

Academic attacks secret verdict

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A magistrate ordered the press and public out of a sex trial yesterday and delivered his verdict behind closed doors.

James Lee Chung-yin gave no legal basis for his decision to clear Eastern Court for the evidence of a 13-year-old girl who found it difficult to testify in public.

He acquitted a 16-year-old student of two charges of having unlawful sex with the girl, without making it clear whether the court was open again.

The public were unable to hear the girl make allegations against the boy and were not present when the magistrate gave his reasons for finding him not guilty.

Mr Lee declined to say which law gave him the power to stage part

of the hearing behind closed doors. His action drew criticism from senior law lecturer Dr Nihal Jayawickrama who described the situation as "unsatisfactory".

He said the court should have been reopened as soon as the girl had finished giving evidence.

Dr Jayawickrama, of the University of Hong Kong, said the girl's evidence was not confidential and, even if it was given behind closed doors, it should have been made public as soon as she finished.

Justice could be jeopardised if the public was not given access to the evidence and verdict, he said.

The Criminal Procedure Ordinance allows a judge or magistrate to hold proceedings in a closed court if it is felt necessary to do so in the interests of justice or public security.

But the same law says the delivery of the verdict must be in open court.

The Bill of Rights says the press and public may be excluded for reasons of morals, public order or national security.

It adds this should only be done in special circumstances.

Yesterday, Mr Lee said only "people directly concerned with the case" could remain for the girl's evidence. This included her father and two lawyers, attending as pupils.

It was only discovered the case had finished when a police officer emerged from court to tell waiting witnesses they would not be needed.

The charges, read in open court, claimed the boy had sex with the under-age girl on two occasions at his home last year. He denied the charges.