

Hong Kongers — and the world — were given a reminder this week of the crucial protections the territory's Basic Law gives them under Beijing's rule — and why battles to preserve and expand the mini-constitution are crucial.

On Tuesday, seven police officers were convicted of assaulting handcuffed Civic Party activist Ken Tsang Kin-chiu (鄧天鵬) during the Umbrella movement protests on Oct. 15, 2014, although they were acquitted of the more serious charge of grievous bodily harm with intent.

Yesterday, District Court Judge David Dufton sentenced the seven to two years in prison, a year less than the maximum sentence allowed by law, even though he called their attack “vicious.”

While acknowledging that the territory's police had been under great pressure during the protests, he said the seven men had not only caused multiple injuries to Tsang, but damaged Hong Kong's international reputation.

Tsang told reporters that Dufton's ruling was a “small victory for civil society in the fight against police violence” and proved that ordinary people can “fight back,” but police supporters criticized the verdict and vowed to stage a protest today.

The court case also serves as a reminder of the need for a free press, and not just in Hong Kong.

Tsang — and the territory — were fortunate that his arrest and subsequent beating were captured in video footage by news crews from TVB, ATV, Now TV and the *Apple Daily*. The court also accepted closed-circuit TV footage and other photographic evidence, despite defense challenges that the prosecution could not prove the footage had not been altered. Without such documentation, the police might have escaped prosecution, much less conviction.

Legal analysts said the decisions issued by Dufton — who earned a master's in law from the

University of Hong Kong and has served as a judge since 1994 — proved that Hong Kong still has an independent judiciary.

The disparity between what Hong Kongers should be able to expect from their police and what Chinese in the mainland receive at the hands of theirs was highlighted by a report issued on Thursday by the Network of Chinese Human Rights Defenders.

They Target My Human Rights Work as a Crime: Annual Report on the Situation of Human Rights Defenders in China details the use of institutionalized torture by Chinese security agencies to force pro-democracy and human rights campaigners to “confess” to crimes, as well as the government’s efforts to criminalize human rights activities under the guise of national security.

The report makes for grim reading and provides further proof, though hardly needed, of Chinese President Xi Jinping’s (習近平) efforts to eliminate China’s fledgling civil society, despite his repeated assurances that he is promoting the rule of law.

The Hong Kong court’s actions should also serve as an exemplar to Taiwan’s legal system.

About seven months before Tsang was beaten by riot police, protesters staging a sit-in at the Executive Yuan in Taipei were violently attacked by police seeking to break up the demonstration.

Despite video footage and photographs showing police attacking unarmed students and other protesters, none of the officers involved have been identified, much less faced charges in court, although one of the injured protesters, Taichung teacher Lin Ming-hui (林明輝), did win a lawsuit in August 2015 against the Taipei City Government, arguing their use of force had violated the Act Governing the Use of Police Weapons (警察使用武器條例).

While some in Hong Kong have complained that it took too long to bring the seven officers to justice, they can feel proud that such justice has been handed down. It is not too late for officials in Taiwan to follow suit.

HK police case a lesson for Taiwan

Written by Taipei Times Editorial
Saturday, 18 February 2017 09:04

Source: [Taipei Times - Editorials 2017/02/18](#)