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China: Authorities must drop charges against human rights activist

Amnesty International today called on Chinese authorities to immediately and unconditionally release Chen Wei, a human rights advocate set to stand trial on 23 December on charges of “inciting subversion of state power” over essays he wrote that were critical of the Communist Party.

According to the indictment, seen by Amnesty International, Chen Wei’s charge stems from four essays he allegedly posted online and “sent to overseas organizations,” including New York-based human rights group, Human Rights in China.

Amnesty International fears Chen Wei could receive a harsh sentence, given his past history of activism.

“The Chinese government often uses the vague charge of ‘incitement’ to imprison human rights activists,” said Catherine Baber, Deputy Asia-Pacific Director at Amnesty International.

“Chen Wei should be freed immediately, as these charges are clearly intended as retribution for his writings and defence of human rights.”

Chen Wei, 42, was one of more than 130 activists detained after the US-based news site, Boxun, reported an anonymous appeal for people to stage protests across China last February.

The online call to protest, inspired by the uprisings across the Middle East and North Africa and the “Jasmine Revolution” in Tunisia, led to one of the harshest crackdowns on dissent in China since the suppression of Tiananmen Square protests in 1989.

Government critics, bloggers, artists, “netizens” and other activists were detained, the vast majority of whom have been released without charge or on bail.

Authorities in Suining City, Sichuan Province, detained Chen Wei on 20 February and formally arrested him on 28 March. Since then, he has been held at the Suining City Detention Centre.

His case was sent back twice to prosecutors because of a lack of evidence.

Chen Wei’s lawyer, Zheng Jianwei, said he was only able to meet with his client two times. Chen Wei has only been allowed to communicate with his family in writing.

Chen Wei served as one of the leaders of the 1989 student democracy movement, for which he was imprisoned until January 1991. In May 1992, authorities arrested Chen Wei again, this time for commemorating the anniversary of the Tiananmen Square massacre and for organizing a political party.

They sentenced him to five years for “counter-revolutionary propaganda and incitement”.

"Chinese law does not define 'subversion,' nor do the law or related regulations or interpretations adequately define what it means to incite others to subvert state power," Catherine Baber said.

"Authorities use this catch-all charge to silence critics and instill fear in anyone else who might dare to criticize the government."

Amnesty International calls on the Chinese government to release other activists who have been held on the vague charge of "inciting subversion of state power", including:

- "Netizen" Liang Haiyi, reportedly taken away by police on 19 February in the northern city of Harbin for sharing videos and information about the "Jasmine Revolution" on the Internet. Liang Haiyi, perhaps the first person to be arrested as part of the Jasmine crackdown, is reportedly being held on suspicion of "inciting subversion" and could be tried at any time.
- Veteran activist Chen Youcai, also known as Chen Xi, who was detained 29 November for being a member of the Guizhou Human Rights Forum, which authorities declared was an illegal organization. Chen Xi could stand trial at any time and, like Chen Wei, could face a harsh sentence due to his long work as a rights advocate.
- Human rights lawyer, Gao Zhisheng, who was sent back to prison last week after "violating" his probation, according to reports in China's state media. Authorities charged him with "inciting subversion" in December 2006 and sentenced him to a three-year suspended prison sentence. He was initially held under house arrest and then subjected to enforced disappearance repeatedly over nearly three years.
- Nobel Peace Prize Winner Liu Xiaobo, who was awarded the prize in absentia on 10 December 2010. Liu Xiaobo was sentenced in 2009 to 11 years in prison for his role in drafting Charter 08, and other writings which called for democratic reforms. His wife, artist Liu Xia, is under illegal house arrest. She has not been charged with any crime and Amnesty International has called for authorities to immediately restore her freedom.
- Sichuan-based activist Liu Xianbin, who was sentenced in March to 10 years in prison for his role in promoting democratic reform, including his support of the Charter 08 petition movement.
- Beijing-based activist Hu Jia, who was released from prison in June after serving three and a half years for "inciting subversion" but now lives in conditions equivalent to house arrest along with his wife, Zeng Jinyan, and young daughter.