

# Concerning the review procedure of the hong kong magistrate



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BUSTER**

\*(CAN BE USED IN ANY CASE)\* (CAN BE DELETED IF UK/BKHARY)4 pts Ladies and Gentlemen, today, our dear opponents have proven themselves to be highly persistent and they cling dearly onto their misguided ideas. Legal Principle (cannot judge himself) \*First of all, our dear opponents have implied that the Review Procedure (violates the legal principle of ??? one cannot be his own judge???) is not reliable because the Magistrate is judging itself). However, let me assure you that the Review Procedure is not advocating self-judgment, but rather, it is advocating reflective evaluation that can allow flaws made in cases to be corrected, thus preserving justice. Are our opponents suggesting that justice is negligible I surely hope not. Biased opinions (goes with above) \*Our dear opponents have, by their previous point, implied that the Review Procedure would advocate decisions made according to the magistrate??™s biased opinions. This will lead to the perversion of justice, or so they claim.

If the Review Procedure is abolished; all appeals of cases would be left to defendants or the accusers. And while defendants would only file appeals if they themselves feel that the judgments they have received are illegitimate, accusers would only file appeals if the judgments the defendant received are illegitimate according to the accusers. Therefore, all types of appeals in this case are based on personal interests. Does this mean our opponents are suggesting that no appeals whatsoever should be made, by any given means Besides, if a magistrate proceeds to file an appeal against its own case, it means that they have noticed something wrong about the case or have been presented with new perspectives or evidence, and our opponents have failed to take notice of this obvious point. Unnecessary, 61 \*Our dear  
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opponents have also implied that the Review Procedure is unnecessary or even detrimental due to certain risks; otherwise they would not have wanted it to be abolished. But it seems to me that they have yet neglected another point: if something is seldom used, it can still retain its usefulness. Let me put forward a metaphor.

In Hong Kong, there's a law which forbids us to murder. Yet it was only put into force 60 times each year. But that does not mean it should be abolished.

No. Likewise, the Review Procedure being used 61 times in history shows that it retains its necessity. Answer me this, my dear opponents: defendants and accusers can sometimes be bound by financial terms and fail to file appeals to uphold justice. What will you do then, if the Procedure is abolished? Are you implying that these cases do not require justice? Our dear opponents have also argued that there might be certain risks to preserving such a Procedure. Allow me to retort by telling you that all kinds of appeals involve risks. Does this mean no appeals should be made? The answer is no, obviously. Our opponents have also tried to tell us that just because UK has abolished this Procedure, Hong Kong should too.

But they have simplified the matter to suit their own needs. They must be reminded that the legal community of UK has reached a consensus to do such an act, and what it does has no effects on Hong Kong whatsoever, as the UK and Hong Kong are clearly two separate places. Are our opponents saying that if a major country does something, anything at all, then Hong Kong must follow? I believe no explanation is needed to prove how absurd it

is. Bokhary Case Our opponents have put forward the infamous Bokhary case. They say that because the Review Procedure has no effect on the result, it should then be abolished. Once again they have failed to take notice of the obvious: and has put result over procedural justice. If the Procedure is abolished, then what more means do we have to pursue justice if appeals from defendants and accusers are already made or are not going to be made