

URGENT ACTION

12 HONGKONGERS HELD INCOMMUNICADO IN CHINA

Twelve Hongkongers, including pro-democracy activists, were arrested on 23 August 2020 by the Chinese coast guard for allegedly crossing the border between Hong Kong and China in secret in a speedboat. Held incommunicado, without access to their family and lawyers of their choice, they are at imminent risk of torture and other ill-treatment. Four family-hired lawyers from mainland China dropped the cases after they were threatened by authorities.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Director Fang Hongsheng

*Yantian Branch of Shenzhen Municipal Public Security Bureau
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Shenzhen Shi, 518081, People's Republic of China
Email: qwssfw@yantian.gov.cn*

Dear Director Fang:

I am writing to express my grave concern for **12 Hongkongers** who were arrested for “secretly crossing the border” (偷越国(边)境) on 23 August 2020. Two of them were under 18 years old when arrested. Held incommunicado and with no access to family-hired lawyers, I am concerned that they are at imminent risk of unfair trials and even torture and other ill-treatment.

It is distressing to learn that the officials at the Yantian District Detention Centre have not allowed family-hired lawyers to meet with any of the detained individuals. Authorities have rejected at least eight meeting requests, demanding special authorization letters not required by law. For two detainees, the authorities claimed they had already hired lawyers. Their families suspect these lawyers were in fact appointed by the authorities. Four of 12 family-appointed lawyers dropped the cases as they were threatened by authorities to quit or risk “suffering consequences”.

Denying these 12 individuals access to legal representation and to family members is in contravention of international human rights, including the Convention on the Rights of the Child and the Basic Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, as well as China's Criminal Procedure Law. Meeting lawyers of one's own choosing is an integral part of right to a fair trial and a fundamental safeguard for the prevention of torture and other ill-treatment.

I understand that the Shenzhen police have already informed the Hong Kong government that these 12 individuals are in good health. However, I find it extremely worrying that there is no way for family members or family-hired lawyers to confirm this. I am particularly concerned about three individuals who have existing health conditions and require regular prescribed medication, as there is no way to know whether they are receiving adequate medical care while in detention. Juvenile justice protections set forth in international law and the China Criminal Procedural Law should be provided to the youngest detainees to ensure their rights are fully respected.

I call on you to immediately:

- **ensure that the 12 individuals have regular and effective access to family and family-appointed lawyers without delay;**
- **ensure that the 12 individuals are not subjected to torture and other ill-treatment;**
- **allow the 12 individuals prompt, regular and unrestricted access to medical care on request or as necessary.**

Yours sincerely,

ADDITIONAL INFORMATION

CHENG Tsz-ho (鄭子豪), CHEUNG Chun-fu (張俊富), LIU Tsz-man (廖子文), QUINN Moon (喬映瑜), TANG Kai-yin (鄧榮然), LI Tsz-yin (李子賢), LI Yu-hin (李宇軒), WONG Wai-yin (黃偉然) and four other individuals were intercepted by coast guard officers from mainland China after leaving Hong Kong on a speedboat on 23 August 2020. They were subsequently placed in detention on suspicion of the criminal offence of “secretly crossing the border”.

A family member of one of the detained individuals has said that right after the 12 were arrested, he tried to contact different departments of the Hong Kong government to get more information about the arrest. All the departments told him that there was little they could do. The family member said he felt that the Hong Kong government pushed his requests away and did not provide any assistance. According to an [article](#) by Hong Kong’s Secretary for Security John Lee and a government response to a [media inquiry](#) about the alleged violation of the rights of the 12 individuals, the Hong Kong government has no intention of interfering with “the law enforcement of other jurisdictions”.

Amnesty International has documented numerous cases in which detained individuals in mainland China, many of them human rights defenders, have been routinely deprived of their right to see lawyers that they or their families have chosen to represent them. In some instances, the authorities have [appointed](#) lawyers for detainees without their consent or consent of the family. In other cases, the authorities [threatened](#) lawyers to drop cases, claimed that detainees [dismissed](#) family-hired lawyers without producing any proof or [stopped](#) families from hiring lawyers – all of which effectively amounts to depriving the detainees’ of their right to legal representation. Individuals deprived of legal representation of their own choice are often denied access to information about their legal rights, making them more vulnerable to unfair legal procedures.

One of the 12 detainees, LI Yu-hin, reportedly left Hong Kong to seek asylum after he was arrested for “possessing ammunition without license” and “colluding with foreign or external elements to endanger national security”. LI is among the 22 activists and protesters who have been arrested for violating the Hong Kong national security law so far since its enactment on 30 June 2020. The United Nations human rights [office](#) and [expert bodies](#) have repeatedly expressed concerns about the national security law, stating the broadly worded legislation can lead to “discriminatory or arbitrary interpretation and enforcement which could undermine human rights protection”. Some among the 22 arrested individuals are accused of endangering national security solely for acts of peaceful expression, such as possessing banners with political slogans or posting on social media platforms. According to international human rights law, “national security” cannot be invoked to deny people the right to express different political views and to exercise their other human rights as protected by international legal standards.

Before being arrested and detained in mainland China for “secretly crossing the border”, 11 of the 12 individuals were arrested in Hong Kong for a range of alleged offences, including conspiring to wound with intent, rioting, assaulting a police officer, conspiring to commit arson, possessing a substance with intent to destroy or damage property, making an explosive substance, committing arson with intent and conspiring to commit arson with intent.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Chinese

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 17 November 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: CHENG Tsz-ho (鄭子豪) (he/him), CHEUNG Chun-fu (張俊富) (he/him), LIU Tsz-man (廖子文) (he/him), QUINN Moon (喬映瑜) (she/her), TANG Kai-yin (鄧榮然) (he/him), LI Tsz-yin (李子賢) (he/him), LI Yu-hin (李宇軒) (he/him), WONG Wai-yin (黃偉然) (he/him)