

URGENT ACTION

HIV/AIDS ACTIVIST GIVEN PRISON SENTENCE

HIV and AIDS activist Tian Xi was sentenced to one year imprisonment on 11 February by the Xincai County People's Court in Henan, central China. This is aimed at stopping him lobbying the authorities on behalf of people infected with HIV/AIDS through official malpractice.

Tian Xi contracted HIV, hepatitis B and hepatitis C through a blood transfusion in 1996 when he was nine years old.

He was detained on 17 August 2010. According to internal local government documents found by other activists, the police decided to arrest Tian Xi to prevent him from lobbying the hospital where he had contracted HIV for compensation for himself and others infected through blood transfusions there.

On 23 August, Tian Xi was charged with "intentionally damaging property" in reference to hospital cups and other materials that he pushed off a hospital Principal's desk on 2 August, when he went to the hospital to speak about compensation. The Principal refused to address his concerns and physically rebuffed him.

Since his detention, his family has only been able to see him during the court hearings. When they previously attempted to visit him in detention, they were told that they would be allowed a visit only after the court had concluded the case. Although he is believed to now have access to medication, the poor food at the prison may be compromising his health.

According to his lawyer, Tian Xi spoke briefly during the sentencing hearing, saying that he believed the law was being applied to him selectively without taking into account the context of his actions. He also said that he would appeal the judgment.

PLEASE WRITE IMMEDIATELY in English, Chinese or your own language:

- calling on the authorities to release Tian Xi immediately and unconditionally, expressing doubts that the incident he was convicted for was sufficiently serious to attract criminal punishment and detention, and appears part of a concerted effort by the authorities to stop his human rights activities;
- calling on them to ensure that he has access to lawyers of his choice, his family, adequate nutrition and all medical care he may require;
- urging the authorities to order an impartial investigation into allegations by Tian Xi and others that they contracted HIV/AIDS, hepatitis B and hepatitis C through blood transfusions conducted in state hospitals using blood from government-sanctioned blood collecting stations, and to review policies on compensation for those infected as a result of poor practice in blood collection.

PLEASE SEND APPEALS BEFORE 6 APRIL 2011 TO:

Zhumadian City Public Security Bureau
Yang Junjie Juzhang
Zhumadianshi Gong'anju
Zhumadianshi
Henansheng
People's Republic of China
Salutation: Dear Director

President of the Zhumadian City
Intermediate People's Court
MIAO Jianyong Yuanzhang
Zhumadian City Intermediate People's
Court
258 Chunxiaojie, Yichengqu
Zhumadianshi 4630000
Henansheng
People's Republic of China
Salutation: Dear President

Chief Procurator of the Henan
Provincial People's Procuratorate
LI Xuebin Jianchazhang
Henansheng Renmin Jianchayuan
Zhengbianlu Dongduan
Jichengzhen, Jinshuiqu
Zhengzhoushi 450004, Henansheng
People's Republic of China
Email: hnfy_tougao@chinacourt.org
Salutation: Dear Procurator

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is second update of UA: 190/10. Further information: <http://www.amnesty.org/en/library/info/ASA17/036/2010/en>

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ADDITIONAL INFORMATION

For years Tian Xi and his father have fought in vain for compensation from the local hospital and local government.

During his trial on 21 September, Tian Xi spoke emotionally stating that “I knew what would be the consequences of my behaviour but, for the poor victims of HIV/AIDS, I also knew that I needed to face the consequences. I am young person living with HIV/AIDS, I don't want to spend my whole live petitioning in vain.”

The court was expected to announce the verdict on his case on 15 November 2010 but instead his trial was suspended for an unspecified period in an unusual move. At the time, his lawyer commented on the suspension saying that it was a legal loophole that left Tian Xi detained in “limbo waiting for a judgement that may never come”.

Further information on UA: 190/10 Index: ASA 17/007/2011 Issue Date: 23 February 2011

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