

used as a political tool to suppress dissent. Amnesty International remains deeply concerned that sweeping categories of crimes in the Criminal Law, which are broadly defined and contravene international standards, continue to be used to detain and imprison individuals solely for engaging in legitimate and peaceful human rights activities.

Such provisions include Articles 102, 103, 105, 106 and 107 relating to crimes of “separatism” and “subversion”, and Articles 110 and 111 which punish crimes of “espionage” and “stealing state secrets”.

The Chinese government continues to stifle public debate over the 1989 crackdown on pro-democracy protesters in and around Tiananmen Square, which remains erased from magazines, newspapers, school text-books and internet sites in China. Despite repeated calls at home and abroad, the Chinese authorities have failed so far to carry out any independent inquiry into the events of 4 June 1989 with a view to prosecuting those responsible for human rights violations and providing compensation for the victims or their families.



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 Yang Tongyan.

■ Also call on his administration to ensure that no one is arrested and/or tried for the legitimate use of the internet in China, including human rights defenders and journalists.

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

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International Secretariat,
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LEGACY OF THE
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FREE YANG TONGYAN

**CHINA'S CHOICE
YOUR VOICE**

LEGACY OF THE BEIJING OLYMPICS

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YANG TONGYAN PRO-DEMOCRACY ACTIVISTS AND WRITER

Yang Tongyan (杨同彦, pen name Yang Tianshui) a freelance writer and a member of the Independent Chinese PEN Centre, was placed under “residential surveillance” on 23 December 2005 on suspicion of having committed the crime of “subversion”, and arrested on 20 January 2006.

He was tried behind closed doors, and sentenced to 12 years in prison in May 2006 for ‘subversion’ by the Zhenjiang Intermediate People’s Court. His conviction was based on his writings in support of political and democratic change in China. He was also accused of receiving money from abroad for distribution to imprisoned dissidents and their families, and of planning to form a local branch of the banned China Democracy Party. Coinciding with his trial, his supporters held a 24-hour hunger-strike outside the court.

**His conviction
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change in China**

The court verdict, dated 17 May 2006, said: “[f]reedom of speech and association are political rights bestowed upon citizens in China’s constitution, but the constitution clearly stipulates that in the commission of these political rights, citizens shall not endanger the interests or security of the state. Defendant Yang Tongyan posted numerous articles on websites hosted overseas, attacking the leadership of the Chinese Communist Party and the socialist system [...] There is sufficient evidence that he conspired to subvert China’s state power.”

Yang Tongyan, born in 1962, had previously served a 10-year prison sentence for criticizing the crackdown on the 1989 pro-democracy movement and allegedly trying to form a political party. Following his release in 2000, he was detained twice, including for 15 days in 2004 after he wrote articles commemorating the 15th anniversary of the military crackdown on the 1989 pro-democracy movement.

Yang Tongyan is currently held in Nanjing City prison. He was allegedly beaten in police detention prior to his conviction. He suffers from arthritis for which he is reportedly not receiving adequate medical treatment.

Amnesty International considers Yang Tongyan to be a prisoner of conscience, detained solely for peacefully exercising his human rights to freedom of expression and association. The organization is calling for his immediate and unconditional release.



BACKGROUND

The Chinese authorities have recently intensified their controls over media outlets, including newspapers, magazines and websites. Those reporting on sensitive issues or who challenge the status quo, including journalists and writers, are at risk of dismissal, arbitrary detention or imprisonment. This intensification casts doubts on Chinese authorities’ commitment to ensure ‘complete media freedom’ during the Beijing Olympics in August 2008.

A key factor which facilitates the detention or imprisonment of political dissident in China is the Criminal Law itself, which continues to be