



Sentencing and arbitrary detention of Mr. Chen Qitang

CHN 001 / 0109 / OBS 002

Sentencing / Arbitrary detention

People's Republic of China

January 6, 2009

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in the People's Republic of China (PRC).

Description of the situation:

The Observatory has been informed by Chinese Human Rights Defenders about the sentencing of Mr. **Chen Qitang** (a.k.a. Tianli), an activist and Internet writer from Guangdong Province, to two and a half years in prison for “impersonation and fraud”. It is believed that Mr. Chen was detained for posting articles on the Internet and assisting villagers to resist forced land appropriation.

According to the information received, on January 4, 2009, Mr. Chen Qitang's wife called the Foshan City Court, Guangdong Province, to inquire about her husband's situation. She was then told that on December 31, 2008, Mr. Chen Qitang was sentenced to two and a half years in prison for “impersonation and fraud”. As of issuing this urgent appeal, Mr. Chen and his family had not yet decided whether or not to appeal, and no information could be obtained as to Mr. Chen's place of detention.

Mr. Chen, who had been arrested on October 26, 2007 by Foshan City Public Security Bureau Chan City Sub-division, was detained for more than a year before he was secretly tried. Mr. Chen would have been arrested while helping villagers in Sanshan Village, Nanhai District, Foshan City, Guangdong Province, draft legal documents to appeal the confiscation of their land by the local Government. On December 2, 2007, he had been formally arrested for “impersonation and fraud”[\[1\]](#) .

The Observatory expresses its deep concern with the sentencing and arbitrary detention of Mr. Chen Qitang, which seems to merely sanction his activities of promotion of human rights principles and as such is a flagrant violation of the provisions of the United Nations (UN) Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998.

The Observatory further points out that in April 2006, the PRC submitted a document to the UN in order to support its candidacy to the Human Rights Council's first election, in which it affirmed that amendment had been made to the Constitution to aim at “defining the position of human rights in the overall national development strategy”, and that as a member of the Human Rights Council, the PRC “shall uphold the highest standards in the promotion and protection of human rights”.

Actions required:

Please write to the Chinese authorities urging them to:

0. Guarantee in all circumstances the physical and psychological integrity of Mr. Chen Qitang;
0. Release Mr. Chen Qitang immediately and unconditionally since his detention is arbitrary as it merely aims at sanctioning his activities in favour of human rights;
0. Put an end to all acts of harassment, including at the judicial level, against Mr. Chen Qitang as well as all other human rights defenders in China;
0. Conform with Article 33.3 of the Chinese Constitution that states that “the State respects and safeguards human rights”;
0. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”, article 6(b), which states that “everyone has the right, individually and in association with others (...) to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms”, and its article 8(2), which provides that “everyone has the right, individually and in association with others, to submit to governmental bodies and agencies and organisations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realisation of human rights and fundamental freedoms”;
0. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by the People's Republic of China.

Addresses:

- Mr. Wen Jiabao, Prime Minister of the People's Republic of China, Guojia Zongli, The State Council General Office, 2 Fuyoujie, Xichengqu, Beijingshi 100017, People's Republic of China, Fax: +86 10 65961109 (c/o Ministry of Foreign Affairs)
- Ms. Wu Aiying, Minister of Justice of the People's Republic of China, Buzhang Sifabu, 10 Chaoyangmen Nandajie, Chaoyangqu, Beijingshi 100020, People's Republic of China, Fax: +86 10 6529 2345, minister@legalinfo.gov.cn / pfmaster@legalinfo.gov.cn
- Mr. Yang Jiechi, Minister of Foreign Affairs of the People's Republic of China, Buzhang Waijiaobu, 2 Chaoyangmen Nandajie, Beijingshi 100701, People's Republic of China, Fax: +86 10

6588 2594, Email: ipc@fmprc.gov.cn;

- Mr. Meng Jianzhu, Minister of Public Security of the People's Republic of China, Buzhang, Gong'anbu, 14 Dongchang'anjie, Dongchengqu, Beijingshi 100741, People's Republic of China, Fax: +86 10 63099216
- Mr. Ma Zhenchuan, Director of the Beijing Public Security Bureau, Juzhang, Beijingshi Gong'anju, 9 Qianmen Dongdajie, Dongchengqu, Beijingshi 100740, People's Republic of China, Fax: +86 10 85222320, Email: wbjc2sohu.com
- Ambassador Sha Zukang, Permanent Mission of the People's Republic of China, Chemin de Surville 11, P.O. Box 85, 1213 Petit-Lancy 2, Geneva, Switzerland, Fax: +41 22 7937014, E-mail: mission.china@ties.itu.int;
- Embassy of the People's Republic of China in Brussels, Avenue de Tervuren, 463 1160 Auderghem, Belgium, Tel: + 32 2 663 30 10 / + 32 2 663 30 17 / +32 2 771 14 97 / +32 2 779 43 33; Fax: +32 2 762 99 66 / +32 2 779 28 95; Email: chinaemb_be@mfa.gov.cn.

Please also write to the diplomatic representations of the People's Republic of China in your respective countries.

Geneva-Paris, January 6, 2009

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

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[1] In China, the police usually carry out arrests without a warrant, the official arrest taking place subsequently.

L'OMCT a son siège à Genève, en Suisse. Elle coordonne le réseau SOS-Torture composé de 282 organisations régionales et internationales dans 93 pays sur cinq continents.

Contact : omct@omct.org