

URGENT ACTION

CHINESE ACTIVIST FACING TRIAL

A Chinese man, pro-democracy activist Zhou Yongjun, who has been living in the USA since 1992, is about to be put on trial in Sichuan province, on a politically motivated charge of fraud. If convicted, he could be jailed for anything from three years to life.

Zhou Yongjun was stopped at the border when he attempted to enter Hong Kong in September 2008, travelling on a Malaysian passport in a name he had adopted, "Wang Xingxiang." Hong Kong police questioned him about a fraud supposedly committed by a man called Wang Xingxiang. They released him for lack of evidence after around 48 hours. Hong Kong Immigration Department officials then came and told him that the Shenzhen municipal police in neighbouring Guangdong province wanted to "talk" to him, and handed him to the Shenzhen municipal police. Unless China can demonstrate he is being held for a recognizable criminal offense over which China has jurisdiction, this was illegal, as Hong Kong has not yet agreed extradition proceedings with the mainland.

By law, his family should have been told within 48 hours that he had been detained, but the Shenzhen authorities held him for more than seven months incommunicado, in at least two detention facilities, Shenzhen No.1 Detention Centre and Yantian District Detention Centre, and formally arrested him only on 8 May. His family have not yet been able to visit him. He is now detained at the Suining City Detention Centre and the date of his trial has not been set.

People who said they had been held with him have told Zhou Yongjun's sister that he was ill-treated, and possibly tortured, at the Shenzhen No.1 Detention Centre. Zhou Yongjun's uncle and sister have looked for him at both detention centres, but officials have denied having him in custody. Officials from other bodies, including the Ministry of State Security and local public security department, warned his sister to stop looking for him or publicising his case or she might put herself at danger. The local procuratorate told his sister and father that his case involved political issues and national security.

PLEASE WRITE IMMEDIATELY in Mandarin or your own language:

- √ demanding that the Chinese authorities release Zhou Yongjun or demonstrate that China has jurisdiction over the criminal offence on which he has been charged;
- √ demanding that the Chinese authorities guarantee that Zhou Yongjun will not be tortured or otherwise ill-treated; and that he has access to a lawyer of his choosing, his family and any necessary medical treatment;
- √ if Zhou Yongjun is tried in China, demanding that his trial is in accordance with international fair trial standards;
- √ 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 27 NOVEMBER 2009 TO:

Director of the Shehong County
People's Court

WEI Guiyi Yuanzhang
Shehong County People's Court
136 Wenhualu, Taihezhen
Shehongxian
Suiningshi 629200
Sichuansheng
People's Republic of China
Fax: +86 825 6682343
Salutation: Dear Head of the Court

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:

Hong Kong 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

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**



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ADDITIONAL INFORMATION

Hong Kong has been united with mainland China since 1997, when the UK relinquished sovereignty, but it functions as a separate jurisdiction. An extradition agreement is being negotiated with the mainland, but has not yet been agreed.

His family hired a well-known human rights lawyer, Mo Shaoping, to represent him. However, in June, Suining City People's Procuratorate insisted that his sister dismiss Mo Shaoping and engage a lawyer from Suining instead. They also told her she could put herself at danger if she did not cooperate. In July, the Procuratorate replaced Mo Shaoping with a new lawyer. Under Chinese law, only the court could have done this.

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 he is no longer a Chinese citizen, and 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. On 4 June, Mo Shaoping submitted his legal opinion to Suining City Public Security Bureau and reiterated these arguments.

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."

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