

URGENT ACTION

LAWYER ON BAIL REMAINS UNDER TIGHT SURVEILLANCE

Human rights lawyer Xie Yang was released on bail the day after his trial for “inciting subversion of state power” and “disrupting court order”. The verdict has not yet been announced and he continues to be kept under tight surveillance.

Xie Yang was released on bail on 9 May 2017, despite no verdict on the charges of “inciting subversion of state power” and “disrupting court order” having been delivered. The Changsha City Intermediate People’s Court only announced that the trial on 8 May 2017 would be broadcast on Weibo, a Chinese social media platform, approximately 20 minutes before it began. It is unclear what this unusual order of proceedings means and when the final verdict will be delivered.

During the trial Xie Yang stated that he was not tortured, which is inconsistent with what he told his lawyers in January 2017 when he recounted details of prolonged torture he had suffered during his detention, including lengthy interrogations, beatings, and deprivation of water and sleep. The conflicting accounts, and the fact that Xie Yang has been denied access to lawyers of his choice since 28 February 2017, brings into question whether his testimony was coerced.

According to his wife, Chen Guiqiu who fled to the US with her two daughters in March, several hours after being allowed to celebrate his mother’s 80th birthday on 9 May 2017, Xie Yang and his parents were taken to a remote mountain village in Hunan. Their exact whereabouts remain unknown.

Chen Guiqiu believes that, although he was released on bail, Xie Yang is not genuinely free. She noted that he sounded strange on the phone when she talked to him on 10 May 2017, uncharacteristically not enquiring about his daughters, asking for them to all return to China and stating that the Chinese government would ensure their continued safety. According to Chen Guiqiu, it appears that Xie Yang remains under tight surveillance by state security police at all times. He was accompanied by National Security Officers during a visit to his father-in-law on 20 May 2017 and was again taken away to an unknown location after the visit.

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

- Immediately and unconditionally release Xie Yang and drop the charges against him as he has been charged solely for peacefully exercising his right to freedom of expression and assembly;
- Stop the surveillance and restrictions of freedom of movement on Xie Yang and his parents;
- Clarify Xie Yang’s legal status while the verdict has not been announced

PLEASE SEND APPEALS BEFORE 4 JULY 2017 TO:

Director of Public Security Bureau
Tang Xiangyang Juzhang
Changsha City Public Security Bureau
140 Jiefangxi lu
Changsha Shi 410005
Hunan Sheng
Fax: +86 731 82587612
People’s Republic of China
Salutation: Dear Director

Minister of Public Security
Guo Shengkun Buzhang
Ministry of Public Security
14 Dongchangan Jie
Dongcheng Qu
Beijing Shi 100741
People’s Republic of China
Tel: +86 10 66262114 (Chinese only)
Email: gabzfwz@mps.gov.cn
Salutation: Dear Minister

And copies to:
Premier
Li Keqiang Guojia Zongli
The State Council General Office
2 Fuyou Jie
Xicheng Qu
Beijing Shi 100017
People’s Republic of China
Fax: +86 10 65961109 (c/o Ministry of
Foreign Affairs)

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 first update of UA 88/17. Further information: <https://www.amnesty.org/en/documents/asa17/6056/2017/en/>

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ADDITIONAL INFORMATION

Xie Yang was indicted in December 2016 for “inciting subversion of state power” and “disrupting court order” for peacefully exercising his rights to freedom of expression and carrying out his professional activities as a lawyer. Charges are related to his online articles critical of government and judicial systems relating to human rights defenders he represented as well as his role in organizing protests against a fatal police shooting of a petitioner and mobilizing villagers to gather outside the court during a court hearing on a home demolition case.

After accounts of Xie Yang’s torture were made public by his lawyers in January, the authorities rejected any further requests from his lawyers to meet with him. Another detained human rights lawyer Jiang Tianyong was seen “confessing” on mainland media in March to fabricating the evidence of Xie Yang’s torture.

Lawyer Jiang Tianyong went missing on 21 November 2016 on the way back to Beijing after visiting Xie Yang’s wife. He had accompanied her and three other lawyers to Changsha City No.2 Detention Centre to try to arrange a meeting with Xie Yang. Mainland Chinese media released interviews and video-recorded “confessions” of Jiang Tianyong in February 2017, claiming that he was the one who fabricated Xie Yang’s account of torture, and labelling the foreign media reports about Xie Yang’s account of torture as “fake news”. Jiang Tianyong still has no access to a lawyer. (See <https://www.amnesty.org/en/documents/asa17/5421/2017/en/> for more information)

Following an unprecedented government crackdown on human rights lawyers and other activists, almost 250 lawyers and activists have been questioned or detained by state security agents since 9 July 2015. In addition to the raiding of many offices and homes, family members of those detained were also subjected to police surveillance, harassment and restriction of their freedom of movement.

Of this group, as of May 2017, five people have been convicted of “subverting state power”. In August 2016, activists Zhai Yanmin and Gou Hongguo, aka Ge Ping, were given suspended prison sentences. Activist Hu Shigen and lawyer Zhou Shifeng were sentenced to seven and a half years and seven years’ imprisonment respectively. Lawyer Li Heping was tried in Tianjin on 25 April and then sentenced to three years imprisonment, suspended for four years, on 28 April. His whereabouts remained unknown after the verdict until he returned home on 9 May, although images show he has lost weight and his hair has turned noticeably grey. Li Heping later revealed that he was forced fed medicines and tortured during detention. Lawyers Li Shuyun, Ren Quanniu and Li Chunfu and activist Gou Hongguo also reported that they were drugged during detention.

Three others, in addition to Xie Yang, remain in detention and are awaiting trial dates or verdicts. The trial date of human rights lawyer Wang Quanzhang still has not been set. Activists Yin Xu’an and Wang Fang are still waiting for their verdicts after appearing in court in September last year and in February this year respectively.

Further information on UA: 88/17 Index: ASA 17/6307/2017 Issue Date: 23 May 2017