

URGENT ACTION

COVID-19 ACTIVIST FACES FIVE YEARS IN PRISON

Human rights defender Chen Mei remains out of contact with family months after being first detained on 19 April 2020. Despite his family arranging their own lawyer to represent Chen, the authorities continue to insist on the services of a legal aid lawyer. On 6 August, it was confirmed that Chen's case had been transferred to Chaoyang District Procuratorate and that he was facing criminal charges of "picking quarrels and provoking trouble". If found guilty, he could receive a maximum sentence of five years in prison. Without access to his family or a lawyer of his choice, there are grave concerns that Chen is at risk of torture and other ill-treatment.

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

Chief Procurator Wang Xiangming
Beijing Chaoyang People's Procurate
17, Daojiayuan
Chaoyang Park Road
Chaoyang, Beijing Shi, 100025
People's Republic of China

Dear Chief Procurator Wang:

I am writing to express my ongoing concern for **Chen Mei (陈玫)**, one of the contributors to Terminus2049 (端点星计划) who was taken away by police on 19 April 2020. Detained at Chaoyang Detention Centre, Chen's family recently found out through legal aid lawyers that Chen's case has been transferred to your procuratorate on criminal charges of "picking quarrels and provoking trouble" (寻衅滋事罪) on 6 August. It is distressing to learn that, if he is found guilty of the charge, Chen Mei could face up to five years' imprisonment for peacefully expressing his right to freedom of information.

I find it worrying that the authorities continue to refuse to allow Chen Mei's family to engage their own chosen lawyer to represent him. During a call on 12 June, a police officer told Chen's family members to respect Chen's decision to apply for free legal aid service, but without access to his family Chen may not be aware that they had already arranged legal representation for him and the family cannot confirm that this was actually his decision. 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.

Chen Mei's family also have voiced concerns that Chen Mei's legal-aid lawyers are withholding information about his condition. They say that the lawyers only met with Chen Mei once, when Chen Mei signed the documents to appoint them as his lawyers. The legal-aid lawyers told the family that they were unable to meet Chen Mei due to COVID-19 regulations. However, the family later found that this is not the case. Because Chen remains unable to communicate freely with his family, no one can confirm that he is in good health and there are grave fears that he is at risk of torture and other ill-treatment.

It is upsetting to learn that Chen Mei seems to have been arrested simply for collecting and archiving public information related to the COVID-19 outbreak, especially as freedom to information is an integral part of the right to freedom of expression as recognized in Article 19 of the Universal Declaration of Human Rights (UDHR).

I therefore call on you to:

- **Release Chen Mei immediately and unconditionally unless there is sufficient credible and admissible evidence that he has committed an internationally recognized offence and is granted a fair trial in line with international standards**
- **Pending his release, ensure that Chen Mei has regular, unrestricted access to family and lawyers of his choice and is not subjected to torture and other ill-treatment.**

Yours sincerely,

ADDITIONAL INFORMATION

After Chen Mei had been missing for 54 days, his family finally received a call on 12 June from Chaoyang District police station in Beijing. Police informed Chen's family that he was being detained at Chaoyang Detention Centre under the criminal charge of "picking quarrels and provoking trouble", which carries a maximum sentence of five years' imprisonment. During the same call, Chen Mei's family was told that he had voluntarily applied for free legal aid and that the appointed lawyers might contact them. Chen's mother told the person on the phone that they did not need a legal-aid lawyer because the family had already appointed a lawyer for Chen after he was arrested in April 2020. However, the person asked her to respect Chen's decision.

One of the legal-aid lawyers contacted the family on 15 June. Chen's family reiterated that their services were not needed, as they had already arranged a lawyer for Chen. However, the lawyers refused to withdraw from Chen's case. It was only after Chen's family made a public announcement, stating that the legal-aid lawyers were not needed, that the lawyers finally withdrew from the case on 24 June 2020.

The very next day on 25 June, however, two new lawyers from legal aid contacted Chen's mother about Chen's case. Since then, the family continues to reiterate publicly that they wish Chen Mei to be represented by the lawyer they appointed for him. Both lawyers refused to withdraw from Chen's case. According to Chen's family, the new legal aid lawyers only met with Chen Mei once when Chen Mei signed the documents to appoint them as his lawyers. The legal aid lawyers told the family that they were unable to meet Chen Mei due to COVID-19 regulations. However, the family later found that this is not the case.

As with Chen Mei, Cai Wei's family members were also told that Cai had applied for free legal service and that two lawyers had been appointed over objections from Cai's family.

Chen and Cai were involved with Terminus2049 (端点星计划), an online project working to archive articles that have been removed from mainstream media outlets and social media by state censorship, including many related to COVID-19. After the outbreak of the COVID-19 pandemic in China, numerous articles relating to the virus were censored, including ones published by mainstream media organizations such as a subsidiary of *Beijing Youth Daily* and *Caijing*. Certain social media posts, sensitive hashtags and demands for free speech have all been quickly deleted or censored.

There have been many reports of independent journalists and activists having been harassed by authorities for sharing information about COVID-19 on social media. These include outspoken lawyer and citizen journalist Chen Qiushi, who reported being harassed by the authorities after posting footage from hospitals in Wuhan, and Wuhan resident Fang Bin, who was briefly taken away by the authorities in February 2020 after posting a video purporting to show corpses of COVID-19 victims.

The crime of "picking quarrels and provoking trouble" (寻衅滋事) under Article 293 of the Chinese Criminal Law is a broadly defined and vaguely worded offence that has increasingly been used to target activists and human rights defenders. Although the crime originally applied to acts that disrupted order in public places, since 2013 the scope has expanded to include online space as well.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Chinese

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 20 November 2020

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

NAME AND PREFERRED PRONOUN: Chen Mei (He/Him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa17/2735/2020/en/>