

PUBLIC

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Fear of torture and ill-treatment/arbitrary detention

PEOPLES REPUBLIC OF CHINA

Chen Guangcheng (m), aged 34, human rights defender

Human rights defender Chen Guangcheng, a self-educated lawyer who has been helping villagers in the eastern province of Shandong to take legal action against the local authorities, and who has a long history of campaigning for the rights of farmers and the disabled, has been under house arrest since 7 September. Amnesty International considers him to have been arbitrarily detained, and believes that he is at risk of torture and ill-treatment.

Chen, who has been blind since birth, has been assisting villagers to take legal action against the Linyi city authorities, who they allege have been breaking the law in their pursuit of birth quotas. According to Linyi residents, in March 2005 the local government began requiring parents with two children to be sterilized and forcing women pregnant with a third child to have abortions. Officials have been detaining family members of people who fled to escape this, beating them and holding them hostage until their relatives returned and submitted to the operations. The case was due to be heard on 10 October, but was postponed. Only four villagers are reportedly still pressing for the lawsuit while others have pulled out after having been harassed and threatened.

Chen had travelled to the capital, Beijing, intending to meet with lawyers, overseas journalists and diplomats from the US embassy to discuss the lawsuit. On 6 September he was detained in Beijing by police from Shandong Province, who took him back to Linyi the following day and have kept him under house arrest ever since. His house has reportedly been surrounded by up to 30 men and some cars; his landline and mobile phone services have been cut off, and his computer has been seized.

On 4 October law lecturer Xu Zhiyong and lawyer Li Fangping, both based in Beijing, and another lawyer, attempted to visit Chen at his home and negotiate with local officials to have his house arrest lifted. The lawyers were stopped on their way to the house: Chen reportedly managed to leave his house and speak with them briefly, but was then forcibly taken back to the house. According to reports on US-based Radio Free Asia, he was also beaten up by the men surrounding the house. In an earlier interview given to foreign journalists, Chen's wife had said that local officials had warned her that her husband's life would be in danger unless he abandoned the lawsuit.

The lawyers then met briefly with local authorities. After the meeting they tried once more to go to Chen's house, but they were stopped on the way and reportedly beaten up by a 30-strong group. They were then taken to a police station where they were reportedly interrogated until the next day, and told that the case now involved "state secrets". The following day they were escorted back to Beijing.

On 10 October Chen Guangcheng's cousin Cheng Guangli and another villager, also named Chen, who had been giving interviews about Chen Guangcheng's situation to foreign reporters were reportedly also detained.

China's National Population and Family Planning Commission spokesman, Yu Xuejun, has said on the Commission's website that the Commission will conduct an investigation into the reported "illegal practices" in Shandong, and that those found responsible will be punished according to the law. Coercion in implementation of the family planning policies is prohibited by law. Some Linyi local family planning officials have been removed from their posts following preliminary investigation into the complaints.

BACKGROUND INFORMATION

In September 2002, a new Population and Family Planning Law was introduced in China in a stated attempt to standardize policies and practice in the implementation of family planning policies across the country and to safeguard citizens' rights. However, local birth quotas play a prominent part in the policy, upheld by stiff penalties as well as rewards, and reports of coerced abortions and sterilizations have continued and few officials are believed to have been brought to justice or punished for such abuses.

Amnesty International takes no position on the official birth control policy in China, but it is concerned about the human rights violations which result from its coercive application, which affect women in particular. It is concerned by reports that forced abortion and sterilization have been carried out by or at the instigation of people acting in an official capacity, such as family planning officials, against women who are detained, restricted or forcibly taken from their homes to have the operation. Amnesty International considers these actions to be cruel, inhuman and degrading treatment amounting to torture.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Chinese or your own language:

- expressing concern that Chen Guangcheng is under arbitrary house arrest, and calling for the restrictions on his freedom of movement to be lifted;
- expressing concern at reports that Chen Guangcheng and lawyers attempting to visit him have been beaten, and calling for a full and impartial investigation into these reports, with those responsible brought to justice;
- urging the authorities to guarantee that Chen Guangcheng can carry out his legitimate activities in defence of human rights without being subjected to arbitrary detention, torture or ill-treatment, or other human rights violations.

APPEALS TO:

Prime Minister

WEN Jiabao Guojia Zongli

The State Council

9 Xihuangcheng Genbeijie

Beijingshi 100032

People's Republic of China

Fax: + 86 10 65292345 (c/o Ministry of Communication)

Salutation: Your Excellency

Acting Governor of the Shandong Provincial People's Government

HAN Yuqun Daili Shengzhang

Shandongsheng Renmin Zhengfu

1 Shengfuqianjie

Jinanshi

Shandongsheng

People's Republic of China

Salutation: Dear Governor

COPIES TO:

Mayor of Linyi City

Email (via website): <http://www.linyi.gov.cn/en/contact.asp>

and to diplomatic representatives of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 25 November 2005.