

URGENT ACTION

ACTIVIST RETURNED HOME BUT REMAINS AT RISK

Chinese prisoner of conscience Zhu Chengzhi returned home on 20 March but continues to be held under “residential surveillance” after being held in a hostel since 15 March. He continues to be at risk of secret and incommunicado detention.

Zhu Chengzhi was placed under “residential surveillance” on 4 January. This followed his formal arrest on 25 July 2012 on grounds of “inciting subversion of state power” for allegedly disseminating photographs of activist Li Wangyang’s body taken on the supposed day of his death. He was put under “residential surveillance” as the case needed “further investigation”. He was first held at an unknown location but was returned to his home on 1 February 2013. On 15 March, he was again moved from his home to an unknown location, and returned on 20 March. He has since confirmed that on both occasions of “residential surveillance” outside his home he was held in the same hostel. Both times, his family had no information on his fate or whereabouts, and Zhu Chengzhi was not permitted to meet with them or an independent lawyer, doctor or friends.

Zhu Chengzhi continues to be held under residential surveillance. Although he is now at home, he remains at risk of again being moved and held in incommunicado detention at a secret location, particularly around the Qingming festival (4 April 2013) – a traditional celebration during which people visit the graves or burial grounds of their ancestors. Reports suggest the police may be concerned that activists will use this festival to mourn the death of Li Wangyang, and may therefore want to ensure that Zhu Chengzhi is not in Hunan province.

China’s Criminal Procedure Law (CPL) allows the police to hold people under “residential surveillance” at their home or at undisclosed locations that are not official detention centres for up to six months. This can be extended up to a year. Neither the CPL nor relevant regulations require the authorities to inform family members of the whereabouts of these detainees. Such detention violates international human rights law.

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

- Calling on the authorities to immediately and unconditionally release Zhu Chengzhi; and to ensure that in the meanwhile he is not held in secret and incommunicado detention;
- Calling on the authorities to guarantee that Zhu Chengzhi and his family are free from harassment and able to exercise their rights to liberty of movement and freedom of expression.

PLEASE SEND APPEALS BEFORE 8 MAY 2013 TO:

Director of the Public Security Bureau of Shaoyang

Li Xiaokui Juzhang
Public Security Bureau of Shaoyang
8 Hongqilu Qingyunjie, Shaoyang city,
Hunan Province, 422000
People’s Republic of China
Tel/Fax: +86 739 5163018
Salutation: Dear Director

Chief Prosecutor of the People’s Procuratorate of Shaoyang

Dai Huafeng Daijianchayuanzhang
People’s Procuratorate of Shaoyang
27 Weiyuandong lu, Shaoyang City
Hunan Province, 422006
People’s Republic of China
Fax: +86 739 6827854
Salutation: Dear Chief Prosecutor

And copies to:

Premier of the People’s Republic of China
Li Keqiang Guojiazhongli
The State Council General Office
2 Fuyoujie, Xichengqu Beijingshi 100017
People’s Republic of China
Fax: +86 10 62381025 ext 816
Email: notice@scio.gov.cn
gov@govonline.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 fifth update of UA 191/12. Further information:
<http://www.amnesty.org/en/library/info/ASA17/010/2013/en>

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ADDITIONAL INFORMATION

Li Wangyang, a prominent labour rights activist, was found dead on 6 June 2012 in suspicious circumstances in Daxiang District People's Hospital in Shaoyang city, Hunan Province. On 8 June 2012, Zhu Chengzhi was detained by national security personnel in Shaoyang city after repeatedly demanding the truth about the death of Li Wangyang. On the same day, he was placed under 10-day administrative detention. While his family anticipated his release on 18 June 2012, Zhu Chengzhi was transferred to a detention facility and arrested by the Shaoyang police on grounds of "inciting subversion of state power" on 25 July 2012 for having allegedly disseminated pictures of Li Wangyang's body taken on the supposed day of his death.

On 25 December 2012, Zhu Chengzhi's wife was informed by the Shaoyang Public Security Bureau that his case had been transferred to the Shaoyang procuratorate, so that public prosecution could be considered. However, the local procuratorate decided to return the case to the Shaoyang police for further investigation. The police subsequently put him under "residential surveillance" on 4 January. On 15 March, the prosecutors returned his case to the police for further investigation for the second time.

Amnesty International considers Zhu Chengzhi a Prisoner of Conscience, detained solely for his work as a human rights defender

Article 73 of the Criminal Procedure Law (2012 amendment), which took effect on 1 January 2013, provides that in situations where the criminal suspect has a regular domicile, residential surveillance should be enforced at the suspect's place of residence. Nevertheless, it also provides that it may be enforced at a place outside of one's home at a "designated place of residence....where there is suspicion of the crime of endangering national security, the crime of terrorism or major crimes of bribery, and residential surveillance at the domicile may impede the investigation" and "may not be enforced at a detention facility or an investigation facility". However, neither the amended Criminal Procedure Law nor the 2012 Rules for Public Security Organs on Procedure for Handling Criminal Cases specify the need on the part of the authorities to inform the family of the location where the suspect is detained.

The 2012 amendment to the Criminal Procedure Law formalizes the unlawful practice of secret detentions in China and may facilitate incommunicado detention and enforced disappearance. This is inconsistent with China's obligations under international human rights law. The amendments also effectively impede the access of the family and the lawyer to the detained suspect, thereby increasing the risk of torture and other ill-treatment.

Name: Zhu Chengzhi
Gender m/f: Male

Further information on UA: 191/12 Index: ASA 17/003/2013 Issue Date: 27 March 2013