

Article 9: Mutual assistance in relation to crimes of torture

9.1 The position remains essentially as explained in paragraphs 49 to 51 of the initial report and paragraph 82 of the second report. The Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) - enacted in 1997 - empowers the HKSAR Government to provide under authorisations from the Central People's Government certain forms of assistance provided an agreement is in place or reciprocity is guaranteed. These are -

- (a) the taking of evidence or the production of a thing in court;
- (b) the search or seizure of a thing or the production of documents pursuant to court orders;
- (c) the service of documents;
- (d) the transfer of prisoners to give assistance; and
- (e) the seizure and confiscation of the proceeds of crime.

9.2 As at September 2012, we had signed 27 bilateral agreements on mutual legal assistance in criminal matters⁵.

⁵ Including Australia, the USA, France, the UK, New Zealand, Italy, Republic of Korea, Switzerland, Canada, the Philippines, Portugal, Ireland, the Netherlands, Ukraine, Singapore, Belgium, Denmark, Poland, Israel, Germany, Malaysia, Finland, Indonesia, Japan, Sri Lanka, South Africa and India.