

URGENT ACTION

PROMINENT ACTIVIST JAILED IN CHINA

Legal scholar and human rights activist Xu Zhiyong was sentenced to four years imprisonment on 26 January by a court in Beijing. His jailing is part of a wider suppression of those associated with the “New Citizen’s Movement” by the Chinese authorities.

Xu Zhiyong was sentenced by Beijing’s No 1 Intermediate People’s Court for “gathering a crowd to disrupt order in a public place”, in relation to his peaceful human rights work and activities linked to the “New Citizen’s Movement”. He has been in detention since July 2013 and was formally arrested on 22 August. His lawyer confirmed that he will appeal against the verdict.

The sentencing of Xu Zhiyong is part of a wider crackdown on the “New Citizen’s Movement” by the Chinese authorities. Over 65 people who are allegedly connected with the loose network of activists have been criminally detained or subjected to enforced disappearance. Thirty-seven have been formally arrested, including three of Xu Zhiyong’s associates, who are currently awaiting trial. **Li Huanjun**, a volunteer with Gongmin, an NGO Xu Zhiyong founded, was formally arrested on suspicion of “picking quarrels and provoking trouble” around 20 August. She is being held at Beijing Municipal No.2 Detention Centre. **Song Ze** (also known as Song Guangqiang) who had also been volunteering with Gongmin, was formally arrested on suspicion of “gathering a crowd to disrupt order of a public place” on 16 August. He was granted bail on 16 January. **Li Gang**, who is also associated with Gongmin, is awaiting trial after being granted bail on 26 January.

Suggested activities for “New Citizens” include; practicing “New Citizen Responsibility” by rejecting corruption and by doing good for society; participating in civic life by holding meetings to discuss the political situation; helping the weak; and uniting to share and coordinate work.

Please write immediately in English, Chinese or your own language:

- Demanding the immediate and unconditional release of Xu Zhiyong, Li Huanjun, Song Ze and Li Gang;
- Calling on the Chinese authorities to ensure that they are not tortured or otherwise ill-treated, that they have regular access to family and lawyers, and receive any medical attention they require.

PLEASE SEND APPEALS BEFORE 28 MARCH 2014 TO:

Chief Prosecutor of Beijing Municipal
People’s Procuratorate
Cao Jianming Jianchazhang
Beijingshi Renmin Jianchayuan
9 Beidajie, Jianguomen, Dongchengqu
Beijingshi 100005
People’s Republic of China

Salutation: Dear Procurator

Director of Beijing Municipal Public
Security Bureau

Fu Zhenghua Juzhang
Beijingshi Gong'anju
9 Dongdajie, Qianmen
Dongchengqu
Beijingshi 100740

People’s Republic of China
Fax: + 86 10 65242927

Salutation: Dear Director

And copies to:

Director of the Beijing Municipal Justice
Bureau

YU Hongyuan Juzhang
Beijingshi Sifaju
39 Houguangping Hutong
Nanxiaojie, Xizhimennei, Xichengqu
Beijingshi 100035
People’s Republic of China
Fax: +86 10 58575684

Email: webmaster@bjsf.gov.cn

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 the second update of UA 181/13. Further information:

<https://www.amnesty.org/en/library/info/ASA17/032/2013/en>

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ADDITIONAL INFORMATION

Xu Zhiyong was director of an NGO, the Open Constitution Initiative (OCI; or Gongmeng), set up in 2007 to provide legal advice and assistance to the general public. It has now closed. In 2009, the authorities arrested him for “tax evasion” but he was released on bail to await trial. Since then, Xu Zhiyong has continued his human rights work and has frequently been called in for questioning by the police, or placed under illegal “house arrest”.

After he was released on bail to await trial, Xu Zhiyong, along with several human rights lawyers including Teng Biao, in 2010 set up another initiative to continue their work which is called “Citizen” (‘Gongmin’ in Chinese, although in China people continue to refer to this initiative by the name of Xu Zhiyong’s previous NGO, Gongmeng).

In May 2012 in an article *China Needs a New Citizens’ Movement*, Xu Zhiyong described the “New Citizens’ Movement” as a peaceful cultural, social and political campaign. The activities he suggested people take include disseminating the “New Citizen Spirit” online and in the streets; practicing “New Citizen Responsibility” by rejecting corruption and by doing good for society; using the “Citizen” sign or other identifying methods; participating in civic life by holding meetings to discuss the political situation; helping the weak; and uniting to share and coordinate work.

The article is available online at: <http://seeingredinchina.com/2012/07/11/china-needs-a-new-citizens-movement-xu-zhiyongs-%E8%AE%B8%E5%BF%97%E6%B0%B8-controversial-essay/>

The charge of “gathering a crowd to disrupt order in a public place” (Article 291 of China’s Criminal Law) applies to people who gathered to disturb order at railway stations or bus terminals, wharves, civil airports, marketplaces, parks, theatres, cinemas, exhibition halls, sports grounds or other public places, or to block traffic or undermine traffic order, or resist or obstruct public security administrators of the State from carrying out their duties according to law. If the circumstances are serious, a ringleader can receive a maximum penalty of five years imprisonment.

The charge of “picking quarrels and provoking trouble” (Article 293 of Criminal Law) carries a maximum of five years imprisonment if the person commits one of the acts of creating disturbances, thus disrupting public order such as forcibly taking or demanding, damaging, destroying or occupying public or private property with serious circumstances; or creating disturbances in a public place, thus causing serious disorder in such place etc. If the person gathers others and commits the behaviours repeatedly that seriously undermine public order, he or she will receive a maximum of ten years imprisonment but no less than five years imprisonment.

Name: Xu Zhiyong (m), Li Huanjun (f), Song Ze (m), Li Gang (m)
Gender m/f: Both

Further information on UA: 181/13 Index: ASA 17/006/2014 Issue Date: 14 February 2014