

Sentencing of Mr. Liu Shaokun to one year of Re-education Through Labour (TRL)

CHN 006 / 0708 / OBS 129

Arbitrary detention / Sentencing

People's Republic of China

July 30, 2008

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).

Brief description of the situation:

The Observatory has been informed by Human Rights in China (HRIC) about the sentencing to one year of Re-education Through Labour (RTL) of Mr. Liu Shaokun, a Sichuan school teacher who photographed collapsed school buildings in quake-affected areas and posted his pictures online.

According to the information received, Mr. **Liu Shaokun**, a teacher at Guanghan Middle School, Deyang City, Sichuan Province, travelled to heavily hit areas after the May 12 Sichuan earthquake, took photos of collapsed school buildings, and put them online. In a media interview, he expressed his anger at “the shoddy ‘tofu’ buildings”.

On June 25, 2008, Mr. Liu was arrested at his school. At the time, authorities informed his school's principal that Mr. Liu was being held for “disseminating rumours and destroying social order”. Authorities later told Mr. Liu's family that he was being investigated on “suspicion of the crime of inciting subversion”. However, the family did not receive formal notification for his detention as required under Chinese law.

On July 23, 28 days after his detention, Mr. Liu's wife was informed that there was a letter from her husband to pick up at the Guanghan City Public Security Bureau (PSB). When she arrived, she was given a “Re-education-Through-Labour Notice”, which had Mr. Liu's signature and fingerprints, but not the length of time he would serve. After Mr. Liu's wife demanded to know how and why he was placed in RTL, she was told that Mr. Liu would serve one year for “inciting a disturbance”. Under RTL regulations, public security authorities may issue an order to anyone to serve up to four years of RTL without trial or formal charge.

Furthermore, despite making several attempts, Mr. Liu's family has not been allowed to see him since he was detained on June 25, 2008. Though authorities told the family they could see him on July 29, 2008, they were again denied a visit.

The Observatory expresses its deepest concern about Mr. Liu Shaokun's arbitrary detention and recalls that it takes place in the context of a violent wave of repression against Chinese human rights defenders. To that extent, the Observatory further recalls that Mr. **Huang Qi**, a cyber-dissident and Director of the Tianwang Human Rights Centre (www.64tianwang.com), has been detained since June 10, 2008 and formally arrested for “illegal possession of State secrets”, after he visited the Sichuan earthquake zone numerous times, provided aid to victims of the disaster and published information on his website about the plight of parents who had lost their children^[1] .

The Observatory further points out that the National People's Congress amended the Chinese Constitution in 2004 to include that “the State respects and safeguards human rights” and that in April 2006, China 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 the amendment to the Constitution was aiming at “defining the position of human rights in the overall national development strategy”. The Observatory further wishes to point out that, as a member of the Human Rights Council, China “shall uphold the highest standards in the promotion and protection of human rights”.

Actions requested:

Please write to the authorities in the People's Republic of China, urging them to:

0. Guarantee in all circumstances the physical and psychological integrity of Mr. Liu Shaokun;
0. Guarantee unconditional access to his lawyers and family;
0. Release Mr. Liu Shaokun immediately and unconditionally since his detention is arbitrary as it only aims at sanctioning his human rights activities;
0. Put an end to any acts of harassment, including at the judicial level, against Mr. Liu Shaokun and more generally against all human rights defenders in the People's Republic of China;
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”, its article 9, which states that “[...] everyone has the right, individually or in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights” and its Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
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)
- Mr. Wu Aiyong, 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 mission or embassy of the People's Republic of China in your respective country as well as to the EU diplomatic missions or embassies in the People's Republic of China.

Geneva-Paris, July 30, 2008

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:

E-mail: Appeals@fidh-omct.org

Tel and fax FIDH + 33 (0) 1 43 55 20 11 / +33 1 43 55 18 80

Tel and fax OMCT + 41 (0) 22 809 49 39 / + 41 22 809 49 29

[1] For more information, see Observatory Urgent Appeals CHN 004/0608/OBS 105 and 105.1, respectively issued on June 18 and July 22, 2008.

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