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China: End persecution of sentenced earthquake survivor He Hongchun

The authorities should ensure that May 2008 Sichuan earthquake survivor He Hongchun will not be subjected to any further punishment and that the conditions of a suspended sentence follow Chinese law.

At 2:00pm today, Beichuan County Intermediate Court convicted He Hongchun of “gathering a crowd to disturb social order” and sentenced him to three years’ imprisonment, suspended for five years. He has yet to decide if he will appeal the verdict.

He Hongchun was detained on 27 September 2008 after organising a protest outside an insurance company in Beichuan county. He Hongchun, along with eight other individuals, were selected to represent over five hundred parents of Beichuan county who lost their children when their school buildings collapsed on them during the earthquake.

While He Hongchun should never have been convicted in the first place of vaguely defined public order maintenance charges for simply seeking redress, Amnesty International is concerned that he could face further reprisals and restrictions that go beyond the remit of a suspended sentence as provided for in Chinese law and regulations. Authorities similarly gave human rights lawyer Gao Zhisheng a suspended sentence in 2006 but heavy surveillance, virtual house arrest and repeated detentions some including torture and ill-treatment became part of his “unofficial sentence” all outside legal provisions.

There are precedents of irregularities in He Hongchun’s case – his criminal proceeding has been marked with procedural flaws, including interference with his legal defence and it is unlikely his trial met international fair trial standards.

The Sichuan courts’ unwillingness to provide a legal channel for parents wishing to seek compensation from insurance companies for their terrible loss means that for many the deep wounds that were inflicted over a year ago remain unhealed. These actions will not help achieve the authorities’ goals of harmony and stability.

Amnesty International is also concerned about two other detained activists who offered assistance to earthquake survivors.

Huang Qi has been in detention without a trial for more than a year on state secrets charges after he assisted parents to take legal action against the local authorities.

Tan Zuoren was detained in March 2009 while he was compiling a list of students who died in the earthquake and has been charged with “inciting subversion of state power”.

Amnesty International considers them prisoners of conscience and calls for their immediate and unconditional release.

Background

On 4 May, Amnesty International released a report *Justice Denied: Harassment of Sichuan earthquake survivors and activists*, which documents instances where some parents and

relatives were placed under unlawful and arbitrary detention, prohibited from petitioning to Beijing, and denied access to legal remedies and obstructed from seeking investigation on the collapse of many school buildings. The report also documented arbitrary detention of human rights defenders who represented parents to negotiate for compensation, offered assistance to victims, and disseminated information related to the earthquake. He Hongchun, Huang Qi and Tan Zuoren were cases highlighted in this report. The report is available at: <http://www.amnesty.org/en/library/info/ASA17/018/2009/en>.

He Hongchun's trial date was originally set for 3 April 2009 but the Beichuan County People's Court postponed it to 14 April, and then again to 15 May. His lawyers complained that the procuratorate only gave them four of the ten case documents the procuratorate prepared and that in the first hearing they were frequently interrupted by the procuratorate during their defence in court. They also complained that the court failed to inform them in advance about the additional evidence raised by the procuratorate at the second hearing as required by the law and hence they were unable to prepare for the defence.

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