

PUBLIC

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Fear of torture and other ill-treatment

PEOPLE'S REPUBLIC OF CHINA

Liu Xiaobo (m), 54

Scholar and activist Liu Xiaobo was formally arrested for “inciting subversion of state power” on 23 June. Liu Xiaobo has been held under “residential surveillance” since 8 December 2008, without any due process or access to a lawyer.

The People’s Daily, an official Chinese Communist Party organ, reported that Liu Xiaobo has been accused of activities such as “spreading of rumours and defaming of the government, aimed at subversion of the state and overthrowing the socialism system in recent years”. The newspaper claims that Liu Xiaobo had confessed to the charge made against him during the preliminary police investigation. Given the prevalence of forced confessions in China, Amnesty International believes he is at risk of torture and ill-treatment.

Liu Xiaobo is one of the signatories to Charter 08, a proposal for political and legal reform in China. Chinese police seized him from his home in Beijing on 8 December, two days before the 60th anniversary of the Universal Declaration of Human Rights, the original planned launch date of Charter 08. In violation of the Criminal Procedure Law, the police failed to inform Liu Xiaobo's family about where he was being detained or to provide them with a detention notice, within the first 24 hours of an individual being detained, as required. The police placed him under “residential surveillance”, a form of house arrest that can be used for up to six months without a charge being made. His official “residential surveillance” term should have expired on 8 June 2009.

BACKGROUND INFORMATION

Charter 08, initially signed by approximately 300 Chinese scholars, lawyers and officials, is a proposal for fundamental legal and political reform in China that aims to achieve a democratic system that respects human rights. Charter 08 was launched on 9 December 2008. Numerous signatories of the charter have been questioned and harassed by Chinese authorities since its launch.

Liu Xiaobo, a well-known scholar, has been arbitrarily detained for his writings before. He spent several years in detention after 3-4 June 1989, when Chinese authorities brutally cracked down on the democracy movement centered around Tiananmen Square.

Human rights activists in China who attempt to report on human rights violations, challenge policies that the authorities find politically sensitive, or try to rally others to their cause, face serious risk of abuse. Authorities use broad and vaguely defined charges of "stealing, possessing and leaking state secrets" and "subversion" to arbitrarily detain and prosecute activists, journalists and internet users. Many are jailed as prisoners of conscience after politically motivated trials, while growing numbers are being held under house arrest with the police conducting intrusive surveillance and standing guard outside. Since the beginning of 2009, a year that marks several sensitive anniversaries in China, the crackdown on human rights activists has intensified. Family members of human rights activists, including children, are increasingly targeted by the authorities in the crackdown.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Chinese or your own language:

- calling on the authorities to release Liu Xiaobo immediately without conditions;

- urging the authorities to guarantee that Liu Xiaobo is not tortured or ill-treated while he remains in custody;
- calling on the authorities to ensure Liu Xiaobo has access to his family and lawyers;
- calling on the authorities to end use of vaguely defined crimes to prevent dissidents and activists from peacefully demanding legal and political reform.
- expressing deep concern that the detention of peaceful human rights activists runs counter to promises made by Chinese officials on their first ever National Human Rights Action Plan 2009-2010.

APPEALS TO:

Prime Minister of the People's Republic of China

WEN Jiabao Guojia Zongli
The State Council General Office
2 Fuyoujie
Xichengqu
Beijingshi 100017
People's Republic of China
Fax: +86 10 65961109 (c/o Ministry of Foreign Affairs)
Salutation: Your Excellency

Minister of Public Security of the People's Republic of China

MENG Jianzhu Buzhang
Gong'anbu
14 Dongchang'anjie
Dongchengqu
Beijingshi 100741
People's Republic of China
Fax: +86 10 63099216 (it may be difficult to get through, please keep trying)
Salutation: Your Excellency

Procurator-General of the Supreme People's Procuratorate of the People's Republic of China

CAO Jianming Jianchazhang
Zuigao Renmin Jianchayuan
147 Beiheyandajie
Beijingshi 100726
People's Republic of China
Salutation: Dear Procurator-General

COPIES TO:

Chinese diplomatic representatives accredited to your country;

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 05 August.