

URGENT ACTION

ACTIVIST AT RISK OF ENFORCED DISAPPEARANCE

Human rights defender Zhu Chengzhi has been subjected to six months' "residential surveillance" at an undisclosed location since 4 January. Having been previously held for more than five months in Shaoyang, People's Republic of China, he is at risk of enforced disappearance.

On 4 January, **Zhu Chengzhi's** legal representative arrived at the People's Procuratorate of Shaoyang and was informed that his case had been sent back to the Shaoyang police for further investigation. The legal representative then went to the detention centre in Shaoyang where Zhu Chengzhi had been held, and was told that he was no longer at there and that the Shaoyang Public Security Bureau had decided to subject him to six months' "residential surveillance" (a form of house arrest, but not necessarily at one's home). On the same day, Zhu Chengzhi's sister received a notice from the Shaoyang police confirming the residential surveillance, beginning on 4 January. The notice did not specify where Zhu Chengzhi is being held. On 5 January, Zhu Chengzhi's legal representative returned to the Shaoyang Public Security Bureau and was told that Zhu Chengzhi was being held at a hotel and told that the location could not be disclosed due to national security.

Zhu Chengzhi was first detained on 8 June 2012 for "disrupting public order" for demanding the authorities disclose the truth about the death of veteran activist Li Wangyang. He was formally arrested on 25 July on suspicion of "inciting subversion of state power" for allegedly disseminating photographs of Li Wangyang's body taken on the supposed day of his death. Since June, he has been held by the Shaoyang police without charge. On 25 December, Zhu Chengzhi's wife was informed by the Shaoyang Public Security Bureau that his case had been transferred to the Shaoyang procuratorate, so that public prosecution could be considered. However, the local procuratorate decided to return the case to the Shaoyang police for further investigation.

Zhu Chengzhi is a prisoner of conscience, detained solely for his repeated calls for the truth about the death of Li Wangyang. By holding him incommunicado and at an undisclosed location, he is at risk of enforced disappearance which, in addition to being a crime under international law, exposes him to the possibility of further human rights violations.

Please write immediately in Chinese or your own language:

- Calling on the authorities to release Zhu Chengzhi immediately and unconditionally;
- Calling on them to immediately disclose Zhu Chengzhi's whereabouts and provide him with access to his family, legal representation of his choice, and any medical assistance he may require pending his release;
- Calling on them to guarantee that upon release, Zhu Chengzhi will not be subjected to further intimidation and other forms of restriction which would violate his freedom of speech.

PLEASE SEND APPEALS BEFORE 22 FEBRUARY 2013 TO:

Director of the Public Security Bureau of Shaoyang
Li Xiaokui Juzhang
Public Security Bureau of Shaoyang
8 Hongqilu Qingyunjie, Shaoyang city,
Hunan Province, 422000
People's Republic of China
Tel/Fax: +86 739 5163018
Email: webmaster@hunan.gov.cn
Salutation: Dear Director

Acting Chief Prosecutor of the People's Procuratorate of Shaoyang
Dai Huafeng Daijianchayuanzhang
People's Procuratorate of Shaoyang
27 Weiyuandong lu, Shaoyang City
Hunan Province, 422006
People's Republic of China
Fax: +86 739 6827854
Salutation: Dear Acting Chief Prosecutor

And copies to:
Vice Premier of the People's Republic of China
Li Keqiang Guojiafuzhongli
The State Council General Office
2 Fuyoujie, Xichengqu Beijingshi 100017
People's Republic of China
Fax: +86 10 6596 1109
Email : Notice@scio.gov.cn

Also send copies to diplomatic representatives accredited to your country.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Li Wangyang, a prominent labour rights activist, was found dead on 6 June 2012 in suspicious circumstances in Daxiang District People's Hospital in Shaoyang city, Hunan Province. In the following days, pictures of Li Wangyang's body, reportedly taken on 6 June in his hospital room, began to circulate on the internet. These pictures showed Li Wangyang's neck tied by a loose cotton noose to a window frame, in an apparent suicide. However, they also showed his feet firmly on the ground; additionally, his face showed no signs of suffocation. The failure on the part of the Shaoyang authorities to conduct an independent investigation into the death of Li Wangyang caused domestic and international outcry.

On 8 June, Zhu Chengzhi was taken away by national security personnel in Shaoyang city, Hunan Province, after repeatedly demanding the truth about the death of Li Wangyang. On the same day, he was sentenced to a 10-day administrative detention. While his family anticipated his release on 18 June, Zhu Chengzhi was transferred to a detention facility and arrested by the Shaoyang police under the suspicion of "inciting subversion of state power" on 25 July for having allegedly disseminated pictures of Li Wangyang as he was found dead. However, his wife was only notified of his arrest on 9 August. The local authorities did not officially prosecute Zhu Chengzhi, but have instead continued to detain him.

Article 73 of the Criminal Procedure Law (2012 amendment), which took effect on 1 January 2013, provides that in situations where the criminal suspect has a regular domicile, residential surveillance should be enforced at the suspect's place of residence. Nevertheless, it also provides that it may be enforced at a place outside of one's home at a "designated place of residence", "where there is suspicion of the crime of endangering national security, the crime of terrorism or major crimes of bribery, and residential surveillance at the domicile may impede the investigation" and "may not be enforced at a detention facility or an investigation facility". However, neither the amended Criminal Procedure Law nor the 2012 Rules for Public Security Organs on Procedure for Handling Criminal Cases specify the need on the part of the authorities to inform the family of the location where the suspect is detained.

The amendment to the Criminal Procedure Law legalizes what could amount to enforced disappearance under international human rights law. It impedes the access of the family and the lawyer to the suspect and increases their risk of being subjected to torture and other ill-treatment.

Name: Zhu Chengzhi
Gender m/f: m

Further information on UA: 191/12 Index: ASA 17/006/2013 Issue Date: 11 January 2013