

BACKGROUND

Chen Guangcheng is one example of a disturbing pattern of Chinese lawyers and activists being convicted and imprisoned after unfair trials. The pattern continues despite promises by the Chinese authorities to improve human rights in the run-up to the Beijing Olympics in August 2008.

Control, surveillance and arbitrary detention are increasingly being employed against activists and members of their families in Beijing and other parts of China, particularly during significant public events. It is likely, therefore, that the Chinese authorities will employ similar tactics at the time of the Olympics in August 2008. Whether activists are held as detainees in police stations or as prisoners in their own homes, such detention without charge is inherently arbitrary and in violation of international human rights standards.

Amnesty International is particularly concerned about the growing use of forms of house arrest or residential surveillance (jianshi juzhu – known informally in Chinese as “ruanjin” or “soft detention”) against human rights defenders and activists highlighting other issues deemed to be politically sensitive. While the Chinese Criminal Procedure Law lists residential surveillance as one of a number of measures that may be used by the police against criminal suspects, in practice activists are rarely shown any official notice explaining the reasons for their detention and periods often exceed the maximum limit of six months as prescribed by law.

ACT NOW

Please use your voice and send polite letters to Wen Jiabao, the Prime Minister of People's Republic of China, urging him to bring about the immediate and unconditional release of Chen Guangcheng.

- Urge Prime Minister Wen Jiabao to guarantee that Chen Guangcheng is not subjected to further torture and other ill-treatment while he remains in detention.
- Also ask him to initiate a full and impartial investigation into allegations that he has been subjected to torture and ill-treatment in prison, with a view of bringing those responsible to justice.
- Express deep concern that Chen Guangcheng's wife, Yuan Weijing has also been subjected to abuse at the hands of the police due to her attempts to secure justice for Chen Guangcheng.
- Call on the authorities to provide immediate guarantees for her safety and ensure that she can carry out her peaceful and legitimate activities without fears of arbitrary detention, harassment or other serious human rights violations.

WRITE TO:

Prime Minister of the People's Republic of China
WEN Jiabao Guojia Zongli
The State Council General Office
2 Fuyoujie
Xichengqu
Beijingshi 100017
People's Republic of China

Salutation: Your Excellency

Amnesty International,
International Secretariat,
Peter Benenson House,
1 Easton Street,
London WC1X 0DW,
United Kingdom

