

PUBLIC

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UA 132/07 Torture/Unfair trial

CHINA Yang Maodong (also known as Guo Feixiong) (m), aged 40, human rights defender

Human rights activist Yang Maodong has reportedly been tortured in police custody, in an apparent attempt to make him confess to charges of "illegal business dealings". The abuse has reportedly driven him to attempt suicide. He is scheduled to appear in court on 15 June: Amnesty International is concerned that he will not receive a fair trial.

According to local unofficial sources, Yang Maodong claims to have been deprived of sleep for seven nights, beaten and tied down for 40 days in custody in Guangzhou No. 1 detention centre, Guangdong Province, southern China, between 14 September 2006 and 26 December 2006. On the night of 19 January he was transferred to Shenyang city, Liaoning province, northern China to "facilitate investigation", where he also says he was tortured in unknown locations by police who strapped him down onto a so-called "tiger bench" for four hours, hit him with an electric prod in arms and legs and genitals while hung from the ceiling by his arms and legs, and slapped him until his face was swollen. He claims he attempted suicide the following day.

On 19 March police officers reportedly beat him continuously for around five minutes with electric prods (not switched on). Yang Maodong says this made him decide to confess to anything he was asked. On 27 March he was returned to Guangzhou, where his treatment has apparently improved.

Yang Maodong is best known for providing legal assistance to villagers in Taishi, Guangdong province, as they sought to remove the allegedly corrupt village leader from office in 2005. He has previously been detained, kept under house arrest and beaten by the police for his activities in support of the Taishi villagers. Although the charges against him relate to his business activities, he says that police questioning has focused largely on the events in Taishi in 2005, which the police claim "endangered public security".

In 2006, rights activist and lawyer Gao Zhisheng initiated a "relay hunger strike" to protest against the treatment of Yang Maodong and other human rights defenders. Yang Maodong himself joined the hunger strike in February 2006, and was again briefly detained while on hunger strike (see UA 32/06, 9 February 2006, ASA 17/008/2006 and follow-up ASA 17/009/2006, 15 February 2006). At the time, he issued an open letter addressed to the Chinese authorities protesting about a number of issues, including use of excessive force in government crackdowns on civil society movements in rural areas and forced evictions. The letter was also published online.

BACKGROUND INFORMATION

Despite several measures introduced to curb the practice torture and ill-treatment remain widespread in China. Common methods include kicking, beating, electric shocks, suspension by the arms, shackling in painful positions and sleep- and food-deprivation. When on a "tiger bench" the victim reportedly sits on a bench with legs tied stretched out straight on the bench and hands tied behind a vertical back support. Bricks or other hard objects are then pushed under the victim's legs or feet, causing the legs to bend upwards painfully, sometimes until they break. Falun Gong practitioners detained by police in northern China have reportedly been tortured by methods including a "tiger bench".

Reports of detainees being tortured while in custody awaiting trial, so as to extract confessions, often go unchallenged by the courts, and impartial investigations into such allegations are rare. In November 2006, China's Deputy Procurator General, Wang Zhenchuan, admitted that at least 30 wrongful convictions handed down each year resulted from the use of torture, with the true number likely to be much higher.

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

- urging the authorities to conduct an independent and impartial investigation into allegations that Yang Maodong has been tortured, with a view to bringing those responsible to justice;
- urging the authorities to guarantee that Yang Maodong receives a fair trial, in line with the international standards;
- urging the authorities to guarantee that Yang Maodong is not subjected to further torture and ill-treatment;
- urging the authorities to guarantee Yang Maodong regular access to his family, lawyers of his choice and any medical help he may require;
- calling on the authorities to ensure that all human rights defenders in China are able to carry out their legitimate human rights activities in line with constitutional guarantees on the protection of human rights and international human rights standards.

APPEALS TO:

Prime Minister

WEN Jiabao Guojia Zongli
The State Council, 9 Xihuangcheng Genbeijie
Beijingshi 100032, People's Republic of China

Email: gazette@mail.gov.cn

Salutation: **Your Excellency**

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

JIA Chunwang Jianchazhang
Zuigao Renmin Jianchayuan
147 Beiheyandajie
Beijingshi 100726, People's Republic of China

Salutation: **Dear Procurator-General**

Governor of the Guangdong Provincial People's Government

HUANG Huahua Shengzhang
Guangdongsheng Renmin Zhengfu
9 Lou, 305 Dongfeng Zhonglu
Guangzhoushi 510031
Guangdongsheng, People's Republic of China

Fax: **+86 20 83135073/ 83132377**

Email: service@gov.southcn.com

Salutation: **Dear Governor**

Chief Procurator of the Guangdong Provincial People's Procuratorate

ZHANG Xuejun Jianchazhang
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26 Cangbianlu
Guangzhoushi 510090
Guangdongsheng, People's Republic of China

Salutation: **Dear Sir**

COPIES TO:

Secretary of the Guangdong Provincial Party Committee

ZHANG Dejiang Shuji
Zhonggong Guangdongsheng Weiyuanhui
Guangzhoushi, Guangdongsheng, People's Republic of China

Salutation: **Dear Secretary**

and to diplomatic representatives of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 12 July 2007.