

URGENT ACTION

CHINESE ACTIVIST'S WHEREABOUTS UNKNOWN

Chinese prisoner of conscience Zhu Chengzhi has been moved from his home – where he was under “residential surveillance” (a form of house arrest) – to an unknown location. He is at risk of enforced disappearance, torture and other ill-treatment.

Zhu Chengzhi was placed under “residential surveillance” on 4 January. He was first held at an unknown location but was returned to his own home on 1 February. Following his return, he was able to travel within China, meet with fellow human rights activists, and give media interviews – despite still being under “residential surveillance”.

According to his lawyer, the prosecutors sent Zhu Chengzhi's case back to the police for a second time for further investigation on 15 March. On the same day, the police took him again from his home. His current whereabouts are unknown. The police have informed Zhu Chengzhi's sister that he is still considered to be held under “residential surveillance”.

China's Criminal Procedure Law (CPL) allows the police to hold people under “residential surveillance” at undisclosed locations that are not official detention centres for up to six months. If required, this can be extended up to a year. Neither the CPL nor relevant regulations require the authorities to inform family members of the whereabouts of these detainees. Such detention violates international human rights law.

Fellow human rights activists and friends think that Zhu Chengzhi was taken to an unknown location on 15 March because he had been raising awareness on the case of Li Wangling and her husband Zhao Baozhu who have been missing since 7 March. The police warned Zhu Chengzhi on 13 March not to continue his activities.

Zhu Chengzhi was detained on 8 June 2012 and later formally arrested on suspicion of “inciting subversion of state power”. The prosecutors however returned his case to the police for “further investigation” who subsequently placed him under “residential surveillance”.

Please write immediately in English, Chinese or your own language:

- Calling on the authorities to release Zhu Chengzhi immediately and unconditionally;
- Calling on them to immediately disclose Zhu Chengzhi's whereabouts and provide him with access to his family, legal representation of his choice, and any medical assistance he may require pending his release;
- Calling on them to guarantee that Zhu Chengzhi is not tortured or otherwise ill-treated.

PLEASE SEND APPEALS BEFORE 1 MAY 2013 TO:

Director of the Public Security Bureau of Shaoyang

Li Xiaokui Juzhang

Public Security Bureau of Shaoyang

8 Hongqilu Qingyunjie, Shaoyang city,

Hunan Province, 422000

People's Republic of China

Tel/Fax: +86 739 5163018

Email: webmaster@hunan.gov.cn

Salutation: Dear Director

Chief Prosecutor of the People's

Procuratorate of Shaoyang

Dai Huafeng Daijianchayuanzhang

People's Procuratorate of Shaoyang

27 Weiyuandong lu, Shaoyang City

Hunan Province, 422006

People's Republic of China

Fax: +86 739 6827854

Salutation: Dear Chief Prosecutor

And copies to:

Premier of the People's Republic of China

Li Keqiang Guojiazhongli

The State Council General Office

2 Fuyoujie, Xichengqu Beijingshi 100017

People's Republic of China

Fax: +86 10 62381025 ext 816

Email: notice@scio.gov.cn

gov@govonline.cn

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the fourth update of UA 191/12. Further information:

<http://www.amnesty.org/en/library/info/ASA17/001/2013/en>

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ADDITIONAL INFORMATION

Li Wangyang, a prominent labour rights activist, was found dead on 6 June 2012 in suspicious circumstances in Daxiang District People's Hospital in Shaoyang city, Hunan Province. On 8 June 2012, Zhu Chengzhi was detained by national security personnel in Shaoyang city, Hunan Province, after repeatedly demanding the truth about the death of Li Wangyang. On the same day, he was sentenced to a 10-day administrative detention. While his family anticipated his release on 18 June 2012, Zhu Chengzhi was transferred to a detention facility and arrested by the Shaoyang police under the suspicion of "inciting subversion of state power" on 25 July 2012 for having allegedly disseminated pictures of Li Wangyang as he was found dead. On 25 December 2012, Zhu Chengzhi's wife was informed by the Shaoyang Public Security Bureau that his case had been transferred to the Shaoyang procuratorate, so that public prosecution could be considered. However, the local procuratorate decided to return the case to the Shaoyang police for further investigation.

Article 73 of the Criminal Procedure Law (2012 amendment), which took effect on 1 January 2013, provides that in situations where the criminal suspect has a regular domicile, residential surveillance should be enforced at the suspect's place of residence. Nevertheless, it also provides that it may be enforced at a place outside of one's home at a "designated place of residence", "where there is suspicion of the crime of endangering national security, the crime of terrorism or major crimes of bribery, and residential surveillance at the domicile may impede the investigation" and "may not be enforced at a detention facility or an investigation facility". However, neither the amended Criminal Procedure Law nor the 2012 Rules for Public Security Organs on Procedure for Handling Criminal Cases specify the need on the part of the authorities to inform the family of the location where the suspect is detained.

The 2012 amendment to the Criminal Procedure Law legalizes what could amount to enforced disappearance under international human rights law. It impedes the access of the family and the lawyer to the suspect and increases their risk of being subjected to torture and other ill-treatment.

Name: Zhu Chengzhi
Gender m/f: m

Further information on UA: 191/12 Index: ASA 17/010/2013 Issue Date: 20 March 2013