

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

31 July 2009

AI Index: ASA 17/040/2009

China: Free human rights defender Huang Qi

Chinese authorities should drop the politically-motivated prosecution against Sichuan-based human rights activist Huang Qi and release him immediately and unconditionally, said Amnesty International today.

After more than 13 months in detention, Houwu District People's Court in Chengdu city will try Huang Qi behind closed doors on Wednesday, 5 August. He is charged with "unlawfully holding documents classified as highly secret" and will face a maximum of three years' imprisonment if convicted.

If Huang Qi is convicted of an alleged state secrets crime, he will be yet another victim of the Chinese authorities' use of the extensive, vague, and retroactive state secrets system to penalize lawful rights' defence activities.

According to local sources, the police have interrogated Huang Qi for many hours at a time, sometimes depriving him of sleep. He was repeatedly questioned about assistance he gave to the families of five primary school pupils in bringing a legal case against the local authorities. The five pupils died when their school buildings collapsed in the Sichuan earthquake in May 2008. Their families believe that corruption – involving local authorities – resulted in poor construction of some public buildings that collapsed in the earthquake.

His family fears that Huang Qi has not received adequate medical treatment in custody. During a 26 May visit by his lawyer Mo Shaoping, he claimed that the detention centre doctor had diagnosed him with two tumours, one in his stomach and another one in his chest that had developed since March 2009. He is also suffering from frequent headaches, an irregular heartbeat and insomnia.

The criminal proceedings against Huang Qi have been marked with procedural irregularities. On 10 June 2008 three unidentified men abducted him and took him away in a car. Later it emerged that he was being held by police at Chengdu City Public Security Bureau. The police failed to send the detention notice to his family within the legally required 24 hours and sent the notice only on the sixth day after Huang Qi's abduction. In violation of the Lawyers' Law, the authorities denied Huang Qi access to lawyers and family on state secret grounds and only allowed a first meeting with his lawyer, Ding Xikui, on 23 September 2008 after more than 100 days of incommunicado detention.

On 3 February 2009, the court did not allow Ding Xikui to make photocopies of the case documents to prepare his defence, again on state secrets grounds and in violation of the Law on Lawyers. On 2 February, the court failed to make a public announcement of Huang Qi's trial three days before the trial as provided for in the Criminal Procedure Law, but gave only a one-day notice

to his family and lawyers. After objections by Huang Qi's lawyers, later the same day the court decided to postpone his trial.

Background

According to Huang Qi's family, he suffers from hydrocephalus, a condition that causes excessive accumulation of fluid and possible harmful pressure on the brain. The authorities have turned down repeated requests made by his family to release Huang Qi on bail pending investigation and trial.

The Houwu District People's Procuratorate in Chengdu has twice returned Huang Qi's case to the investigating agency for further investigation prior to the indictment.

On 9 May 2003, Huang Qi was sentenced to five years in prison for "inciting subversion of state power" in connection with materials deemed politically sensitive by the authorities which had been previously published on his website www.64tianwang.com. Those materials included an Amnesty International publication *The People's Republic of China: Tiananmen - Eleven Years on - Forgotten Prisoners* (AI Index: ASA 17/017/2000, May 2000). As he was detained on 3 June 2000, he completed his sentence on 4 June 2005.

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