

AMNESTY INTERNATIONAL

Public statement

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China: Release Liu Xiaobo

(Hong Kong) Amnesty International condemns the “residential surveillance” (a form of house arrest with a maximum six-month limit) of literary critic and activist Liu Xiaobo. The use of such detention without formal arrest or charge against peaceful activists is arbitrary and in violation of international human rights standards, including the rights to liberty, security of person and fair trial.

The organization urges the authorities to immediately and unconditionally release Liu Xiaobo and to cease harassing the other signatories of Charter 08.

It is not clear if Liu was given any official notice of his “residential surveillance” as required by judicial interpretations on criminal procedures. Sources in China told Amnesty International that Liu Xiaobo’s family did not know when the “residential surveillance” started and police said that the charge against Liu Xiaobo would be decided by the higher authorities upon completion of the investigation.

In violation of China’s laws and regulations in implementing “residential surveillance”, the police have detained Liu Xiaobo in an unknown location despite the fact that he has a residence in Beijing.

Amnesty International reiterates its calls on the authorities to make public any information concerning Liu Xiaobo’s alleged crimes, the charges against him and his current whereabouts. It said that Liu Xiaobo should also be allowed full access to legal counsel of his choice.

The organization has also learned that the authorities now consider Charter 08 a “counter-revolutionary platform” and is concerned that this could signal harsher treatment of signatories. The Chinese authorities must stop the ongoing harassment, detention, prosecution and imprisonment of Chinese human rights defenders and activists who peacefully exercise their constitutional rights to freedom of expression and association.

Background

According to China’s Criminal Procedure Law, “residential surveillance” is one of several restrictions that may be employed by the investigating agency against criminal suspects. Individuals under “residential surveillance” are not allowed to leave their residence or meet people without prior approval by the police. During this time they have no right of access to a judge to challenge the grounds of their detention, except in circumstances where the length of detention has exceeded the legal time limit of six months. It is extremely difficult to mount such a challenge, particularly if there is no legal document at the outset of detention. Even as prescribed by Chinese law, “residential surveillance” contravenes essential elements of the right to fair trial under international human rights standards, including the International Covenant of Civil and Political Rights. These include the right to be brought promptly before a judge or judicial officer and the right to challenge the lawfulness of detention.

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For more information please contact Roseann Rife, Deputy Programme Director, **Asia-Pacific Regional Office** in Hong Kong, at +852 2385 8319 or +852 9103 7183
www.amnesty.org