

URGENT ACTION

10 HONGKONGERS SENTENCED IN UNFAIR TRIAL

Ten of the 12 Hongkongers arrested in August 2020 by the Chinese coast guard were sentenced on 30 December 2020 without a fair trial. Having been detained for more than four months, the 10 individuals still have no access to their families or family-appointed lawyers.

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
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Dear Director Fang:

I am writing to express my grave concern for **10 Hongkongers** who have been detained in China without direct communication with their families or lawyers of their choice for more than four months. After an unfair trial, they were sentenced to prison terms on 30 December 2020. Two among the 10 were sentenced to three and two years' imprisonment respectively for "organizing other persons to secretly cross the border" (组织他人偷越国(边)境), and the other eight to seven months' imprisonment for "secretly crossing the border" (偷越国(边)境).

Since the 10 were detained on 23 August 2020, the authorities have violated their right to legal representation, rejecting all meeting requests from family-hired lawyers while claiming the 10 had "chosen their own lawyers", without allowing any direct communication between the defendants and their family. Only government-appointed lawyers represented the 10 at the trial on 28 December 2020. Two of the family-hired lawyers have since been stripped of their licences to practice.

The family-hired lawyers could not attend the hearing as the court claimed that the public gallery in the courtroom was full. I am aware that Chinese courts have often used this as an excuse to stop family members and others from attending trials that the authorities consider to be "sensitive".

I also find it distressing that the authorities did not inform the defendants' families of any details of the hearing. The government-appointed lawyers only informed families of the date, time and location of the hearing three days before it took place. On the day of the hearing, defendants' family members were unable to contact the lawyers and received no details or copies of the verdict handed down on 30 December 2020. The lawyers did not handle the families' requests to meet the 10 after they were sentenced.

I am particularly concerned about **QUINN Moon** and **TANG Kai-yin**, 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. The family of Quinn, who has depression and needs regular medication, say they remain unable to reach the government-appointed lawyer. Tang also requires regular asthma medication. It is extremely worrying that there is no way for family and their hired lawyers to meet with the 10 individuals and check on their health and well-being.

I call on you to immediately:

- Ensure that the 10 individuals have regular and effective access to family and family-appointed lawyers without delay;
- Allow the 10 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), 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.

LIU Tsz-man (廖子文) and another teenager were under 18 at the time of arrest. In late December 2020, the authorities decided to not prosecute the two teenagers and handed them over to the Hong Kong police on 30 December 2020. Family of one of the teenagers said he looked nervous after returning to Hong Kong and avoided talking about his experience of being detained in Yantian District Detention Centre in mainland China. After being repatriated from mainland China to Hong Kong, these two will face criminal charges made against them before they left Hong Kong in August 2020. Liu is accused of conspiracy to commit arson and possession of anything with intent to destroy or damage property. The other teenager is accused of attempted arson and possession of offensive weapons. Since the 12 Hongkongers were intercepted on 23 August 2020, the Chinese authorities have deprived them of their right to legal representation of their choice. Apart from rejecting all requests made by family-hired lawyers to meet with the detained Hongkongers, the authorities threatened and intimidated at least four of the family-hired lawyers to withdraw from this case. The Sichuan and Hunan Provincial Department of Justice informed Lu Siwei and Ren Quanniu, lawyers representing Quinn Moon and Wong Wai-yin, on 31 December 2020 and 4 January 2021 that their lawyer licenses were revoked. The authorities will finalize these decisions after holding review hearings in January 2021.

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.

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.

Before being arrested and detained in mainland China for "secretly crossing the border", 11 of the 12 individuals had been 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 at least 89 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 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: 11 March 2021

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), 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/asa17/3471/2020/en/>

ADDITIONAL TARGETS

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