

# Abolition date uncertain

By JENNIFER COOKE

THE Government has yet to timetable the abolition of the death penalty.

A spokesman said yesterday it was too early to give firm details of when amending legislation was likely to be passed.

With a full agenda for Legco to the end of the current session, it was unlikely to be introduced until the next session which begins in October.

"The administration is considering the legislative measures required to implement the decision," he said.

Following the majority vote for the motion urging the abolition of capital punishment, it is likely that life imprisonment will be the new term.

Unlike other common law jurisdictions, there is no

mandatory life imprisonment on the statute books in Hongkong.

But its introduction in place of the death penalty would be opposed by the chairman of the human rights group, Justice, Dr Nihal Jayawickrama, because it removes any possibility of release before natural death and is contrary to the concept of prisoner rehabilitation.

Non-mandatory life imprisonment, on the other hand, creates the opportunity for release and is applicable presently in all commuted death sentences and a range of serious crimes including those relating to possession and use of firearms, manslaughter, attempted murder and wounding with intent to cause grievous bodily harm.

All 39 men and one woman on death row had been convicted of murder.

A life sentence in Hongkong generally means for the term of a prisoner's natural life, subject to rulings by the Board of Review - Long Term Prison Sentences.

Reviews of sentences take place automatically after the first five years and thereafter every two years.

This week's motion, Dr Jayawickrama said, had legitimised the *status quo* in a practical way so that in a sense there was no urgency about the ensuing legislative process.

"But things are better done soon," he added.

And as soon as it is done Britain would be able to ratify the Second Optional Protocol to the International

Convention on Civil and Political Rights which was passed in 1989.

Aimed at the immediate stoppage of all executions and the abolition of death penalties by all signatories, Britain has voted in favour of the protocol but has yet to ratify it.

In the meantime drafting instructions from Security Branch would be given to the law draftsman in the Legal Department to create an amendment bill, once the Government had decided on the options.

The bill would in turn be taken to the Executive Council and, if agreed, would be gazetted, introduced into the Legislative Council and subject to any further detailed study by a committee, would be passed into law after three readings.