

URGENT ACTION

HUMAN RIGHTS DEFENDER AT RISK OF TORTURE

Chinese human rights defender Mao Hengfeng is at risk of being tortured or otherwise ill-treated in police custody. She is believed to be held incommunicado in Yangpu District police detention centre in the port city of Shanghai. She is a prisoner of conscience, held solely for her work defending women's reproductive rights and victims of forced evictions, and her support of human rights defenders.

On 24 February, police took **Mao Hengfeng** from a motel in China's capital, Beijing, and escorted her back to Shanghai, telling her family the next day that she had been given 10 days' administrative detention for protesting in Beijing on 25 December 2009, in front of a court where human rights activist Liu Xiaobo was on trial. According to police, Mao Hengfeng shouted inciting slogans, ignored police warnings and attracted the attention of surrounding public during the demonstration.

However, she was not released at the end of the 10 days and her family and lawyers have not been able to meet with her. .

On 8 March, the police sent Mao Hengfeng's family a notice, which said she had to serve 18 months' "Re-education Through Labour" (RTL), effective from 4 March, for "disturbing social order", again in relation to the protest in Beijing. Mao Hengfeng's family has asked the authorities why she had been punished twice for her participation in the protest, but they have not received a response. They have now hired two lawyers to challenge her detention.

Since 2004, Mao Hengfeng has been repeatedly detained by the authorities for her work defending women's reproductive rights as well as victims of forced evictions. Her family have repeatedly been refused the right to visit her in detention in the past and it is at those times that she has been tortured and otherwise ill-treated.

PLEASE WRITE IMMEDIATELY in English, Chinese or your own language:

- √ Urging the authorities to release Mao Hengfeng immediately and unconditionally;
- √ Calling for a guarantee that she will not be tortured or otherwise ill-treated while she remains in custody;
- √ Urging them to ensure that she is allowed access to legal assistance of her choosing, her family and any medical treatment that she may require.

PLEASE SEND APPEALS BEFORE 07 JUNE 2010 TO:

Director of the Shanghai Bureau of
Public Security
ZHANG Xuebing Juzhang
Shanghaishi Gong'anju
128 Wuningnanlu
Qing'anqu, Shanghaishi 20042
People's Republic of China
Fax: +86 21 2402 3089
Email: gaj02@shanghai.gov.cn
Salutation: Dear Director

Minister of Justice of the People's
Republic of China
WU Aiyong Buzhang
Sifabu
10 Chaoyangmen Nandajie
Chaoyangqu, Beijingshi 100020
People's Republic of China
Fax: +86 10 65292345
Email: pfmaster@legalinfo.gov.cn
Salutation: Dear Minister

And copies to:
Chief Procurator of the Shanghai
Municipal People's Procuratorate
WU Guangyu Jianchazhang
Shanghaishi Renmin Jianchayuan
648 Jianguo Xilu
Xuhuiqu
Shanghaishi 200030
Salutation: Dear Procurator

Also send copies to diplomatic representatives of China accredited to your country. Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

HUMAN RIGHTS DEFENDER AT RISK OF TORTURE

ADDITIONAL INFORMATION

In China, the civil society sector and in particular the *weiquan* ("rights defence") movement are growing. However, human rights defenders who attempt to report on human rights violations, challenge policies which the authorities find politically sensitive, or try to organize or rally others to their cause, face serious risk of abuse.

Some are held under unofficial house arrest or in unofficial places of detention also known as "black jails"; others are assigned to forms of punitive administrative detention such as "Re-education Through Labour" (RTL) or "residential surveillance" ('*jianshi juzhu*' - known informally in Chinese as *ruanjin* or "soft detention") without a possibility to challenge the lawfulness of their detention. Many are jailed as prisoners of conscience after politically motivated trials.

RTL has been used since the mid-1950s in China as a form of punitive administrative detention, imposed without charge, trial or judicial review.

The decision whether to send a person to an RTL facility or to prosecute them through the courts is based on a subjective, unchecked assessment by police of whether an act amounts to "illegal behaviour" and is therefore liable to RTL, or a more serious "crime", liable to prosecution through the courts. RTL was once described in an official legal newspaper as punishment for actions which fall "somewhere between crime and error". The vague language used to define the types of behaviour liable to punishment by RTL allows police to detain those peacefully exercising their fundamental human rights.

Despite repeated calls from both inside and outside China for the system to be abolished, hundreds of thousands of people are believed to be held in China's RTL facilities. Under the current system, people can be detained in a RTL facility for up to three years, which can be extended by a further year when "necessary". Chinese legal reformists have pointed out that these periods are much higher than minimum penalties under the Criminal Law.

New legislation has been proposed to substantially reform or replace RTL, but this remains at draft stage within China's legislature, the National People's Congress, and it is unclear whether or when it will be passed.

UA: 95/10 Index: ASA 17/109/2010 Issue Date: 26 April 2010

