

URGENT ACTION

ACTIVIST TRIED IN CLOSED COURT FOR SUBVERSION

After more than 28 months in detention followed by a closed court hearing for “subverting state power”, prominent activist Wu Gan (better known by his pen name *Tufu*, ‘The Butcher’) remains incarcerated. He is still at risk of torture and other ill-treatment.

Wu Gan was put on trial in a closed court session at the Tianjin City No.2 Intermediate People’s court on 14 August 2017 for “subverting state power” – a charge that carries a maximum sentence of life imprisonment. The court justified that the hearing was closed due to “confidential information” in the evidence. A ruling has yet to be handed down. The prominent activist has been held in detention for over 28 months without access to his family. In December 2016, Wu Gan told his lawyers that he had been tortured while in detention.

In March 2015, Wu Gan’s father Xu Xiaoshun was charged with embezzlement and put on bail for over a year and a half. While the father’s charge was dropped on 17 April 2017, he was taken away by the police on 9 August 2017 and held incommunicado for at least 13 days before he was released.

According to a statement published by his father prior to the trial, Wu Gan expects a heavy sentence as he “refused to take part in government propaganda, accepting a government-appointed lawyer, and pleading guilty to the charge”. He also shared that Wu Gan said he had already been informed by government officials that the trial was mere “procedure” and that a decision had already been made.

Wu Gan was first detained in May 2015 at a demonstration outside a courthouse while protesting against an alleged miscarriage of justice in a death penalty case from 2000. In July 2015, Wu Gan was formally arrested on charges of “inciting subversion of state power” and “picking quarrels and provoking trouble” by the Xiamen City People’s Procuratorate. Wu Gan has been a high-profile activist in China since 2009 and is recognized for his cutting-edge tactics of connecting online and offline actions, raising awareness of human rights abuses, and raising funds online to support his activities.

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

- Release Wu Gan unconditionally and immediately unless there is sufficient credible and admissible evidence that he has committed an internationally recognized offence and is granted a fair trial in line with international standards;
- Pending his release, ensure that Wu Gan has regular, unrestricted access to family and lawyers of his choice while in detention, and is not subjected to torture or other ill-treatment.

PLEASE SEND APPEALS BEFORE 19 NOVEMBER 2017 TO:

Director

Tianjin Municipal No. 1 Detention Centre
Dabianzhuang, Zhongbeizhen,
Xiqingqu, Tianjinshi
300112

People’s Republic of China
Tel: +86 22 2753 5320 (Chinese only)

Salutation: Dear Director

Minister of Public Security

Guo Shengkun
Ministry of Public Security
14 Dong Chang’anjie
Dongchengqu, Beijingshi 100741
People’s Republic of China
Tel: +86 10 6626 2114 (in Chinese only)
Email: gabzfwz@mps.gov.cn

Salutation: Dear Minister

And copies to:

President
Xi Jinping Guojia Zhuxi
The State Council General Office
2 Fuyoujie
Xichengqu, Beijingshi 100017
People’s Republic of China
Fax: +86 1065 9611
Email: gov@govonline.cn

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 second update of UA 129/15. Further information: <https://www.amnesty.org/en/documents/asa17/4674/2016/en/>

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ADDITIONAL INFORMATION

Between 18 and 20 May 2015, Wu Gan participated in a demonstration outside the Jiangxi Provincial Higher People's Court in Nanchang supporting a group of lawyers who were demanding access to court documents regarding an alleged case of miscarriage of justice from 2000, when four men were sentenced to death for robbery, rape and murder. Their lawyers claimed the men's confessions were obtained through torture and sought to re-open the case, but they have so far been refused permission to review the court files. Despite a criminal suspect in another case admitting in 2011 that he committed the murder, the Procuratorate did not withdraw the charges against the four defendants.

On 20 May 2015, Wu Gan was taken away by police and put into administrative detention for "disturbing order in a work place" and "insulting people". The Public Security Bureau changed the charges on 28 May that year and he was formally arrested in July 2015 for "inciting subversion of state power" and "picking quarrels and provoking trouble". His case was later transferred to the Tianjin Municipal Public Security Bureau. Following his detention, Wu Gan was denounced by state media for matters relating to his personal life and previous activism. His case has received considerable attention in China, and illustrates the continued intolerance by authorities to any form of dissent. Since 9 July 2015, almost 250 lawyers and activists across China have been detained and questioned. As of August 2017, seven individuals had been convicted for "subverting state power" or "picking quarrels and provoking trouble". Four of them remain imprisoned and three were given suspended prison sentences. Xie Yang was released on bail on 9 May 2017, 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. Lawyer Jiang Tianyong, who went missing on 21 November 2016, appeared at a trial on 22 August 2017 but the verdict is pending and lawyer Wang Quanzhang was indicted but awaits a trial, both on the charge of "subverting state power". Held incommunicado and without access to a lawyer, both of them are at risk of torture and other ill-treatment.

Activists and human rights defenders continue to be systematically subjected to monitoring, harassment, intimidation, arrest and detention. Police detainees increasing numbers of human rights defenders outside of formal detention facilities, sometimes without access to a lawyer for long periods, exposing the detainees to the risk of torture and other ill-treatment.

Except in prescribed and narrowly defined circumstances, such as cases involving children, court hearings and judgments in criminal cases must be public. The failure to hold a public hearing otherwise violates the right to a fair trial. Even in cases in which the public is excluded from the trial, the judgment, including the essential findings, evidence and legal reasoning must be made public, unless private interests, especially of children, are at stake.

Under international law and standards, states do not have unfettered discretion to hold closed hearings on grounds of national security, or to define for themselves what constitutes an issue of national security. This exception to the right to public hearings is not legitimate unless its genuine purpose and demonstrable effect is to protect a country's existence or its territorial integrity, and is accompanied by adequate mechanisms for observation or review.

Further information on UA: 129/15 Index: ASA 17/7221/2017 Issue Date: 9 October 2017