www.amnesty.org/thechinadebate

February 2008

AI Index: ASA 17/015/2008

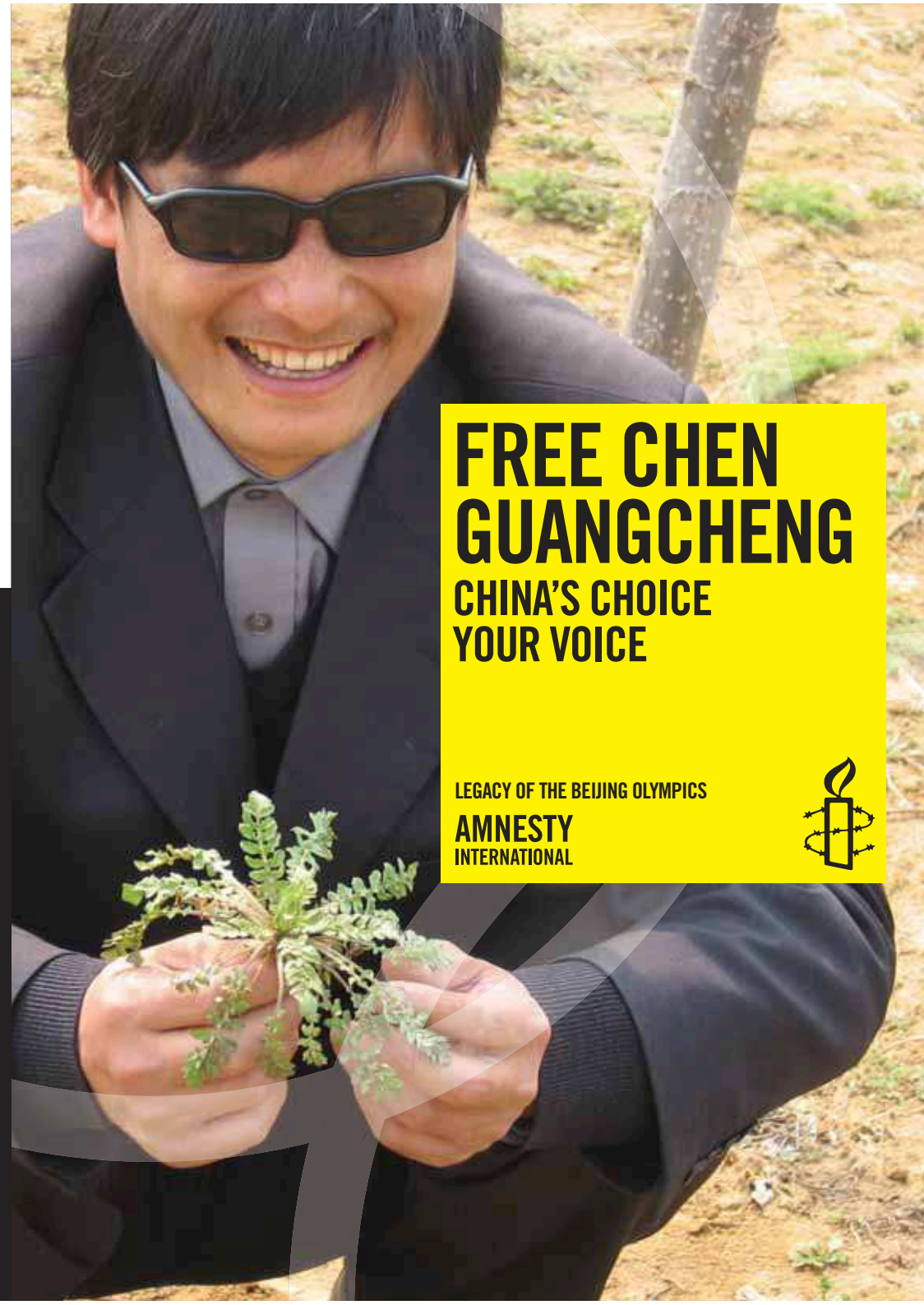
LEGACY OF THE
BEIJING OLYMPICS
AMNESTY
INTERNATIONAL



**FREE CHEN
GUANGCHENG**
CHINA'S CHOICE
YOUR VOICE

LEGACY OF THE BEIJING OLYMPICS

AMNESTY
INTERNATIONAL



CHEN GUANGCHENG HUMAN RIGHTS DEFENDER AND LEGAL ADVISOR

Chen Guangcheng (陈光诚) was put under house arrest in September 2005. The blind human rights activist and legal advisor, was assisting villagers in Linyi, Shandong Province, in a lawsuit against local authorities. The authorities had carried out a campaign of forced sterilizations and abortions in pursuit of birth quotas which reportedly affected thousands of local women. He was brought to a court almost a year later on 18 August 2006. In the run-up to his trial, Chen Guangcheng, along with his family members and his own defence lawyers, were beaten, harassed and intimidated.

**Chen's own
defence lawyers
were prevented
from attending ...
the trial
was completed
the same day**

Chen Guangcheng was charged with “damaging public property and gathering people to block traffic”. During the trial on 18 August 2006, the local police reportedly blocked a 300-metre area around the court, preventing his supporters from drawing near. Only three of Chen’s brothers were allowed to attend the trial, while his wife, Yuan Weijing, was prevented from attending by 10 police officers standing guard at her home. Chen’s own defence lawyers were also prevented from attending, and Chen was represented by two other court-appointed lawyers. The trial was completed the same day, and the verdict was announced on 24 August 2006. He was found guilty and sentenced to four years and three months in prison.

Chen Guangcheng appealed against the sentence and in October 2006 the Linyi City Intermediate People’s Court rejected the lower court’s verdict in his case and ordered a retrial citing “procedural irregularities”. While the lawyers chosen by Chen himself were allowed to represent him at his retrial, held on 27 November 2006, the process was again characterized by serious procedural flaws. In particular, several key defence witnesses who claimed to have been tortured into providing testimony against Chen Guangcheng, were detained by police – or unidentified men believed to be linked to the police – to prevent them from attending the trial. The court issued its verdict on 1 December 2006, restoring the original conviction and sentence. On 12 January 2007 the Linyi Intermediate People’s Court announced that it upheld the verdict.

Chen Guangcheng is held in Linyi Prison in Shandong province. His lawyers have submitted requests to prison, court and judicial officials that he be allowed to serve his sentence outside prison due to his blindness. Their requests have so far gone unanswered.

Chen Guangcheng was severely kicked and beaten by fellow inmates on the orders of prison guards on 16 June 2007 after he refused to have his



head shaved. He later told his wife, Yuan Weijing, that he thought one of his ribs may have been broken and that he planned to begin a hunger strike to protest against his treatment. In media interviews, she referred to her husband’s decision not to have his head shaved, saying that he had refused because that is a symbol of being a criminal in China and he knows he is innocent.

In July 2007, Chen Guangcheng was awarded the Magsaysay award, often described as Asia’s Nobel prize. Yuan Weijing, who continues to be under tight surveillance, was due to travel to the Philippines to receive the award for her husband and managed to evade the local authorities to travel to Beijing to board a plane. She was however stopped at the airport in Beijing by local Shandong police, and escorted back home.

Amnesty International considers the charges against Chen Guangcheng to be a politically motivated attempt to prevent him from pursuing his peaceful and legitimate activities as a human rights defender, including his legal case against the local authorities. The organization considers him to be a prisoner of conscience and calls for his immediate and unconditional release.