

URGENT ACTION

CHINESE ACTIVIST 8 YEAR SENTENCE UPHELD

Prominent Chinese activist Wu Gan (better known by his pen name *Tufu*, 'The Butcher') continues to face grave risks of torture and other ill-treatment after the Tianjin Municipal High People's Court rejected his appeal and upheld his sentence of eight years' imprisonment for subverting state power.

The Tianjin Municipal High People's Court rejected the appeal of **Wu Gan** and upheld his sentence of eight years' imprisonment in a trial held on 17 April 2018. The result of the trial was announced by a one-line notice on the official website of the Court. It was reported that the lawyers of Wu Gan were under tremendous pressure and did not respond directly to inquiries related to Wu Gan's trial. According to his lawyer, Wu Gan was given a harsh sentence in comparison to other activist's due to his refusal to plead guilty. In a statement published after his first trial held in December 2017, Wu Gan named 13 officials who allegedly tortured him during detention. He continues to face grave risks of torture and other ill-treatment.

It wasn't clear whether Wu Gan's father, Xu Xiaoshun attended Wu Gan's trial on 17 April. At present, Xu Xiaoshun's whereabouts are unknown. On 16 April, Xu Xiaoshun was telling a journalist that the authorities took him away on 8 April while he was on his way to the hospital seeking medical treatment for a wound caused by a traffic accident. He was then confined to a hotel in Guilin in the Guangxi Zhuang Autonomous Region. During the phone conversation, a loud voice shouted, 'put down' then the phone connection was cut.

Wu Gan was sentenced to eight years' imprisonment and deprived of political rights for a further five years for 'subverting state power' by the Tianjin Municipal No.2 Intermediate People's Court on 26 December 2017. Shortly after being sentenced, Wu Gan released a statement saying that he had rejected the authorities' request for him to plead guilty in exchange for a more lenient sentence.

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

- Immediately and unconditionally release Wu Gan as he has been imprisoned solely for peacefully exercising his right to freedom of expression and assembly;
- Pending his release, ensure that Wu Gan has regular, unrestricted access to family and lawyers of his choice, and is not subjected to torture or other ill-treatment;
- Conduct a prompt, effective and impartial investigation into the alleged torture against Wu Gan and bring those responsible to justice.

PLEASE SEND APPEALS BEFORE 31 MAY 2018 TO:

Director

Tianjin Municipal No.1 Detention Centre
Dabianzhuang, Zhongbeizhen,
Xiqingqu, Tianjin Shi, 300112
People's Republic of China
Tel: +86 22 2753 5320 (Chinese only)

Salutation: Dear Director

Minister of Public Security

Zhao Kezhi
Ministry of Public Security
14 Dong Chang'anjie
Dongchengqu, Beijing Shi 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
Zhongnanhai
Xichang'anjie
Xichengqu, Beijing Shi 100017
People's Republic of China
Fax: +86 10 63070900
Email: english@mail.gov.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 fourth update of UA 129/15. Further information:

<https://www.amnesty.org/en/documents/asa17/7674/2018/en/>

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ADDITIONAL INFORMATION

China has a history of engaging in politically-motivated actions against well-known activists during the Christmas holidays. Prominent Chinese dissident Hu Jia was detained on 27 December 2007. Liu Xiaobo, who would later win the Nobel Peace Prize but die in detention in 2017, was sentenced to 11 years on Christmas Day 2009 on the charge of "inciting subversion of state power".

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.

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 up until that time they had been refused permission to review the court files. Despite Fang Linzai, 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. Wu Gan's activism brought significant level of public attention to the unlawful practices of the authorities involved in this case and contributed to the retrial and the subsequent acquittal of the four men in 2016.

Activists and human rights defenders continue to be systematically subjected to monitoring, harassment, intimidation, arrest and detention. Police detain 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.

Further information on UA: 129/15 Index: ASA 17/8248/2018 Issue Date: 19 April 2018