

中華人民共和國，518081，深圳市
深圳市鹽田區深鹽路 2078號
深圳市公安局鹽田分局
方洪聲 局長

方局長 您好：

對於12位在2020年9月30日遭以「偷越國（邊）境」及「組織他人偷越國（邊）境」罪名逮捕的香港人民，我來信表達深切的憂慮。其中有2位被捕時年齡未滿18歲。他們遭禁止通訊拘留超過45天，我非常擔心他們極可能面臨酷刑和不人道待遇的風險。

深圳鹽田看守所的官員拒絕讓被拘留人士與家屬委託的律師會面，情況令人深感不安。香港保安局局長李家超於9月19日宣稱12位被捕人士，包含一位17歲少年，已經「選定代表律師」並且「身體狀況良好」。但同一天，家屬在一份公開聲明文件中表示無法認同這些律師是由受拘留者指定。並且，有4位家屬委託的律師受到當局威脅及恐嚇，被迫從案件中退出。

要達到公正審判標準，能與自己選定的律師見面是不可或缺的一環，也是防止酷刑及其他不人道待遇最重要的保障。根據《兒童權利公約》、《保護所有遭受任何形式拘留或監禁的人原則》、以及《中華人民共和國刑事訴訟法》，拒絕讓該12人與律師取得聯繫、也拒絕他們與家屬聯繫，都已經違反了國際人權規範。

家屬和委任律師無從得知被拘留者的健康狀況是否安好，也同樣令人憂心。我尤其對其中三位原本就有健康狀況的人感到擔憂，他們需要定期服用處方藥物，而我們無從得知他們是否在拘留期間取得足夠醫療照護。國際法和《中華人民共和國刑事訴訟法》亦訂明，應對被拘留的青少年提供保護，以確保他們的權利受到尊重。

我在此敦促您：

確保12位港人能夠立即與家屬和律師取得定期和有效的聯繫；
確保12位港人不會遭受酷刑及其他不人道待遇；
允許12位港人需要時能立即不受限制地取得醫療照護。

敬此

Director Fang Hongsheng
Yantian Branch of Shenzhen Municipal Public Security Bureau
2078 Shenyuan Lu, Yantian Qu,
Shenzhen Shi, 518081, People's Republic of China

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 Furthermore, at least four of the family-hired lawyers have withdrawn from this case after being threatened and intimidated by the authorities to quit.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