

URGENT ACTION

TAIWAN NGO WORKER TO BE TRIED FOR SUBVERSION

Lee Ming-cheh, the first foreign NGO worker detained after the new Foreign NGO Management Law came into effect, will be tried for subversion by a court in Yueyang city, Hunan province. No trial date has yet been announced. The whereabouts of Lee Ming-cheh remain unknown.

Lee Ming-cheh, who is charged with “subverting state power”, will be tried at Yueyang City Intermediate People’s Court according to an announcement on 6 September 2017 by the spokesman for China’s State Council’s Taiwan Affairs Office. He went on to say that Lee Ming-cheh has allegedly hired two lawyers as his defence counsel and that one of them has already informed his family about the arrangements for attending the trial. While there has been no official announcement of when the trial will be held, images of a court notice circulated online on 7 September, indicates that it may be held as soon as Monday, 11 September.

Lee Ming-cheh’s wife, Lee Ching-yu, held a press conference in Taipei on 6 September 2017 saying that she had received a call from a mainland lawyer who claimed to be hired by Lee Ming-cheh. He informed her that the trial will be held soon and he asked her to prepare to go to China. In response, Lee Ching-yu said that she will apply for a visa and ask her Taiwan legal advisers to accompany her.

Lee Ching-yu further stated that she does not accept any confession Lee Ming-cheh may have made, nor will she recognize the lawyers he allegedly hired as legitimate, until she is able to meet with her husband. It is unclear if Lee Ming-cheh himself had hired the lawyers as he remains in incommunicado detention and his family have not received any written notification. In recent years, it has become common that individuals in state security cases in China have been prevented from accessing lawyers of their choice.

Lee Ming-cheh is a manager of an NGO in Taipei, Wenshan Community College. While he has supported civil society organizations and activists for many years in China, Lee Ming-cheh was visiting China for personal matters when he was detained by state security authorities on the Macao border on 19 March 2017.

Please write immediately in Chinese, English or your own language urging the authorities to:

- Release Lee Ming-cheh 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;
- Immediately disclose Lee Ming-cheh’s whereabouts and ensure that he is protected from torture and other ill-treatment;
- Ensure that he is allowed to have access to his family, a lawyer of his choice and adequate medical care.

PLEASE SEND APPEALS BEFORE 20 OCTOBER 2017 TO:

Procurator-General
Luo Qing
Yueyang City People’s Procuratorate
No. 216 Jin’ezhonglu
Yueyangliu Qu, Yueyang Shi 414000
People’s Republic of China
Email: yyjcwjcz@126.com
Salutation: Dear Procurator-General

Minister of State Security
Chen Wenqing
14 Dong Chang’anjie
DongchengQu
Beijingshi 100741
People’s Republic of China
Salutation: Dear Minister

And copies to:
Premier
Li Keqiang Guojia Zongli
The State Council General Office
2 Fuyoujie, Xicheng Qu
Beijingshi 100017
People’s Republic of China
Fax: +86 10 6596 1109 (c/o Ministry of Foreign Affairs)
Email: premier@mail.gov.cn

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR LIU XIAOMING, Embassy of the People’s Republic of China, 49-51 Portland Place W1B 1JL, 020 7299 4049, press_uk@mfa.gov.cn

Please check with your section office if sending appeals after the above date. This is the second update of UA 71/17. Further information: <https://www.amnesty.org/en/documents/asa17/6401/2017/en/>

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ADDITIONAL INFORMATION

In many state security cases in China in recent years, individuals have been prevented from accessing lawyers of their choice. Given that Lee Ming-cheh has been held in incommunicado detention, it is unclear at this point whether the lawyers now representing Lee Ming-cheh are actually freely chosen by him.

Lee Ming-cheh is the first foreign NGO worker who has been detained after the Foreign NGO Management Law came into effect on 1 January 2017.

Lee Ming-cheh first went missing on 19 March 2017 after crossing the Gongbei border from Macao to Zhuhai, Guangdong, southern China. After a few days of no communication, his wife contacted the Taipei Economic and Cultural Office in Macao for assistance, however they were only able to confirm that he had left Macao. In addition to Taiwan's Straits Exchange Foundation, Taiwan's Mainland Affairs Council also got involved and was able to confirm that Lee had entered China at 23:51 on 19 March 2017 and found no subsequent record of a hotel check-in or official arrest.

Lee Ming-cheh's wife Lee Ching-yu repeatedly asked the Chinese government to disclose Lee Ming-cheh's whereabouts, but she has not received any response to date. She only indirectly learned from Taiwan officials late on 27 March 2017 that Lee Ming-cheh was being held by state security officers. She traveled to the United States on 16-18 May to lobby the US Congress and the US government to call for Lee Ming-cheh's release. According to an announcement made on 26 May 2017, Lee Ming-cheh had been formally arrested on suspicion of "subverting state power" by state security authorities in Hunan province, southern China. At that time, An Fengshan, the spokesman for the State Council's Taiwan Affairs Office, provided no further information about Lee Ming-cheh's whereabouts, however he did confirm that Lee Ming-cheh was detained by state security authorities when he entered China on 19 March 2017.

The Foreign NGO Management Law created additional barriers to the already limited rights to freedom of association, peaceful assembly and expression. Although the law was ostensibly designed to regulate and even protect the activities of foreign NGOs, it transferred to the Ministry of Public Security – the state policing agency – the responsibility to oversee the registration of these NGOs, as well as supervise their operations and pre-approve their activities. The wide discretion given to police to oversee and manage the work of foreign NGOs raised the risk of the law being misused to intimidate and prosecute human rights defenders and NGO staff.

During the consultation period, Amnesty International made a submission to the Chinese government, urging that the draft law be withdrawn or substantially amended in order to make it compatible with international human rights law and standards, see: <https://www.amnesty.org/en/documents/asa17/1776/2015/en/>.

Further information on UA: 71/17 Index: ASA 17/7065/2017 Issue Date: 8 September 2017