

URGENT ACTION

PRO-DEMOCRACY ACTIVIST JAILED IN CHINA

On 15 January, Chinese pro-democracy activist Zhou Yongjun was sentenced to nine years' imprisonment for fraud. Amnesty International believes that his conviction is politically motivated. According to his lawyer, Zhou Yongjun is planning to appeal against his sentence.

His sentence was handed down by the Shehong County People's Court, in Sichuan province.

Zhou Yongjun was stopped when he attempted to enter Hong Kong from Macau in September 2008 on a false passport. Hong Kong police questioned him about a fraud allegation, but released him for lack of evidence after approximately 48 hours. He was then handed over to police from Shenzhen municipality in the Chinese mainland. Hong Kong does not yet have an extradition agreement with mainland China.

Press reports published on 21 January quoted a lawyer as saying concerns remain about the jurisdiction of the case as the alleged fraud was apparently committed in Hong Kong and therefore Sichuan authorities should have no jurisdiction over it. According to a Hong Kong-based lawyer who has been working on the case along with mainland lawyers, information withheld by the Hong Kong authorities, including details of the 48 hours of questioning by Hong Kong police could have been used to assist in Zhou Yongjun's defence.

Zhou Yongjun was held incommunicado for more than seven months in Shenzhen municipality in Guangdong province before being formally arrested on 8 May 2009. People who said they were in detention with him in Shenzhen municipality have told Zhou Yongjun's sister that he was ill-treated, and possibly tortured.

PLEASE WRITE IMMEDIATELY in Chinese or your own language:

- ✓ demanding that the Chinese authorities release details of the evidence against Zhou Yongjun and demonstrate that China has jurisdiction over the criminal offence on which he was charged;
- ✓ urging them to guarantee that while he remains in custody, he will not be tortured or otherwise ill-treated, and will have access to his family, legal assistance of his choosing and any medical care he may require;
- ✓ urging the Hong Kong Secretary for Security to explain the legal basis for having handed Zhou Yongjun over to the Shenzhen police in the absence of any extradition agreement with China.

PLEASE SEND APPEALS BEFORE 4 MARCH 2010 TO:

Procurator of the Suining City People's

Procuratorate

JIA Xiansheng Jianchazhang
Suiningshi Renmin Jianchayuan
Qishandonglu
Hedongxinqu
Suiningshi 629000
Sichuansheng
People's Republic of China
Fax: +86 825 2242826

Salutation: Dear Procurator

Director of the Sichuan Provincial

Department of Public Security

ZENG Shengquan Tingzhang
Sichuansheng Gong'anting
9 Jindunlu
Chengdushi 610041
Sichuansheng
People's Republic of China

Fax: +86 28 86301177

Salutation: Dear Director

And copies to:

Secretary for Security (responsible for
Immigration Department)

Mr LEE Siu-kwong
F6 Main and East Wings
Central Government Offices
Central
Hong Kong

Fax: +852 28685074

Email: sbenq@sb.gov.hk

Salutation: Dear Secretary

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA: 278/09 (ASA 17/058/2009). Further information: <http://www.amnesty.org/en/library/info/ASA17/058/2009/en>

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

In October 2009, the head of the Hong Kong Special Administrative Region government said that while they could not comment on individual immigration cases, "(a)nyone who travels with a false document will be treated accordingly. He'll be sent back to wherever is appropriate. That is established policy."

China resumed sovereignty over Hong Kong on 1 July 1997, but a "one country, two systems" model remains in place. An extradition agreement is being negotiated with the mainland, but has not yet been finalized.

Zhou Yongjun was formally arrested on 8 May and indicted for fraud by the Shehong County People's Procuratorate in Sichuan province on 3 August. In the indictment, he was accused of writing to the Hong Kong-based Hang Seng Bank, under the name Wang Xingxiang, to ask for money to be transferred between bank accounts. His family and lawyer argue that the Hong Kong police had investigated Zhou Yunjun's supposed involvement in this case, and had released him because there was no evidence to connect him to it. As Hong Kong is outside mainland Chinese jurisdiction, he should not be brought to court in China unless the Chinese authorities can demonstrate he is charged with a recognizable crime over which they have jurisdiction.

Zhou Yongjun is a former student leader of the 1989 pro-democracy protests. He was jailed for two years for his involvement in the 1989 pro-democracy protests. When he was released, he was exiled to the US. He returned to China in 1998, and was sent to Re-education Through Labour for another three years for "illegally crossing the border."

Further information on UA: 278/09 Index: ASA 17/005/2010 Issue Date: 21 January 2010

