

PUBLIC

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UA 32/06 **Fear of torture and ill treatment**

CHINA **Yang Maodong (also known as Guo Feixiong) (m) aged 39, human rights defender**

Yang Maodong (also known by the alias Guo Feixiong), a legal adviser with the Beijing-based Shengzhi Law Office, was detained on 8 February by the police in Beijing – just a few days after he was released from detention in Guangzhou city, Guangdong province. He is now reportedly being held at Fuyou police station in Beijing. Amnesty International believes he is at risk of torture and ill-treatment.

Yang Maodong is best known for providing legal assistance to villagers in Taishi, Guangdong province, as they sought to remove the allegedly corrupt village leader from office. On 4 February Yang Maodong was detained in Linbe police station in Guangzhou for 12 hours after visiting Taishi village with another lawyer, Tang Jingling. On their release, they were reportedly beaten by a group of unidentified men. Yang Maodong then went into hiding in fear for his safety.

When he emerged from hiding on 8 February, Yang Maodong issued an open letter addressed to the Chinese President Hu Jintao and Premier Wen Jiabao. In the letter, Yang Maodong protests against the excessive use of force in government crackdowns on recent demonstrations and civil society movements in rural areas, forced evictions, violence against a widening circle of human rights lawyers which appear to be sanctioned by the authorities, and tightening of media censorship. He requests the authorities to engage in dialogue with villagers in order to avoid escalation of rural land disputes, and to guarantee local democracy, press freedom and protection of human rights defenders. The letter was also posted online at <http://www.peacehall.com/news/gb/china/2006/02/200602081553.shtml>.

After the publication of the letter Yang Maodong began a public hunger strike near Xinhuaamen, a gate to the Zhongnanhai government compound, near Tiananmen Square in Beijing. His hunger strike is in response to a call by Gao Zhisheng, the director of the Shengzhi Law Office whose license to practice law was revoked by the authorities in December 2005 and who recently survived an attempt on his life (see UA 14/06, ASA 17/001/2006, 19 January 2006). On 4 February, Gao Zhisheng called for a “hunger strike group” to protest against Yang Maodong’s detention and beating in Guangdong Province, and against the government crackdown on human rights defenders.

Yang Maodong was reportedly detained as he carried out his public hunger strike and taken to Fuyou police station. It is not known if he is continuing his hunger strike. The official reason for his detention has not been announced. On 8 February, lawyer Teng Biao called the Beijing Public Security Bureau branch that supervises the Fuyou police station and offered to provide legal assistance to Yang Maodong. He was told by an unnamed police officer that it’s “better not to get involved in this case”.

Over 100 petitioners and human rights defenders in Beijing and Shanghai have reportedly joined the “hunger strike group”. Some sources suggest that the hunger strikers aim to carry on their protest until the 2008 Summer Olympic Games in Beijing, by having a series of individuals and groups participating in turn.

BACKGROUND INFORMATION

Yang Maodong, an independent academic, writer and self-educated legal adviser, gave legal assistance to the villagers of Taishi seeking the removal from office of the village committee head Chen Jingsheng. The villagers’ protests began shortly after they submitted a recall referendum motion to the local authorities on 29 July 2005 as they feared the authorities may try to eradicate any evidence supporting their claims. Yang Maodong reportedly advised the villagers to adopt strategies of passive resistance, including hunger strikes,

and helped them to attract international media attention to their cause. He also posted online news and commentary regarding the events in Taishi.

Many villagers as well as activists and journalists who tried to enter Taishi after the protests began were reportedly beaten, mistreated, and intimidated by the police or individuals who appear to have been acting with the consent of or on the orders of local government authorities. Dozens of villagers were reportedly detained during August and September 2005. The recall motion in Taishi, which has been widely interpreted in the Chinese and overseas media as a test case of local democracy in China, was declared invalid by the authorities as of September 2005. Due to his involvement in the motion, Yang Maodong was detained on 13 September 2005 and held incommunicado until 4 October 2005 when his legal representatives Guo Yan and Gao Zhisheng were notified of his arrest on suspicion of "assembling crowds to disturb public order". He was released without charge on 27 December 2005.

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

- expressing concern that Yang Maodong has been detained because of his legitimate human rights activities and urging the authorities to immediately and unconditionally release him;
- calling on the authorities to guarantee Yang Maodong's safety while he remains in custody;
- calling for Yang Maodong to be given full access to legal assistance, to his family, and to any necessary medical treatment;
- urging the authorities to conduct a full and impartial investigation into the detention and beating of Yang Maodong on 4 February 2005, with a view to bring those responsible to justice
- expressing concern over many recent reports of the use of violence either by the police or those allegedly acting on orders by the authorities against human rights defenders;
- calling on the authorities to ensure that all human rights defenders in China are able to carry out their legitimate human rights activities in line with constitutional guarantees on the protection of human rights and international human rights standards.

APPEALS TO:

Prime Minister

Wen Jiabao Guojia Zongli
The State Council, 9 Xihuangcheng Genbeijie
Beijingshi 100032, People's Republic of China
Fax: + 86 10 65961109 or 2260 (c/o Minister of Foreign Affairs)
Email: gazette@mail.gov.cn
Salutation: Your Excellency

Minister of Justice

Wu Aiyang Buzhang
Ministry of Justice, 10 Chaoyangmen Nandajie, Chaoyangqu
Beijing 100020, People's Republic of China
Fax: + 86 10 65292345
Email: minister@legalinfo.gov.cn
Salutation: Dear Minister

Minister of Public Security

Zhou Yongkang Buzhang
Gong'anbu, 14 Dongchang'anjie
Beijing City 100741, People's Republic of China
Fax: + 86 10 63099216
Salutation: Dear Minister

COPIES TO:

Director of the Beijing Public Security Bureau
Ma Zhenchuan Juzhang
Beijingshi Gong'anju, 9 Qianmen Dongdajie, Dongchengqu
Beijingshi 100740, People's Republic of China
Email: 110@bjgai.gov.cn

and to diplomatic representatives of the People's Republic of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 23 March 2006.