inquiry of this nature, and they should be given every support in doing so by the executive government. The Association is concerned that the current inquiry that is being undertaken by the Independent Police Complaints Commission is inadequate. That is so because the Commission lacks the requisite investigatory powers to conduct a thorough investigation and the institutional protections for impartiality and independence.

The Hong Kong police force can be an effective agent for community safety, but it needs community trust and confidence to achieve this. An independent and robust inquiry will be an important step in rebuilding that trust and the Hong Kong government's legitimacy.

Respectfully,



Bret Parker
Executive Director

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