

URGENT ACTION

RETURNED ACTIVISTS AT RISK OF UNFAIR TRIAL

Two Chinese activists, Jiang Yefei and Dong Guangping, are at risk of torture and other ill-treatment and unfair trial. The two were recognized as refugees by the UN's Refugee Agency, but were forcibly returned to China from Thailand in violation of international law. One had been held in incommunicado detention for more than six months and the other's whereabouts remain unknown.

Six months after the forcible return of two activists from Thailand on 13 November 2015, the authorities have for the first time disclosed the whereabouts of Jiang Yefei in a notice of formal arrest. The notice, dated 14 May 2016, said that Jiang Yefei was formally arrested for "inciting subversion of state power" and "making arrangement for another person to illegally cross the national border".

Dong Guangping's family and lawyer have received no notification from the authorities about his whereabouts or charges against him. His lawyer lodged a request with the Ministry of Public Security, based on the Regulation on the Disclosure of Government Information.

Both men had previously been detained and tortured in China for their peaceful activism. They both fled to Thailand and were granted refugee status. When the Thai government forcibly returned them 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 two men were last 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.

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

- Urging the authorities to ensure that Jiang Yefei is tried in line with international fair trial standards; that he is not tried only for the peaceful exercise of his human rights, and while in detention he is not subjected to torture or other ill-treatment, and has regular, unrestricted access to his family and lawyers;
- Urging the authorities to immediately disclose Dong Guangping's whereabouts, and while in detention he is not subjected to torture or other ill-treatment, and has regular, unrestricted access to his family and lawyers;
- Urging the authorities to cease requesting other countries return individuals in violation of international law.

PLEASE SEND APPEALS BEFORE 8 July 2016 TO:

Minister of Public Security
Guo Shengkun
No 14 Dong Chang'an Jie
Dongcheng Qu, Beijing Shi 100741
People's Republic of China
Tel: +86 10 66262114 (in Chinese only)
Email: gabzfwz@mps.gov.cn

Wang Yi Buzhang
2 Chaoyangmen Nanda Jie
Chaoyang Qu, Beijing Shi 100701
People's Republic of China
Fax: +86 10 65961109
Salutation: Dear Minister

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

Salutation: Dear Minister

Minister of Foreign Affairs

And copies to:

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

MR LIU XIAOMING, Embassy of the People's Republic of China, 49-51 Portland Place, W1B 1JL, Fax 020 7299 4049,

Email press_uk@mfa.gov.cn Salutation YOUR EXCELLENCY

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Please check with your section office if sending appeals after the above date. This is the first update of UA 259/15. Further information:
<https://www.amnesty.org/en/documents/asa17/2880/2015/en/>

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ADDITIONAL INFORMATION

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 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.

On 11 January 2016, a Chinese journalist Li Xin went missing in Thailand. His partner received a call from him on 3 February in which he said he had “voluntarily” returned to assist with an investigation in China, but she believes he was forced to go back (see UA 24/16 <https://www.amnesty.org/en/documents/asa17/3374/2016/en/>).

In July 2015, the Thai authorities forcibly returned to China some 100 individuals, mainly ethnic Uighurs of Chinese citizenship who were at risk of torture and other cruel, inhuman and degrading treatment or punishment upon return. In December 2012, Malaysia forcibly returned six Uighurs, whose claims for asylum were pending with the UNHCR. In December 2009, the Cambodian authorities forcibly returned 20 ethnic Uighur asylum seekers. Of these 20, five are reported to have been sentenced to life imprisonment, while eight others are reported to have been sentenced to prison terms ranging from 16 to 20 year, after closed trials.

In addition, other persons known to be critical of the Chinese leadership, or who are linked to them, have vanished from South East Asian countries in recent months in unclear circumstances. Gui Minhai, a Swedish national of Chinese origin, went missing in Thailand in October 2015. On 17 January 2016, Gui Minhai appeared on Chinese state television CCTV making a “confession”, which may have been made under duress. Although in his CCTV “confession” he claimed that he had returned to China voluntarily, the Thai authorities have said that they have no evidence of his leaving the country through regular means, leading to speculation that he was abducted. Also in October 2015, 16-year-old Bao Zhuoxuan, the son of Chinese lawyer Wang Yu, and Chinese activists Tang Zhishun and Xing Qingxian, were taken away by uniformed officials and plain-clothed individuals from a town in Myanmar close to the Chinese border. After several days during which there was no information about their whereabouts, Bao Zhuoxuan was returned to his grandparents’ home in Ulanhot, Inner Mongolia Autonomous Region, in northern China. The whereabouts of Tang Zhishun and Xing Qingxian are finally known after their family members made public arrest notices dated 4 May.

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