

Press Release

25/07/04

Response Statement

An ICAC spokesman today (Sunday) stressed that the ICAC has every respect for freedom of the press.

Yesterday's operation followed ICAC investigation into matters referred to the Commission by the Secretary for Justice, who in turn had been requested by the Court of Appeal to inquire as to whether an offence under Section 17(1) of the Witness Protection Ordinance (WPO) or other criminal offences had been committed. The ICAC therefore has a duty to investigate the matter and advise the Director of Public Prosecutions of the outcome.

The investigation concerns allegations of serious offences intended to undermine the administration of public justice. These include conspiracy to pervert the course of public justice, perjury and violation of Section 17 of WPO.

The ability to protect witnesses in criminal investigations and prosecutions is vital to law enforcement agencies in investigating major crime and corruption. The WPO provides an effective framework for achieving this objective, and as such its provisions must be enforced.

In conducting this investigation, the ICAC has considered very carefully the need to strike a balance between the freedom of the press and the administration of public justice.

Conscious of the sensitive nature of journalistic material, and with regard for the freedom of the press, the ICAC obtained from the High Court search warrants. Under the terms of these warrants, materials seized

would be sealed and retained for up to three days without being examined, subject to any application to the High Court for their return by the owners.

We would also like to make it clear that no journalists have been arrested in the ICAC operation. Those approached were invited to assist in the investigation.

Whilst the investigation is continuing, a file of evidence will be submitted to the Department of Justice for legal advice shortly.