

To: News Editor, a total of 3 pages

Joint Declaration by the Hong Kong Nepalese Federation and the Hong Kong Unison
1 September 2009

Dear Friends,

On behalf of Nepalese and other ethnic minority communities, we would like to express our regret about the Coroner's decision to hold the inquest of Mr. Dil Bahadur Limbu in Cantonese.

The killing of Mr. Limbu by a police constable has aroused widespread concern and anger amongst Nepalese and other ethnic minority communities. You may recall that on 29 March this year, nearly 6,000 Nepalese and other ethnic minority residents turned out in a protest, calling for a fair and independent investigation. Yet despite repeated calls for the government to set up an Independent Commission of Inquiry to look into the broader issues surrounding this shooting which the Coroner is not best placed to consider, we still await a constructive reply.

To add insult to injury the Coroner, Mr. Ng Sing Wai, has decided to hold the inquest in Cantonese and not English. Given that Mr. Limbu's widow, elder brother and so many interested ethnic minority persons cannot understand Cantonese, we are most concerned that decision to choose Cantonese as the language of the inquest is a reflection of a continuing disregard for the needs of ethnic minority persons in Hong Kong.

The provision of interpretation will not only lengthen the inquest but will lead to misunderstanding as this will have to be multiple translation from Cantonese to English and then Nepalese. This will inevitably lead to losses in translation and the true facts surrounding this shooting not being understood by those who are the most concerned about its outcome.

We therefore call upon the Coroner to hold proceedings in English.

We demand a fair and impartial coroners hearing.

We renew our call for an Independent Commission of Inquiry to look into the issues surrounding this shooting such as lack of ethnic minority sensitivity in the police and

court system, the lack of ethnic minority police in HK, the apparent attempts to blacken the name of Mr. Limbu before the Inquest and the consequent possibility of bias by the police in the investigation into this shooting.

Only when these requests are met will the ethnic minority community in Hong Kong feel that due regard is given to our views and respect accorded to our contribution to Hong Kong.

Thanks for your attention!

Media Enquires/Contact Person

Ms Fermi Wong, Executive Director, the Hong Kong Unison

Tel: 9237 6464/2789 3246

香港尼泊爾聯合會與香港融樂會發表聯合聲明

2009年9月1日

香港尼泊爾聯合會與香港融樂會，就死因法庭裁判官吳承威決定以廣東話聆訊尼泊爾裔男子林寶被警員槍殺一案，表示深切遺憾。

事實上，這宗案件早已引起本港少數族裔社群的關注。今年3月29日，接近6,000名尼泊爾裔與少數族裔居民遊行到政府總部，促請當局就事件進行獨立與公正的調查。令人遺憾的是，即使各界聲嘶力竭，政府仍然拒絕成立獨立調查委員會調查事件。

這次死因庭裁判官決定以廣東話進行聆訊，更令本港少數族裔社群感到失望。我們認為，死因庭在作出決定時，並沒有充分考慮死者遺孀、兄長、以至關心這次事件的少數族裔居民，絕大部分不諳中文，以廣東話進行聆訊，可能影響他們理解整個聆訊過程。

雖然法庭方面表示，會向出席與旁聽聆訊的人士提供詮譯；然而死因庭這次採用「雙重詮譯」，即先由廣東話翻譯至英語，再由英語翻譯至尼泊爾語。有關做法，既增加了譯錯的風險，也令聆訊時間加倍，進一步增加死者家屬的精神負擔。

我們認為，法治精神是香港賴以成功的基石，司法機關理應致力彰顯公義，在審理每一宗案件時，讓人看到已致力平衡各方利益。然而，死因庭這次決定以廣東話進行聆訊，反映法庭本身缺乏文化敏感度，未有充分照顧少數族裔的需要。事實上，英文作為香港其中一種慣用的聆訊語言，本地法庭對於以英語進行聆訊，早已是駕輕就熟，我們實在看不到，為何這次聆訊不能以英語進行。

為此，我們促請死因庭考慮

- 1) 在進行死因聆訊時，倘若有死者家屬不懂說廣東話（但懂得基本英語），聆訊應以英語進行，讓家屬了解聆訊過程，並盡量減少「雙重詮譯」的情況；
- 2) 確保聆訊以專業及公平的方式進行；
- 3) 就如何防止類似事件發生，協助陪審員提出具體建議。

此外，我們重申，政府應該成立獨立調查委員會調查事件，處理這次死因研訊未能觸及的問題：包括警隊與司法機關欠缺種族敏感度；警隊欠缺少數族裔人士；有警務人員在這次死因研訊前，透過傳媒刻意抹黑死者；以及警隊在調查這次事件時可能出現的偏私情況。我們相信，只有政府當局與死因庭接納上述要求，本港少數族裔社群才會真正的感到被尊重。

聯絡人：香港融樂會總幹事王惠芬（電話：9237 6464/ 2789 3246）