

URGENT ACTION

RISK OF UNFAIR TRIAL FOR FORCIBLY RETURNED ACTIVIST
Chinese activist Dong Guangping will be tried in April 2017 for “subverting state power” and “crossing the national border illegally”. Detained since his forcible return to China in November 2015, he has had no access to his family or a lawyer of his choice and is at risk of an unfair trial.

Dong Guangping, has been indicted for “subverting state power” and “crossing the national border illegally” by the Chongqing Municipal No.1 Intermediate People’s Court. According to his government appointed lawyer, Dong Guangping will be tried in April 2017 and could face life imprisonment if convicted.

More than 16 months after his forcible return to China, Dong Guangping’s family have yet to receive any notification from authorities about his whereabouts, arrest, indictment or charges against him. As a recognized refugee, Dong Guangping had been accepted for rapid resettlement in a third country however five days before he was scheduled to depart, on 13 November 2015, he was forcibly returned to China.

On 30 May 2016, the human rights lawyer hired by Dong Guangping’s family visited the detention centre where he was believed to be detained. While the staff in the detention centre admitted that Dong Guangping was being held there, they rejected the lawyer’s request to meet him. In response to the subsequent complaint that he was being barred from meeting with his client, the police verbally informed the lawyer that Dong Guangping had been arrested on suspicion of violating national security and therefore could not meet him without permission from the investigating authority.

In July 2016, authorities from Chongqing, in western China, asked Dong Guangping’s family to replace their lawyer with two that had been appointed by the government. Despite their refusal, in August 2016 when the lawyer hired by the family again requested to meet with Dong Guangping at the detention centre, staff stated that he had hired two other lawyers and refused to meet with any other lawyer.

Please write immediately in Chinese, English or your own language urging the authorities to:

- Ensure that Dong Guangping is tried in line with international fair trial standards and not for the peaceful exercise of his human rights;
- Ensure that while in detention Dong Guangping is not subjected to torture or other ill-treatment, has regular, unrestricted access to his family, lawyers of his choice, and medical care on request or as necessary;
- Cease requesting other countries return individuals to China in violation of international law.

PLEASE SEND APPEALS BEFORE 11 MAY 2017 TO:

Director of Chongqing Municipal No.2

Detention Centre

Chongqing Shi Dier Kanshousuo

6 Shengan Lu

Fusheng Zhen

Jiangbei Qu

Chongqing Shi 401133

People’s Republic of China

Salutation: Dear Director

Director of Municipal Public Security

Bureau

He Ting Juzhang

555 Huanglong Lu

Yubei Qu

Chongqing Shi 401120

People’s Republic of China

Salutation: Dear Director

And copies to:

Minister of Public Security

Guo Shengkun Buzhang

Gonganbu

14 Dongchangan Jie

Dongcheng Qu

Beijing Shi 100741

Tel: +86 10 66262114 (in Chinese only)

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR LIU XIAOMING, Embassy of the People’s Republic of China, 49-51 Portland Place W1B 1JL, 020 7299 4049, press_uk@mfa.gov.cn

Please check with your section office if sending appeals after the above date. This is the third update of UA 259/15. Further information: <https://www.amnesty.org/en/documents/asa17/4169/2016/en/>

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INTERNATIONAL**



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ADDITIONAL INFORMATION

Dong Guangping was a policeman in China. His employment was terminated in 1999 after co-signing a public letter and distributing articles in different cities commemorating the 10th anniversary of the 1989 Tiananmen Square crackdown. He had previously been detained in China several times for his peaceful activism. He was imprisoned for 3 years in 2001 for “inciting subversion of state power” and was detained by Chinese authorities from May 2014 to February 2015 after participating in an event commemorating victims of the 1989 Tiananmen Square crackdown. He arrived in Thailand with his wife and daughter in September 2015 to escape harassment.

When the Thai government forcibly returned Dong Guangping and another activist Jiang Yefei to China on 13 November 2015, they had already been accepted for rapid resettlement in a third country and were scheduled to depart on 18 November. The UNHCR and the Office of the UN High Commissioner for Human Rights (OHCHR) voiced strong concern about the forced return of Jiang Yefei and Dong Guangping and their risk of torture and other ill-treatment.

The two men were seen on 26 November 2015 on state media news agency CCTV “confessing” to human-trafficking offences and “admitting” that Jiang Yefei had assisted Dong Guangping to cross the border “illegally” into Thailand. After viewing the footage, their families raised the allegation that both men may have been subjected to torture or other ill-treatment. They found that the two men’s facial expressions and tone of voice were suspiciously different from usual, and showed signs of pain and stress.

South East Asian countries are increasingly violating the non-refoulement principle following pressure from the Chinese government. This principle prohibits the transfer of people to any country or jurisdiction where they would be at risk of serious human rights violations or abuses. It is enshrined in numerous international instruments, and has achieved the status of customary international law, binding on all states regardless of whether they have ratified the relevant treaties, such as the UN Refugee Convention, the International Covenant on Civil and Political Rights, or the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The criminal justice system in China is roughly divided into three distinct phases: the investigation phase conducted by the police; the prosecution phase, in which the prosecutors approve of the initial evidence needed to arrest a suspect and engages in further investigation to decide whether to indict a suspect; and the final trial phase carried out by the courts.

In China, defendants are almost always found guilty once a case is brought to court. The conviction rate in 2015 was 99.92% according to official statistics released by Zhou Qiang, President of the Supreme People’s Court.

Further information on UA: 259/15 Index: ASA 17/5992/2017 Issue Date: 30 March 2017