

URGENT ACTION

12 HONGKONGERS FORMALLY ARRESTED IN CHINA

Twelve Hongkongers arrested on 23 August 2020 by the Chinese coast guard have been formally arrested on 30 September - two for allegedly organizing people to cross the border between Hong Kong and China and the other 10 for allegedly crossing the border. Having been detained for more than 45 days without access to their families and family-appointed lawyers, the 12 individuals remain at imminent risk of torture and other ill-treatment.

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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Email: qwssfw@yantian.gov.cn*

Dear Director Fang:

I am writing to express my grave concern for **12 Hongkongers** who have been formally arrested for “secretly crossing the border” (偷越国(边)境) and “organizing other persons to secretly cross the border” (组织他人偷越国(边)境) on 30 September 2020. Two of them were under 18 years old when arrested. Held incommunicado for more than 45 days, 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 Yantian District Detention Centre has not allowed any of the family-hired lawyers to meet with the 12 individuals. Hong Kong Secretary for Security John Lee announced on 19 September that the 12, including a 17-year-old boy, had “chosen their own lawyers” and were “in good health”. In a public statement issued on 19 September, the families refused to acknowledge these lawyers claimed to be chosen by the 12 detainees. Furthermore, at least four of the family-hired lawyers have withdrawn from this case after being threatened and intimidated by the authorities to quit.

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. 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.

It is extremely worrying that there is no way for family members or family-hired lawyers to confirm whether the 12 are in good health. 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.

On 30 September 2020, Yantian District People's Procuratorate announced that it has approved the arrest of the 12 Hongkongers. This means that the 12 individuals could remain in custodial detention for three months or more while the case is investigated further by the police. QUINN and TANG were arrested for allegedly "organizing other persons to secretly cross the border" and the ten others for "secretly crossing the border".

The families have been urging the mainland Chinese authorities to ensure the rights of the 12 individuals, as well as calling on the Hong Kong government to provide more information. On 20 September, some family members of the 12 detained individuals demanded the Hong Kong Police Force to provide more information about the arrest of the 12 individuals as the families believed that the Hong Kong police took part in the arrest operation. According to the families, the Hong Kong police asked them questions about their campaigning efforts for the release of the 12 and how the families organized themselves. The police did not provide additional information and asked them to seek help at the Immigration Department.

According to an [article](#) by Hong Kong 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 made clear it 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.

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.

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 28 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 28 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.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Chinese
You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 13 December 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)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa17/3075/2020/en/>