

Director Fang Hongsheng
Yantian Branch of Shenzhen Municipal Public Security Bureau
2078 Shenyang Lu, Yantian Qu,
Shenzhen Shi, 518081, People's Republic of China
Email: qwssfw@yantian.gov.cn
Twitter

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 Furthermore, at least four of the family-hired lawyers have withdrawn from this case after being threatened and intimidated by the authorities to quit.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,