

URGENT ACTION

LAWYER CONTINUES TO BE HELD INCOMMUNICADO

Former human rights lawyer Ding Jiayi, who has been detained for more than one year under the charge of “inciting subversion of state power”, continues to be held incommunicado. The investigation period has now extended to 19 January 2021 after a third extension of the investigation period. Ding was taken away by police on 26 December 2019 after joining a social gathering in Xiamen. He has had no access to his family and lawyers of his choice and remains at risk of torture and other ill-treatment.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Director Li Dengquan

Linyi Shi Public Security Bureau

7 Shanghai Lu, Lanshan Qu

Linyi Shi, Shandong Sheng

People's Republic of China

Dear Director Li:

I am writing to express my concern that former human rights lawyer **Ding Jiayi** (丁家喜) has been held incommunicado for more than one year since being taken away by the police on 26 December 2019. I find it worrying that this case has again been granted an extension of the investigation period (延长侦查期) to 19 January 2021, meaning that Ding will continue to have no access to his family and lawyers of his choice.

Held in Linyi County Detention Centre, Ding Jiayi has been charged with “inciting subversion of state power” (煽动颠覆国家政权罪) for peacefully exercising his right to freedom of association by joining an informal social gathering in Xiamen on 26 December 2019.

The arrest of Ding Jiayi and other human rights defenders who joined the Xiamen meeting contravenes international human rights laws and standards, including the rights to liberty and to freedom of association. On 23 March 2020, United Nations human rights experts expressed their [grave concerns](#) for Ding Jiayi and two other human rights defenders who had been similarly detained and held incommunicado after joining the Xiamen meeting. The experts said they were dismayed that the Chinese government continues to use national security provisions to target human rights defenders who meet peacefully and solely for exercising their rights.

It is distressing to learn that Ding Jiayi continues to be held in custody without any way for his family and lawyer to check his physical and mental wellbeing. Given the limited safeguards protecting those held incommunicado, I am very worried that Ding is at imminent risk of torture and other ill-treatment.

I therefore call on you to immediately:

- **Release Ding Jiayi immediately and unconditionally unless there is sufficient credible and admissible evidence that he has committed an internationally recognized offence and is granted a fair trial in line with international standards.**
- **Pending his release, ensure that Ding Jiayi has regular, unrestricted access to family and lawyers of his choice and is not subjected to torture and other ill-treatment.**
- **Stop harassing and arresting other human rights defenders who peacefully exercise their right to freedom of association and other human rights.**

Yours sincerely,

ADDITIONAL INFORMATION

Ding Jiayi, Dai Zhenya and Zhang Zhongshun were among dozens of lawyers and activists who attended an informal gathering held in Xiamen, a city on China's southeast coast, in December 2019. Many presents at this private gathering had been active in the New Citizens Movement, a loose network of activists who aimed to promote government transparency and expose corruption in the early 2010s. At the meeting, they discussed the situation of civil society and current affairs in China. Since 26 December 2019, police across the country have been summoning or detaining participants of the Xiamen gathering.

Dai Zhenya and Zhang Zhongshun were released on bail on 18 June 2020. On 19 June, Ding Jiayi's family received an arrest notice from police in Linyi, Shandong, confirming that Ding had been formally arrested for "inciting subversion of state power". It is believed that Ding is still being held in Linyi County Detention Centre.

In March 2020, United Nations human rights expert bodies [expressed their grave concerns](#) about the disappearance of Ding, Dai and Zhang

Under the Criminal Procedure Law of China, suspect can be detained during the investigation period for a maximum of two months. However, if the investigation cannot be completed, various extensions to the investigation period can be granted upon approval by the relevant authorities. However, the law does not specify how many extensions are allowed.

This is the third extension of investigation period that being granted in Ding's case.

Under the Criminal Procedure Law of China, a detainee has the right to a lawyer during the investigation period even with charges that related to national security. However, access to a lawyer needs to be approved by the authorities handling the investigation in cases involving national security, and this approval is rarely granted in such cases.

Ding Jiayi is a Beijing-based former human rights lawyer and a core member of the New Citizens Movement. His activism has included advocating for rights of migrant workers' children and demanding transparent governance. In 2014 Ding was sentenced to three-and-a-half years' imprisonment for "gathering a crowd to disrupt order in a public place". In 2018, he was barred from boarding a flight to the United States, where his wife and daughter live. In 2019, authorities stopped him from travelling to Hong Kong on the grounds that he "may endanger national security and interest".

Xu Zhiyong, a prominent Chinese legal scholar and rights activist who attended the Xiamen gathering, also remains detained by the authorities. The People's Procuratorate of Shandong Province has extended the investigation period for his case to 19 January 2021, too. Similar with Ding Jiayi, Xu Zhiyong also has had no access to his family or lawyers of his choice.

Since the massive crackdown on lawyers and activists in 2015, the Chinese authorities have been systematically using national security charges with extremely vague provisions, such as "subverting state power" and "inciting subversion of state power", to prosecute lawyers, scholars, journalists, activists and NGO workers.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Chinese

You can also write in your own language

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 9 February 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Ding Jiayi (He/Him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa17/2645/2020/en/>