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Your Excellency President Xi Jinping

### **OPEN LETTER ON THE SITUATION OF CHEN GUANGCHENG'S FAMILY**

I am writing to you to express Amnesty International's concern regarding on-going human rights violations towards Chen Guangcheng and his family, including violence, harassment and intimidation suffered by the family of Chen Guangcheng in Linyi City, Shandong Province over the last year, and call on your government to take concrete steps to ensure that they end once and for all.

According to Chen Guangcheng, prior to his departure from China in May 2012, Chinese authorities promised to investigate official involvement in the human rights violations he and his family had suffered over the years. This includes arbitrary house arrest of him and his immediate family prior to his departure from China which lasted many months and had no legal basis, and beatings, harassment and denial of basic rights. During that time Chen and his family were deprived of all means of communication with the outside world.

Amnesty International considers the more than four-year sentence Chen Guangcheng previously served for "damaging public property and gathering people to block traffic", to have been a politically motivated attempt to prevent him from pursuing his peaceful and legitimate activities as a human rights defender.

Also of great urgency is the medical situation of Chen Kegui, Chen Guangcheng's nephew, who is reported to have been diagnosed with appendicitis. Chen Kegui is serving a 39-month prison sentence in Linyi prison for "inflicting intentional injury". It is reported that prison authorities have refused to send him to a hospital outside of prison or to provide him with proper medical treatment. I call on you to ensure that proper medical care is immediately provided to Chen Kegui, in line with China's international human rights obligations. According to international human rights law and standards, including as enshrined in Article 25 of the Universal Declaration of Human Rights, all persons have the right to enjoy the highest attainable standard of physical and mental health.<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, to which China is a state party, also provides for the right of persons to attain the highest standard of medical treatment.<sup>2</sup>

This obligation is particularly obvious when it comes to prisoners, who depend wholly on the authorities for their medical care. The UN Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment calls on authorities to provide medical care and treatment whenever

<sup>1</sup> The Universal Declaration of Human Rights, Article 25.

<sup>2</sup> International Covenant of Economic, Social, and Cultural Rights, article 12; Standard Minimum Rules for the Treatment of Prisoners, rule 24; Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, Principle 24.

necessary to all persons held in any form of detention or imprisonment.<sup>3</sup> More specifically, Rule 22(2) of the Standard Minimum Rules for the Treatment of Prisoners provides that “Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals.” UN experts and expert bodies have considered denial of medical treatment to prisoners as violating the absolute prohibition on torture and other cruel, inhuman or degrading treatment or punishment. For instance, the Committee against Torture has stated, in its concluding observations on New Zealand, that instances where prisoners were not provided with medical care “amount to cruel and degrading treatment”.<sup>4</sup> In a more recent case concerning an individual, the Committee regarded the fact that a prisoner who suffered ill-treatment was not subsequently treated medically as contributing to its finding that the person was subjected to torture.<sup>5</sup>

Failure on the part of the Chinese authorities to immediately provide proper medical care to Chen Kegui may put his life and health at risk.

I also call on you to give Chen Kegui the opportunity of a new trial in line with international fair trial standards or to release him. In Amnesty International’s assessment, Chen Kegui did not receive a fair trial. He was denied the right to be presented by a lawyer of his own choosing and was subsequently warned not to appeal his conviction. He further reported having been beaten while in pre-trial detention.

Of equal urgency are the beatings and other violent attacks, harassment and intimidation that Chen Guangcheng’s extended family, including his older brother, Chen Guangfu, and sister-in-law, Ren Zongju, reported having been subject to over the last 12 months. Most recently, Cheng Guangfu recounted how he was beaten up on 9 May by two unidentified assailants who emerged from a black car without a license plate that had overtaken him while he was riding his motorbike about 2km outside his village. Without uttering a word, the two men in their 20s beat Chen Guangfu and then proceeded to wreck his motorbike. Despite the fact that Chen Guangfu reported the incident to the local police, no action appears to have been taken by the local authorities to investigate the attack or to bring the perpetrators to justice.

Chen’s family have been subject to other violent and intimidating acts including having rocks, dead chickens and other objects thrown at their house and into their yard, breaking windows and tiles. Unidentified individuals have driven up to Chen Guangfu’s home and broken beer bottles against the building. Threatening messages have been posted throughout the village where the family live accusing Chen Guangcheng and his brothers of being traitors to China.

I therefore call on you to provide immediate protection to Chen Guangcheng’s family from violent acts and abuse, as well as to order an impartial, independent and efficient investigation into official involvement in recent and past acts of violence, abuse and human rights violations suffered by Chen Guangcheng and his extended family over the years.

Yours sincerely

Salil Shetty  
Secretary General

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<sup>3</sup> UN Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, Principle 24.

<sup>4</sup> Committee against Torture, Concluding Observations: New Zealand, UN Doc. A/53/44/19 (1998) para. 175.

<sup>5</sup> Committee against Torture, *Hanafi v. Algeria*, Communication No. 341/2008, UN Doc. CAT/C/46/D/341/2008, 4 July 2011, paras. 9.3-9.5.