

URGENT ACTION

CHINESE ACTIVISTS FORMALLY ARRESTED

Legal scholar and human rights activist Xu Zhiyong and his associates Song Ze and Li Huanjun have been formally arrested in Beijing. They are prisoners of conscience, who are likely to face trial, and are at risk of torture and other ill-treatment.

According to his lawyer, **Xu Zhiyong** was formally arrested on suspicion of "gathering a crowd to disrupt order in a public place" on 22 August 2013 by the Public Transportation Safety Protection Branch of the Beijing Municipal Public Security Bureau. He is held at the Beijing No. 3 Detention Centre. His arrest is in connection with his continuous human rights work and his recent peaceful advocacy for the "New Citizens' Movement".

One of his associates, **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 2013. She is held at Beijing Municipal No.2 Detention Centre. Li Huanjun, a housing rights activist, joined Xu Zhiyong's anti-corruption campaign in 2013. **Song Ze** (also known as Song Guangqiang) who had been volunteering with Gongmin and is known for helping petitioners (people seeking redress for perceived injustices) was confirmed to have been formally arrested on suspicion of "gathering a crowd to disrupt order of a public place" on 16 August 2013. He is held at Beijing Municipal No.3 Detention Centre. Xu Zhiyong, Li Huanjun and Song Ze have been assigned lawyers. There is no new information regarding another associate **Li Gang** who was detained on 12 July 2013 and was also held at Beijing Municipal No.3 Detention Centre.

According to an overseas advocacy group Chinese Human Rights Defenders, as of 18 September, nearly 60 individuals who associated themselves with the "New Citizens' Movement" are known to have been criminally detained or subjected to enforced disappearance. Twenty-nine of them are known to have been formally arrested.

The charge of "gathering a crowd to disrupt order of a public place" carries a maximum sentence of five years in prison while "picking quarrels and provoking trouble" carries up to ten years' imprisonment.

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

- Urging the authorities to release Xu Zhiyong, Li Huanjun, Song Ze and Li Gang immediately and unconditionally;
- Calling on the authorities to ensure that the above four are not tortured or otherwise ill-treated and have regular access to their families, lawyers and any medical attention they may require.

PLEASE SEND APPEALS BEFORE 31 OCTOBER 2013 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 first update of UA: 181/13. Further information:
<http://www.amnesty.org/en/library/info/ASA17/023/2013/en>

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Xu Zhiyong teaches at the Beijing University of Posts and Telecommunications. 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 describes the "New Citizens' Movement" as a peaceful cultural, social and political campaign. The activities he suggests 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.

According to article 169 of China's Criminal Procedure Law, once a person has been formally arrested, the People's Procuratorate should make a decision on whether to prosecute within one month of a case being transferred by the public security organ, with the possible extension of half a month. However, the People's Procuratorate also has the power under the Article 171 to remand the case to a public security organ for supplementary investigation, or conduct the investigation itself if they consider the evidence provided to be insufficient for prosecution. In cases where supplementary investigation is to be conducted, it shall be completed within a month. Supplementary investigation may be conducted twice at most. During this time the suspects would typically remain in custody.

In pre-trial detention, which applies until which time suspects are brought to trial, detainees can only meet with their lawyers and not for example, with their family members.

Names: Xu Zhiyong (m), Li Gang (m), Li Huanjun (f), Song Ze (m)
Gender m/f: both