

PUBLIC

AI Index: ASA 17/047/2005

14 December 2005

UA 315/05 **Fear of torture or ill-treatment/ prisoner of conscience**

CHINA **Zheng Enchong (m), aged 55, lawyer and human rights defender**

Prisoner of conscience Zheng Enchong has allegedly been beaten at Tilanqiao Prison in Shanghai, where he is currently serving a three-year sentence. Amnesty International fears he is at risk of further torture and ill-treatment.

On 10 December Zheng Enchong's family received a call from a prison official informing them that Zheng Enchong had "violated a prison rule" and that the family's monthly visits to the prison were being suspended. The official refused to specify which prison rule he had violated, or for how long the family would be prevented from visiting him. The family's request to speak to Zheng Enchong by telephone was also refused.

Early in the morning of 14 December, members of Zheng Enchong's family visited Tilanqiao Prison in the hope of being allowed to see or to speak to Zheng, or at least to get reassurance that he was safe and well. However, despite making repeated phone calls to prison officials from the prison gates, being surrounded by half a dozen national security officials, and waiting for several hours, Zheng Enchong's relatives were unsuccessful. They have had no contact with him since the last family visit on 12 November. Amnesty International believes that Zheng Enchong may have been beaten, and the refusal of the authorities to permit contact with his relatives raises concerns about his safety and the state of his health.

During a family visit on 9 March 2005, Zheng Enchong told relatives that he had been beaten after asking for paper on which to write a letter to the central government, listing the names of people who had died after the authorities forcibly relocated them. According to family members, Zheng requested that they ask the authorities to transfer him to another prison outside Shanghai, as he was afraid he would not survive his sentence in Tilanqiao Prison.

BACKGROUND INFORMATION

Prior to his imprisonment Zheng Enchong practiced law in Shanghai, advising and representing families who had been forcibly evicted from their homes, or who had received inadequate compensation for their homes after being relocated. His law license was revoked by Shanghai authorities in July 2001. Concerns were raised at the time that Zheng was being deliberately targeted by corrupt city officials who were profiting from their association with wealthy and influential property developers. However, Zheng Enchong continued to offer legal advice, and it is thought he had represented or assisted over 500 families by the time of his detention.

On 28 August 2003, Zheng Enchong was tried behind closed doors on charges of "supplying state secrets to foreign entities" by Shanghai No. 2 Intermediate People's Court. 'State secrets' are vaguely defined in Chinese law: whether something constitutes a 'state secret' is often an arbitrary and politically motivated decision. In Zheng's case, the charge related to two faxes Zheng was alleged to have sent to the New York-based organization Human Rights in China. More than 100 people, most of whom Zheng had provided legal assistance to, protested outside the court. He was found guilty and on 28 October 2003 was sentenced to three years in prison.

On 9 December Zheng Enchong was awarded a Human Rights Award by the German Judges' Association in a ceremony attended by the German President Horst Koehler. Zheng Enchong's wife Jiang Meili, who had planned to represent her husband at the awards ceremony, was refused permission to leave China due to an alleged property dispute that she was suddenly informed about shortly before her planned departure. The

recent beatings of Zheng Enchong, and the suspension of the family's visiting privileges, may be linked to his having been honoured with this award.

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

- expressing concern at the allegations that Zheng Enchong has been beaten at Tilanqiao Prison in Shanghai;
- urging the authorities to conduct a full and impartial investigation into these allegations, and to bring those found responsible to justice;
- calling for the authorities to guarantee his safety while he remains in custody, and to ensure he is not tortured or ill-treated;
- calling on the authorities to ensure that pending his release Zheng Enchong be given full access to his family, lawyer and any medical treatment he may require;
- calling for the immediate and unconditional release of Zheng Enchong as prisoner of conscience, detained solely for carrying out his peaceful and legitimate human rights work.

APPEALS TO:

Prison Governor

Qiao Liguo Yuzhang

Tilanqiao jianyu

147 Changyanglu

Shanghaishi 200082

People's Republic of China

Salutation: Dear Director

Director of Shanghai Prison Management Bureau

Qiao Yesheng Juzhang

185 Fuzhoulu

Huangpuqu

Shanghai city 200002

People's Republic of China

Email: ysqiao@jyj.shanghai.gov.cn

Salutation: Dear Director

COPIES TO:

Minister of Justice of the People's Republic of China

Wu Aiying

Ministry of Justice

10 Chaoyangmen Nandajie

Chaoyang District

Beijing 100020

People's Republic of China

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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 25 January 2006.